

Standards Review Committee Meeting Agenda July 15, 2017 – Open Session Chicago, Illinois

Saturday, July 15, 9 a.m. to 12 p.m.

Welcome & Introductions

Approval of May 2017 Meeting Minutes

Chair's Report

Standard 105: Acquiescence for Major Change in Program or Structure

(Cooper)

Standard 106: Separate Locations and Branch Campuses

Standard 205: Non-Discrimination and Equality of Opportunity

(Pagel)

Standard 206: Diversity and Inclusion

Standard 306: Distance Education *(oral report)*

(Dussias)

Standard 307: Studies, Activities, and Field Placements
Outside the United States

(Ingram)

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

**May 13, 2017
Nashville, Tennessee**

Minutes

Present

Pamela Lysaght, Retired law professor, Glen Arbor, Michigan; Chair
Douglas Blaze, Professor, University of Tennessee College of Law
Dr. Anthony S. Caprio, President, Western New England University
Robert E. Cooper, Jr., Esq., Nashville, Tennessee
Robert Cordy, Esq., Boston, Massachusetts
Allison M. Dussias, Professor, New England Law | Boston
Ward Farnsworth, Dean, University of Texas School of Law
Monica Ingram, Associate Dean, Cornell Law School
Peter A. Joy, Professor, Washington University School of Law
Peter McDonough, Vice President and General Counsel, American Council on Education
Tomea Mersmann, Assistant Dean, Washington University School of Law
Scott Norberg, Professor, Florida International University College of Law
Scott B. Pagel, Associate Dean, The George Washington University Jacob Burns Law Library

Guests

Susan L. Kay, Associate Dean and Professor, Vanderbilt University Law School; Accreditation
Committee Liaison

Staff

William Adams, Deputy Managing Director
JR Clark, Manager of Program Administration
Barry Currier, Managing Director
Charlotte (Becky) Stretch, Accreditation Counsel
Ken Williams, Data Specialist

Guests

Kendall Kerew, Georgia State University College of Law; CLEA
Joy Radice, University of Tennessee College of Law; CLEA
Wanda Temm, University of Missouri-Kansas City School of Law; ALWD

I. Introductions

Chair Lysaght introduced herself and asked the visitors and Committee members to introduce themselves.

II. Minutes

The minutes of the February 2017 meeting were approved as drafted.

III. Items for Discussion

Standards 105 and 106

The working group was asked to reorganize Standard 105, Acquiescence for Major Change in Program or Structure, so that it more closely follows the format of U.S. Department of Education Regulation §602.22, Substantive change. The Standard lists seventeen categories of major change. In contrast, §602.22 lists ten categories of change in its definition of “substantive change.”

In its review, the working group found that the seventeen categories of major change in Standard 105 all fall within the ten categories listed in §602.22. To facilitate comparison between the Standard and the regulation, the working group proposed regrouping Standard 105 to correspond to the §602.22 categories while not significantly changing Standard 105’s language.

The working group noted that §602.22(a)(2)(viii) covers the establishment of an “additional location at which the institution offers at least 50 percent of an educational program” and does not make the distinction between “separate location” and “branch campus” found in the Standards. The working group recommended that the Committee consider whether to modify the Standards to focus only on “additional locations” and whether additional locations that offer more than 50% of the educational program should require accreditation as separate law schools rather than acquiescence.

The working group also pointed out that current Standard 105(a)(12), refers to “instituting a new full-time or part-time division” as a type of new “course or program” that requires acquiescence. The term “full-time or part-time division” is not defined in the Standards or used in §602.22, and the relationship between instituting divisions and adding courses or programs for purposes of acquiescence is not clear.

The working group revised Standard 106, “Separate Locations and Branch Campuses,” so that the language of subsection 106(b)(1) conforms to Rule 30(b).

After discussion, the Committee asked the working group to continue working on Standards 105 and 106. The Committee also asked the working group to consider whether the reference to “full-time or part-time divisions” needs to be retained.

Finally, the Committee asked the working group to consider whether some types of changes (e.g., a purely online non-JD program, a non-JD program that is separate from the JD program, or a

small separate location) should require just notice or a streamlined process rather than full review for some of these things.

Standard 205 and 206

Chair Lysaght reported that the Council has requested that the Committee take another look at these standards. A working group will be formed to report back in July or October.

