

### 1. Reimbursement of Section Expenses

The officers of the Section and members of the Council may receive reimbursement for attending Section sponsored conferences. Officers of the Section receive reimbursement for attending meetings of Section Committees. Persons who are not officers of the Section are not entitled to reimbursement for attending Section committee meetings unless they are a member of the committee or have been requested by the chair of the Section to attend a committee meeting.

### 2. Public Proceedings

Except as provided in Rules 6 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 Association. Absent exceptional cause for confidentiality, all other proceedings, writings and documents of the Section of Legal Education and Admissions to the Bar shall be public, including the activities of the Council, the Consultant, and the various committees and other representatives of the Section of Legal Education and Admissions to the Bar.

### 3. Site Team Evaluators

(a) Qualifications - The Council seeks to appoint persons who are competent and knowledgeable concerning legal education and the legal system to site evaluation teams. Each full site evaluation team normally consists of (i) a chairperson, who may be a legal educator, a legal practitioner or a judge; (ii) one or more legal academics; (iii) a person experienced with law libraries; (iv) a person experienced with law school clinics and professional skills programs; (v) a person who is a judge, legal practitioner or public representative; and (vi) to the extent feasible and only for law schools affiliated with a college or university, a person who is a university administrator, other than a law school administrator. The size and composition of smaller site evaluation teams (such as those undertaking limited site evaluation visits or fact-finding visits) shall be appropriate to the assignment given the team.

(b) Process - the responsibility for selecting site evaluation team members rests with the Consultant for Legal Education. The Consultant should seek to develop the pool of potential evaluators in a variety of ways, including but not limited to correspondence with deans of law schools, members of the Council of the Section of Legal Education and Admissions to the Bar, members of the Section's Accreditation Committee, legal practitioners, judges, and organizations familiar with higher education. The actual selection of persons depends on the type of school to be visited, the location of the school, the particular issues which need to be reviewed at the school, and the need for multi-level diversity in the make-up of the teams.

(c) Evaluation - The Consultant should seek to evaluate the quality of work done by individual site evaluators. This may be accomplished by corresponding with the chair of the team and the dean of the school visited. The objective of this process should be the development of a pool of well-experienced site evaluators.

(d) Training - The Consultant shall conduct, each year, workshops to train evaluators (particularly new or relatively new ones), and chairpersons of site evaluation teams. These workshops should cover the Standards, Interpretations and Rules of Procedure; current matters of accreditation policy, process considerations for the conduct of an on-site inspection, and the drafting of the site team report. Current instructions concerning the conduct of a site evaluation visit and the content of a site evaluation report should be supplied to each site evaluator.

#### **4. Notice of Schools and Programs to be Accredited, and Preparation of Schools for Site Evaluation Visits**

(a) The Consultant shall publish on the Section website a list of all law schools which are scheduled to be visited during the upcoming academic year for sabbatical, provisional or full approval site evaluation visits, or a visit in connection with an application for acquiescence in a major change of organizational structure. The notice should also state that interested persons may submit written comments regarding the school by a date certain determined by the Consultant. The Consultant may also publish such information in other media or formats as deemed appropriate.

(b) The Consultant shall conduct, each year, one or more workshops to prepare schools for undergoing site evaluation visits. Such workshops may be, but need not be, held in conjunction with the workshops for training new site evaluators. These workshops should cover the Standards, Interpretations and Rules of Procedure, current matters of accreditation policy, preparation for a site evaluation visit, the conduct of a site evaluation visit, and the expected content of a site evaluation report. Current instructions concerning the conduct of a site evaluation visit and the expected content of a site evaluation report should be provided to each school well in advance of the scheduled site evaluation visit.

#### **5. Notification of Council Decisions**

In accordance with Council policy, the Consultant shall:

(a) Provide written notification to the Secretary of the Department of Education, the appropriate state licensing agency, and the appropriate accrediting agency, at the same time the Consultant notifies the law school in writing of any decision to deny, withdraw, suspend or remove the approval or provisional approval of the law school, or to place a law school on probation, but no later than thirty (30) days after the Council reaches the decision.

