
Proposed Amendments to Rules of Procedure for Approval of Law Schools

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I. Scope and Authority

Rule 1: Scope and Purpose

These Rules of Procedure govern the accreditation process as carried out by the Council, ~~Accreditation Committee~~, Managing Director, and Appeals Panel. They establish processes relating to accreditation that further the purposes of the Standards and promote consistency, fairness, and transparency.

Rule 2: Council Responsibility and Authority with Regard to Accreditation Status

The Council has ~~primary~~ authority to determine compliance with the Standards. ~~It has delegated certain authority to the Accreditation Committee as stated in Rule 3.~~ The Council has authority to:

- (a) grant or deny an application of a law school for provisional approval or full approval;
- (b) withdraw provisional or full approval;
- (c) grant or deny applications for acquiescence in a major change, as provided in the Standards;
- (d) grant or deny applications for variances;
- (e) approve or deny approval of a teach-out plan;
- (f) impose sanctions and/or direct specific remedial action; **and**
- ~~(g) consider appeals from decisions of the Accreditation Committee; and~~
- (g)** set fees for services and activities related to accreditation
- (h)** granting or denying an application for approval of a foreign programs, and the continuance of a foreign program as set forth in the Criteria for Foreign Summer and Intersession Programs offered by ABA-Approved Law Schools in a Location Outside the United States; the Criteria for Approval of Foreign Semester and Year-Long Programs; and the Criteria for Accepting Credit for Student Study at a Foreign Institution; and
- (i)** create subcommittees and task forces as it deems appropriate. Subcommittees do not have the authority to take action on behalf of the Accreditation Committee but have the authority to make recommendations where appropriate.

~~Rule 3: Accreditation Committee Responsibility and Authority~~

~~The responsibility and authority of the Accreditation Committee is delegated to it by the Council.~~

- ~~(a) The Committee has jurisdiction to make recommendations to the Council concerning:~~
 - ~~(1) an application for provisional or full approval;~~
 - ~~(2) withdrawal of provisional or full approval;~~
 - ~~(3) an application for acquiescence in a major change under Rules 29(a)(1) through 29(a)(13);~~
 - ~~(4) an application for a variance; and~~
 - ~~(5) approval or denial of a teach-out plan.~~

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- (b) ~~The Committee has jurisdiction to make decisions concerning all matters other than those specified in Rule 3(a), including:~~
- ~~(1) determining compliance with the Standards of any provisionally or fully approved law school in connection with a site evaluation, a complaint, a response to a request for information, a fact-finding report, interim monitoring of accreditation status, or any other circumstances as provided in these Rules;~~
 - ~~(2) granting or denying an application for approval of a foreign programs, and the continuance of a foreign program as set forth in the Criteria for Foreign Summer and Intersession Programs Offered by ABA Approved Law Schools in a Location Outside the United States; the Criteria for Approval of Foreign Semester and Year Long Programs; and the Criteria for Accepting Credit for Student Study at a Foreign Institution; and~~
 - ~~(3) granting or denying an application for acquiescence in a major change under Rule 29(a)(14) through 29(a)(17).~~
- (c) ~~The Committee has jurisdiction to impose sanctions and/or direct specific remedial action, or to recommend to the Council that it impose sanctions and/or direct specific remedial action, in accordance with Rules 16 to 18.~~
- (d) ~~The Committee has the authority to create subcommittees and task forces as it deems appropriate. Subcommittees do not have the authority to take action on behalf of the Accreditation Committee but have the authority to make recommendations where appropriate.~~

Rule 3: Appeals Panel Authority

An Appeals Panel has authority to consider appeals of the following decisions of the Council:

- (a) Denial of provisional approval;
- (b) Denial of full approval; or
- (c) Withdrawal of provisional or full approval.

II. Information

Rule 4 ~~5~~: Site Evaluations

- (a) A site evaluation of a law school or of a program is a comprehensive examination of the law school or program conducted by one or more persons qualified to conduct site evaluations who:
 - (1) Review documents relating to the law school or program;
 - (2) Perform an on-site evaluation of the law school or program; and
 - (3) Prepare a factual report to be used by the ~~Committee~~ **Council** for purposes of making decisions or recommendations relating to accreditation status of the law school or program.

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- (b) Site evaluations of law schools shall be conducted according to the following schedule:
- (1) 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~~ **tenth** year thereafter.
 - (2) A site evaluation of a provisionally approved law school shall be conducted in accordance with subsection (g) below.
 - (3) A site evaluation shall be conducted upon application by a law school for provisional approval.
- (c) The ~~Council or Committee~~ may order additional site evaluations of a law school when special circumstances warrant.
- (d) In extraordinary circumstances, a site evaluation of a law school may be postponed ~~upon the request of the law school~~. In such cases, the postponement shall be at the discretion of the Managing Director in consultation with the chair of the ~~Committee~~ **Council** and shall not exceed one year.
- (e) When a site evaluation of a law school is required under the Standards or these Rules, the Managing Director shall make the following arrangements:
- (1) Schedule the site evaluation during the regular academic year, at a time when classes in the program of legal education are being conducted.
 - (2) Appoint a qualified site evaluation team of sufficient size to accomplish the purposes of the site evaluation, and appoint a chair of the site evaluation team;
 - (3) Provide the site evaluation team all relevant documents relating to ~~the accreditation history and Accreditation Committee and~~ **the accreditation history and** Council action regarding the law school;
 - (4) Provide the site evaluation team with any third-party comments received by the Managing Director's Office regarding the law school's compliance with the Standards;
 - (5) Provide the site evaluation team all complaints received under Rule ~~43~~ **38** and not **previously** dismissed; ~~by the Managing Director or the Accreditation Committee;~~ and
 - (6) Provide the site evaluation team with any necessary or appropriate directions or instructions.
- (f) In connection with a site evaluation of a law school, the Managing Director shall direct the law school to provide the following documents to the site evaluation team before the site evaluation:
- (1) All completed forms and questionnaires, as adopted by the Council; and
 - (2) In the case of a law school applying for provisional or full approval, the completed application for provisional or full approval.
- (g) Site evaluations for provisionally approved law schools shall be conducted as follows:
- (1) In years two and four, and upon application for full approval, the law school shall be inspected in accordance with the rules for site evaluation of fully approved law schools.
 - (2) The ~~Accreditation Committee~~ **Council** has the discretion to order a site evaluation in any other year. The ~~Accreditation Committee~~ **Council** may direct that the additional site evaluation be limited in scope.
- (h) Following a site evaluation, the site evaluation team shall prepare a written report on facts and observations that will enable the ~~Committee~~ **Council** to determine compliance with the Standards or other issues relating to the accreditation status of the law school. A site evaluation report shall not contain conclusions regarding compliance with Standards or make recommendations for action by the ~~Committee or the~~ **Council**.

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- (i) The Managing Director shall review the report submitted by a site evaluation team and ensure that it complies with (h). The Managing Director shall then transmit the report to the president and the dean in order to provide an opportunity to make factual corrections and comments. The law school shall be given at least 30 days to prepare its response to the report, unless the law school consents to a shorter time period. The 30 day period shall run from the date on which the Managing Director transmits the report to the law school.
 - (j) Following receipt of the law school's response to the site evaluation report, the Managing Director shall forward a copy of the report with the law school's response to ~~members of the Accreditation Committee~~ **the Council** and the site evaluation team.
 - (k) Site evaluations regarding foreign programs shall be conducted as provided under the:
 - (1) Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States;
 - (2) Criteria for Approval of Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools.