Standard 301

The working group reported that it continued consideration of possible responses to the problem of law schools abusing the ability to require successful completion of bar preparation courses or tests for graduation. A few schools may be using such requirements to weed out students at the end of law school who may have trouble passing the bar examination. Concern has also been expressed that other schools may be engaged in similar practices or may decide to do so in the future. The working group is not sure of the extent of the problem.

The working group discussed three possible responses to the problem: add a new Interpretation in Standard 301; add a question to the AQ about bar examination courses; or take no action at this time.

After discussion, the Committee decided to wait for the new attrition data that will be collected.

Standard 307

The working group proposed several changes to Standard 307. There are a number of reasons for these proposals:

- The current standard says that studies have to be “approved in accordance with the Rules and the Criteria.” The Criteria no longer require approval of all programs so the word “approval” is no longer appropriate. There is also no reason to mention the Rules.
- There is a need to clarify the rules on foreign field placements. Newly revised Standard 304(c), as well as former Standard 305, make no distinction between domestic and foreign field placement. The current Standards seem to distinguish between foreign field placements that are part of an approved foreign program and those that are not part of a program. The language is confusing.
- The Criteria for summer/intersession programs no longer include a provision prohibiting foreign study before a student has completed one year of full or part time study because it was felt that such a provision should be in the Standard, if anywhere. Should Standard 307 be amended permit foreign study as long as a student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure the quality of the student educational experience? Such a provision would be parallel to the new provision in 304(c).

- There is a need to clarify the limit on the number of credits allowed in foreign study. Schools with dual degree programs might exceed the 1/3 limit (because they might allow a summer plus a year, for example). Should the limit be changed? Would there be a reason to place a greater limit on study at a foreign institution than on study in programs established and run by ABA law schools?
- There is a need to clarify how the limit in 307 interacts with the limit on credit for prior law study outside the U.S. in Standard 505.

After discussion, the Committee asked the working group to continue work on Standard 307 and to also look at some additional, related, issues:

- Clarify that foreign field placements are treated the same as domestic placements whether the placement stands alone or is connected to a summer or semester program.
- Consider whether field placements should be counted in the 64 credits (Standard 311) or whether to limit the number of hours that can count toward the 64 credits.
- Consider whether all field placements have to meet the requirements of 304(c). If so, propose how to clarify in the Standards.
- Review the interplay with Standard 306, especially in light of any proposed changes. Specifically consider whether law schools can “stack” one-third credits of distance learning and two-thirds of foreign courses and placements so that a law student is never in residence at a U.S. law school.
- Consider whether law schools should be able to have a separate location outside the U.S.
- Consider whether “cross-listed” courses with a foreign institution may be deemed courses of the law school.

Report of the Standards 105/106 Working Group
Chicago Meeting, July 14-15

Following the Nashville meeting on May 12-13, the Working Group was asked to do the following:

- Work on definitions.
- Review “Branch” and “Separate location” distinction and consider revisions.
- Review need for distinction between full-time and part divisions.
- Review whether acquiescence is necessary for online non-JD degrees; consider how to streamline process.
- Conform Rules 29 and 30 to any changes to Standards 105 and 106.

The Working Group proposes the attached revisions to Standards 105 and 106. The redline version compares the proposed revisions to the draft Standards circulated at the Nashville meeting in May.

As before, the Working Group recommends deleting the terms “Branch campus” and “Separate location” and substituting the term “Additional location” in the Definitions, Standard 105, and Standard 106.

The Working Group recommends that an additional location where a student can earn more than 1/3 but less than 1/2 of the credit hours required for a J.D. be required to receive acquiescence under Standard 105 and to satisfy additional requirements in Standard 106. It also recommends that an additional location where a student can earn 1/2 or more of the credit hours must be accredited as a separate law school under Standard 106. The draft Standards do not place any review requirements on additional locations offering 1/3 or less of the credit hours required for a J.D., and the Working Group would appreciate the Committee’s input on this point.

The Working Group modified subsection (a)(8) of its previously proposed changes to Standard 105. Subsection (a)(8) initially covered additional locations and changes in location. The Working Group decided that changes in location are sufficiently distinct from additional locations that they should separately be considered as a new subsection (a)(11).

