

2009-2010

CHAIR

Melvin F. Wright
North Carolina Chief Justice's
Commission on Professionalism
901 Corporate Center Drive
Raleigh, NC 27607
(919) 890-1455
melvinf.wright@nccourts.org

MEMBERS

Matthew Christensen
Boise, ID

Joanne M. Garvey
San Francisco, CA

Ronald C. Minkoff
New York, NY

Cheryl I. Niro
Chicago, IL

Arden J. Olson
Eugene, OR

Errol H. Powell
Tallahassee, FL

Irma S. Russell
Tulsa, OK

Steven R. Sorenson
Ripon, WI

BOARD OF GOVERNORS

LIAISON

C. Timothy Hopkins
Idaho Falls, ID

BUSINESS LAW LIAISON

Anne Yvonne Walker
Palo Alto, CA

NOBC LIAISON

Sara Rittman
Jefferson City, MO

TORT AND INSURANCE

PRACTICE LIAISON

Joshua D. Lee
Chicago, IL

APRL LIAISON

Evan R. Shirley
Honolulu, HI

**CENTER FOR PROFESSIONAL
RESPONSIBILITY DIRECTOR**

Jeanne P. Gray
(312) 988-5293
jpg@staff.abanet.org

PROFESSIONALISM

COUNSEL

Arthur Garwin
(312) 988-5294
agarwin@staff.abanet.org

ASSOCIATE

PROFESSIONALISM

COUNSEL

Dennis Rendleman
(312) 988-5307
rendlem@staff.abanet.org

PROGRAM DIRECTOR

Marcia L. Kladder
kladder@staff.abanet.org

November 24, 2009

Donald J. Polden, Chair
ABA Accreditation Standards Review Committee

Dear Dean Polden:

Thank you for the continuing opportunity to comment on aspects of the Accreditation Standards Review Committee's work.

On behalf of the Standing Committee on Professionalism, I am submitting the attached recommendations, which are based upon the drafts that your subcommittees presented at your October 9-10, 2009 meeting.

As you will note, we have included in our attachment selected portions of standards from other professions that have been part of your agenda materials and upon which we have in part based our recommendations as noted.

The Standing Committee on Professionalism will continue to follow your committee's deliberations and to work with other entities that also have an interest in your charge and may provide you with additional recommendations at a later date. The Committee supports the accreditation review process and remains strongly committed to the principles enunciated in the Carnegie Report.

Again, thank you for the opportunity to participate in this difficult and important review.

Sincerely,

Melvin F. Wright, Jr.

Melvin F. Wright Jr.

**Standing Committee on Professionalism
Response to Draft Recommendations Presented
at the Accreditation Standards Review Committee Meeting
of October 9-10, 2009**

1. *We are concerned with the proposal to eliminate Standard 504(b) related to character and fitness. In addition, we would like to see Interpretation 3 to Standard 501 include mention of character and fitness. The medical (MS 6) and pharmacy (17, 17.3, 17.4) standards include character and fitness related considerations.*

Medical Students - MS-6

Medical schools must select students who possess the intelligence, integrity, and personal and emotional characteristics necessary for them to become effective physicians.

Pharmacy Students – Standard No. 17: Admission Criteria, Policies, and Procedures

The college or school must produce and make available to students and prospective students criteria, policies, and procedures for admission to the professional degree program. Admission materials must clearly state academic expectations, required communication skills, types of personal history disclosures that may be required, and professional standards for graduation.

Guideline 17.3

Admissions criteria, policies, and procedures should take into account necessary scholastic accomplishments, as well as other desirable qualities (such as intellectual curiosity, leadership, emotional maturity, empathy, ethical behavior, motivation, industriousness, and communication capabilities) that support the student's potential to become a self-directed lifelong learner and an effective professional.

Guideline 17.4

Criminal and other activities that may restrict the student's ability to access experiential sites or potentially affect the student's eligibility for future licensure, by reason of state statutes or regulations, should be identified. Policies and procedures in accord with those of the university should be in place and available, under which students will be advised of the types of disclosures they may be required to make prior to admission and during the professional degree program, what background checks they may be subject to prior to admission and during the professional degree program, and the potential adverse consequences resulting from these disclosures or background checks.

SUGGESTED CHANGES BASED UPON OCTOBER 9-10 SUBCOMMITTEE DRAFT

Interpretation 501-3

Among the factors to consider in assessing compliance with Standard 501(b) are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates,

the denial of admission of its graduates by state character and fitness committees and the effectiveness of the law school's academic support program.

Standard 504

(b) The law school shall adopt such tests, questionnaires, or required references as necessary to determine the character and fitness of the applicants to the law school.

Interpretation 504-1

If a law school considers When considering an applicant's character, fitness or other qualifications, a law school shall exercise care that the consideration is not used as a reason to deny admission to a qualified applicant because of political, social, or economic views that might be considered unorthodox.

