

**2011-2012**

# **Standards and Rules of Procedure for Approval of Law Schools**

**American Bar Association  
Section of Legal Education  
and Admissions to the Bar**



**Section of Legal Education  
and Admissions to the Bar**

## A. INTRODUCTION

### Rule 1. Definitions As Used in These Rules

- (a) “Association” means the American Bar Association.
- (b) “Committee” means the Accreditation Committee of the Section.
- (c) “Consultant” means the Consultant on Legal Education to the American Bar Association.
- (d) “Council” means Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (e) “Department of Education” means the United States Department of Education.
- (f) “House” means the House of Delegates of the American Bar Association.
- (g) “J.D. degree” means the first professional degree in law granted by a law school.
- (h) “President” means the chief executive officer of the university or, if the university has more than one administratively independent unit, of the independent unit.
- (i) “Probation” is a public status indicating that the law school is in substantial noncompliance with the Standards and is at risk of being removed from the list of approved law schools.
- (j) “Rules” means the Rules of Procedure for Approval of Law Schools by the American Bar Association.
- (k) “Section” means the Section of Legal Education and Admissions to the Bar of the American Bar Association.
- (l) “Standards” means the Standards for Approval of Law Schools by the American Bar Association, and the associated Interpretations.
- (m) “University” means a post-secondary educational institution, whether called university, college, or other similar name, that confers a baccalaureate degree and, in some cases, may grant other degrees.

## B. GENERAL PROVISIONS

### Rule 2. Site Evaluation

(a) When a site evaluation is required under these Rules, the Consultant shall arrange for a visit by a team of qualified and objective persons.

(b) Before the site evaluation, the law school shall furnish to the Consultant and members of the site evaluation team a completed application (if the school is applying for provisional or full approval), the completed site evaluation questionnaire, and the current self study. Complaints received under Rule 24 and not dismissed by the Consultant or the Accreditation Committee shall be supplied by the Consultant to the site evaluation team.

(c) The Consultant shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. In the case of a law school seeking provisional or full approval, such visit shall take place during the academic year in which the application is received.

(d) Following a site evaluation, the team shall promptly prepare and submit to the Consultant a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance.

(e) After reviewing the report and conforming it to the requirements of Rule 2(d), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant transmits the report to the school.

(f) Following receipt of the school's response to the site evaluation report, the Consultant shall forward a copy of the report with the school's response to members of the Accreditation Committee and the site evaluation team.

### Rule 3. Accreditation Committee Consideration

(a) Upon completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application or the status of the law school based upon a record consisting of the law school's application (in the case of a school seeking provisional or full approval), the site evaluation report, any written material submitted by the school, and other relevant information.

(b) The Committee shall make findings of fact and state conclusions with respect to the law school's compliance with the Standards. If the matter falls within the provisions of Rule 5(a), the Committee also shall make recommendations to the Council. The Committee also may request

(1) that the law school provide the Committee with specific information or (2) that the law school take specific actions, including reporting back to the Committee concerning actions that the law school has taken to bring itself into compliance with the Standards.

(c) The Consultant shall inform the president and the dean of the law school of the Committee's decision or recommendation in writing.

#### **Rule 4. Application for Provisional or Full Approval**

(a) An applicant law school shall submit its application for provisional or full approval to the Consultant after the beginning of fall term classes but no later than October 15 in the academic year in which the law school is seeking approval. If the school is seeking a site evaluation visit in the fall academic term it shall also file, during the month of March of the preceding academic year, a written notice of its intent to do so. A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.

(b) The application must contain:

(1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying site evaluation questionnaire and annual questionnaire, and do certify that, in their respective opinions, the law school complies with each of the requirements of the Standards for provisional or full approval or that the law school seeks a variance from specific requirements of the Standards. If a law school seeking approval is not part of a university, the letter required from that institution by this subsection must be from the chairperson of the governing board and from the dean;

(2) A completed site evaluation questionnaire;

(3) A completed annual questionnaire;

(4) In the case of a law school seeking provisional approval, a copy of a feasibility study which evaluates the nature of the educational program and goals of the school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the school, including relation to the resources of a parent institution, if any;

(5) A copy of the self-study;

(6) Financial operating statements and balance sheets for the last three fiscal years, or such lesser time as the institution has been in existence. If the applicant is not a publicly owned institution, the statements and balance sheets must be certified;

(7) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;

- (8) A request that the Consultant schedule a site evaluation at the school's expense; and,
  - (9) Payment to the Association of the application fee.
- (c) A law school may not apply for provisional approval until it has completed the first full academic year of its program, except as provided in subsection (d).
- (d) A law school may apply for provisional approval before it has completed the first academic year of its program if the Council has acquiesced in a major structural change by the law school pursuant to Rules 20 and 21, and:
- (1) the law school was created, or is to be created, by the transfer of all, or substantially all, of the academic programs or assets of a fully approved or provisionally approved law school to a new institution and all of the details of the transfer have been settled; or,
  - (2) the law school was created by the opening of a branch by a fully approved law school.
- (e) A law school must demonstrate that it or the university of which it is a part is legally authorized under applicable state law to provide a program of education beyond the secondary level.
- (f) A law school shall disclose whether an accrediting agency recognized by the U.S. Secretary of Education has denied an application for accreditation filed by the law school, revoked the accreditation of the law school, or placed the law school on probation. If the law school is part of a university, then the law school shall further disclose whether an accrediting agency recognized by the U.S. Secretary of Education has taken any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.
- (g) When a law school submits a completed application for provisional or full approval, the Consultant shall arrange for a site evaluation as provided under Rule 2.
- (h) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the application in accordance with Rule 3.