The Working Group did not see a need to maintain the distinction between full-time and part-time divisions in proposed Standard 105(a)(3) (current Standard 105(a)(12)) and proposes to delete the language “including instituting a new full-time or part-time division” from the end of that subsection.

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Definitions

Delete (4) “Branch campus.”

Delete (17) “Separate location.”

~~[Where are these definitions used other than Standard 105?]~~

Add following definition:

() “Additional location” means a physical location [within the United States] ~~;~~ ~~(1)~~ at which the law school offers J.D. degree courses, ~~(2)~~ ~~where a student may earn more than one-third of the credit hours that the law school requires for the award of a J.D.; and (3)~~ and that is not in reasonable proximity to the law school’s main campus. A physical location will be rebuttably presumed not in reasonable proximity if it is more than ten miles or one-hour transit from the main campus.

Standard 105. ACQUIESCENCE FOR MAJOR CHANGE IN PROGRAM OR STRUCTURE

(a) Before a law school makes a major change in its program of legal education or organizational structure, it shall obtain the acquiescence of the Council for the change. A major change in program or structure that requires application for acquiescence includes:

- (1) A significant change in the mission or objectives of the law school [11];
- (2) Any change in the legal status, form of control, or ownership of the law school, including but not limited to:
 - A. 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 [2];
 - B. Transferring all, or substantially all, of the program of legal education or assets of the approved law school to another law school or university [3];
 - C. Merging or affiliating with one or more approved or unapproved law schools [4];
 - D. Merging or affiliating with one or more universities [5];
 - E. Materially modifying the law school’s legal status or institutional

relationship with a parent institution [6]; and

- F. A change in control of the school resulting from a change in ownership of the school or a contractual arrangement [7];
- (3) The addition of courses or programs that represent a significant departure from existing offerings or method of delivery since the latest site evaluation [12];
 - (4) Establishing a new or different program leading to a degree other than the J.D. degree [15];
 - (5) A change in program length measurement from clock hours to credit hours [16];
 - (6) A substantial increase in the number of clock or credit hours required for graduation [17];
 - (7) 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 [14];
 - (8) ~~(a) Establishing an additional location; or (b) making 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 school. [10, where a student may earn more than one-third but less than half of the credit hours that the law school requires for the award of a J.D.; [9, §10];~~
 - (9) Acquiring another law school, program, or educational institution [1]; ~~and~~
 - (10) 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 [13]; ~~and~~
 - ~~(11) Making 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 school. [8]~~
- (b) The Council shall grant acquiescence only if the law school demonstrates that the change will not detract from the law school's ability to remain in compliance with the Standards.

Interpretation 105-1

~~*An additional location at which a student may earn two thirds or more of the credit hours that the law school requires for the award of a J.D. will be rebuttably presumed to require provisional approval as a new law school.*~~

U.S. Department of Education Regulations

§ 602.22 Substantive change.

(a) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards.

The agency meets this requirement if—

(1) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and

(2) The agency's definition of substantive change includes at least the following types of change:

(i) Any change in the established mission or objectives of the institution.

(ii) Any change in the legal status, form of control, or ownership of the institution.

(iii) The addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when the agency last evaluated the institution.

(iv) The addition of programs of study at a degree or credential level different from that which is included in the institution's current accreditation or preaccreditation.

(v) A change from clock hours to credit hours.

(vi) A substantial increase in the number of clock or credit hours awarded for successful completion of a program.

(vii) If the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contract under which an institution or organization not certified to participate in the title IV, HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs.

(viii)(A) If the agency's accreditation of an institution enables it to seek eligibility to participate in title IV, HEA programs, the establishment of an additional location at which the institution offers at least 50 percent of an educational program. The addition of such a location must be approved by the agency in accordance with paragraph (c) of this section unless the accrediting agency determines, and issues a

