

American Bar Association
Section of Legal Education and Admissions to the Bar
Standards Review Committee

Chapter 1 – General Purposes and Practices
DRAFT FOR April 2011

Standard 106 SEPARATE LOCATION

(a) A law school that offers courses for credit at a separate location (other than studies in a foreign country pursuant to Standard [307]) which is not within reasonable proximity to the main law school campus and at which a student could take the equivalent of 16 or more but not more than two thirds of the semester credits toward a J.D. degree must comply with the following requirements provide the following at the separate location:

(1) Full-time faculty of the law school who teach the major portion of the curriculum, including substantially all of the first one third of each student's coursework, and who are reasonably available at the separate location for consultation with students;

(2) Library resources and staff at the separate location that are adequate to support the curriculum offered at the separate location and that are reasonably accessible to students at the separate location;

(3) Academic advising, career services and other student support services that are adequate to support the program offered at the separate location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main campus;

(4) That students attending the separate campus have a Access to co-curricular activities and other educational benefits that are reasonably equivalent to such activities and educational benefits offered to similarly situated students at the law school's main campus; and

(5) Physical facilities and technological capacities at the separate location that are adequate to support the curriculum offered and the student body at the separate location.

(b) If a student could earn more than two thirds of the credit hours that a law school requires for the award of a J.D. degree at the separate location, the law school shall apply for approval for the separate location under the provisions of Standard 102 and 103.

(c) A separate location that meets the criteria of subsection (a) of this Standard shall be known as a satellite campus; a separate location that meets the criteria of subsection (b) shall be known as a branch campus.

Interpretation 106-1

It is sufficient for a school with satellite or branch campuses to have one dean for all campuses.

Interpretation 106-2

For purposes of compliance with Standards 101 and 509, the following reporting is required of satellite and branch campuses:

(a) Satellite campus reporting may be included in the main campus reports, provided distinctions are made sufficient to demonstrate compliance with 106(a).

(b) With the exception of demonstrating compliance with Interpretation 301-6, branch campuses are required to report separately from the main campus, unless the branch campus is unified with the main campus.

(1) A branch is presumed to be unified with the main campus if it meets the following criteria:

- i. applicants apply for admission to the law school, not to an individual campus;
- ii. admitted applicants can freely elect the campus at which they wish to commence study; and
- iii. students can move back and forth between campuses from one semester to the next, or within the same semester if the campuses are close enough, without special permission.

(2) A branch campus that is not presumptively unified may demonstrate that it is unified by meeting any of the presumptive factors and sufficient other factors to indicate the branch campus is part of the main law school. Other factors include but are not limited to:

- i. students who cannot move back and forth at will may do so on a space available basis;
- ii. more than half of the students enrolled in one campus take one third or more of their courses at the other campus;
- iii. students admitted to one campus may move freely between campuses after their first year; or
- iv. faculty commonly move back and forth between campuses.

(c) Every law school with a branch campus, whether unified or not, shall report data disaggregated by campus in the Annual Questionnaire on matters of curriculum, library resources, and faculty. Campuses that are presumptively unified under 106-2(b)(1) may aggregate data for all campuses for purposes of reporting in the Annual Questionnaire on admissions, enrollment, placement and bar pass rates. Campuses that successfully demonstrate that they are unified under 106-2(b)(2) nonetheless, may be required by the Accreditation Committee or the Council under Standard 101 or by the Consultant under Rule 2(b) to disaggregate some data that a presumptively unified set of campuses would be permitted to report in the aggregate.

Commentary:

The subcommittee members are as follows: Margaret Barry (chair), Catherine Carpenter, Allen Easley, and Michael Wolff. Since Standards 102, 103 and 105 were previously approved by the Committee, only 106 is before the Committee for consideration at its April 2011 meeting.

Draft Standard 106 is intended to identify the difference between the satellite and branch campus. It moves into the Standard the factors that previously existed in the Interpretations and Rules with regard to satellite campuses and establishes what would trigger consideration as a branch campus.

Since the Committee last considered this Standard, the subcommittee added a new subsection (c) that allows for return to the customary language in referring to the newly constituted distinctions.

The Interpretations pick up on the Committee instruction to include issues that relate to this Standard instead of seeking to address them elsewhere. Thus, Interpretation 106-1 addresses the issue about deans and 106-2 reflects the concern about what kind of reporting makes sense.

The subcommittee considered the overall goals of the distinctions made between branch and satellite campuses in developing Interpretation 106-2. The subcommittee was satisfied with the 106(b) distinction that where students can take more than two thirds of their credit hours at a separate location, the campus should be in compliance with all of the Standards. Nonetheless, the subcommittee struggled with what this should mean for reporting purposes, given that there could be significant fluidity between a branch and main campus. Input from Jay Conison, Chair of the Accreditation Committee, indicated that the expectation is that creation of branch and satellite campuses is expected to increase and that degrees of connection to the main campus seems to be a primary concern. This helped the subcommittee focus on what distinctions it wanted to draw with regard to separate consideration of the campuses. Interpretation 106-2(b) is intended to address the substantive differences between the unified branch campus and one that operates as a separate entity. The Interpretation provides guidance on what indices of connection to the main campus would lead a campus to be considered unified with the main campus and what effect that should have on reporting and review. Interpretation 106(a) makes clear that reporting for the satellite campus can be merged with the main campus, so long as 106(a) compliance is clear.