#### **Rule 5. Jurisdiction of the Accreditation Committee**

- (a) The Committee has the jurisdiction to make recommendations to the Council concerning:
- (1) the granting of provisional approval or the extension of the period of provisional approval under Standard 102;
  - (2) the granting of full approval under Standard 103;

(3) the granting of acquiescence in major changes under Standard 105, except that the Committee has jurisdiction to make decisions concerning acquiescence in the types of major changes specified in Interpretation 105-6; and

(4) the granting of variances under Standard 802.

(b) The Committee has jurisdiction to make decisions concerning all matters other than those specified in Rule 5(a).

(c) The Committee has jurisdiction to impose sanctions and to make recommendations to the Council concerning sanctions as provided in Rule 16(f).

### **Rule 6. Appearances Before Accreditation Committee and Council**

(a) A law school has a right to have representatives of the school, including legal counsel, appear before the Committee and the Council when those bodies are considering (i) the school's application for provisional approval, (ii) the school's application for full approval, (iii) the school's application for acquiescence in a major change (other than those major changes with respect to which the Committee has jurisdiction to make a decision under Interpretation 105-6), and (iv) recommending or imposing sanctions.

(b) The chairperson or a member of the site evaluation team may be present at the Committee or Council meeting at which the law school is considered if requested by the chairperson of the Committee or the Council. The reasonable and necessary expenses of such attendance shall be the responsibility of the law school.

### **Rule 7. Reconsideration**

A law school does not have the right to request reconsideration of a decision or recommendation made by the Accreditation Committee or to request reconsideration of a decision made by the Council.

### **Rule 8. Council Consideration of Recommendation of Accreditation Committee**

(a) In considering a recommendation of the Committee, the Council shall adopt the Committee's findings of fact unless the Council determines that the findings of fact are not supported by substantial evidence on the record.

(b) The Council may adopt, modify or reject the Committee's conclusions or recommendations, or it may refer the matter back to the Committee for further consideration.

(c) Council consideration of the Committee's recommendation shall, subject to section (d), be based on the following record:

(1) The record before the Committee at the time of the Committee's decision;

- (2) The letter reporting the Committee’s findings of fact, conclusions and recommendations; and
  - (3) The school’s appearance before the Council, if any.
- (d) The Council will accept new evidence submitted by the school only upon a two-thirds vote of those Council members present and voting and only based on findings that:
- (1) The evidence was not presented to the Committee,
  - (2) The evidence could not reasonably have been presented to the Committee,
  - (3) A reference back to the Committee to consider the evidence would, under the circumstances, present a serious hardship to the school,
  - (4) The evidence was submitted at least 14 days in advance of the Council meeting, and
  - (5) The evidence was appropriately verified at the time of submission.
- (e) The Consultant shall inform the president and the dean of the law school of the Council’s decision in writing.

**Rule 9. Council Consideration of Appeal from Accreditation Committee Decision**

- (a) A law school may appeal an Accreditation Committee decision by filing with the Consultant a written appeal within 30 days after the date of the letter reporting the Committee’s decision.
- (b) The Council shall consider the appeal at its next regularly scheduled meeting, if feasible.
- (c) The Council shall adopt the Committee’s findings of fact unless the Council determines that the findings of fact are not supported by substantial evidence on the record.
- (d) The Council shall give substantial deference to the Committee’s conclusions and decisions. The Council may affirm or modify the Committee’s conclusions and decisions or it may refer the matter back to the Committee for further consideration.
- (e) The record upon which the law school may base its appeal shall consist of the following:
  - (1) The record before the Committee at the time of the Committee’s decision,
  - (2) The letter reporting the Committee’s decision,
  - (3) The Committee response to the appeal, if any, and
  - (4) The law school’s written appeal. The written appeal may not contain, nor may it refer to, any evidence that was not in the record before the Committee at the time of its action.

(f) There shall be no right of appearance before the Council in connection with the appeal.

(g) The Consultant shall inform the president and the dean of the law school of the Council's decision by letter.

### **Rule 10. Appeal of an Adverse Decision of the Council**

(a) A law school may appeal the following adverse decisions of the Council:

1. Denial of provisional approval;
2. Denial of full approval; or
3. Removal from list of approved law schools

(b) A law school may appeal the adverse decisions specified in Section (a) of this Rule, by filing with the Consultant a written appeal within 30 days after the date of the letter reporting the adverse decision of the Council to the law school.

(c) A written appeal must include:

1. Grounds for appeal; and
2. Documentation to support the appeal. The written appeal may not contain, nor may it refer to, any evidence that is not in the record before the Council.

(d) The grounds for an appeal must be based upon at least one of the following:

1. The decision was arbitrary and capricious; or
2. The Council failed to follow the applicable Rules of Procedure and the procedural errorprejudiced its decision.

(e) On appeal, the law school has the burden of demonstrating that the Council's decision was arbitrary and capricious and not supported by the evidence on record, or inconsistent with the Rules of Procedure and that inconsistency prejudiced its decision.

(f) Within 30 days of receipt of a written appeal, the Consultant will refer the appeal to the Appeals Panel.

(g) The Appeals Panel shall consist of three people appointed by the Chair of the Council to serve a one year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section. The Chair of the Council shall also appoint, at the same time and for the same term, three alternates to the Appeals Panel. All members of the Appeals Panel and alternates shall be (1) former members of the Council or Accreditation



Committee or (2) experienced site team evaluators. The Appeals Panel and the panel of alternates will each include one legal educator, one judge or practitioner, and one public member. The Chair of the Council shall designate one member of the Appeals Panel to serve as its chair. Members of the Appeals Panel and alternates shall be:

1. Experienced and knowledgeable in the Standards, Interpretations and Rules of Procedure;
2. Trained in the current Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the last 3 years;
3. Subject to the Section's Conflicts of Interest Policy, as provided in IOP 19; and
4. Appointed for a one-year term and eligible to serve consecutive terms.

