Rule 13. ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE WITH A STANDARD

(a) Following a determination by the Council of non-compliance with a Standard in accord with Rule11(a)(4), the Council 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, appear at a hearing to determine whether to impose sanctions and/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 Council may extend the date of compliance.

Rule 29. TEACH-OUT PLAN

(a) If a provisional or fully approved law school or branch decides to close, suspending, or ceasing to operate or suspending some or all of its approved program of legal education operations or close a branch campus, the law school shall promptly provide notice to the public, all students at the law school, 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 action decision.

(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 close, suspend, or cease operations of the law school operations or close a branch campus;

(2) 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;

(5) The Executive Committee of the Council determines that the law school is at risk of sudden closure, suspension, or ceasing of some or all of its operations because it is in financial distress, under governmental investigation, or facing other significant challenges.

(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. Upon submission of the teach-out plan, the law school must cease recruiting students, accepting deposits, and to admitting new students.

(d) The Managing Director’s Office, in consultation with the Chair of the Council may require a law school to enter into a teach-out agreement as part of its teach-out plan if the law school will not be able to teach out its own students prior to its closure as a law school.

(ed) A law school must submit the “Teach-Out Plan Approval Form,” as adopted by the Council, and address each item in the form.

(fe) If the Council 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.

(gf) The Executive Committee of the Council shall either approve or deny the teach-out plan submitted in accordance with (b) and (c).

(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 as directed, no later than 30 days after receiving notice of the decision.

(hg) 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.
(ih) 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.

(j) For a law school that is suspending or reducing operations, the Council may withdraw approval from the law school if it ceases to operate as an educational institution, if its legal authorization to operate and grant degrees is terminated, or if the Council determines, based on its review, that what remains of the law school is no longer in compliance with the Standards as required to sufficiently provide students with a quality legal education.

(k) 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 PROCESSE PANEL PROCEDURE

Rule 30. NOTICE OF APPEAL OF DECISIONS OF THE COUNCIL 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 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

(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 13.

(d) The Appeals Panel shall include:

(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. FORM AND CONTENT OF APPEALS TO THE APPEALS PANEL

(a) A law school may appeal decisions of the Council specified in Rule 3 by filing a written Notice of Intent to Appeal within 10 days of the Managing Director within 30 days of the date of the letter from the Managing Director to the Law School reporting the decision of the Council (“Decision Letter”) to the law school reporting the decision of the Council.

(b) If a law school is required to file a Teach-Out Plan subsequent to the decision of the Council, the time line to file the appeal is stayed until the Teach-Out Plan is filed pursuant to the timetable set by the Managing Director and approved by the Council.

(a) The written appeal shall include:

(1) A statement of the grounds upon which the appeal is based; and

(2) Argument and documentation in support of the grounds upon which the appeal is based.

Rule 31. GROUNDS FOR APPEAL FORM AND CONTENT OF APPEALS TO THE APPEALS PANEL

(a) The grounds for an appeal are limited to the following:

(1) The decision of the Council was arbitrary and capricious and not supported by the evidence on record; or
(2) The Council failed to follow the applicable Rules of Procedure, and the procedural error prejudiced its decision of the Council was inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

Rule 32. MEMBERSHIP OF APPEALS PANEL AND FOR THE PROCEEDING 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 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

(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; and

(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

(2) Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 13.

(d) The Appeals Panel shall include at least one person who can fill the following roles:

(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.
By virtue of background and experience, some members may appropriately serve in more than one role. The roles that members can fulfill shall be determined each year when the Panel is appointed.

(a) 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.

(e) Within 30 days of Upon receipt of the Notice of Intent to Appeal, if it is 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 appeal. The appointed members shall be known as the Proceeding Panel. The Managing Director shall designate one member of the Proceeding Panel as chair. The Managing Director shall also appoint a staff person who will serve as Liaison and provide support to the Proceeding Panel.

(f) 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.

(g) 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 Rule 32, the Managing Director shall appoint to the Proceeding Panel another person that is not a member of the Appeals Panel who meets those requirements.

(h) Members of the Proceeding Panel will receive training prior to the hearing regarding its responsibilities and in the Standards, Interpretations, and Rules of Procedure.

(i) The Managing Director shall notify the law school of the Liaison and members of the Proceeding Panel and shall afford the law school an opportunity to present objections regarding conflict of interest; Such objections shall be ruled on by the Managing Director within 30 days of the date of the Decision Letter.