written determination stating that the institution has—

- (1) Successfully completed at least one cycle of accreditation of maximum length offered by the agency and one renewal, or has been accredited for at least ten years;
 - (2) At least three additional locations that the agency has approved; and
 - (3) Met criteria established by the agency indicating sufficient capacity to add additional locations without individual prior approvals, including at a minimum satisfactory evidence of a system to ensure quality across a distributed enterprise that includes—
 - (i) Clearly identified academic control;
 - (ii) Regular evaluation of the locations;
 - (iii) Adequate faculty, facilities, resources, and academic and student support systems;³
 - (iv) Financial stability; and
 - (v) Long-range planning for expansion.
- (B) The agency's procedures for approval of an additional location, pursuant to paragraph (a)(2)(viii)(A) of this section, must require timely reporting to the agency of every additional location established under this approval.
- (C) Each agency determination or redetermination to preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section may not exceed five years.
- (D) The agency may not preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section after the institution undergoes a change in ownership resulting in a change in control as defined in 34 CFR 600.31 until the institution demonstrates that it meets the conditions for the agency to preapprove additional locations described in this paragraph.
- (E) The agency must have an effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations approved under paragraph (a)(2)(viii)(A) of this section.
- (ix) The acquisition of any other institution or any program or location of another institution.
- (x) The addition of a permanent location at a site at which the institution is

conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.

(3) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

(b) The agency may determine the procedures it uses to grant prior approval of the substantive change. However, these procedures must specify an effective date, which is not retroactive, on which the change is included in the program's or institution's accreditation. An agency may designate the date of a change in ownership as the effective date of its approval of that substantive change if the accreditation decision is made within 30 days of the change in ownership. Except as provided in paragraph (c) of this section, these procedures may, but need not, require a visit by the agency.

(c) Except as provided in paragraph (a)(2)(viii)(A) of this section, if the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the agency's procedures for the approval of an additional location where at least 50 percent of an educational program is offered must provide for a determination of the institution's fiscal and administrative capacity to operate the additional location. In addition, the agency's procedures must include—

(1) A visit, within six months, to each additional location the institution establishes, if the institution—

(i) Has a total of three or fewer additional locations;

(ii) Has not demonstrated, to the agency's satisfaction, that it has a proven record of effective educational oversight of additional locations; or

(iii) Has been placed on warning, probation, or show cause by the agency or is subject to some limitation by the agency on its accreditation or preaccreditation status;

(2) An effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations of institutions that operate more than three additional locations; and

(3) An effective mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain educational quality.

(d) The purpose of the visits described in paragraph (c) of this section is to verify that the additional location has the personnel, facilities, and resources it claimed to have in its application to the agency for approval of the additional location.

(Authority: 20 U.S.C. 1099b)

[64 FR 56617, Oct. 20, 1999, as amended at 74
FR 55428, Oct. 27, 2009]

~~23070106-1~~[23070106.2](#)

Summary report:	
Litéra® Change-Pro 10.0.0.35 Document comparison done on 7/3/2017	
1:12:52 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://BBSLIBRARY/BBS/23070106/1	
Modified DMS: iw://BBSLIBRARY/BBS/23070106/2	
Changes:	
<u>Add</u>	10
Delete	15
Move From	3
<u>Move To</u>	3
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	31

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 - (7) 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 [14];
 - (8) Establishing an additional location where a student may earn more than one-third but less than half of the credit hours that the law school requires for the award of a J.D.; [9, 10];
 - (9) Acquiring another law school, program, or educational institution [1];
 - (10) 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 [13]; and
 - (11) Making 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 school. [8]
- (b) The Council shall grant acquiescence only if the law school demonstrates that the change will not detract from the law school's ability to remain in compliance with the Standards.

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(a) If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards.

The agency meets this requirement if—

(1) The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and

(2) The agency's definition of substantive change includes at least the following types of change:

(i) Any change in the established mission or objectives of the institution.

(ii) Any change in the legal status, form of control, or ownership of the institution.

(iii) The addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when the agency last evaluated the institution.

(iv) The addition of programs of study at a degree or credential level different from that which is included in the institution's current accreditation or preaccreditation.

(v) A change from clock hours to credit hours.

(vi) A substantial increase in the number of clock or credit hours awarded for successful completion of a program.

(vii) If the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the entering into a contract under which an institution or organization not certified to participate in the title IV, HEA programs offers more than 25 percent of one or more of the accredited institution's educational programs.