In the event that any member of the Appeals Panel is disqualified under IOP 19 or is otherwise unable to serve on a particular Appeal, that member of the Appeals Panel shall be replaced for that Appeal by the alternate from the same occupational category. In the event that neither the member nor designated alternate in the same occupational category is able to serve on a particular Appeal, the Chair of the Council shall appoint a second alternate, from the same occupational category, for that Appeal.

(h) The Consultant shall inform the law school of the time, date, and place of the hearing at least thirty days in advance. The law school shall have a right to have representatives of the school, including legal counsel, appear and present written and/or oral statements to the Appeals Panel, subject to Sections (c) and (i) of this Rule. The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the Council and the law school. The hearing will be held in closed session and not open to the public. The Council may establish additional rules of procedure for the hearing of appeals.

(i) The Appeals Panel shall consider the appeal at a hearing within forty-five days of having received its charge from the Consultant. The appeal shall be decided based on the record before the Accreditation Committee and the Council, the decision letters of those bodies and the documents cited therein, and transcripts from appearances by the law school. No new evidence shall be considered by the Appeals Panel. The Appeals Panel can take one of the following actions:

1. Affirm the adverse decision of the Council;
2. Reverse the adverse decision of the Council;
3. Amend the adverse decision of the Council; or
4. Remand the adverse decision of the Council for further consideration.

Within 30 days after the conclusion of the hearing, the Appeals Panel shall provide the Council and the law school with a written statement of the Appeals Panel's decision and the basis for that decision.

The decision of the Appeals Panel shall be effective upon issuance. If the Appeals Panel remands the adverse decision of the Council for further consideration by the Council, the Appeals Panel shall identify specific issues that the Council must address. The Council shall act in a manner consistent with the Appeal's panel decisions or instructions.

In implementing the decision of the Appeals Panel, the Council may impose any monitoring, reporting or other requirements on the law school consistent with the Appeals Panel decision and the Rules of Procedure.

(j) The Consultant shall give written notice to the president and dean of the law school of the Council's adoption and implementation of the Appeal Panel's decision.

(k) When the only remaining deficiency cited by the Council in support of an adverse decision is a law school's failure to meet the standards dealing with financial resources for a law school, the law school may request a review of new financial information that was not part of the record before the Council at the time of the adverse decision if all of the following conditions are met:

1. A written request for review is filed with the Consultant within 30 days after the date of the letter reporting the adverse decision of the Council to the law school;
2. The financial information was unavailable to the law school until after the adverse decision subject to the appeal was made; and
3. The financial information is significant and bears materially on the financial deficiencies that were the basis of the adverse decision by the Council.

(l) The request to review new financial information will be considered by the Council at its next meeting occurring at least 30 days after receipt of the request.

(m) The Consultant shall inform the president and dean of the law school of the Council's decision in writing.

(n) A law school may request review of new financial information only once and a decision made by the Council with respect to that review does not provide a basis for appeal.

### **Rule 11. Reapplication for Provisional or Full Approval or for Acquiescence in Major Change**

(a) If an application for provisional or full approval is withdrawn by a law school, the school may not reapply until at least ten months have elapsed from the date of withdrawal of the application.

Any new application also must be filed within the time prescribed by Rule 4(a). For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(b) If the Council decides not to grant provisional or full approval, or if a law school is removed from the list of approved law schools, the law school may not reapply for approval until at least ten months after the date of the letter reporting the Council's decision to the law school or (if later) the date of any letter reporting the concurrence of the House in the Council's decision. Any new application for approval also must be filed within the time prescribed by Rule 4(a). For good cause shown, the chairperson of the Council may authorize an earlier application.

(c) If an application for acquiescence in a major change is withdrawn by a law school, the school may not reapply for acquiescence until at least ten months have elapsed from the date of withdrawal of the application. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

(d) If the Committee or the Council decides not to grant acquiescence in a major change, the law school may not reapply for acquiescence until at least ten months have elapsed from the date of the letter reporting the decision of the Committee or the Council. For good cause shown, the chairperson of the Council (or of the Committee if the Committee was the last body to act upon the prior application) may authorize an earlier application.

### **C. EVALUATION OF PROVISIONALLY OR FULLY APPROVED LAW SCHOOLS**

#### **Rule 12. Site Evaluation of Provisionally or Fully Approved Law Schools**

(a) A site evaluation of a provisionally approved law school shall be conducted each year. A site evaluation of a fully approved law school shall be conducted in the third year following the granting of full approval and every seventh year thereafter. The Council or Committee may order additional site evaluations of a school when special circumstances warrant.

(b) In years two, four and five of a school's provisional approval status, the school shall normally be required to prepare a complete self-study, and the site evaluation shall normally be undertaken by a full site evaluation team. In years one and three of a school's provisional status, a full self-study normally will not be required and a limited site evaluation, conducted by one or two site evaluators, normally will be undertaken. The purpose of the limited site evaluation will primarily be to determine the extent to which the school is making satisfactory progress toward achieving full compliance with the Standards, and to identify any significant changes in the school's situation since the last full site evaluation. The Accreditation Committee shall have the discretion to order a

full site evaluation in any particular year, and to order a limited site evaluation if it determines that a full site evaluation is not necessary in any particular year.

(c) The Consultant shall arrange for the site evaluation in accordance with Rule 2.

(d) Upon the completion of the procedures provided in Rule 2, the Accreditation Committee shall consider the law school's evaluation in accordance with Rule 3.

(e) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year. The pending resignation of a dean, the appointment of an acting dean or the appointment of a permanent dean are not grounds for the postponement of a scheduled site evaluation. The Consultant, with the approval of the Accreditation Committee, may postpone site evaluations of some fully approved schools for one year in order to reduce the variation in the number of site evaluations of fully approved schools that are conducted each year.