Rule 5 6: Interim Monitoring of Accreditation Status

- (a) The ~~Accreditation Committee~~ **Council** shall monitor the accreditation status of law schools on an interim basis between site evaluations. In its interim monitoring of a law school's accreditation status, the ~~Committee~~ **Council** shall use a law school's annual questionnaire submissions, other information requested by the **Council** ~~Committee~~, and information otherwise deemed reliable by the **Council** ~~Committee~~ for its review.
- (b) In conducting interim monitoring of law schools, the **Council** ~~Committee~~ shall consider at a minimum:
 - (1) Resources available to the law school;
 - (2) Efforts and effectiveness in facilitating student career placement;
 - (3) Bar passage; and
 - (4) Student admissions including student credentials, size of enrollment, and academic attrition.

Rule 6 7: Acquisition of Additional Information by the ~~Accreditation Committee and~~ Council

At any time in carrying out their responsibilities under the Standards and Rules, ~~the Committee~~, the Council, or the Managing Director in consultation with the Chair of the ~~Committee or the~~ Council, may require a law school to provide information or respond to an inquiry.

Rule 7 8: Submission of Information

In any case in which the ~~Committee~~, the Council, or the Managing Director requests information from a law school pursuant to Rule 6 7, the law school shall be given a date certain to provide the information.

Rule 8 9: Appointment of a Fact Finder

- (a) One or more qualified persons may be appointed as fact finders for the specific purpose of gathering information to enable the ~~Committee or the~~ Council to determine a law school's compliance with a Standard. A fact finder may be required at any time at the direction of the

Council, ~~Committee~~, or Managing Director, and may be required under Rules ~~24 29~~(c) and ~~25 30~~(e) in connection with a law school's application for acquiescence in a major change; under Rule ~~24 29~~(d) to assess compliance subsequent to the effective date of acquiescence in a major change; under Rule ~~28 33~~(b) in connection with a request for a variance; and under Rule ~~39~~(b) in connection with a complaint.

- (b) The appointment of a fact finder shall include the following:
 - (1) A statement of the Standards, Rules, or other requirements to which the appointment relates;
 - (2) A statement of questions or issues for determination by the fact finder;
 - (3) A statement of relevant documents or information provided to the fact finder; and
 - (4) A date by which the fact finding report shall be submitted.
- (c) The fact finder shall prepare a written report on facts and observations that will enable the ~~Committee~~ **Council** to determine compliance with a Standard or any other issue before the ~~Committee~~ **Council**, or determine appropriate action in response to an actual or potential violation of a Standard. A fact-finding report shall not contain conclusions regarding compliance with the Standards or make recommendations for action by the ~~Committee~~ **Council**.
- (d) The Managing Director shall review the report submitted by a fact finder and ensure that it complies with (c). The Managing Director shall then transmit the report to the dean in order to provide an opportunity for the law school to make factual corrections and comments. The law school shall be given at least 30 days to prepare its response to the report, unless the law school consents to a shorter time period. The 30 day period shall run from the date on which the Managing Director transmits the report to the law school.

Rule 9 10: Notice of Accreditation Decision by Other Agency

- (a) An approved law school shall promptly inform the Managing Director of the following actions with respect to the law school:
 - (1) Pending or final action by State agency to suspend, revoke, withdraw, or terminate legal authority to provide post-secondary education;
 - (2) Decision by recognized agency to deny accreditation or pre-accreditation;
 - (3) Pending or final action by recognized agency to suspend, revoke, withdraw, or terminate accreditation or pre-accreditation; or
 - (4) Probation or equivalent status imposed by recognized agency.
- (b) If the law school is part of a university, then the law school shall promptly inform the Managing Director of the above actions with respect to the university or any program offered by the university.

~~(c) A law school must complete and submit the Notice of State or Other Recognized Agency Action Form.~~

~~(c)~~ (c) The Council will not grant approval to a law school if the Council knows, or has reasonable cause to know, that the law school is subject to the actions in subsection (a), unless the Council can provide a thorough and reasonable explanation, consistent with the Standards, why the action of the other body does not preclude the Council's grant of approval. Such explanation will be provided to the Secretary of the Department of Education.

~~(d)~~ If the Council learns that an approved law school is the subject of an adverse action by another recognized accrediting agency or has been placed on probation or an equivalent status by another recognized agency, the Council will promptly review its approval of the law school to determine if it should also take adverse action or place the law school on probation.

~~(e)~~ The Council will, upon request, share with other appropriate recognized accrediting agencies and recognized State approval agencies information about the accreditation status of a law school and any adverse actions it has taken against a law school.

Rule 10 14: Failure to Provide Information or Cooperate with the Gathering of Information

- (a) The ~~Committee~~ or Council may find that a law school has:
- (1) Failed to provide information required to be provided under the Standards;
 - (2) Failed to comply with a request for information under these Rules of Procedure;
 - (3) Provided information to the **Council** ~~Committee~~ or the Managing Director's Office that the ~~Committee~~ **Council** has reason to believe is false or misleading; or
 - (4) Failed to cooperate with a site evaluation, a fact finder, or other process for the gathering of information under the Standards or these Rules of Procedure.
- (b) If the ~~Committee~~ or Council makes a finding under (a) above, then the ~~Committee~~ or Council may direct that representatives of the law school, including any person specifically designated by the ~~Committee~~ or Council, appear at a hearing to determine whether to impose sanctions and/or direct specific remedial action.

III. Action on Information

Rule 11 12: Proceedings to Determine Compliance with Standards in General

- (a) In a proceeding to determine accreditation status or compliance with the Standards within the jurisdiction of the **Council** ~~Committee~~ under Rule 2 3, the **Council** ~~Committee~~ may:
- (1) Conclude that the law school is in compliance with a Standard or all of the Standards;
 - (2) Request or gather further information that will enable the **Council** ~~Committee~~ to determine compliance with one or more Standards;
 - (3) Conclude that the **Council** ~~Committee~~ has reason to believe that a law school has not demonstrated compliance with the Standards;
 - (4) Conclude that the law school is not in compliance with a Standard; or
 - ~~(5) Appoint a fact-finder.~~ **Direct the Managing Director to appoint a fact-finder.**
- (b) In the event the **Council** ~~Committee~~ requests or gathers further information or appoints a fact finder in accordance with Rule 11 12(a) upon receipt of the law school's response or any fact-finding report, the **Council** ~~Committee~~ must find the law school in compliance or not in compliance with the Standards for which information was requested or gathered, absent clearly articulated special circumstances. In the event of such special circumstances, the **Council** ~~Committee~~ may request or gather further information pursuant to 11 12(a)(2), 11 12(a)(3), or 11 12(a)(5).

Rule 12 13: Determinations of Compliance

- (a) A determination that the law school is in compliance with all of the Standards means that the law school remains an approved law school.
- (b) In finding a law school in compliance with a Standard, the **Council Committee** may couple the finding with a statement calling the law school's attention to the requirements of that Standard when the **Council Committee** has reason to believe that the law school might, at some time before the next scheduled site evaluation, no longer be in compliance with the Standard in question.
- (c) 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.