(b) Provide written notification to the Secretary of the Department of Education, the

appropriate state licensing agency, the appropriate accrediting agency, and the public, within thirty (30) days, of:

- (i) a decision to grant provisional approval or full approval to a law school;
  - (ii) a decision by an approved or provisionally approved law school to withdraw from approved or provisionally approved status; and
  - (iii) a decision by a law school to allow its approval or provisional approval to lapse.
- (c) Provide written notification to the public within twenty-four (24) hours of the time the Consultant notifies the law school in writing of any decision to deny, withdraw, suspend or remove the approval or provisional approval of the law school, or to place a law school on probation.
- (d) Make available to the Secretary of the Department of Education, the appropriate state licensing agency, the appropriate accrediting agency, and the public upon request, within sixty (60) days after final decision, a brief statement summarizing the reasons for the decision to deny, withdraw, suspend or remove the approval or provisional approval of a law school, and the comments, if any, which the affected law school may wish to make with regard to that decision.

## **6. Due Regard for Decisions of Other Accrediting Agencies**

- (a) The Council approves only those institutions that are legally authorized under applicable State law to provide a program of education beyond the secondary level.
- (b) The Council does not usually renew the approval or provisional approval of a law school or a law school program during a period in which the school or its parent institution:
  - (i) is the subject of an interim action by a recognized institutional accrediting agency potentially leading to the suspension, revocation, or termination of accreditation or preaccreditation;
  - (ii) is the subject of an interim action by a State agency potentially leading to the suspension, revocation, or termination of the law school's or the parent institution's legal authority to provide postsecondary education;
  - (iii) has been notified of a threatened loss of accreditation for a law school or its parent institution, and the due process procedures required by the action have not been completed; or
  - (iv) has been notified of a threatened suspension, revocation, or termination by a State of the law school's or the parent institution's legal

authority to provide postsecondary education, and the due process procedures required by the action have not been completed.

(c) In considering whether to grant provisional approval to a law school or law school program the Council takes into account actions by:

(i) recognized institutional accrediting agencies that have denied accreditation or preaccreditation to the law school or its parent institution; and

(ii) a state agency that has suspended, revoked or terminated the law school's or the parent institution's legal authority to provide postsecondary education.

(d) If the Council decides to grant or continue approval or provisional approval to a law school or law school program notwithstanding the above sections, the Council will provide the Secretary of the Department of Education a thorough explanation, consistent with the Council's Standards and Interpretations, regarding why the previous action by a recognized institutional accrediting agency or State does not preclude the Council's grant or continuation of approval or provisional approval.

(e) If a recognized institutional accrediting agency takes adverse action with respect to a dually-accredited law school or its parent institution or places either on public probationary status, or if a recognized programmatic accrediting agency takes an adverse action for reasons associated with the overall institution rather than the specific program against a program offered by the parent institution or places the program on public probation, the Council shall review its approval or provisional approval of the law school or law school program to determine if it should also take adverse action against the law school or the law school program.

(f) The Council will share with other appropriate recognized accrediting agencies and State agencies information about the approved or provisionally approved status of a law school or a law school program and any adverse actions it has taken against an approved or provisionally approved law school or law school program.

## **7. Submission of Information to Secretary of Education**

The Council shall submit to the Department of Education the following information:

(a) the Consultant's *Annual Report*;

(b) the ABA Guide to Approved Law Schools;

(c) the identity of any school that the Council has reason to believe is failing to meet its Title IV program responsibilities or is engaged in fraud or abuse, and the reason for the Council's concern;

(d) any revisions to the Standards, Interpretations or Rules of Procedure that are circulated by the Council for comment (see IOP 9), any reports to the ABA House of Delegates seeking concurrence in such revisions that are adopted by the

Council, and any such revisions that are finally effective;

- (e) a copy, updated annually, of the Council's listing of approved law schools;
- (f) upon request by the Secretary of Education, information regarding an approved law school's compliance with its Title IV, HEA responsibilities; and
- (g) upon request by the Secretary of Education, a summary of the Council's major accrediting activities during the previous year.

## **8. Maintenance of Records of Site Visits**

The Consultant shall maintain a complete set of records for a sufficient period of time to cover at least the last two reviews of a law school or a law school's programs. The records shall include site evaluation and fact finder reports, law school responses to site evaluation and fact finder reports, the law school's most recent self-study, Accreditation Committee action letters, Council action letters, the law school's responses to such action letters, and documents relating to the House of Delegates' consideration of appeals from, or review of Council actions.

## **9. Notice of Proposed Changes to the Standards, Interpretations and Rules of Procedure**

The Council shall provide notice of proposed revisions or additions to the Standards, Interpretations and the Rules of Procedure of the Council to deans of approved law schools, chief justices, and directors of state bar admission authorities. Such notice shall be given at least fifteen (15) days prior to any scheduled hearing on the proposed revision or addition or fifteen (15) days prior to the date of the proposed action by the Council, if no hearing is scheduled on the revision or addition. Interested parties may comment on the proposed revisions or additions either at the hearing or by written comment.