### **Rule 13. Action Concerning Apparent Non-Compliance with Standards**

(a) If the Committee has reason to believe that a law school has not demonstrated compliance with the Standards, the Committee shall inform the school of that fact and request the school to furnish by a date certain further information in order to demonstrate the school's compliance with the Standards. The school shall furnish the requested information to the Committee.

(b) If, upon a review of the information furnished by the law school in response to the Committee's request and other relevant information, the Committee determines that the school is not in compliance with the Standards, the school shall be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it or be placed on probation, or be removed from the list of law schools approved by the Association. After a determination under Rule 13(b) that a law school is not in compliance with the Standards, the school shall have a period of time as set by the Committee to come into compliance. That period of time shall not exceed two years. If the law school does not demonstrate compliance by the end of that period, the Committee shall recommend to the Council that the law school be removed from the list of approved law schools unless the Committee, or the Council, extends the period for demonstrating compliance for good cause shown.

(c) If the Committee finds that a law school has failed to comply with the Standards by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Committee to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, have sanctions imposed upon it, be placed on probation, or be removed from the list of law schools approved by the Association.

(d) The Consultant shall give the law school at least thirty (30) days notice of the Committee hearing. The notice shall specify the apparent non-compliance with the Standards and state the

time and place of the hearing. For good cause shown, the chairperson of the Committee may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing.

#### **Rule 14. Fact Finders**

(a) The chairperson of the Committee or the chairperson of the Council may appoint, or may direct the Consultant to appoint, one or more fact finders to elicit facts relevant to any matter before the Committee or Council.

(b) The Consultant shall furnish the fact finder(s) with a copy of the most recent site evaluation questionnaire, the site evaluation report, the annual questionnaire, any letters reporting Committee or Council actions written subsequent to the most recent site evaluation report, notice of the Committee hearing or Council meeting, and other relevant information.

(c) Following the fact finding visit, the fact finder(s) shall promptly prepare a written report. The fact finder(s) shall not determine compliance or non-compliance with the Standards, but shall report facts and observations that will enable the Committee and Council to determine compliance.

(d) The fact finder(s) shall promptly submit the report to the Consultant. After reviewing the report and conforming it to Rule 14(c), the Consultant shall transmit the report to the president and the dean of the law school in order to provide an opportunity to make factual corrections and comments. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Consultant transmitted the report to the school.

#### **Rule 15. Hearing on Show Cause Order**

(a) This Rule governs hearings conducted pursuant to Rule 13(b) and Rule 13(c).

(b) The Consultant shall furnish to the Committee:

- (1) The fact finder(s)'s report, if any;
- (2) The most recent site evaluation report;
- (3) The site evaluation questionnaire;
- (4) The annual questionnaire;
- (5) Any letters reporting Committee or Council decisions written subsequent to the most recent site evaluation report; and

- (6) Other relevant information.
- (c) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the Standards, to present a reliable plan for bringing the school into compliance with all of the Standards within a reasonable time, or to present information relevant in a sanctions proceeding.
- (d) The chairperson of the Committee may invite the fact finder(s), if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.

### **Rule 16. Sanctions**

- (a) Conduct for which sanctions may be imposed upon a law school includes, without limitation:
- (1) Substantial or persistent noncompliance with one or more of the Standards;
  - (2) Failure to present a reliable plan to bring the law school into compliance with the Standards;
  - (3) Failure to provide information or to cooperate in a site evaluation as required by the Standards;
  - (4) Making misrepresentations or engaging in misleading conduct in connection with consideration of the school's status by the Committee or the Council, or in public statements concerning the school's approval status; and/or
  - (5) Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards.
- (b) Sanctions other than probation or removal from the list of approved law schools may be imposed even if a school has, subsequent to the actions that justify sanctions, ceased those actions or brought itself into compliance with the Standards.
- (c) Sanctions that may be imposed include, without limitation:
- (1) A monetary penalty proportionate to the violation;
  - (2) A requirement that the law school refund part or all of the tuition and/or fees paid by students in such a program;
  - (3) Censure, which may be either private or public;
  - (4) Required publication of a corrective statement;

(5) Prohibition against initiating new programs;

(6) Probation; and/or

(7) Removal from the list of approved law schools.

(d) In the course of a sanctions proceeding, the Committee or the Council may also direct a law school to take remedial action to bring itself into compliance with the Standards.

(e) If a law school is placed on probation, the Council shall establish the maximum period of time that the school may remain on probation and shall establish the conditions that the law school must meet in order to be removed from probation. The Committee may make recommendations to the Council concerning the period and conditions of probation.

(f) The Committee has the power to impose upon a school any sanction other than probation or removal from the list of approved law schools. A school may appeal a decision of the Committee to impose a sanction to the Council. The Committee also may recommend to the Council that a school be placed on probation or removed from the list of approved law schools.

#### **Rule 17. Council Consideration of Sanctions**

(a) Council consideration of a Committee recommendation to impose sanctions or a school's appeal from a Committee decision to impose sanctions shall be conducted in accordance with Rule 8. The Council may affirm, modify or reject the sanctions imposed or recommended by the Committee, or it may refer the matter back to the Committee for further consideration.

(b) The Council has the power to impose any sanction, including probation and removal from the list of approved law schools, regardless of whether the Committee has imposed or recommended any sanction.

#### **Rule 18. Compliance with Sanctions or with Remedial or Probationary Requirements**

(a) Upon determination under Rule 13(b) that a law school is not in compliance with the Standards and or after a law school has been placed on probation pursuant to Rule 16, the school shall have a period as set by the Committee or the Council to come into compliance. The period of time may not exceed two years. If the law school does not demonstrate compliance by the end of that period, the Committee shall recommend to the Council that the law school be removed from the list of approved law schools unless the Committee, or the Council, extends the period for demonstrating compliance for good cause shown.