Rule 13 14: Actions on Determinations of Noncompliance with a Standard

- (a) Following a determination by the **Council Committee** of non-compliance with a Standard in accord with Rule 11 12(a)(4), the **Council Committee** shall:
 - (1) Require the law school to bring itself into compliance and submit information by a specific date to demonstrate that it has come into compliance with the Standard; and
 - (2) Direct that representatives of the law school, including any person specifically designated by the **Council Committee**, appear at a hearing to determine whether to impose sanctions or direct specific remedial action in connection with the law school's non-compliance with the Standard.
- (b) The period of time by which a law school is required to demonstrate compliance with a Standard shall not exceed two years from the date of determination of noncompliance, except as provided for in subsection (c).
- (c) Upon request of the law school and for good cause shown, the ~~Committee~~ **Council** may extend the date of compliance. ~~or may recommend that the Council extend the date of compliance.~~

Rule 14 15: Reconsideration; Right to Appeal

- (a) 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.
~~— A law school has a right to appeal a decision of the Accreditation Committee as provided in Rule 23.~~
- (b) A law school has a right to appeal a decision of the Council as provided in Rule 3 36.

IV. Sanctions

Rule 15 16: Sanctions for Noncompliance with a Standard

- (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 law school's status by ~~the Committee or~~ the Council, or in public statements concerning the law school's approval status;
 - (5) Initiating a major change or implementing a new program without having obtained the prior approval or acquiescence required by the Standards; or
 - (6) Provision of incomplete, inaccurate or misleading consumer information in violation of Standard 509.
- (b) Sanctions may include any or all of the following:
- (1) A monetary payment;
 - (2) A requirement that the law school refund all or part of tuition or fees paid by students;
 - (3) Public censure;
 - (4) Private censure;
 - (5) Publication or distribution of an apology or corrective statement by the law school;
 - (6) A prohibition against initiating new programs for a specific period;
 - (7) Probation for a specific period or until specific conditions are fulfilled; or
 - (8) Withdrawal of provisional or full approval.
- ~~(c) The Committee may itself impose any sanction under (b), except for sanctions under (7) or (8), which the Committee may recommend to the Council.~~
- (c) Any sanction under (b) may be imposed, even if the law school has, at the time of the decision or recommendation, ceased the actions that are the basis for sanctions or otherwise brought itself into compliance with the Standards.
- (d) The **Council** ~~Committee will~~ **shall** consider aggravating and mitigating circumstances in determining the appropriate sanction, including the amount of a monetary payment.
- (1) Aggravating circumstances are considerations or factors that may justify an increase in the degree or severity of the sanction to be imposed and include, without limitation:
 - (i) prior history of violations;
 - (ii) degree of negligence, recklessness, or knowledge;
 - (iii) effort to conceal;
 - (iv) dishonest or selfish motive;

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- (v) a pattern of misconduct;
 - (vi) bad faith obstruction of an investigation or sanction proceeding by failing to comply with requests of the Managing Director's Office, a Fact Finder, or rules of a sanction proceeding;
 - (vii) submission of false or misleading evidence, false or misleading statements, or other deceptive practices during the investigation process or sanction proceeding;
 - (viii) refusal to acknowledge wrongful nature of conduct;
 - (ix) injury to former, current, or prospective law students;
 - (x) apparent amount of monetary, strategic, or reputational gain;
 - (xi) failure to have sufficient systems in place to ensure compliance, including the law school dean's lack of oversight;
 - (xii) institutional incentive structures that may contribute to noncompliance; and
 - (xiii) failure to enquire or investigate when circumstances warrant enquiry or investigation.
- (2) Mitigating circumstances are any considerations or factors that may justify withholding or reducing a sanction and include, without limitation:
- (i) absence of a prior history of violations;
 - (ii) degree of negligence, recklessness, or knowledge;
 - (iii) apparent lack of monetary, strategic, or reputational gain;
 - (iv) self-reporting of violation;
 - (v) timely good faith effort to rectify consequences of violation;
 - (vi) full and free disclosure to and cooperation with Managing Director's Office, cooperation with fact finder, or cooperative attitude toward sanction proceedings; and
 - (vii) imposition of other sanctions.

Rule 16 17: Sanctions for Failure to Cure Noncompliance with a Standard

If, following a determination by the ~~Council Committee~~ that a law school is not in compliance with a Standard, the law school fails to bring itself into compliance within the time specified by the ~~Council Committee~~, including any extension for good cause, or fails to complete remedial action directed under ~~Rule 20 21(c)~~ or fails to comply with sanctions imposed by the ~~Committee or Council~~ under ~~Rule 15 16(b)~~, the ~~Council Committee~~ shall impose ~~or recommend that the Council impose~~ further remedial action or sanctions as provided for in ~~Rule 15 or the Council may 16(c) and 16(d) or recommend that the Council~~ extend the period for the law school to bring itself into compliance.

Rule 17 18: Monitoring and Enforcing Compliance with Sanctions

- (a) The ~~Council Committee~~ shall monitor the law school's compliance with any requirements for remedial action, any sanctions, or any requirements of probation imposed under these Rules. If the ~~Council Committee~~ concludes that the law 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 ~~Council Committee~~ may impose ~~or recommend that the Council impose~~ additional sanctions referred to in ~~Rule 15 (b). 16(b)~~. The ~~Committee may itself impose any sanction under 16(b), except for sanctions under (7) or (8).~~

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- (b) If a law school has been placed on probation, the law school shall demonstrate compliance with the Standards by the end of the period fixed for probation. If the law school fails to demonstrate compliance, then the ~~Council Committee~~ shall:
- (1) ~~Recommend that the Council~~ Withdraw approval; or
 - (2) ~~Recommend that, for good cause shown, the Council~~ Extend the period for the law school to bring itself into compliance ~~for good cause shown.~~
- (c) If a law school has been placed on probation, and the law school demonstrates compliance with the Standards by the end of the period fixed for probation, then Council ~~shall remove the~~ probationary status ~~be removed~~ ~~of the law school.~~

V. Hearings and Meetings of the Accreditation Committee Council

Rule ~~18 19~~: ~~Accreditation Committee~~ Council Consideration

- (a) The ~~Accreditation Committee~~ Council shall consider the status of a law school under Part III or an application from a law school under Part ~~VI VII~~ based on a record consisting of the following, as appropriate:
- (1) Any fact finder's report relating to the subject matter under consideration and any response from the law school;
 - (2) The most recent site evaluation report and any response from the law school;
 - (3) The most recent site evaluation questionnaire;
 - (4) The most recent annual questionnaire;
 - (5) Any letters reporting ~~Committee or~~ accreditation decisions written subsequent to the most recent site evaluation report, and any responses of the law school;
 - (6) The application for provisional or full approval;
 - (7) The application for acquiescence in a major change;
 - (8) The application for a variance of a standard; and
 - (9) Any other information that the Managing Director and the Chair determine relevant to the matter under consideration.
- (~~b~~) The ~~Committee~~ Council shall make findings of fact and state conclusions with respect to the matter under consideration. ~~If the matter falls within the provisions of Rule 3(a), the Committee shall make recommendations to the Council.~~