(viii)(A) If the agency's accreditation of an institution enables it to seek eligibility to participate in title IV, HEA programs, the establishment of an additional location at which the institution offers at least 50 percent of an educational program. The addition of such a location must be approved by the agency in accordance with paragraph (c) of this section unless the accrediting agency determines, and issues a written determination stating that the institution has—

(1) Successfully completed at least one cycle of accreditation of maximum length offered by the agency and one renewal, or has been accredited for at least ten years;

(2) At least three additional locations that the agency has approved; and

(3) Met criteria established by the agency indicating sufficient capacity to add additional locations without individual prior approvals, including at a minimum satisfactory evidence of a system to ensure quality across a distributed enterprise that includes—

(i) Clearly identified academic control;

(ii) Regular evaluation of the locations;

(iii) Adequate faculty, facilities, resources, and academic and student support systems;³

(iv) Financial stability; and

(v) Long-range planning for expansion.

(B) The agency's procedures for approval of an additional location, pursuant to paragraph (a)(2)(viii)(A) of this section, must require timely reporting to the agency of every additional location established under this approval.

(C) Each agency determination or redetermination to preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section may not exceed five years.

(D) The agency may not preapprove an institution's addition of locations under paragraph (a)(2)(viii)(A) of this section after the institution undergoes a change in ownership resulting in a change in control as defined in 34 CFR 600.31 until the institution demonstrates that it meets the conditions for the agency to preapprove additional locations described in this paragraph.

(E) The agency must have an effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations approved under paragraph (a)(2)(viii)(A) of this section.

(ix) The acquisition of any other institution or any program or location of another institution.

(x) The addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating

before all students have completed their program of study.

(3) The agency's substantive change policy must define when the changes made or proposed by an institution are or would be sufficiently extensive to require the agency to conduct a new comprehensive evaluation of that institution.

(b) The agency may determine the procedures it uses to grant prior approval of the substantive change. However, these procedures must specify an effective date, which is not retroactive, on which the change is included in the program's or institution's accreditation. An agency may designate the date of a change in ownership as the effective date of its approval of that substantive change if the accreditation decision is made within 30 days of the change in ownership. Except as provided in paragraph (c) of this section, these procedures may, but need not, require a visit by the agency.

(c) Except as provided in paragraph (a)(2)(viii)(A) of this section, if the agency's accreditation of an institution enables the institution to seek eligibility to participate in title IV, HEA programs, the agency's procedures for the approval of an additional location where at least 50 percent of an educational program is offered must provide for a determination of the institution's fiscal and administrative capacity to operate the additional location. In addition, the agency's procedures must include—

(1) A visit, within six months, to each additional location the institution establishes, if the institution—

(i) Has a total of three or fewer additional locations;

(ii) Has not demonstrated, to the agency's satisfaction, that it has a proven record of effective educational oversight of additional locations; or

(iii) Has been placed on warning, probation, or show cause by the agency or is subject to some limitation by the agency on its accreditation or preaccreditation status;

(2) An effective mechanism for conducting, at reasonable intervals, visits to a representative sample of additional locations of institutions that operate more than three additional locations; and

(3) An effective mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain educational quality.

(d) The purpose of the visits described in paragraph (c) of this section is to verify that the additional location has the personnel, facilities, and resources it claimed to have in its application to the agency for approval of the additional location.

(Authority: 20 U.S.C. 1099b)

[64 FR 56617, Oct. 20, 1999, as amended at 74

FR 55428, Oct. 27, 2009]

23070106.2

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

**Standard 106. ~~SEPARATE~~ADDITIONAL LOCATIONS ~~AND BRANCH~~
~~CAMPUSES~~**

- (a) A law school that offers ~~a separate location~~an additional location where a student may earn more than one-third but less than half of the credit hours that the law school requires for the award of a J.D. shall provide:
- (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the ~~separate~~additional location;
 - (2) Library resources and staff that are adequate to support the curriculum offered at the ~~separate~~additional location and that are reasonably accessible to the student body at the ~~separate~~additional location;
 - (3) Academic advising, career services and other student support services that are adequate to support the student body at the ~~separate~~additional location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main location;
 - (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the ~~separate~~additional location; and
 - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the ~~separate~~additional location.
- ~~(b) In addition to the requirements of section (a), a branch campus must:~~
- ~~(1) Establish a reliable plan that demonstrates that the branch campus will be in substantial compliance with each of the Standards as of the effective date of acquiescence and is reasonably likely to achieve full compliance with each of the Standards within three years of the effective date of acquiescence, as required by Rule 30;~~
 - ~~(2) Comply with instructional requirements and responsibilities as required by Standard 403(a) and Standard 404(a); and~~
 - ~~(3) Offer reasonably comparable opportunities for access to the law school's program of legal education, courses taught by full-time faculty, student services, co-curricular programs, and other educational benefits as required by Standard 311.~~
- (b) An additional location where a student may earn one half or more of the credit hours that the law school requires for the award of a J.D. must seek provisional and full approval as a new law school in accordance with Standards 102 and 103.
- (c) A law school is not eligible to establish ~~a separate~~an additional location until at least four

years after the law school is granted initial full approval.