(b) The Committee shall monitor the law school's compliance with any sanctions imposed upon the school under Rules 16 or 17, with any requirements that the law school take remedial action, or with the requirements of the law school's probation. If the Committee concludes that the school is not complying with the sanctions that have been imposed, or not making adequate progress toward bringing itself into compliance with the Standards, or not fulfilling the requirements of its

probation, the Committee may impose or recommend additional sanctions, including probation or removal from the list of approved law schools.

(c) If a law school has been placed on probation and the Committee concludes that the school has not established that it has fulfilled the requirements of its probation by the end of the established period of probation, the Committee shall recommend to the Council that the school be removed from the list of approved law schools. If the Committee concludes that the school has fulfilled the requirements of its probation, it shall recommend to the Council that the school be taken off probation. These recommendations shall be considered under the procedures set forth in Rule 17.

### **Rule 19. Approval Status of Law School Pending Appeal**

The approval status of a law school is not affected while an appeal from, or review of, a decision or recommendation of the Committee or Council is pending.

## **D. MAJOR CHANGES IN PROGRAM OR STRUCTURE**

### **Rule 20. Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School**

(a) This Rule governs consideration of applications for acquiescence in a major change in the organizational structure of an approved law school, including, without limitation:

- (1) Materially modifying the law school's legal status or institutional relationship with a parent institution;
- (2) Merging or affiliating with one or more approved or unapproved law schools;
- (3) Acquiring another law school, program, or educational institution;
- (4) Acquiring or merging with another university by the parent university where it appears that there may be substantial impact on the operation of the law school;
- (5) Transferring all, or substantially all, of the academic program or assets of the approved law school to another law school or university;
- (6) Opening of a Branch campus or a Satellite campus at which a student could take the equivalent of 16 or more semester credit hours toward the law school's J.D.;
- (7) Merging or affiliating with one or more universities;



- (8) A change in the control of the school resulting from a change in the ownership of the school or a contractual arrangement;
- (9) A change in the location of the school that could result in substantial changes in the faculty, administration, student body or management of the school;
- (10) Contracting with an educational entity that is not certified to participate in Title IV, HEA programs, that would permit a student to earn 25 percent or more of the course credits required for graduation from the approved law school;
- (11) The addition of a permanent location at which the law school is conducting a teach-out for students at another law school that has ceased operating before all students have completed their program of study;
- (12) A significant change in the mission or objectives of the law school; or
- (13) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the last accreditation period.

(b) For purposes of this Rule:

- (1) Any of the changes in organizational structure listed in Rule 20(a) may amount to the closure of an approved law school and the opening of a different law school. If the Accreditation Committee determines, after written notice and an opportunity for written response, that such a change does amount to the closure of an approved law school and the opening of a different law school, it shall so notify the law school(s). If the Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.
- (2) Factors that shall be considered in making the determination of whether the events listed in subsection (1) above constitute the closure of an approved law school and the opening of a different law school include, without limitation, whether such events are likely to result in
  - (a) significant reduction in the financial resources available to the law school;
  - (b) significant change, present or planned, in the governance of the law school;
  - (c) significant change, present or planned, in the overall composition of the faculty and staff at the law school;

(d) significant change, present or planned, in the educational program offered by the law school; or

(e) significant change, present or planned, in the location or physical facilities of the law school.

(3) Opening of a Branch campus by an approved law school is treated as the creation of a different law school. After the law school has obtained prior acquiescence of the Council in the major change caused by the opening of a Branch campus, the Branch campus also shall apply for provisional approval under the provisions of Standard 102 and Rule 4 no later than October 15 of the second academic year of operation of the Branch campus. A law school seeking to establish a Branch campus shall submit to the Consultant, as part of its application, a business plan that contains the following information concerning the proposed Branch campus: a description of the educational program to be offered; projected revenues, expenditures and cash flow; and the operational, management and physical resources of the proposed Branch campus.

(4) After written notice and an opportunity for a written response, the Accreditation Committee shall determine whether any other proposed structural change constitutes the creation of a different law school. If the Accreditation Committee determines that any proposed structural change constitutes the creation of a different law school, it shall recommend to the Council that any acquiescence in the proposed structural change be accompanied by a requirement that the school apply for provisional approval under the provisions of Standard 102 and Rule 4.

(c) If a different school will be created as a result of the major structural change, the different school may apply for approval pursuant to provisions of Rule 4. If the different school demonstrates that it is in full compliance with the Standards as provided in Standard 103, the Committee shall recommend that it be fully approved. Such recommendation may be conditioned upon further site evaluation visits or other requirements. If the different school is not in full compliance with the Standards, but it substantially complies with each of the Standards as provided in Standard 102, the Committee shall recommend that it be provisionally approved. The Committee may also recommend that the school will be allowed to seek full approval in a period of time shorter than that provided in Standard 103.

(d) Whether or not the Accreditation Committee determines that the proposed change will create a different law school, the law school's request for acquiescence by the Council in the proposed major change in organizational structure shall be considered under the provisions of Rule 21, and will become effective upon the decision of the Council.

## **Rule 21. Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School**

(a) This Rule governs consideration of applications for acquiescence in major changes in the program of legal education of a law school, including, without limitation:

- (1) Instituting a new full-time or part-time division;
- (2) Changing from a full-time to a part-time program or from a part-time to a full-time program;
- (3) Establishing a two-year undergraduate/four-year law school or similar program;
- (4) Establishing a new or different program leading to a degree other than the J.D. degree;
- (5) A change in program length measurement from clock hours to credit hours; and
- (6) A substantial increase in the number of clock or credit hours that are required for graduation.

(b) This Rule also governs consideration of applications for acquiescence in a change in organizational structure as provided in Rule 20(a).