Rule 19 20: Attendance at Council Accreditation Committee Meetings and Hearings

- (a) A law school has a right to have representatives of the law school, including legal counsel, appear before the **Council Committee** at a hearing regarding (i) the law school's application for provisional approval, (ii) the law school's application for full approval, (iii) the law school's application for acquiescence in a **substantive major** change under Rule ~~2429~~(a)(1) – ~~2429~~(a)(13), or at a hearing to determine whether to impose sanctions and/or direct specific remedial action on the part of the law school.
- (b) The Managing Director in consultation with the Chair of the **Council Committee** may set reasonable limitations on the number of law school representatives that may appear and on the amount of time allotted for the appearance.
- © Except as permitted in subsection (a), a law school does not have a right to appear at a meeting of the **Council Accreditation Committee**.
- (d) The Managing Director or designee and any additional staff designated by the Managing Director shall be present at **Council Accreditation Committee** meetings and hearings. Legal Counsel for the Section may also be present at **Council Accreditation Committee** meetings and hearings.

Rule 20 21: Hearings before the Council Accreditation Committee

- (a) In any hearing held in accordance with Rules ~~10 11~~(b) or ~~13 14~~(a)(2), the Managing Director shall give the law school at least 30 days' notice of the **Council Committee** hearing. The notice shall specify the apparent non-compliance with the Standards or the apparent failure to provide information or to cooperate with the gathering of information and shall state the time and place of the hearing. For good cause shown, the Managing Director in consultation with the Chair may grant the law school additional time, not to exceed 30 days. Both the notice and the request for extension of time must be in writing.
- (b) In any hearing before the **Council Committee**, the Managing Director shall provide the **Council Committee** with all appropriate questionnaires, reports, correspondence and any other information that the Managing Director and the Chair determine relevant to the hearing.
- (c) If the ~~Committee~~ **Council** determines following a hearing that a law school is not in compliance with a Standard then the **Council Committee** may:
 - (1) Impose sanctions, ~~or recommend that the Council impose sanctions,~~ on the law school; and/or
 - (2) Direct specific remedial action on the part of the law school.
- (d) Upon receipt of information demonstrating compliance with the Standard, the **Council Committee** may at any time find that the law school is in compliance and cancel the hearing.
- (e) **Decisions of the Council shall be effective upon issuance.**

~~VI Hearings and Meetings of the Council~~

~~Rule 22: Council Consideration of Recommendation of Accreditation Committee~~

- ~~(a) A law school has a right to have representatives of the law school, including legal counsel, appear before the Council at a Council hearing following a Committee recommendation regarding (i) the law school's application for provisional approval, (ii) the law school's application for full approval, (iii) the law school's application for acquiescence in a major change under Rule 29(a)(1)–29(a)(13), and (iv) the Committee's recommendation to impose sanctions following a hearing held in accordance with Rules 11(b) or 14(a)(2).~~
- ~~(b) The Managing Director in consultation with the Chair of the Council may set reasonable limitations on the number of law school representatives that may appear at a meeting and on the amount of time allotted for the appearance.~~
- ~~(c) Except as permitted in subsection (a), a law school does not have a right to appear at a Council meeting, hearing or proceeding on any matter related to the accreditation of a law school.~~
- ~~(d) The Chair of the Council may invite the Chair of the Accreditation Committee to appear at the hearing, if the Chair determines that such person could reasonably be expected to provide information helpful to the Committee. The Chair of the Accreditation Committee may not present new evidence unless the law school has the opportunity to respond to that new evidence.~~
- ~~(e) The Managing Director or designee and any additional staff designated by the Managing Director shall be present at Accreditation Committee meetings and hearings. Legal Counsel for the Section may also be present at Accreditation Committee meetings and hearings.~~

~~Rule 23: Council Consideration of Appeal from Accreditation Committee Decision~~

- ~~(a) A law school may appeal a decision of the Committee by filing with the Managing Director a written appeal within 30 days after the date of the letter reporting the Committee's decision.~~
- ~~(b) The Council shall consider the appeal promptly and, when feasible, at its next regularly-scheduled meeting.~~
- ~~(c) A law school shall not have a right to appear before the Council in connection with the appeal.~~

~~Rule 24: Evidence and Record for Decision~~

- ~~(a) In any action on a recommendation of the Committee or in any appeal from a Committee decision, the Council shall adopt the Committee's findings of fact unless the Council determines that the findings are not supported by substantial evidence in the record.~~
- ~~(b) In any action on a recommendation of the Committee or in any appeal from a Committee decision, the record on which the Council shall make its decision shall be the following:~~

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- (1) ~~The record before the Committee on which the Committee based its decision or recommendation;~~
 - (2) ~~The letter setting forth the Committee's decision or recommendation;~~
 - (3) ~~The written appeal by the law school, if applicable;~~
 - (4) ~~Any written submission by the Committee in response to an appeal, if applicable;~~
 - (5) ~~Any testimony of the law school in a hearing or an appearance before the Council.~~
- (c) ~~Except as specifically provided otherwise in these Rules, the law school shall not present any evidence to the Council that was not before the Committee at the time of the Committee's decision or recommendation.~~
- (d) ~~In any action on a recommendation of the Committee or in any appeal from a Committee decision, the Council will accept new evidence submitted by the law school only if the Executive Committee of the Council determines 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 law 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.~~

Rule 25: Decisions by the Council

- (a) ~~In any action on a recommendation of the Committee or in any appeal from a Committee decision, the Council shall give substantial deference to the conclusions, decisions, and recommendations of the Committee.~~
- (b) ~~In any action on a recommendation of the Committee or in any appeal from a Committee decision, the Council may, as appropriate:~~
- (1) ~~Affirm the Committee's decision or recommendation;~~
 - (2) ~~Amend the Committee's decision or recommendation, including imposing any sanction regardless of whether the Committee has imposed or recommended any sanction;~~
 - (3) ~~Reverse the Committee's decision or recommendation; or~~
 - (4) ~~Remand the matter to the Committee for further proceedings.~~
- (c) ~~If the Council remands a decision for further consideration or action by the Committee, the Council shall identify specific issues that the Committee must address.~~

Rule 26: Action by Council Following Appeals Panel Proceeding

- (a) If the Appeals Panel remands a decision of the Council for further consideration or action by the Council, the Council shall proceed in a manner consistent with the Appeals Panel's decisions or instructions.
- (b) In implementing the decision of the Appeals Panel, the Council may impose monitoring, reporting or other requirements on the law school consistent with the Appeals Panel decision and the Rules of Procedure.