Interpretation 106-1

A law school with more than one location may have one dean for all locations.

Rule 30: Major Changes Requiring a Reliable Plan

- (a) In addition to satisfying the requirements of Rule 29(b), an application for acquiescence under 29(a)(1) through Rule 29(a)(9) shall include a reliable plan.
- (b) The reliable plan in connection with the establishment of a branch campus under Rule 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 29(a)(1) through 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 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 change subject to (a), the Council 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 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 29(a)(1) through 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 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.

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Summary report:	
Litéra® Change-Pro 10.0.0.35 Document comparison done on 7/3/2017	
1:11:56 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: iw://BBSLIBRARY/BBS/22842370/2	
Modified DMS: iw://BBSLIBRARY/BBS/22842370/3	
Changes:	
<u>Add</u>	13
Delete	17
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	30

**American Bar Association
Section of Legal Education and Admissions to the Bar**

Standards Review Committee

Standard 106. ADDITIONAL LOCATIONS

- (a) A law school that offers an additional location where a student may earn more than one-third but less than half of the credit hours that the law school requires for the award of a J.D. shall provide:
 - (1) Full-time faculty adequate to support the curriculum offered at the separate location and who are reasonably accessible to students at the additional location;
 - (2) Library resources and staff that are adequate to support the curriculum offered at the additional location and that are reasonably accessible to the student body at the additional location;
 - (3) Academic advising, career services and other student support services that are adequate to support the student body at the additional location and that are reasonably equivalent to such services offered to similarly situated students at the law school's main location;
 - (4) Access to co-curricular activities and other educational benefits adequate to support the student body at the additional location; and
 - (5) Physical facilities and technological capacities that are adequate to support the curriculum and the student body at the additional location.
- (b) An additional location where a student may earn one half or more of the credit hours that the law school requires for the award of a J.D. must seek provisional and full approval as a new law school in accordance with Standards 102 and 103.
- (c) A law school is not eligible to establish an additional location until at least four years after the law school is granted initial full approval.

Interpretation 106-1

A law school with more than one location may have one dean for all locations.

Rule 30: Major Changes Requiring a Reliable Plan

- (a) In addition to satisfying the requirements of Rule 29(b), an application for acquiescence under 29(a)(1) through Rule 29(a)(9) shall include a reliable plan.
- (b) The reliable plan in connection with the establishment of a branch campus under Rule 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 29(a)(1) through 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 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 change subject to (a), the Council 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 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 29(a)(1) through 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 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.

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Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

- (a) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, **ethnicity**, religion, national origin, gender, **gender identity**, sexual orientation, age, or disability.
- (b) A law school shall foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, **ethnicity**, religion, national origin, gender, **gender identity**, sexual orientation, age, or disability.
- (c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, **ethnicity**, religion, national origin, gender, **gender identity**, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.
- (d) Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, **ethnicity**, religion, national origin, gender, **gender identity**, sexual orientation, age and disability in regard to hiring, promotion, retention and conditions of employment.

Interpretation 205-1

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

Interpretation 205-2

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

Interpretation 205-3

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

Interpretation 205-4

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

Interpretation 205-5

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

Standard 205. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

- (a) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability.**
- (b) A law school shall foster and maintain equality of opportunity for students, faculty, and staff, without discrimination or segregation on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability.**
- (c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.**
- (d) Non-discrimination and equality of opportunity in legal education includes equal employment opportunity. A law school shall communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement services the school's firm expectation that the employer will observe the principles of non-discrimination and equality of opportunity on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age and disability in regard to hiring, promotion, retention and conditions of employment.**

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

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

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

Interpretation 205-5

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

Standard 206. DIVERSITY ~~AND INCLUSION~~

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

~~(1)(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by p~~Providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities, ~~and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity; and.~~

