

MEMORANDUM

To: Dean Maureen O'Rourke, Chair
Council of the Section of Legal Education and Admissions to the Bar

From: Pamela Lysaght, Chair
Standards Review Committee

Date: April 23, 2018

Re: Comments Received on Items Circulated for Notice and Comment;
SRC Recommendations—Proposed Standards 205, 206, and 501/503

The Standards Review Committee met April 13, 2018, to review the comments received regarding the proposed revisions to the *ABA Standards and Rules of Procedure for Approval of Law Schools* approved by the Council for Notice and Comment during its meetings held in November 2017 and February 2018. In addition to the Notice and Comment period, a hearing was held on April 12, 2018, in Washington D.C. before the Committee met on April 13. This Memorandum provides the Committee's recommendations on proposed changes to Standards 205, 206, and 501/503. Proposals to revise these Standards have remained unresolved for the past few years, as recounted in the Notice and Comment Explanations below.

Standard 205 Non-Discrimination and Equality of Opportunity

Notice and Comment Explanation:

On February 13, 2015, the Standards Review Committee conducted an Information Session at which individuals concerned with Standard 205 provided statements. In response to the statements offered at that session and comments received during the Comprehensive Review of the Standards, the Standards Review Committee proposed to the Council at its June 2015 meeting that the category of "gender identity" be added to the list of groups for which a law school shall not use admission policies or other action to preclude admission, and for which a law school shall not discriminate against students, faculty, or staff. In addition, in June the Committee recommended adding the phrase "or any other characteristic not relevant to the applicant's ability to satisfactorily complete the school's program of legal education" to 205(a) and the phrase "or any other characteristic not relevant to the law school's capability to operate in compliance with the Standards and carry out its program of education."

The feedback received from the Council indicated that the phrases expanding the Standard beyond any groups specifically named were vague and would be difficult for law schools to implement. They were removed from the recommendation and a new proposal was offered to the Council in October 2015 that simply added "gender identity" to the list of groups. The proposal was approved by the Council for Notice and Comment. A hearing was held

on January 29, 2016, and only favorable comments were received. The Council accepted the proposal, but no further action was taken pending changes proposed to Standard 206.

In preparing Standard 206 for presentation to the Council, the Committee has taken a new look at Standard 205 to ascertain if any additional changes were needed. It was noted that the term “ethnicity” appeared in Standard 206 but not in Standard 205. It has been added. It also was noted that, while the Standard is called “Non-Discrimination and Equality of Opportunity,” the term “non-discrimination” does not appear in 205(a). The phrase “equality of opportunity” does appear in 205(b). Standard 205(a) has been re-worded to use the phrase “a policy of non-discrimination.”

It also was observed that, while the Standard requires that a law school adheres to a policy of non-discrimination and a policy to foster and maintain equality of opportunity, it did not require that a law school make those policies available to potential students, faculty, or staff. Both Standards 205(a) and 205(b) have been amended to require that law schools “adopt, publish, and adhere to” such policies. An interpretation has been added stating that a law school meets this requirement if the parent institution adopts and publishes appropriate policies. [The red-lined version circulated for Notice and Comment is attached in the Appendix.]

Comments Received: Three comments were received, requesting that Interpretation 205-2, which addresses actions by religiously affiliated schools, be modified to include “gender identity” along with “sexual orientation.”

Hearing Testimony: A representative from the Council of Christian Colleges & Universities restated its position to modify Interpretation 205-2 as noted above.

SRC Recommendation: The Committee considered the request to modify Interpretation 205-2 and recommends the following change to what the Council approved for Notice and Comment:

Interpretation 205-2

So long as a school complies with Standard 205(c), the prohibition concerning sexual orientation and gender identity does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, Standard 205(c) does not require a school to recognize or support organizations whose purposes or objectives with respect to sexual orientation or gender identity conflict with the essential elements of the religious values and beliefs held by the school.