VI. Applications

Rule ~~227~~: Application for Provisional or Full Approval

- (a) A law school seeking provisional or full approval shall file with the Managing Director a written notice of intent to seek approval.
 - (1) The notice shall be filed no later than March 15 in the academic year prior to the academic year in which the law school will apply for approval and shall indicate the law school's preference for a fall or spring site evaluation visit.
 - (2) Upon receipt of written notice of a law school's intent to seek provisional or full approval, the Managing Director shall arrange for a site evaluation as provided under Rule 4.5.
 - (3) A law school may not apply for provisional approval until it has completed the first full academic year of operating a full-time program of legal education.
 - (4) A provisionally approved law school may apply for full approval no earlier than two years after the date that provisional approval was granted.
 - (5) Upon notice to the Managing Director of its intent to seek provisional approval, a law school seeking provisional approval shall comply with Standard 102(f) regarding communication of its status.
- (b) The application for provisional or full approval is due at least eight weeks prior to the scheduled site evaluation visit and must contain:
 - (1) A letter from the dean certifying that the law school has completed all of the requirements for seeking provisional or full approval or that the law school seeks a variance from specific requirements of the Standards and that the law school has obtained the concurrence of the president in the application;
 - (2) All completed forms and questionnaires, as adopted by the Council;
 - (3) In the case of a law school seeking provisional approval, a copy of a feasibility study that evaluates the nature of the educational program and goals of the law school, the profile of the students who are likely to apply, and the resources necessary to create and sustain the law school, including relation to the resources of a parent institution, if any;
 - (4) A copy of the self-study;
 - (5) 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;
 - (6) Appropriate documents detailing the law school and parent institution's ownership interest in any land or physical facilities used by the law school;
 - (7) A request that the Managing Director schedule a site evaluation at the law school's expense; and
 - (8) Payment to the Section of any required fee.
- (c) 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.

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- (d) A law school shall disclose whether an accrediting agency recognized by the United States 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 United States 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 law school shall provide the Managing Director with information concerning the basis for the action of the accrediting agency.

Rule 23 28: Reapplication for Provisional or Full Approval

- (a) If the Council denies an application for provisional or full approval or withdraws provisional or full approval, or if a law school withdraws an application for provisional or full approval, a law school shall not reapply until it is able to certify that it has addressed the reasons for the denial, removal, or withdrawal, explain how it has done so, and is able to demonstrate that it is operating in compliance with the Standards.
- (b) Any notice and reapplication must be filed within the schedule prescribed by Rule 22 27.

Rule 24 29: Application for Acquiescence in Major Substantive Change

- (a) Major Substantive changes requiring application for acquiescence include:
- (1) Acquiring another law school, program, or educational institution;
 - (2) 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;
 - (3) Transferring all, or substantially all, of the program of legal education or assets of the approved law school to another law school or university;
 - (4) Merging or affiliating with one or more approved or unapproved law schools;
 - (5) Merging or affiliating with one or more universities;
 - (6) Materially modifying the law school's legal status or institutional relationship with a parent institution;
 - (7) A change in control of the law school resulting from a change in ownership of the law school or a contractual arrangement;
 - (8) A change in the location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school;
 - (9) Establishing a branch campus;
 - (10) Establishing a separate location other than a branch campus;
 - (11) A significant change in the mission or objectives of the law school;
 - (12) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the latest site evaluation including instituting a new full-time or part-time division;
 - (13) 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;

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- (14) 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;
- (15) Establishing a new or different program leading to a certificate or -degree other than the J.D. degree;
- (16) A change in program length measurement from clock hours to credit hours; and
- (17) A substantial increase in the number of clock or credit hours required for graduation.
- (b) An application for acquiescence in a ~~major~~ **substantive** change shall consist of the following:
- (1) All completed forms and questionnaires, as adopted by the Council;
 - (2) A letter from the dean certifying that the law school has completed all of the requirements for requesting acquiescence in a ~~major~~ **substantive** change and that the law school has obtained the concurrence of the president in the application;
 - (3) A copy of the law school's most recent self-study or an updated self-study if the most recent self-study is more than three years old where the application is for acquiescence in a ~~major~~ **substantive** change described in Rule ~~24 29~~(a)(1) through ~~24 29~~(a)(13);
 - (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) Payment to the Section of the application fee.
- (c) The Managing Director shall appoint a fact finder in connection with an application for acquiescence in a **substantive** ~~major~~ change, except that no fact finder is required if the Managing Director and the Chair of the ~~Council Accreditation Committee~~ determine that the application does not require additional information to assist ~~Accreditation Committee and~~ Council determination of the question of acquiescence.
- (d) ~~When the Council grants~~ **In recommending or granting** acquiescence in a **substantive** ~~major~~ change under Rules ~~24 29~~(a)(1) through ~~24 29~~(a)(9), the ~~Committee or Council~~ **Managing Director** shall appoint a fact finder subsequent to the effective date of acquiescence as provided in Rule ~~25 30~~(e). The ~~Committee or~~ Council also may **direct appointment** ~~appoint~~ of a fact finder subsequent to the effective date of acquiescence in a **substantive** ~~major~~ change under Rules ~~24 29~~(a)(10) through ~~24 29~~(a)(17) for purposes of determining whether the law school remains in compliance with the Standards. ~~In recommending or granting~~ **When the Council grants** acquiescence under Rule ~~24 29~~(a)(10) in a separate location at which the law school offers more than 50% of the law school's program of legal education; ~~however, the Committee or Council~~ **the Managing Director** shall appoint a fact finder to conduct a visit within six months of the effective date of acquiescence or in the first academic term subsequent to acquiescence in which students are enrolled at the separate location.
- (e) In addition to satisfying the requirements of Rule ~~24 29~~(b), an application for acquiescence shall contain information sufficient to allow the ~~Accreditation Committee~~ **Council** to determine whether the ~~major~~ **substantive** change is so significant as to constitute the creation of a new or different law school. If the ~~Accreditation Committee~~ **Council** determines that the **substantive** ~~major~~ change constitutes the creation of a new or different law school, then it shall ~~recommend to the Council~~ **require** that the school apply for provisional approval under the provisions of Standard 102 and Rule ~~22 27~~. Factors that shall be considered in making the determination of whether the ~~major~~ **substantive** change is so significant as to constitute the creation of a new or different law school include, without limitation:
- (1) the financial resources available to the law school;
 - (2) a significant change, present or planned, in the governance of the law school;
 - (3) the overall composition of the faculty and staff at the law school;

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- (4) the educational program offered by the law school; and
 - (5) the location or physical facilities of the law school.
- (f) A law school's approval status remains unchanged following acquiescence in any **substantive** ~~major~~ change.
 - (g) A law school's request for acquiescence in the proposed ~~major~~ **substantive** change in organizational structure shall be considered under the provisions of Rule **25 30**, and will become effective upon the decision of the Council. The decision of the Council may not be retroactive.