## **10. Response to Department of Education Information Regarding Law School Compliance with Standards**

In the event that the Consultant should receive information from the Department of Education which raises issues about a law school's ability to comply with the Standards for the Approval of Law Schools and Interpretations, the Consultant will submit such information to the Accreditation Committee for consideration under Rule 11 of the Rules of Procedure, and for any subsequent action by the Committee as it may deem appropriate.

## **11. Review of Standards, Interpretations and Rules**

The Standards Review Committee shall engage in an ongoing review of the Standards, Interpretations and Rules. At five-year intervals, the Consultant shall provide notice as to the commencement of a process of comprehensive review for

all the Standards, Interpretations and Rules, including a proposed schedule for completion of this review to take place over two to three academic years. As part of the notice, the Consultant shall invite suggestions as to possible revisions of the Standards, Interpretations and Rules. Such notice shall be provided to the deans of ABA-approved law schools, with instruction to share the notice with faculty, students and staff. Notice shall also be provided to Chief Justices, directors of state bar admission authorities, presidents of universities affiliated with ABA-approved law schools, deans of law schools that are not ABA-approved and are known to the Consultant's office, and organizations concerned with legal education. Such notice shall be provided by publication on the Section website and through written memoranda. Proposals received by the Section for revisions to the Standards, Interpretations or Rules shall be referred to the Committee and considered in accordance with Standard 803(d).

The Committee shall submit to the Council proposed Standards, Interpretations or Rules or revisions thereto for approval and circulation for notice and comment from interested constituencies, including but not limited to, the highest appellate court of each state, the board of bar examiners of each state, presidents of universities affiliated with ABA-approved law schools, deans of ABA-approved law schools, deans of unapproved law schools known to the Consultant's Office, and organizations concerned with legal education. Proposed revisions shall also be made available to the public on the Section website and through publication in *Syllabus*. The Committee also shall hold public hearings to solicit testimony from interested constituencies, including those described above.

The Committee shall consider oral and written comments and testimony received and revise, if necessary, its recommendations to the Council regarding new Standards, Interpretations or Rules or revisions to the current Standards, Interpretations or Rules. The Council shall act on the Committee's recommendations as appropriate and shall make available to the public a written report discussing the results of the review, the rationale for the decisions that were made, an explanation for the revisions adopted, and a summary of the reasons why other comments were not adopted. A Council decision to adopt, revise, amend or repeal the Standards, Interpretations or Rules shall be reviewed by the House in accordance with Standard 803.

If, during the comprehensive review process the Standards Review Committee or the Council determines that changes need to be made to the Standards, Interpretations, or Rules, action to make those changes must be initiated within 12 months of the determination and shall be completed within a reasonable period of time.

## **12. Approval of Questionnaires**

Each year the Council shall approve all of the questionnaires (including annual and

site evaluation questionnaires) that schools will be required to complete.

### **13. Accreditation Committee Reports to the Council**

After each of its meetings, the Accreditation Committee shall provide to the Council a written report identifying all of the decisions and recommendations that the Committee made at the meeting. The report shall be transmitted no later than three months after the conclusion of the meeting of the Committee.

### **14. Publication of Composition of Site Teams**

At the end of each Association year, the Consultant shall cause to be posted on the Section website and published in the Consultant's *Annual Report* the date and place of each site evaluation (including limited site evaluations, fact-finding visits, and visits to foreign programs) that occurred during the past Association year, together with the names and institutional affiliations of each site evaluator or fact-finder.

### **15. Procedures for Processing Complaints Filed Against Council Members, Committee Members, Consultant's Office Staff, Site Team Evaluators, or Entities of the Section**

(a) Any person may file with the Consultant a written and signed complaint against a member of the Council, the Accreditation Committee, any other Section Committee, a staff member of the Consultant's Office, or a site team evaluator for failure to comply with rules, procedures or policies of the Section of Legal Education and Admissions to the Bar (including for violations of the provisions of the Statement of Ethical Practices in the Process of Law School Accreditation), or for other misconduct related to the accreditation process. Any such complaint against the Consultant may be filed with the Chairperson of the Grievance Committee of the Section, and the Chairperson of the Grievance Committee shall act in the place of the Consultant for all procedures that would otherwise involve the Consultant. The complaint must contain a statement of facts and circumstances showing with reasonable particularity the basis for the allegation of non-compliance or misconduct. The complaint must be filed within 6 months of the occurrence that is the basis for the allegation of non-compliance or misconduct. Pursuit of other remedies does not toll the 6 month limit. Under no circumstance shall this complaint procedure be a substitute for or alternative to the appeal procedures with respect to decisions affecting accreditation, in which instances the appeal procedures shall be exclusive.