Standard 206 Diversity and Inclusion

Notice and Comment Explanation:

On February 13, 2015, the Standards Review Committee conducted an information session at which individuals concerned with Standard 206 provided statements. In response to the statements offered at that session, and comments received during the Comprehensive Review of the Standards, the Committee recommended two changes to the Standard for the Council to consider at its June 2015 meeting. First, the Committee recommended that Standard 206 itself not include a list of those groups to which it applied, but focus on the broader purpose of the Standard, which is to promote cross-cultural understanding, help break down stereotypes, and enable students to understand persons of different backgrounds. The specific categories were placed in Interpretation 206-2 and changed from “gender, race, and ethnicity” to “race, color, religion, national origin, gender, sexual orientation, age, disability, and gender identity.” The Interpretation also listed the groups “without limitation” so that law schools would not consider that they should be limited to the stated groups in applying the Standard.

The feedback received from the Council was twofold. First, members were concerned about the removal of the phrase “providing full opportunities for the study of law and entry into the profession by member of underrepresented group, particularly racial and ethnic minorities,” and the phrase “a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.” Second, the Council was concerned that the phrase “without limitation” was vague and would be difficult for law schools to implement.

In response to these concerns, the Committee offered a new proposal to the Council in December 2015. The revision restored the wording deleted in the previous proposal, while still setting the stage for providing a list of groups that should be considered by a school when creating an environment that welcomes diversity. The revised proposal required a school to demonstrate by concrete action (1) a commitment to providing an environment in which diversity and inclusion are welcomed and embraced; (2) a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities; and (3) a commitment to having a faculty, staff, and student body that is diverse with respect to gender, race, and ethnicity. Interpretation 206-1 was unchanged. Interpretation 206-2 provided a list of the specific groups that must be considered by a law school when creating an environment that is welcoming. Interpretation 206-3 took the language of the former Interpretation 206-2 in setting out how a school demonstrated compliance. For members of underrepresented groups, the methods remain the same (the admission process, special recruitment efforts, and programs that assist in meeting the special academic and financial needs of many of these students). For an overall commitment to diversity and inclusion, there were no required methods listed, though it was noted that they might include periodic assessments, etc. This proposal was approved by the Council for Notice and Comment. A hearing was held on January 29, 2016. Some of the groups

offering comments believed that the proposed language did not require concrete action by law schools since the list of groups was contained in an Interpretation.

While the Committee believed that the inclusion of the list of categories in an Interpretation would be as effective as including them in the Standard, it recognized the concern of those offering comments and recommended moving them into the Standard. The revised Standard offered to the Council called for a law school to demonstrate by concrete action a commitment to (a) providing an environment that is diverse and inclusive with respect to characteristics that include race, color, religion, national origin, gender, gender identity, sexual orientation, age and disability; and (b) providing full opportunities for the study of law and entry into the profession by members of members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity. The Council decided that no action should be taken on the Standard 206 until additional consideration was made.

In 2017, the Council asked the Committee to again consider changes to Standard 206. The Committee [offered] a proposal that it believes will satisfy those who are concerned with retaining important parts of the current Standard 206, while speaking to the interests of those groups who seek to be included in the Standard.

The current proposal retains the wording of the Standard calling for a commitment to providing full opportunities for the study of law and entry to the profession by members of underrepresented groups. It then calls for a commitment to having a student body, faculty, and staff that are diverse with respect to gender, race, and ethnicity. Finally, it calls for a commitment to providing an environment that is inclusive with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability. Interpretation 2016-1 is unchanged. Interpretation 206-2 speaks to diversity and is unchanged. Interpretation 206-3 is added to define inclusive as intending to “connote an environment that is welcoming” to individuals in the named groups. It also offers possible ways that the commitment could be demonstrated. [The red-lined version circulated for Notice and Comment is attached in the Appendix.]

Comments Received: Four comments were received, three of which were also responding to proposed changes to Standard 205. The comments were mixed. The religiously affiliated schools, along with the Council for Christian Colleges & Universities, requested that Standard 206 be accompanied by an Interpretation similar to that found in Standard 205, stating that religiously affiliated schools would not be required to act in a fashion inconsistent with their religious values and beliefs, so long as their actions are protected by the Constitution.