(c) An application governed by this Rule must contain:

- (1) A letter from the president and the dean of the law school stating that they have read and carefully considered the Standards, have answered in detail the questions asked in the accompanying major change questionnaire, and do certify that, in their respective opinions, the school meets the requirements of the Standards for the granting of acquiescence in the proposed major change. If a law school seeking acquiescence is not part of a university, the letter may be from only the dean;
- (2) A completed major change questionnaire;
- (3) A copy of the law school's most recent self-study;
- (4) A description of the proposed change and a detailed analysis of the effect of the proposed change on the law school's compliance with the Standards;
- (5) A request that the Consultant schedule any required site evaluation at the school's expense; and,
- (6) Payment to the Association of the application fee.

(d) A site evaluation of the school must be conducted before the Accreditation Committee or the Council considers the application, unless the application seeks acquiescence in a major change described in Rule 21(a)(4), Rule 21(a)(5), or Rule 21(a)(6).

(e) The site evaluation shall be conducted in accordance with the provisions of Rules 2 and 14. The site evaluators shall prepare a written report based on the site evaluation. The site evaluators shall report facts and observations that will enable the Accreditation Committee and the Council to determine whether the law school satisfies the requirements of the Standards for granting acquiescence in the proposed major change. The site evaluators shall not make any determination as to the school's compliance with the Standards.

(f) The Accreditation Committee's consideration of an application for acquiescence shall be governed by the provisions of Rules 3, 5 and 6. The Council's consideration of such applications shall be governed by the provisions of Rules 6 and 8.

(g) After the Council meeting at which the application is considered, the Consultant shall inform the president and the dean of the law school in writing of the Council's decision. There is no appeal from the Council's decision on an application for acquiescence in a major change.

(h) Following acquiescence in a major change, the Consultant shall arrange for a limited site evaluation of the school not later than six months after the date of the acquiescence to determine whether the law school has realized the anticipated benefits and remains in compliance with the Standards. No site visit shall be required following acquiescence in a major change described in Rule 21(a)(5) or Rule 21(a)(6). The limited evaluation of a school granted acquiescence pursuant to Rules 21(a)(1)-(4), or after acquiescence in the establishment of a Branch or Satellite campus under Rule 20(a)(6), shall be conducted in the first academic term subsequent to acquiescence in which students are enrolled in the new program or attending the Branch or Satellite campus. The Consultant may determine in each instance whether the evaluation pursuant to a major change under Rule 21(a) (4) requires an actual site visit or may be conducted through other means.

## E. CLOSURE

### **Rule 22. Teach-out Plan and Agreement and Law School Closure**

(a) A provisional or fully approved school must submit a teach-out plan for approval by the Accreditation Committee and Council upon occurrence of any of the following events:

- (1) The school notifies the Consultant's Office that it intends to cease operations entirely or close a separate location in which a student can earn all of the necessary credits to earn the J.D. degree;

(2) The Accreditation Committee recommends or the Council acts to withdraw, terminate, or suspend the accreditation of the school;

(3) The U.S. Secretary of Education notifies the Consultant's Office that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required; or

(4) A state licensing or authorizing agency notifies the Consultant's Office that an institution's license or legal authorization to provide an educational program has been or will be revoked.

(b) To be approved by the Accreditation Committee and Council, the teach-out plan must be in writing and must provide for the equitable treatment of its own students, specify additional charges that may apply, and provide for notification to the students of any additional charges.

(c) The Consultant's Office, in consultation with the Accreditation Committee leadership, may require a school to enter into a teach-out agreement as part of its teach-out plan.

(d) If the school enters into a teach-out agreement, either on its own accord or as required by the Consultant's Office, the agreement must be recommended by the Accreditation Committee and approved by the Council and must comply with all federal and state laws, including regulations of the United States Department of Education. At a minimum, the agreement must be with a law school approved by the Accreditation Committee and Council for this purpose, must provide students access to the program and services without requiring them to move or travel substantial distances, and must provide students with information about additional charges, if any.

(e) The teach-out institution must have the necessary experience, resources and support services to provide a program of legal education that is reasonably similar in content, structure and scheduling to that provided by the institution that is subject to any of the occurrences that are set out in (a)(1-4) above. Additionally, the teach-out institution must be financially stable and able to carry out its mission and meet all of its obligations to its students and must demonstrate that it can provide students access to its program and services without requiring them to move or travel substantial distances and that it will provide re-located students with information about additional charges, if any.

(f) If the Accreditation Committee recommends and the Council approve a teach-out plan that includes a program that is accredited by another recognized accrediting agency, the Consultant's Office must notify that accrediting agency of its approval.

(g) In the event of closure or cessation of operation, an approved law school and its parent institution, if any, must agree to provide, in the event of closure or cessation of operation, an opportunity for currently enrolled students to complete their degrees under the terms of a closure

plan which meets at least the conditions set out below. As soon as the decision to close an approved law school is made, the institution shall make a public announcement of the decision and shall notify the Consultant, the appropriate state licensing authority and the U.S. Department of Education of its decision.

(h) Upon deciding or being required to close or cease operations, the law school shall promptly submit a closure plan, which shall be reviewed by the Accreditation Committee and must be approved by the Council.

(i) The conditions to be met by a closure plan shall include the following:

(1) The law school shall not thereafter admit or enroll any student (including transfer or non-degree candidates) who was not a student at the time when the decision to close is announced.

(2) The governing body of the institution shall take all necessary steps to retain degree-granting authority for sufficient time to allow completion of degrees by those students who are degree candidates at the time the decision to close is announced and who complete degree requirements either at the law school or at another ABA-approved law school in the normal period of time required for that student's course of study.

(3) The law school shall use its best efforts to assist students in transferring to, or acquiring visiting status at, another ABA-approved law school for completion of their degree requirements. Students transferring credit back to the law school shall not be charged fees beyond a reasonable administrative fee for processing of records.