~~(2)(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by h~~Having a student body, faculty, and staff that are diverse with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability.~~gender, race, and ethnicity.~~

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

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of the categories listed in Standard 206(a)(2) gender, race, ethnicity, or national origin in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

In addition to providing full opportunities for the study of law and the entry into the legal profession by members of underrepresented groups, the enrollment of a diverse student body promotes cross-cultural understanding, helps break down ~~racial, ethnic, and gender~~ stereotypes, and enables students to better understand persons of different backgrounds. The forms of concrete action required by a law school to satisfy the obligations of this Standard are not specified. If consistent with applicable law, a law school may use race and ethnicity in its admissions process to promote diversity ~~and inclusion~~. The determination of a law school's satisfaction of such obligations is based on the totality of the law

school's actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a favorable environment for students from underrepresented groups.

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to having a student body, faculty, and staff that are diverse with respect to the categories listed in Standard 206(a)(2) are not specified, they may include periodic assessment of an progress towards having a diverse environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

Interpretation 206-4

So long as a school complies with Standard 206(b), the requirement that a demonstration of a law school's commitment to having a student body, faculty, and staff that are diverse with respect to the categories listed in Standard 206(a)(2) does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, 206(a)(2) does not require a school to recognize or support organizations whose purposes or objectives conflict with the essential elements of the religious values and beliefs held by the school.

Standard 206. DIVERSITY

- (a) A law school shall demonstrate by concrete action a commitment to:
- (1) Providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities; and
 - (2) Having a student body, faculty, and staff that are diverse with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability.
- (b) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (2) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but may not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution governs its application.

Interpretation 206-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of the categories listed in Standard 206(a)(2) in admissions or employment decisions is not a justification for a school's non-compliance with Standard 206. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 206 by means other than those prohibited by the applicable constitutional or statutory provisions.

Interpretation 206-2

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

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to having a student body, faculty, and staff that are diverse with respect to the categories listed in Standard 206(a)(2) are not specified, they may include periodic assessment of an progress towards having a diverse environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

Interpretation 206-4

So long as a school complies with Standard 206(b), the requirement that a demonstration of a law school's commitment to having a student body, faculty, and staff that are diverse with respect to the categories listed in Standard 206(a)(2) does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. For example, 206(a)(2) does not require a school to recognize or support organizations whose purposes or objectives conflict with the essential elements of the religious values and beliefs held by the school.

Standard 206. DIVERSITY AND INCLUSION

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

(a) ~~Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to diversity and inclusion by p~~Providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities; ~~and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.~~

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

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

Interpretation 206-1

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

Interpretation 206-2

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

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion by providing an environment that is diverse with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability under this Standard are not specified, they may include periodic assessment of an progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an

environment that is diverse and inclusive. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

Standard 206. DIVERSITY AND INCLUSION

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

- (a) Providing full opportunities for the study of law and entry to the profession by members of underrepresented groups, particularly racial and ethnic minorities;**
- (b) Having a student body, faculty, and staff that are diverse with respect to gender, race, and ethnicity; and**
- (c) Providing an environment that is diverse and inclusive with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability.**

Interpretation 206-1

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

Interpretation 206-2

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

Interpretation 206-3

While the forms of concrete action required to demonstrate a law school's commitment to diversity and inclusion by providing an environment that is diverse with respect to race, color, ethnicity, religion, national origin, gender, gender identity, sexual orientation, age, and disability under this Standard are not specified, they may include periodic assessment of an progress towards having a diverse and inclusive environment at a law school, support of designated diversity groups, provision of mentoring opportunities, and support of pro bono and externship opportunities that reflect a commitment to an environment that is diverse and inclusive. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved.