A joint comment from the ABA Commission on Disability Rights and the ABA Commission on Sexual Orientation and Gender Identity requested that the draft be changed to remove the emphasis on “racial and ethnic minorities” as examples of underrepresented groups in 206(a),

and to expand the 206(b) dealing with diversity to include disability, gender identity, and sexual orientation.

Hearing Testimony: Representatives from the ABA Commission on Disability Rights and from the Council for Christian Colleges & Universities reiterated positions and suggestions made in the comments submitted by their entities.

SRC Recommendation: The Committee considered the request to modify Standard 206 with an Interpretation to address the concerns of the religiously affiliated law schools. The Committee recommends that the Council adopt the following Interpretation, in addition to the changes the Council approved for Notice and Comment:

Interpretation 206-4

To the extent that this Standard requires a religiously affiliated law school to provide an environment that is inclusive with respect to sexual orientation and gender identity, the school is not required to act inconsistently with the essential elements of its religious values and beliefs provided that its actions are protected by the United States Constitution.

The Committee also discussed the requests from the ABA Commission on Disability Rights and the ABA Commission on Sexual Orientation and Gender Identity. The Committee believes that “racial and ethnic minorities” should not be removed from 206(a) as the need to address the issue of underrepresentation by these groups in the legal profession remains as critical as at any time in the past. The Committee also did not take any action to add more categories for which law schools should have a commitment to achieve diversity to those already listed in 206(b). As noted earlier, it is in these categories that schools are required to have a commitment to **have** diversity. While this has traditionally been considered an “efforts” Standard, an examination of whether sufficient efforts have been made often are triggered by the statistics gathered by the ABA. While those asking that additional groups be included have stated that individuals would not be required to indicate their status (sexual orientation, religion, disability) as is done for those already listed in 206(b), the failure to make this mandatory would result in faulty data upon which the Accreditation Committee and Council could not rely in determining whether it should further investigate whether or not efforts have been made to achieve diversity in these categories. The Committee believes that 206(c), along with the suggestions offered in Interpretation 206-3, adequately respond to the calls for law schools to be welcoming to students in the categories listed and is all that can be done to accomplish inclusiveness.

Standard 501 Admissions and Standard 503 Admissions Test

Notice and Comment Explanation:

In March 2017, the Council circulated for Notice and Comment a proposal that would result in the following changes to the Standard 503: [1] establish a process by which law school admission tests other than the Law School Admission Test (LSAT) offered by the Law School Admissions Council (LSAC) can be certified as valid and reliable law school admission tests that all law schools can use to meet the requirements of Standard 503; [2] eliminate

Interpretation 503-1, which currently allows a law school to demonstrate that a test other than the LSAT (or presumably any other test that would be certified by the Council under the proposed new approach) is a valid and reliable law school admission test for that school; [3] reconfirm the Council's prior action to eliminate the "safe harbor" provision of current Interpretation 503-3; and [4] make clear that every law school will have to require at least the LSAT or another certified test as part of its admissions process and that no variances will be granted to this requirement.

After discussion and reviewing the comments received, the Standards Review Committee recommended that the Council reject the proposal that had been circulated and offered three options to the Council. The Council decided to circulate for Notice and Comment the option that would (a) eliminate Standard 503 and (b) revise Standard 501 by moving Interpretation 501-1 (factors to consider in assessing compliance with Standard 501) into the black letter of the Standard.

The result of these changes would be that the requirement of a valid and reliable admissions test would be removed from the Standards, but an admissions test would be one of the factors relevant to determining whether a law school complies with Standard 501. While this proposal eliminates the requirement of an admission test in the Standards, a law school may still require an admission test, which the Council expects will remain the norm, and it may decide which test(s) it accepts.