(4) The Consultant shall notify the Accreditation Committee and Council of the school's closure and the date on which the school will cease operations.

(5) Until the date of closing the law school shall maintain:

(i) an educational program that is designed to qualify its graduates for admission to the bar;

(ii) a library collection and services adequate to support the curriculum, either on-site or through arrangements with other law libraries in the immediate vicinity;

(iii) a faculty adequate to maintain a sound educational program;

(iv) an adequate administrative staff to handle student ~~problems~~ needs and recordkeeping along with support of the academic program; and

(v) its existing physical facilities unless prior approval of the Accreditation Committee is obtained.

(j) If the school discontinues instruction or makes a decision to do so prior to the end of the normal period for completion of degrees by current students, then:

(1) The school shall take all reasonable steps to avoid closing during an academic year. If the closing occurs during an academic year, then the school shall make adequate arrangements for students to enroll in other law schools for that current year at no additional cost to the student.

(2) The school shall permit currently enrolled students to complete their degree requirements at other ABA-approved law schools by entering into “teach out” agreements with other law schools. Credit earned at other law schools shall be received as transfer credit toward the degree of the closing school.

(k) The law school or the governing body of the institution shall make satisfactory arrangements for the continuation of legal representation undertaken during the operation of a law school clinical program.

(l) The governing body of the institution shall make arrangements for permanent retention and availability of student records.

(m) In the event a school closes without an approved teach-out plan or agreement, the Consultant’s Office will work with the U.S. Department of Education and the appropriate state agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

## F. FOREIGN PROGRAMS

### Rule 23. Credit-Granting Foreign Programs

(a) A law school may not undertake a credit-granting foreign program without first notifying the Consultant and obtaining Committee approval in accordance with the Criteria for Approval of Foreign Summer Programs, Criteria for Approval of Semester Abroad Programs, Criteria for Student Study at a Foreign Institution, or other criteria applicable to the awarding of credit for foreign study.

(b) If the Accreditation Committee determines not to approve, or to withdraw approval from, a credit-granting foreign program, the law school may appeal the Committee’s decision to the Council under the provisions of Rule 9.

## G. COMPLAINTS

### Rule 24. Complaints Concerning Law School Non-Compliance with the Standards

(a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency's accreditation standards. This is the process for the Council of the Section of Legal Education and Admissions to the Bar and law schools with Juris Doctor programs approved by the Council.

(i) This process aims to bring to the attention of the Council, the Accreditation Committee, and the Consultant on Legal Education facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards for the Approval of Law Schools.

(ii) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. The Council, Accreditation Committee and the Consultant on Legal Education will not intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The outcome of this process will not be the ordering of any individual relief for any person or specific action by a law school with respect to any individual.

(iii) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site visit within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site visit.

(b) Any person may file with the Consultant on Legal Education a written complaint alleging non-compliance with the Standards for the Approval of Law Schools by an approved law school.

(i) Except in extraordinary circumstances, the complaint must be filed within one calendar year of the facts on which the allegation is based. Pursuit of other remedies does not toll this one calendar year limit.

(ii) Complaints must be in writing using the form "Complaint Against an ABA-Approved Law School" and must be signed. The form is available online and from the Office of the Consultant on Legal Education.

(iii) Anonymous complaints will not be considered.

(iv) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.



(c) The Complaint form requests the following information:

(i) A clear and concise description of the nature of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the allegation that the law school is out of compliance with the Standards referenced in the complaint.

(ii) The section(s) of the Standards alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred.

(iii) A description of the steps taken to exhaust the law school's grievance process and the actions taken by the law school in response to the complaint as a result of prescribed procedures.

(iv) Disclosure of any other channels the complainant is pursuing, including legal action.

(v) A release authorizing the Consultant's Office to send a copy of the complaint to the dean of the law school.

(d) If the person filing the complaint is not willing to sign a release authorizing the Consultant's Office to send a copy of the complaint to the dean of the law school, the matter will be closed. If the Consultant or designee concludes that extraordinary circumstances so require, the name of the person filing the complaint may be withheld from the school.

(e) Process

(i) The Consultant or the Consultant's designee shall acknowledge receipt of the complaint within 14 days of its receipt.

(ii) The Consultant or designee shall determine whether the complaint alleges facts that raise issues relating to an approved law school's compliance with the Standards. This determination shall be made within six weeks of receiving the complaint. If the Consultant or designee concludes that the complaint does not raise issues relating to an approved school's compliance with the Standards, the matter will be closed.

(iii) If the Consultant or designee determines that the complaint may raise such issues, the complaint shall be sent to the school and a response requested. The Consultant or designee ordinarily will request the dean of the school to respond within 30 days.

(iv) If the school is asked for a response to the complaint, the Consultant or designee will review that response within 45 days of receiving it. If the response establishes that the school is not out of compliance with respect to the matters raised in the complaint, the Consultant or designee will close the matter.

(v) If the school's response does not establish that it is operating in compliance with the Standards on the matters raised by the complaint, the Consultant or designee, with the concurrence of the chairperson of the Accreditation Committee, may appoint a fact finder to visit the school to investigate the issues raised by the complaint and the school's response. The complaint, school response, and fact-finder's report, if any, shall be referred to the Accreditation Committee and considered in the same manner as complaints and reviews that fall under Rule 13(a) of the Rules of Procedure.

(vi) The person making the complaint will be notified promptly whether the matter was concluded under (ii), (iv) or (v) above. The person filing the complaint will not be provided with a copy of the school's response, if any, and will not receive any further report on the matter.

(f) There is no appeal to the Council or the Accreditation Committee, or elsewhere in the American Bar Association, in connection with a conclusion by the Consultant or designee that a complaint does not raise issues under the Standards.