Report of the Standard 307 Working Group **Chicago Meeting, July 14-15**

At the May meeting, the working group proposed a number of changes to Standard 307. There are a number of reasons for these proposals:

- The current standard says that studies have to be “approved in accordance with the Rules and the Criteria.” The Criteria no longer require approval of all programs so the word “approval” is no longer appropriate. There is also no reason to mention the Rules.
- There is a need to clarify the rules on foreign field placements. Newly revised Standard 304(c), as well as former Standard 305, make no distinction between domestic and foreign field placement. The current Standards seem to distinguish between foreign field placements that are part of an approved foreign program and those that are not part of a program. The language is confusing.
- The Criteria for summer/intersession programs no longer include a provision prohibiting foreign study before a student has completed one year of full or part time study because it was felt that such a provision should be in the Standard, if anywhere. Should Standard 307 be amended to permit foreign study as long as a student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure the quality of the student educational experience? Such a provision would be parallel to the new provision in 304(c).
- There is a need to clarify the limit on the number of credits allowed in foreign study. Schools with dual degree programs might exceed the 1/3 limit (because they might allow a summer plus a year, for example). Should the limit be changed? Would there be a reason to place a greater limit on study at a foreign institution than on study in programs established and run by ABA law schools?
- There is a need to clarify how the limit in 307 interacts with the limit on credit for prior law study outside the U.S. in Standard 505.

After discussion at the May meeting, the committee asked the working group to continue to work on the issues identified in Standard 307 and to also look at some additional, related, issues:

- Clarify that foreign field placements are treated the same as domestic placements whether the placement stands alone or is connected to a summer or semester program.
- Consider whether field placements should be counted in the 64 credits (Standard 311) or whether to limit the number of hours that can count toward the 64 credits.
- Consider whether all field placements have to meet the requirements of 304(c). If so, propose how to clarify in the Standards.
- Review the interplay with Standard 306, especially in light of any proposed changes. Specifically consider whether law schools can “stack” one-third credits of distance learning and two-thirds of foreign courses and placements so that a law student is never in residence at a U.S. law school.
- Consider whether law schools should be able to have a separate location outside the U.S.
- Consider whether “cross-list” courses with a foreign institution may be deemed courses of the law school.

The Working Group discussed these issues and has several initial suggestions as well as a number of issues for discussion.

The group agrees that all field placements should be covered in Standard 304(c). Interpretations can be added to both 304 and 307 to make this very clear.

Since 304(c) was amended to provide greater oversight for field placement programs, the group thinks the committee should consider including field placements in the 64 credits that must be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction.

The group felt that foreign field placements should not be included in the credit limit for study outside the United States.

The group recommends that the committee should consider allowing law schools that are in good standing to have additional locations outside the United States.

The group felt that the concern about “cross-listed” courses with a foreign institution is not a problem because a law school would need to have approved any course in its regular curriculum approval process.

The group agrees that the Standard should be amended to permit foreign study as long as a student has successfully completed sufficient prerequisites or contemporaneously receives sufficient training to assure the quality of the student educational experience. Conflicting provisions in any of the Criteria should be removed. The group also agrees that this provision correctly belongs in the Standards rather than the Criteria.

The group recommends that law schools be permitted to grant up to two-thirds of the credits required for the J.D. degree in study outside the United States, but that only one-third of those credits may be from study at a foreign institution. Study at a foreign institution includes any credit given under Standard 505 for prior law study at a foreign institution, as well as any credit given under the Criteria for Accepting Credit for Student Study at a Foreign Institution.

The group recommends that that law schools be permitted to grant up to one-thirds of the credits required for the J.D. degree for study at a foreign institution, including both credit for prior law study under Standard 505 and credit for student study at a foreign institution.

Standard 307.

Study Outside of the United States

(a) A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.

(b) A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.

(c) A law school may grant up to two-thirds of the credits required for the J.D. degree for student participation in study or activities outside the United States provided the credits are obtained at a program sponsored by an ABA approved law school and in accordance with subsections (a) and (b).

(d) A law school may grant up to one-third of the credits required for the J.D. degree for student participation in study outside the United States under the Criteria for Accepting Credit for Student Study at a Foreign Institution.

(e) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.

Alternate version:

(a) A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.

(b) A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.

(c) A law school may grant up to two-thirds of the credits required for the J.D. degree for study outside the United States provided the credits are obtained at a program sponsored by an ABA approved law school in accordance the *Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools*, and the *Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law*.

(d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree for any combination of 1) student participation in study outside the United States under the *Criteria for Accepting Credit for Student Study at a Foreign Institution* and 2) credit for courses completed at a law school outside the United States in accordance with Standard 505(c).

(e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed two-thirds of the total credits required for the J.D. degree.

(f) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.