(b) The Consultant shall dismiss the complaint if the Consultant determines that the complaint does not allege facts sufficient to establish a violation of the rules, procedures or policies of the Section, or otherwise to establish misconduct related to the accreditation process. If the Consultant does not dismiss the complaint, the

Consultant shall forward the complaint to the Chairperson of the Grievance Committee within 30 days after receipt of the complaint. The Consultant shall simultaneously forward a copy of the complaint to the person or persons against whom, or the Section entity against which, the complaint is asserted. Such persons or entities shall hereinafter be referred to as “respondents”.

(c) Respondents shall respond to the complaint by sending a written response to the Chairperson of the Grievance Committee. Said response shall be delivered to the Chairperson of the Grievance Committee within 30 days after the date on which the Consultant sent the complaint to the respondents.

(d) Upon review of the complaint and the response required by (c), the Grievance Committee may request that the complainant or respondents provide additional information. Complainant and/or respondents shall submit the additional information requested within 30 days after receipt of the Committee’s request.

(e) The Complainant bears the burden by a preponderance of the evidence of establishing that there has been a violation of the rules, procedures or policies of the Section, or other misconduct related to the accreditation process.

(f) Within 45 days, after receipt of the information required in (c) and (d), the Grievance Committee shall render its decision. In the event that the Grievance Committee determines that there has been such a violation or misconduct, the Grievance Committee may also determine such relief, if any, as is appropriate to remedy the violation or misconduct. The decision of the Grievance Committee is final and is not subject to appeal within the Association.

(g) The Consultant shall, in writing, inform the complainants and any respondents of the Grievance Committee’s decision.

(h) All matters under this section shall be confidential, except as made public by decision of the Grievance Committee. This shall include all proceedings and deliberations of the Grievance Committee and all non-public documents and information received or generated by the American Bar Association.

## **16. Training for Council and Accreditation Committee Members**

At the beginning of each academic year, the Consultant shall provide training for members of the Council and the Accreditation Committee concerning the Standards for Approval of Law Schools and the policies and procedures that govern the accreditation process. Additional training in the Standards, policies and procedures will be provided at the beginning of each academic year to any new members of the Council and the Accreditation Committee. All new members of the Accreditation Committee and Council are required to attend a training session.

## **17. Soliciting Suggestions for Revisions of the Standards, Interpretations and Rules of Procedure**

At the beginning of each academic year, the Consultant shall provide notice as to any specific Standards, Interpretations or Rules of Procedure that will be considered for revision during the coming academic year and shall invite suggestions as to those possible revisions and any other revisions of the Standards, Interpretations and Rules that should be considered. Such notice shall be provided to the deans of ABA-approved law schools, with instruction to share the notice with faculty, students and staff. Notice shall also be provided to Chief Justices, directors of state bar admission authorities, presidents of universities affiliated with ABA-approved law schools, deans of law schools that are not ABA-approved and are known to the Consultant's office, and organizations concerned with legal education. Such notice shall be provided by publication on the Section website and through written memoranda. Any suggestions for revisions of the Standards, Interpretations or Rules of Procedure will be considered in accordance with the provisions of Standard 803(d).

## **18. Grievance Committee**

There shall be six members of the Grievance Committee. The Chairperson of the Council shall appoint the members of the Grievance Committee for terms of three years. The terms of the members shall be staggered and a member may serve no more than two terms. Appointments shall be made from members of the Section; however no member of the Grievance Committee may be a current member of the Council, the Accreditation Committee or staff of the Section. The Chairperson shall appoint a Chairperson of the Grievance Committee for a term of one year, subject to one reappointment.

Complaints received pursuant to IOP 15 Grievance Procedure shall be heard by a panel of three members of the Grievance Committee. The Chairperson of the Grievance Committee shall appoint the panel, designating one member to preside. Members shall be subject to the same conflict of interest rules that apply to members of the Council.

## **19. Conflicts of Interest**

(a) It is the Council's policy to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the accreditation process has an interest in the law school or law school program under review by the Council, the Accreditation Committee or the Appeals Panel.

(b) In order that members of the Council, members of the Accreditation Committee, members of the Appeals Panel and members of the staff of the Office of the Consultant (in each case when used in this IOP, a "Member") may avoid the appearance of a conflict of interest, any Member may recuse himself or herself from participating in any matter before the Accreditation Committee, the Council or the Appeals Panel related to a law school under review without the necessity of stating a reason for recusal.