(g) To ensure the proper administration of the Standards and this complaint process, a subcommittee of the Accreditation Committee shall periodically review the written complaints received in the Consultant's Office and their disposition. The subcommittee shall periodically report to the Committee on this process. The Consultant's Office shall keep a record of these complaints for a period of ten years.

## H. INFORMATION DISCLOSURE AND CONFIDENTIALITY

### Rule 25. Confidentiality of Accreditation Information and Documents

(a) Except as provided in this Rule and in Rules 10 and 26, all matters relating to the accreditation of a law school shall be confidential. This shall include proceedings and deliberations of the Accreditation Committee and Council, and all non-public documents and information received or generated by the American Bar Association.

(b) The law school or the university may release an entire site evaluation report or portions of it as it sees fit. If the law school makes public the site evaluation report or any portion thereof, notification must be given to the Consultant at the time of the disclosure, and disclosure of the report may be made by the Consultant, upon approval of the chairperson of the Council.

(c) Discussion of the contents of a site evaluation report with, or release of the report to, the faculty, the university administration or the governing board of the university (or a free standing law school) does not constitute release of the report to the public within the meaning of this Rule.

(d) The law school is free to make use of the recommendations and decisions as contained in a decision letter addressed to the president and the dean. However, any release must be a full release and not selected excerpts. The Consultant and the Council reserve the right to correct any incorrect or misleading information released or published by the institution through all appropriate means (including release of portions of the site evaluation report or the entire site evaluation report).

(e) The dean of the evaluated law school shall review the site evaluation report to determine whether it contains criticism of the professional performance or competence or the behavior of a member of the law school's faculty or professional staff. If the report contains such criticism, the dean shall make available to the person concerned the germane extract of the report and shall send the Consultant a copy of the transmitting letter and of the extract. The person concerned shall have the right to file with the Consultant a document stating the person's views concerning the criticism contained in the site evaluation report, which document or documents shall become part of the law school's official file.

#### **Rule 26. Release of Information Concerning Law Schools**

(a) In the case of a law school seeking provisional or full approval or applying for acquiescence in a major change in organizational structure, the Council or the Consultant shall state:

(1) Whether or not a specific law school has submitted an application for provisional or full approval, or for acquiescence in a major change in organizational structure; and

(2) The procedural steps for consideration of an application.

(b) After a law school has been notified of the Accreditation Committee's decision or recommendation concerning the law school's

(i) application for provisional or full approval,

(ii) application for acquiescence in a major change in program or organizational structure,

(iii) the imposition of sanctions upon the law school, (iv) the placing of the school on probation, or

(v) the withdrawal of the law school's approval, in response to inquiries the Consultant may state the essence of the Accreditation Committee's decision or recommendation, with an explanation of any procedural steps for further consideration of the matter.

(c) After a law school has been notified of a decision of the Council concerning the law school's

(i) application for provisional or full approval,

(ii) application for acquiescence in a major change in program or organizational structure,

(iii) the imposition of sanctions upon the school,

(iv) the placing of the school on probation, or

(v) the withdrawal of the law school's approval, the Council or the Consultant shall provide public notification of the Council's decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter.

(d) After a matter concerning a law school has been acted upon by the House as provided in Rule 10, the Council or the Consultant shall provide public notification of the action of the House with an explanation of any procedural steps for further consideration of the matter.

### **Rule 27. Information to be Furnished by Schools**

(a) A law school shall provide in a timely manner all information requested by the Consultant, a site evaluation team, the Accreditation Committee or the Council.

(b) Statistical reports prepared from data contained in the annual questionnaires are for the use of the Council, the Accreditation Committee, the Consultant, and deans of ABA-approved law schools and are not for public release. Information provided in statistical reports is intended for exclusive and official use by those persons authorized by the Council to receive it, except as public disclosure of information about specific law schools is authorized under Standard 509. The Consultant is also authorized to release to the public or in response to inquiries general data from the statistical reports that are not school-specific.

(c) An approved law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education denies an application for accreditation filed by the law school, revokes the accreditation of the law school, or places the law school on probation. If the law school is part of a university, then the law school shall promptly inform the Consultant if an accrediting agency recognized by the U.S. Secretary of Education takes any of the actions enumerated above with respect to the university or any program offered by the university. As part of such disclosure, the school shall provide the Consultant with information concerning the basis for the action of the accrediting agency.

### **Rule 28. Publication of List of Approved Schools**

The Council shall publish a complete list of all approved law schools. The list shall be published annually in a publication designated by the Council pursuant to Standard 509 and on the Section's website.

## I. FEES

### Rule 29. Fees

The Council shall fix fees for:

- (a) Filing an application for provisional approval. If a law school withdraws its application for provisional approval before a site evaluation takes place, the school will be refunded fifty percent of the application fee;
- (b) Annual site evaluations of a provisionally approved law schools;
- (c) Annual fees for fully approved law schools;
- (d) Annual fees for approved foreign programs;
- (e) Applications for approval of foreign programs;
- (f) Applications for acquiescence in a major change in program or structure of an approved school as provided in Rules 20 or 21; and
- (g) Other services and activities of the Section.

## J. REIMBURSEMENT

### Rule 30. Guidelines for Reimbursement of Site Evaluators and Fact Finders

All reasonable and necessary expenses of members of site evaluation teams and fact finders shall be reimbursed by the visited institution as follows:

- (a) Transportation - All necessary transportation on the basis of coach class airfares and ground transportation expenses.
- (b) Lodging and Meals - Hotel or motel sleeping rooms at a reasonable cost, including a meeting room when necessary for the work of the site evaluation team or fact finders. Meals shall be reimbursed on a reasonable basis.
- (c) Incidentals – Gratuities and miscellaneous items shall be reimbursed. Long distance telephone calls related to the site visit shall be reimbursed.

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