Rule 25 30: Major Substantive Changes Requiring a Reliable Plan

- (a) In addition to satisfying the requirements of Rule ~~2429~~(b), an application for acquiescence under **Rule 24 29**(a)(1) through Rule ~~2429~~(a)(9) shall include a reliable plan.
- (b) The reliable plan in connection with the establishment of a branch campus under Rule ~~24 29~~(a)(9) shall contain information sufficient to allow the ~~Accreditation Committee and the~~ Council to determine that:
 - (1) The proposed branch campus has achieved substantial compliance with the Standards and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence;
 - (2) The proposed branch campus will meet the requirements of Standard 106 applicable to separate locations and branch campuses.
- (c) The reliable plan regarding a matter involving a substantial change in ownership, governance, control, assets, or finances of the law school, under Rule ~~24 29~~(a)(1) through **Rule 24 29**(a)(7) shall contain information sufficient to allow the ~~Accreditation Committee and the~~ Council to determine whether the law school is reasonably likely to be in full compliance with each of the Standards as of the effective date of acquiescence.
- (d) The reliable plan regarding a change in location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school under Rule ~~24 29~~(a)(8) shall contain information sufficient to allow the ~~Accreditation Committee and the~~ Council to determine whether the law school is reasonably likely to be in full compliance with each of the Standards within one year of the effective date of acquiescence.
- (e) In a case where the Council has acquiesced in a ~~major~~ **substantive** change subject to (a), the **Council Managing Director** shall appoint a fact finder subsequent to the effective date of acquiescence, as provided in (f), (g), or (h).
- (f) In the case of the establishment of a branch campus under Rule ~~24 29~~(a)(9), the fact finding visit required in accordance with (e) shall be conducted within six months of the effective date of acquiescence or in the first academic term subsequent to acquiescence in which students are enrolled at the branch campus to verify that the branch campus satisfies the requisites of (b)(2).
- (g) In a case involving a substantial change in ownership, control, assets, or finances of the law school under Rule ~~2429~~(a)(1) through **Rule 24 29**(a)(7), the fact finding visit required in accordance with (e) shall be conducted within six months of the effective date of acquiescence to verify that the law school is in compliance with the Standards.
- (h) In a case involving a substantial change in location of the law school that could result in substantial changes in the faculty, administration, student body, or management of the law school, under Rule ~~24 29~~(a)(8), the fact finding visit required in accordance with (e) shall be conducted within one year of acquiescence to verify that the law school is in compliance with the Standards.

Rule 26 31: Reapplication for Acquiescence in Major Substantive Change

- (a) If the ~~Committee or~~ Council denies an application for acquiescence in a ~~major~~ **substantive** change, or if an application for acquiescence in a **substantive** ~~major~~ change is withdrawn by a law school, a law school shall not reapply until it is able to certify in its application that it has addressed the reasons for the denial or withdrawal, explains how it has done so, and is able to demonstrate that it is operating in compliance with the Standards.
- (b) Any new application must be filed in accordance with Rule 24 29.

Rule 27 32: Application for Approval of Foreign Program

- (a) A law school may apply for approval of programs in accordance with the procedures set forth in the following Criteria:
 - (1) Criteria for Foreign Summer and Intersession Programs offered by ABA- Approved Law Schools in a location outside the United States;
 - (2) Criteria for Approval of Semester and Year-Long Study Abroad Programs Established by ABA- Approved Law Schools; or
 - (3) Criteria for Accepting Credit for Student Study at a Foreign Institution.

Rule 28 33: Application for Variance

- (a) A law school applying for a variance has the burden of demonstrating that the variance should be granted. The application should include, at a minimum, the following:
 - (1) A precise description of the program changes or other actions for which the variance is sought, and identification of the Standard or Standards with which they are or may be inconsistent;
 - (2) An explanation of the bases and reasons that justify granting the variance; and
 - (3) Any additional information and factual material needed to sustain the law school's burden of proof and support the granting of the application.
- (b) The ~~chair of the Accreditation Committee or the~~ Managing Director may appoint one or more fact finders to elicit additional information and facts relevant and necessary to consideration of the application for a variance.
- (c) The Managing Director, ~~the Accreditation Committee or the Council~~ may request written reports from a law school to which a variance has been granted in addition to the written reports required under the terms of the variance.

Rule 29 34: Teach-Out Plan

- (a) If a provisional or fully approved law school decides to cease operations or close a branch campus, the law school shall promptly make a public announcement of the decision and shall notify the Managing Director, the appropriate state licensing authority, and the United States Department of Education of the decision.

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- (b) A provisional or fully approved law school must submit a teach-out plan for approval upon occurrence of any of the following events:
- (1) The law school notifies the Managing Director's Office that it intends to cease operations or close a branch campus;
 - (2) ~~The Accreditation Committee recommends, or the~~ Council acts to withdraw, terminate, or suspend, the accreditation of the law school;
 - (3) The United States Secretary of Education notifies the Managing Director'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;
 - (4) A state licensing or authorizing agency notifies the Managing Director's Office that an institution's license or legal authorization to provide an educational program has been or will be revoked.
- (c) The law school shall submit the teach-out plan for the law school or branch being closed as required by paragraph (b) to the Managing Director's Office within the time specified by the Managing Director. The Managing Director's Office, in consultation with the Chair of the ~~Council Accreditation Committee~~, may require a law school to enter into a teach-out agreement as part of its teach-out plan.
- (d) A law school must submit the "Teach-Out Plan Approval Form," as adopted by the Council, and address each item in the form.
- (e) If a law school voluntarily enters into a teach-out agreement or if the Managing Director requires a law school to submit a teach-out agreement as part of a teach-out plan, the law school must submit the "Teach-Out Agreement Approval Form," as adopted by the Council, and address each criterion in the form.
- (f) ~~The Accreditation Committee~~ **Council will promptly review a shall either or approve or deny the** teach-out plan submitted in accordance with (b) and (c). ~~and shall recommend approval or denial of the plan by the Council.~~
- (1) Approval of the teach-out plan may be conditioned on specified changes to the plan.
 - (2) If the teach-out plan is denied, the law school must revise the plan to meet the deficiencies identified and resubmit the plan no later than 30 days after receiving notice of the decision.
- (g) Upon approval of a teach-out plan of a law school or branch that is also accredited by another recognized accrediting agency, the Managing Director's Office shall notify that accrediting agency within 30 days of its approval.
- (h) Upon approval of a teach-out plan, the Managing Director shall within 30 days notify all recognized agencies that accredit other programs offered by the institution of which the law school is a part.
- (i) In the event a law school closes without an approved teach-out plan or agreement, the Managing Director's office will work with the United States 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.

VII Appeals Panel Procedure

Rule 30 35: Appeals Panel

- (a) The Appeals Panel shall consist of at least five persons appointed by the Chair of the Council. Members shall 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 or until replaced. Appeals Panel members and alternates are eligible to serve consecutive terms or non-consecutive multiple terms.
- (b) Every member of the Appeals Panel shall be:
 - (1) A former member of the Council or Accreditation Committee; or
 - (2) An experienced site evaluator.
- (c) Members of the Appeals Panel shall be:
 - (1) Experienced in and knowledgeable about the Standards, Interpretations and Rules of Procedure;
 - (2) Trained in the Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the 3 years prior to appointment; and
 - (3) Subject to the Section's Conflicts of Interest Policy, as provided in IOP 19.
- (d) The Appeals Panel shall include **shall include at least one of each of the following:**
 - (1) an academic;
 - (2) an administrator;
 - (3) a legal educator;
 - (4) a practitioner or member of the judiciary; and
 - (5) a representative of the public.
- (e) No more than fifty percent of the members may be persons whose primary professional employment is as a law school dean, faculty or staff member. Public members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

Rule 31 36: Form and Content of Appeals to the Appeals Panel

- (a) A law school may appeal decisions of the Council specified in Rule 3 4 by filing a written appeal with the Managing Director within 30 days **after of** the date of the letter to the law school reporting the decision of the Council.
- (b) The written appeal **shall must** include:
 - (1) A statement of the grounds **upon which the appeal is based; for appeal;** and
 - (2) **Documentation Argument and documentation** in support of the **grounds upon which the appeal is based.**
- (c) The grounds for an appeal are limited to the following:
 - (1) ~~That~~ The decision of the Council was arbitrary and capricious; or
 - (2) ~~That~~ The Council failed to follow the applicable Rules of Procedure, **and the procedural-error which failure was substantial and prejudicial, adversely affecting**

the decision of the Council. ~~prejudiced its decision.~~

- (d) The written appeal and supporting documentation may not contain or refer to any evidence that was not in the record before the Council.