In its recommendation to the Council, the Committee stated that it believes that Standard 501 sets out sufficiently strong statements that a law school must adopt, publish, and adhere to sound admission policies, and that a law school shall admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar, so that the requirement of an admission test is not needed. The factors to be considered in assessing compliance with the Standard have been moved from an Interpretation into the body of Standard 501. The factor of "academic and admission test credentials" has been changed to "academic and admission credentials." The Committee believes that the many factors listed in Standard 501 should be sufficient for the Accreditation Committee and the Council to determine whether a law school is in compliance. It also believes that in order to demonstrate whether only capable individuals are being admitted to a law school more focus should be placed on outcomes, assessed through bar passage and attrition rates.

Indeed, current Standard 503 does not prescribe a minimum score in the requirement for a test and a minimum score cannot even be prescribed by the Accreditation Committee when requiring remedial action by a law school to correct problems. The Committee is of the view, however, that the Accreditation Committee has the authority to mandate that a law school require a specific test to remedy a determination of non-compliance under Standard 501. The Standard also is revised to include, in the Interpretation, a

requirement that any law school requiring an admission test publish information informing potential students which tests are accepted. [The red-lined version circulated for Notice and Comment is attached in the Appendix.]

Comments Received: A total of 16 comments were received by the end of the Notice and Comment period, some with multiple signatories. The comments were varied. In summary, those in favor of the proposed changes stated that “test optional” admissions would promote diversity, would provide law schools with greater flexibility, and would allow law schools to innovate in looking to other indicia of predictors of success. Some also stated that they believed sufficient safeguards were in place under proposed changes to Standard 501 to unambiguously place the burden on law schools to admit capable students. Those opposed to the changes, especially to eliminate Standard 503, stated that the removal of a standardized test would harm diversity, open the door to bias, risk undermining public confidence in the legal profession, and complicate collecting data for consumer protection information. Moreover, there were concerns that there are insufficient outputs in place to move to a fully test-optional accreditation standard.

Hearing Testimony: The following entities and individuals testified, stating positions consistent with their submitted comments: Society of American Law Teachers (Professor Matthew Charity); Clinical Legal Education (Professor Joy Radice); Educational Testing Services (Dr. Joanna Gorin, Dr. David Klieger, and Christine Betaneli); Law School Admissions Council (Professor Larry Dessem, Professor Christina Whittman, Camille deJorna, Dean Kellye Testy, and Dean Susan Krinsky); Minority Network (Dean Jay Austin); and Dean Gisele Joachim on behalf of admissions professionals from 22 ABA-approved law schools.

SRC Recommendation: The Committee considered the comments and testimony and agreed that the Council should adopt the changes the Council approved for Notice and Comment and, additionally, adopt the following Interpretation to proposed Standard 501:

Interpretation 501-3

Failure to include a valid and reliable admission test as part of the admissions process creates a rebuttable presumption that a law school is not in compliance with Standard 501.

The Committee believes that adding this Interpretation will address concerns about unregulated innovation in admissions, while still providing the benefits outlined in the Explanation that accompanied the proposed changes that was posted for Notice and Comment. The Committee did not agree that there were insufficient outputs or mechanisms to address when a law school appears to be admitting students in violation of Standard 501. Specifically, interim monitoring successfully triggers early identification of potential non-compliance with admissions criteria. The Committee also did not agree that the gathering of consumer protection information would be sacrificed in the absence of requiring a specific test. The collection of data in the Annual Questionnaire can be easily modified to ensure consumer protection information remains robust.

APPENDIX

Standard 205. Non-Discrimination and Equality of Opportunity

Redlined Draft:

Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

(a) A law school shall ~~not adopt, publish, and adhere to a policy of non-discrimination that prohibits the use of admission policies or take other actions~~ to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(b) A law school shall adopt, publish, and adhere to policies that foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability.

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

(d) Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability in regard to hiring, promotion, retention, and conditions of employment.

Interpretation 205-1

A law school may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.

Interpretation 205-2

So long as a school complies with Standard 205(c), the prohibition concerning sexual orientation does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, Standard 205(c) does not require a school to recognize or support organizations whose purposes or objectives with respect to sexual orientation conflict with the essential elements of the religious values and beliefs held by the school.