(c) If any of the following conditions are met, a Member is required to recuse himself or herself from participating in a matter before the Accreditation Committee, the Council or the Appeals Panel related to a law school under review:

1. The Member:

(A) is currently the dean, a faculty member, other employee or a student of a law school under review (or its parent institution), a former dean of a law school under review, a former full-time faculty member of the law school under review (for a period of ten years following the termination of faculty status with that law school), a former employee of the law school under review other than as a full-time faculty member (for a period of two years following termination of such employment) or a graduate of the law school under review;

(B) is currently a member of any board of the law school or its parent institution or has been within the last two years; or

(C) has a current business or professional relationship (including consulting with or without compensation) with the law school (or its parent institution) or has had such a relationship within the last two years.

2. The Member's spouse, child, parent, domestic partner, or sibling:

(A) is an employee or student of the law school under review (or its parent institution) or has been within the last two years;

(B) is currently a member of any board of the law school or its parent institution or has been within the last two years; or

(C) has a current material business or professional relationship with the law school (or its parent institution) or has had such a relationship within the last two years.

(d) A Member of the Council shall recuse himself or herself from participating in the review of a matter before the Council involving the status of a law school in any case where the Member of the Council participated in making the decision or recommendation on such matter as a member of the Accreditation Committee. A Member of the Appeals Panel shall recuse himself or herself from participating in the review of a matter before the Appeals Panel involving an adverse action as defined in Rule 10, Section (a)(1-3) against a law school in any case where the Member of the Appeals Panel participated in making the decision on such adverse action as a member of the Council or the Accreditation Committee or served on the site team which visited the law school.

(e) In addition to the conditions set forth in Subparts (b), (c) and (d) above, if, in a matter before the Council, the Appeals Panel or Accreditation Committee related to a law school under review, a meaningful conflict exists or could be reasonably

perceived to exist in view of the Member's office or other position, previous or current relationship with the law school, or other circumstances (including geographic distance between the member's residence or place of employment and the law school under review or circumstances involving the Member's spouse, child, parent, domestic partner, or sibling), then the Member shall disclose the relationship to the Chair of the Council, the Chair of the Appeals Panel or the Accreditation Committee, as applicable, and the relevant Chair shall determine whether the Member shall be recused from participating in the matter under consideration. For purposes of this Subpart, a relationship with a law school includes, but is not limited to, a relationship with the members of the law school's faculty, staff, students, graduates or its parent institution.

(f) A Member who is recused with regard to a matter related to a law school under review:

- (1) may not be present in the room (nor participate in the meeting by means of telecommunications) when the law school appears before the Council, the Appeals Panel or the Committee or when the Council, the Appeals Panel or the Committee is discussing the matter related to the law school;
- (2) shall refrain from participating in any discussions, formal or informal, with other Members regarding the matter related to the law school; and
- (3) shall not read but instead shall destroy or delete any materials received from the Consultant or the Consultant's staff concerning the law school.

(g) A current dean, faculty member, other employee or student of the law school under review (or its parent institution), a former dean of the law school under review, a former full-time faculty member of the law school under review (for a period of ten years following the termination of faculty status with the law school), a former employee of the law school under review other than as a full-time faculty member (for a period of two years following termination of such employment) or a graduate of the law school under review may not serve on a site evaluation team or as a fact finder visiting that law school or law school program.

(h) For good cause stated, the dean of a law school (or law school program) under review may request that a member of a site evaluation team, or a Member of the Council, the Appeals Panel or the Accreditation Committee, recuse himself or herself from acting in such capacity with respect to the dean's law school. With regard to a member of a site evaluation team, the Consultant shall grant or deny such request based on the merits of the claim. With regard to a Member of the Council, the Appeals Panel or of the Accreditation Committee, the Chair of the Council, the Appeals Panel or the Accreditation Committee, as the case may be, shall grant or deny such request based on the merits of such claim.

(i) A person who acts as a chair of a site evaluation team or as fact finder at a law school or of a law school program under review may be present and/or speak at the Accreditation Committee's, Council's or Appeals Panel deliberations concerning such law school or law school program, if so requested by the Chair of the Council, the Appeals Panel or the Accreditation Committee, or such Chair's designee, as the case may be, or if the Chair grants the person's request for such participation.

## **20. Right to Representation**

A law school shall have the right to representation, including legal counsel, at all stages of a determination regarding the school's removal from the list of approved law schools or the denial of the school's provisional or full approval.