Interpretation 504-2

Adoption of tests, questionnaires or required references that mirror those of the character and fitness committee of the state in which the school is located shall be evidence of compliance with Standard 504(b).

2. *We are concerned that Standard 504 has not been changed to require schools to provide information (as opposed to encouraging applicants to find it on their own). The architecture standards (3.3) require the schools to inform incoming students of how to access information.*

Architecture Students - 3.3

To ensure an understanding of the body of knowledge and skills that constitute a professional education in architecture, the school must inform faculty and incoming students of how to access the NAAB Conditions for Accreditation.

SUGGESTED CHANGES BASED UPON OCTOBER 9-10 SUBCOMMITTEE DRAFT

Standard 504. CHARACTER AND FITNESS

(a) A law school shall advise all applicants at the time they apply that there are character, fitness and other qualifications for admission to the bar and shall inform them, prior to matriculation, how to access encourage the applicant, , to determine what those requirements are in for the state(s) in which the applicant they intends to practice. The law school shall, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness and other qualifications.

3. *We are concerned that nothing has been added to Standard 511 in regard to the well-being of the students. The medical and (MS – 26) pharmacy (16.1) standards include character and fitness related considerations.*

Medical Students - MS-26

Each school must have an effective system of personal counseling for its students that includes programs to promote the well-being of students and facilitate their adjustment to the physical and emotional demands of medical school.

Pharmacy Students - 16.1

The college or school should ensure that the organizational element devoted to student services, in general:

...

coordinates the availability of personal counseling for students through university resources or by other arrangements.

SUGGESTED CHANGES BASED UPON OCTOBER 9-10 SUBCOMMITTEE DRAFT

Standard 511. STUDENT SUPPORT SERVICES

A law school shall provide all its students, regardless of enrollment or scheduling option, with basic student services, including maintenance of accurate student records, academic advising and counseling, financial aid counseling, and an active career counseling service to assist students in making sound career choices and obtaining employment. Each school shall have an effective system of personal counseling for its students that includes programs to promote the well-being of students, help students identify and cope with stress and facilitate their adjustment to the emotional demands of law school. If a law school does not provide these types of student services directly, it must demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

4. *We are concerned that proposed new Standard 304 does not contain requirements relating to standards of conduct for the students. The medical (MS-32 – 34), dental (4-5) and pharmacy (23.1) standards include such requirements.*

Medical Students - MS-32

Each medical school must define and publicize the standards of conduct for the teacher-learner relationship, and develop written policies for the violation of those standards.

The standards of conduct need not be unique to the school but may originate from other sources such as the parent university. Mechanisms for reporting violations of these standards - such as incidents of harassment or abuse -- should assure that they can be registered and investigated without fear of retaliation.

The policies also should specify mechanisms for the prompt handling of such complaints, and support educational activities aimed at preventing inappropriate behavior.

MS-33 - The medical school must publicize to all faculty and students its standards and procedures for the evaluation, advancement, and graduation of its students and for disciplinary action.

MS-34 - There must be a fair and formal process for taking any action that adversely affects the status of a student.

The process should include timely notice of the impending action, disclosure of the evidence on which the action would be based, an opportunity for the student to respond, and an opportunity to appeal any adverse decision related to promotion, graduation, or dismissal.

Dental Students - 4-5

There must be specific written due process policies and procedures for adjudication of academic and disciplinary complaints that parallel those established by the sponsoring institution.

Intent: Adjudication procedures should include institutional policy that provides due Process for all individuals who may be potentially involved when actions are contemplated or instituted that could result in dismissal of a student/resident. Students/Residents should be provided with written information that affirms their obligations and responsibilities to the institution, the program and the faculty.

Pharmacy Students - Guideline 23.1

The college or school must develop, via a broadly based process, a policy consistent with university policies on student, faculty, preceptor, and staff professionalism that defines expected behaviors and consequences for deviation from the policy, as well as due process for appeals.

3.A. I am concerned that there is no mention of a character and fitness consideration in proposed new Standard 304(c). The pharmacy standards (19.3) include progression policies that take into consideration assessments of professional behavior and academic integrity.

Pharmacy Students - Guideline 19.3

The college or school should have progression policies that take into consideration assessments of professional behavior and academic integrity.

SUGGESTED CHANGES BASED UPON OCTOBER 9-10 SUBCOMMITTEE DRAFT

Standard 304. ACADEMIC STANDARDS AND ACHIEVEMENTS

(a) A law school shall have and adhere to sound academic standards, including clearly defined standards for good standing and graduation.

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students. The school should have progression policies that take into consideration assessments of professional behavior and academic integrity.

(d) Each law school shall define and publicize the standards of conduct for students and develop written policies for the violation of those standards. There must be fair and formal due process for taking any action that adversely affects the status of a student. The process should include timely notice of the impending action, disclosure of the evidence on which the action would be based, an opportunity for the student to respond, and an opportunity to appeal any adverse decision related to promotion, graduation, or dismissal.