

Explanation of Standards and Rules Relating to Violations of Reporting Requirements

Compliance with the Standards for Accreditation

ABA accreditation requires compliance with each of the Standards for Approval of Law Schools. [Standards 101, 102, 103] [Link to Standards for Approval of Law Schools and Rules of Procedure for Approval of Law Schools: http://www.americanbar.org/groups/legal_education/resources/standards.html] Most of the Standards relate to the quality of the educational program. However, several of the Standards are consumer protection requirements. Standard 509, entitled “Basic Consumer Information,” states that:

A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Basic consumer information includes admission data; tuition, fees, living costs, financial aid, and refunds; and placement rates. [Interpretation 509-1(1), (2), (8)]

Further, the Standards and the Rules of Procedure for Approval of Law Schools require schools to extensively report to the ABA regarding compliance with the Standards, including the submission of an annual questionnaire and such other information as the Accreditation Committee or Council may require. [Interpretation 101-1; Rule 13(a)]

Complaints, Investigation and Determination of Noncompliance

Any person may file a complaint alleging non-compliance with the Standards. [Rule 24]

If the Accreditation Committee has reason to believe that a school has not demonstrated that it is in compliance with a Standard, the Committee will inform the school of that fact and require the school to respond and report. [Rule 13(a)]

The Chair of the Council of the Section or of the Accreditation Committee can appoint a fact finder to investigate a school’s compliance or possible noncompliance with the Standards. [Rule 14]

If a school is found not to be in compliance with a Standard, the school is required to appear before the Committee to show cause why the school should not have sanctions imposed upon it, or be placed on probation, or lose its accreditation. [Rule 13(b)] Representatives of the law school may appear at the hearing to contest a finding that the school is not in compliance. [Rule 15]

Sanctions

The Accreditation Committee, subject to review by the Council, or the Council itself, may impose sanctions against a school for: noncompliance with one or more Standards; failure to provide information or to cooperate; or making misrepresentations or engaging in misleading conduct in connection with the consideration of the school's status. [Rules 16(a) (1), (3), (4), 17]

Sanctions that may be imposed include: a monetary penalty; a requirement that the law school refund part or all of the tuition and fees paid by students; censure, publication of a corrective statement, prohibition against initiating new programs, probation, and removal of accreditation. [Rule 16]

Confidentiality

Except for specific recommendations by the Accreditation Committee or decisions by the Council relating to provisional or full approval, all matters relating to the accreditation of a law school must be kept confidential [Rule 25(a)]. This includes proceedings and deliberations of the Accreditation Committee and Council, and all non-public documents and information received or generated by the ABA. Thus, the fact of a complaint, or any ongoing investigation or proceedings, cannot be discussed publicly by the Section.