Rule 33. DESIGNATION OF THE RECORD SCHEDULING OF HEARINGS
(a) The Managing Director shall refer the appeal to the Proceeding Panel within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel. In referring the appeal, the Managing Director shall provide the Proceeding 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 Panel, shall set the date, time, and place of the hearing.

1. The hearing shall be scheduled within 45 days of the Managing Director’s referral of the appeal to the Proceeding 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.

(a) Within 20 days of the date of the Decision Letter, the Managing Director Council shall deliver to the law school, the Record on Appeal.

(b) The Record on Appeal shall be:

1. The record before the Council;
2. The decision letter from which the appeal is taken; and
3. The transcript of the hearing before the Council.

Rule 34. FILING OF WRITTEN APPEAL 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 the decision.

(b) The appeal shall be decided exclusively on the record before the Council, the transcript of the hearing before the Council, and the decision letter of the Council. Except as provided in Rule 36(e), no new evidence shall be considered by the Proceeding Panel.
(a) A law school shall file electronically, a written appeal with the Liaison and Council within 40 days of the date of the Decision Letter, unless the time period has been extended.

(b) The written appeal shall include:

(1) A statement of the grounds upon which the appeal is based; and

(2) Documentation in support of the grounds upon which the appeal is based.

(c) The written appeal and supporting documentation may not contain or refer to any new evidence, nor may the law school refer to any new evidence in its written appeal or arguments to the Proceeding Panel unless the only remaining deficiency cited by the Council in support of an adverse decision is the law school’s non-compliance with a Standard dealing with financial resources for the law school. In that case, the process set out in Rule 39(e) applies to new financial information that the law school may want to submit with its appeal.

Rule 35. COUNCIL’S RESPONSE TO THE APPEAL PROCEDURE IN HEARING BEFORE PROCEEDING 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.

(a) The Council’s written response to the law school’s written appeal shall be filed by the Council with the law school and the Liaison the latter of 60 days of the date of the Decision Letter, or 20 days of the date of the law school’s Written Appeal.

(b) The Council’s written response and supporting documentation may not contain or refer to any new evidence, nor may the Council refer to any new evidence in its written response or statements to the Proceeding Panel.
Rule 36. SCHEDULING OF HEARINGS

(a) The Managing Director shall refer the appeal to the Proceeding Panel the latter of 70 days of the date of the Decision Letter or 30 days of the date of the law school’s Written Appeal. In referring the appeal, the Liaison shall provide the Proceeding Panel with copies of:

(1) The written appeal;
(2) The Council’s response;
(3) The Decision Letter of the Council; and
(4) The record before the Council, including any hearing transcripts.

(b) The Managing Director, in consultation with the Chair of the Proceeding Panel, shall set the date, time, and place of the hearing.

(1) The hearing shall be held the latter of 100 days of the date of the Decision Letter or 60 days of the date of the law school’s Written Appeal.

(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 37. BURDENS

The appealing law school 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 the decision.

Rule 38. HEARING PROTOCOL

(a) The Chair of the Proceeding panel shall conduct the hearing. The Proceeding Panel may ask questions of the law school, Council representatives, and the staff of the Managing Director’s Office.

(b) The hearing will be a closed proceeding and not open to the public.

(c) The law school shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation or to respond to any questions directed to the law school by the Proceeding Panel.
(d) The Council shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation on behalf of the Council or to respond to any questions directed to the Council representatives by the Proceeding Panel.

(e) The Managing Director or designee shall be present at the hearing. The Managing Director may designate additional staff to be present at the hearing.

(f) 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 39. DECISION OF THE PROCEEDING PANEL

(a) The Proceeding Panel shall issue a written decision no later than 130 days following the hearing. The decision shall state specifically the grounds upon which it is based.

(b) The Proceeding 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 Panel shall be effective upon issuance. If the Proceeding Panel remands a decision for further consideration or action by the Council, the Proceeding Panel shall identify specific issues that the Council must address.

(d) Decisions by the Proceeding 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 Decision 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.

Rule 4037. 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 is designed to bring to the attention of the Council, 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 nor the Managing Director will 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 Council will, as a part of this process, provide no individual relief for any person, nor will it order any 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 4239: DISPOSITION OF COMPLAINTS

(a) The Managing Director, upon receiving a complaint submitted in accordance with Rule 37, 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, may appoint a fact finder to investigate the issues raised by the complaint and the law school’s response.

(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 Council for further action in accordance with these Rules.

(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.