Rule 32 33: Membership of the Appeals Panel for the Proceeding

- (a) ~~Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall appoint three members of the Appeals Panel to hear the particular matter and make the decision. The appointed members shall be known as the Proceeding Panel. The Managing Director shall designate one member of the Proceeding Panel as chair.~~
- (b) ~~For law schools for which the Council is the institutional accreditor, the Managing Director shall appoint an academic, an administrator, and a representative of the public to serve on the Proceeding Panel. For law schools for which the Council is the programmatic accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a representative of the public to serve on the Proceeding Panel.~~
- (c) ~~In the event a member of the Appeals Panel cannot be appointed to participate in a decision on appeal so as to ensure that the Proceeding Panel meets the requirements of Rules 31 and 33 35 and 37, the Managing Director shall appoint to the Proceeding Panel another person who meets those requirements.~~

Rule 32 34: Scheduling of Hearings

- (a) ~~The Managing Director shall refer the appeal to the Appeals Panel w~~Within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel. ~~the Managing Director shall refer the appeal to the Proceeding Panel.~~ In referring the appeal, the Managing Director shall provide the ~~Proceeding Appeals~~ Panel with copies of:
- (1) The written appeal;
 - (2) The decision of the Council; and
 - (3) The record before the Council, including any transcript of hearing.
- (b) The Managing Director, in consultation with the Chair of the ~~Proceeding Appeals~~ Panel, shall set the date, time, and place of the hearing.
- (1) The hearing shall be scheduled within forty-five days of the Managing Director's referral of the appeal to the ~~Proceeding Appeals~~ Panel.
 - (2) The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days' notice.

Rule 33 35: Burdens and Evidence in Proceedings

- (a) The law school appealing to the Appeals Panel 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.~~ or that the Council

failed to follow the applicable Rules of Procedure, which failure was substantial and prejudicial, adversely affecting the decision of the Council

- (b) The appeal shall be decided ~~based exclusively~~ on the record before ~~the Committee and the Council, the transcript of the hearing before the Council, and the decision letter of letters of those bodies and any documents cited in those decision letters, and transcripts of hearings before the Committee and the Council. Except as provided in Rule 41(e),~~ New evidence shall ~~not~~ be considered by the Proceeding Panel.

Rule 34 40: Procedure in Hearings before the ~~Proceeding~~ Appeals Panel

- (a) The hearing will be a closed proceeding and not open to the public.
- (b) The law school shall have a right to have representatives, including legal counsel, appear at the hearing.
- (c) The Council shall be represented at the hearing through the Chair, other members of the Council as the Chair of the Council deems appropriate, and legal representation for the Council.
- (d) The Managing Director or designee shall be present at the hearing. The Managing Director may designate additional staff to be present at the hearing.
- (e) The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the ~~Proceeding~~ Panel, the Council, and the law school.

Rule 35 41: Action by ~~Decision of the Proceeding~~ Appeals Panel

- (a) ~~Within 30 days of the hearing, The Proceeding Appeals Panel shall provide the Council and the law school with a written statement of the Proceeding Panel's decision and the basis for that decision.~~ issue a written decision no later than 30 days following the hearing. The decision shall state specifically the grounds upon which it is based.
- (b) The ~~Proceeding~~ Appeals Panel, following a hearing, has the authority to:
- (1) Affirm the decision of the Council;
 - (2) Reverse the decision of the Council and enter a new decision;
 - (3) Amend the decision of the Council; or
 - (4) Remand the decision of the Council for further consideration.
- (c) The decision of the ~~Proceeding~~ Appeals Panel shall be effective upon issuance. If the ~~Proceeding~~ Appeals Panel remands a decision for further consideration or action by the Council, the ~~Proceeding~~ Appeals Panel shall identify specific issues that the Council must address.
- (d) Decisions by the ~~Proceeding~~ Appeals Panel under (b)(1), (2) and (3) are final and not appealable.
- (e) 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 Office of the Managing Director 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.
- (f) 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.
- (g) 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.

VIII Complaints Regarding Noncompliance with Standards

Rule 36: Complaints in General

- (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 with regard to law schools having J.D. programs approved by the Council.
- (b) The process for Complaints under these Rules ~~aims~~ is designed to bring to the attention of the Council, ~~the Committee,~~ and the Managing Director facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards.
- (c) 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. ~~Neither the Council, the Committee and~~ **neither** the Council, ~~the Committee and~~ **nor** the Managing Director 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~~ **The Council will, as a part of this process, provide no individual relief for any person, nor will it order any** ~~or~~ specific action by a law school with respect to any individual.
- (d) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site evaluation 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 evaluation.

Rule 37 ~~43~~: Submission of Complaints

- (a) Any person may file with the Managing Director a written complaint alleging non-compliance with the Standards.

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- (1) 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.
 - (2) Complaints must be in writing using the form “Complaint Against an ABA Approved Law School” and must be signed. The form shall be available ~~both~~ online and from the Office of the Managing Director.
 - (3) Anonymous complaints will not be considered.
 - (4) A complaint that has been resolved will not be subject to further review or reconsideration unless subsequent complaints about the law school raise new issues or suggest a pattern of significant noncompliance with the Standards not evident from the consideration of the previously resolved complaint.
- (b) The Complaint must provide the following information:
- (1) 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.
 - (2) The Standards and Interpretations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred.
 - (3) 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.
 - (4) Disclosure of any other channels the complainant is pursuing, including legal action.
 - (5) A release authorizing the Managing Director’s Office to send a copy of the complaint to the dean.
- (c) If the person filing the complaint is not willing to sign a release authorizing the Managing Director’s Office to send a copy of the complaint to the dean, the matter will be closed. If the Managing Director concludes that extraordinary circumstances so require, the name of the person filing the complaint may be withheld from the law school.

Rule 38 44: Disposition of Complaints

- (a) The Managing Director, upon receiving a complaint submitted in accordance with Rule ~~43~~ 39 and not dismissed, shall proceed as follows:
- (1) The Managing Director shall acknowledge receipt of the complaint within 14 days of its receipt.
 - (2) The Managing Director 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 Managing Director concludes that the complaint does not raise issues relating to an approved law school’s compliance with the Standards, the matter will be closed.
 - (3) If the Managing Director determines that the complaint may raise issues relating to an approved law school’s compliance with the Standards, the Managing Director will send the complaint to the law school and request a response within 30 days. The Managing Director may extend the period for response if, in the judgment of the Managing Director, there is good cause for such an extension.
 - (4) The Managing Director will review any response to a complaint within 45 days of receipt. If the response establishes that the law school is not out of compliance with respect to the matters raised

in the complaint, the Managing Director will close the matter.