Interpretation 205-3

Standard 205(d) applies to all employers, including government agencies, to which a school furnishes assistance and facilities for interviewing and other placement services. However, this Standard does not require a law school to implement its terms by excluding any employer unless that employer discriminates unlawfully.

Interpretation 205-4

The denial by a law school of admission to a qualified applicant is treated as made upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an admission qualification of the school that is intended to prevent the admission of applicants on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Interpretation 205-5

The denial by a law school of employment to a qualified individual is treated as made upon the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability if the basis of denial relied upon is an employment policy of the school that is intended to prevent the employment of individuals on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability though not purporting to do so.

Interpretation 205-6

The requirements stated in Standards 205(a) and 205(b) that a law school adopt and publish policies regarding non-discrimination and equality of opportunity may be satisfied through the adoption and publication of appropriate policies by a parent institution.

Standard 206. Diversity and Inclusion

Redlined Draft:

Standard 206. DIVERSITY AND INCLUSION

A law school shall demonstrate by concrete action a commitment to:

- (a) ~~Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by p~~Providing full

opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities; ~~and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.~~

~~(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by h~~Having a student body, faculty, and staff that are diverse with respect to gender, race, and ethnicity; and-

(c) Providing an environment that is inclusive with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability.

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity ~~and inclusion~~. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups.

Interpretation 206-3

As used in Standard 206(c), an inclusive environment is intended to connote an environment that is welcoming with respect to individuals regardless of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability. While the forms of concrete action required to demonstrate a law school's commitment to an inclusive environment under this Standard are not specified, they may include periodic assessment of progress towards having an inclusive environment; the portrayal of the law school as inclusive to potential students, faculty, and staff; support of affinity groups; provision of mentoring opportunities; and support of pro bono and externship opportunities that reflect a commitment to an inclusive environment. The

determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions.

Standard 503. Admissions Test

Redlined Draft:

Standard 501. ADMISSIONS

(a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, ~~its~~ the law school's mission, and the objectives of its program of legal education.

(b) A law school shall ~~only~~ admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.

(c) Among the factors to consider in assessing compliance with this Standard are the academic and admission 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, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

~~(d)~~ (e) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

~~Interpretation 501-1~~

~~Among the factors to consider in assessing compliance with this Standard 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, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.~~

Interpretation 501-21

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome. If a law schools requires an admission test, it shall publish information regarding which tests are accepted.

Interpretation 501-32

A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.

Standard 503. ADMISSION TEST

~~A law school shall require each applicant for admission as a first-year J.D. degree student to take a valid and reliable admission test to assist the school and the applicant in assessing the applicant's capability of satisfactorily completing the school's program of legal education. In making admissions decisions, a law school shall use the test results in a manner that is consistent with the current guidelines regarding proper use of the test results provided by the agency that developed the test.~~

Interpretation 503-1

~~A law school that uses an admission test other than the Law School Admission Test sponsored by the Law School Admission Council shall demonstrate that such other test is a valid and reliable test to assist the school in assessing an applicant's capability to satisfactorily complete the school's program of legal education.~~

Interpretation 503-2

~~This Standard does not prescribe the particular weight that a law school should give to an applicant's admission test score in deciding whether to admit or deny admission to the applicant.~~

Interpretation 503-3

- ~~(a) It is not a violation of this Standard for a law school to admit no more than 10% of an entering class without requiring the LSAT from:
 - ~~(1) Students in an undergraduate program of the same institution as the J.D. program; and/or~~
 - ~~(2) Students seeking the J.D. degree in combination with a degree in a different discipline.~~~~
- ~~(b) Applicants admitted under subsection (a) must meet the following conditions:
 - ~~(1) Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection (a)(1) or for purposes of subsection (a)(2), scored at or above the 85th percentile on the GRE or GMAT; and~~
 - ~~(2) Ranked in the top 10% of their undergraduate class through six semesters of academic work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic work.~~~~