- (b) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, the Managing Director, in consultation with the Chair of the **Council Committee**, may appoint a fact finder to investigate the issues raised by the complaint and the law school's response.

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- (c) If the law school's response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, then the Managing Director shall refer the complaint, along with the law school's response, the fact-finder's report, if any, and any other relevant information, to the ~~Committee~~ **Council** for further action in accordance with these Rules.

Rule 39 45: Notice of Disposition of Complaint

The Managing Director will promptly notify the person submitting a complaint of the final disposition of the complaint. The notification shall not include a copy of the law school's response, if any, and shall not include a copy of any written decision of the ~~Council~~ **Committee**.

Rule 40 46: Appeal of Managing Director's Disposition of Complaint

There is no appeal to any body of a conclusion by the Managing Director that a complaint does not raise issues under the Standards.

Rule 41 47: Review of Complaint Process

To ensure the proper administration of this complaint process, the ~~Committee~~ **Council** shall periodically review the written complaints received in the Managing Director's Office and their disposition.

Rule 42 48: Records of Complaints

The Managing Director's Office shall keep a record of the complaints under Part VIII of these Rules for a period of ten years.

IX Transparency and Confidentiality

Rule 43 49: Confidentiality of Accreditation Matters

Except as otherwise provided in these Rules, all matters relating to the accreditation of a law school, including any proceedings, hearings or meetings of the ~~Committee~~ **Council**, shall be confidential.

Rule 44 50: Communication of Decisions and Recommendations

When a law school is the subject of a decision or recommendation in accordance with these Rules, the Managing Director shall promptly inform the dean and the president of the decision or recommendation, in writing.

Rule 45 51: Communication and Distribution of Site Evaluation Reports

- (a) Except as provided in Part ~~X~~ **IX** of these Rules, site evaluation and fact finding reports shall be confidential.

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- (b) The law school may release an entire site evaluation report or fact finding report or portions of a report.
- (1) If the law school makes public the site evaluation report or any portion of it, the law school must notify the Managing Director at or before the time of the disclosure. In the event the law school discloses only a portion of the site evaluation report, the Managing Director, in consultation with the Chair of the Council, may subsequently disclose any other portions of the site evaluation report or the entire report.
 - (2) 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 law school, does not constitute release of the report to the public within the meaning of this Rule.
- (c) If the dean determines that a site evaluation report for the dean's law school contains criticism of the professional performance, competence, or behavior of a member of the law school's faculty or professional staff:
- (1) The dean shall make available to the person affected the relevant portions of the report and shall send the Managing Director a copy of those relevant portions and any accompanying memorandum or letter to the affected person.
 - (2) The affected person shall have the right to file with the Managing Director a document responding to the criticism contained in the site evaluation report.
 - (3) Any such response to the criticism shall become part of the law school's official file.

Rule 46 52: Disclosure of Decision Letters

~~(a) Except as provided in Rule 47 53, decisions and recommendations of the Committee and Council shall be confidential.~~

~~(b)(a) If the law school makes public a decision or recommendation of the Committee or Council, the law school must make public the entire decision or recommendation.~~

- (1) If the law school makes public a decision or recommendation of the Committee or Council, the law school must notify the Managing Director at or before the time of the disclosure.
 - (i) The Managing Director, in consultation with the Chair of the Council, may subsequently correct any inaccurate or misleading information released or published by the law school in connection with the disclosure or the decision or recommendation.
 - (ii) A corrective communication by the Managing Director may include the disclosure of portions of the site evaluation report or the entire site evaluation report.
- (2) Discussion of the contents of a decision or recommendation with, or release of the report to, the faculty, the university, or the governing board of the university or law school, does not constitute release of the decision or recommendation to the public within the meaning of this Rule.

Rule 47 53: Applications, Decisions and Recommendations Made Public

- (a) When a law school has applied for provisional or full approval, acquiescence in a major change, or a variance, ~~the Council or~~ the Managing Director shall provide public notice:
- (1) That the law school has submitted an application; and
 - (2) Of the procedural steps for consideration of the application.

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- (b) After a law school has been notified of the ~~Committee's~~ **Council's** decision ~~or recommendation~~, the Managing Director may state publicly the conclusions of the ~~Committee~~ **Council** and its decision ~~or recommendation~~, with an explanation of the procedural steps in further consideration of the matter, concerning:
- (1) The law school's application for provisional or full approval;
 - (2) The law school's application for acquiescence in a ~~major~~ **substantive** change;
 - (3) The law school's application for a variance;
 - (4) The imposition of sanctions or specific remedial action on the law school;
 - (5) The placing of the law school on probation; or
 - (6) The withdrawal of the law school's approval;
- (c) After a law school has been notified of the Council's decision, the Managing Director shall provide public notification of the Council's conclusions and decision (except as to a sanction that is explicitly not public), with an explanation of any procedural steps for further consideration of the matter, concerning:
- (1) The law school's application for provisional or full approval;
 - (2) The law school's application for acquiescence in a ~~major~~ **substantive** change;
 - (3) The law school's application for a variance;
 - (4) The imposition of sanctions or specific remedial action on the law school;
 - (5) The placing of the law school on probation; or
 - (6) The withdrawal of the law school's approval;
- (d) ~~After~~ **If** a matter concerning a law school has been ~~acted upon~~ **decided** by an Appeals Panel, ~~the Council or~~ the Managing Director shall provide public notification of the ~~conclusions and~~ decision of the Appeals Panel.

Rule 48 54: Statistical Reports

- (a) School specific information and statistical reports derived from data contained in all questionnaires are for the use of the Council, ~~the Committee~~, the Managing Director, and deans of ABA-approved law schools, and are not for public release.
- (b) Information contained in statistical reports prepared from data contained in annual questionnaires is for exclusive and official use by those persons authorized by the Council to receive such statistical reports, except as public disclosure of information about specific law schools is authorized under Standard 509 or has been made public by the law school.
- (c) The Managing Director may release general data from the statistical reports and questionnaires that are not school-specific.

Rule 49 55: Publication of List of Approved Law Schools

The Council shall publish annually a complete list of all approved law schools. The list shall be published in one or more venues designated by the Council pursuant to Standard 509.

X. Amendment of Standards, Interpretations and Rules

Rule 50 56: Council Authority

The Council has authority to adopt, revise, amend or repeal the Standards, Rules, and Interpretations.

Rule 5157: Concurrence by the ABA House of Delegates

- (a) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules does not become effective until it has been concurred in by the ABA House of Delegates in accordance with House Rule 45.9. After the meeting of the Council at which it decides to adopt, revise, amend or repeal the Standards, Interpretations or Rules, the Chairperson of the Council shall furnish a written statement of the Council action to the House.
- (b) Once the action of the Council is placed on the calendar of a meeting of the House, the House shall at that meeting either agree with the Council's decision or refer the decision back to the Council for further consideration. If the House refers a decision back to the Council, the House shall provide the Council with a statement setting forth the reasons for its referral.
- (c) A decision by the Council to adopt, revise, amend or repeal the Standards, Interpretations or Rules is subject to a maximum of two referrals back to the Council by the House. If the House refers a Council decision back to the Council twice, then the decision of the Council following the second referral will be final and will not be subject to further review by the House.