



Association of American Law Schools

*Advancing Excellence in Legal Education*

## **2022 AALS Site Evaluation Workshop**

**January 6, 2022, 11:00 am – 12:15 pm Eastern**

### **AALS Core Values<sup>1</sup>**

- a. The obligations of membership imposed by this Article and the Executive Committee Regulations are intended to reflect the Association's core values and distinctive role as a membership association, while according appropriate respect for the autonomy of its member schools.
- b. The Association values and expects its member schools to value:
  - (i) a faculty composed primarily of full-time teacher-scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service;
  - (ii) academic freedom;
  - (iii) diversity of viewpoints;
  - (iv) excellent scholarship;
  - (v) excellent teaching;
  - (vi) a rigorous academic program in the context of a dynamic curriculum that is both broad and deep;
  - (vii) a diverse faculty hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination;
  - (viii) competent and professional staff to support the mission of the law school;
  - (ix) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession; and
  - (x) honesty, integrity, and professionalism in dealing with students, faculty, staff, the public, and the Association.

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<sup>1</sup> <http://www.aals.org/member-schools/membership-requirements/>

# 2022 AALS Site Evaluation Workshop

January 6, 2022 11:00 am – 12:15 pm Eastern

## WORKSHOP SCHEDULE

11:00 am	<b><u>Welcome</u></b> Elizabeth Kronk Warner, University of Utah S.J. Quinney College of Law & Membership Review Committee Chair
11:05 am	<b><u>Overview of AALS Process</u></b> Barbara Studenmund, AALS Director of Membership Review
11:15 am	<b><u>AALS Materials and Support for the AALS Reporter</u></b> Cara McQuitty, AALS Membership Review Manager
11:25 am	<b><u>The Site Visit and Writing the AALS Report</u></b> Barbara Cox, California Western School of Law & AALS Membership Review Consultant
11:45 am	<b><u>The ABA Accreditation Process</u></b> William Adams, Managing Director, ABA Section of Legal Education and Admissions to the Bar
12:00 pm	<b><u>Common Issues &amp; Challenges</u></b> Panel and Audience

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## AALS Process and Role of the AALS Reporter

Not long after the Association was established in 1900, the AALS began law school site visits to determine whether member schools were maintaining membership requirements. This review process provides member schools an opportunity for self assessment and peer advice. Member schools commit themselves to conducting periodic internal reviews of their own programs to assure that they are of the character and quality desired by the school. The review process also provides an opportunity for contact with colleagues from other institutions who are able to offer an independent assessment of the member school's efforts. Periodic reviews also allow the Association to maintain its role as a membership organization whose schools have committed themselves to achieve the shared goal of fostering excellence in legal education. The Association seeks, through the review process, to ensure that member schools comply with the shared objectives set forth in its bylaws. The Association also benefits from the review process by gathering important information on trends in legal education that can then be used to develop relevant services for member schools around the country.

The roles of the AALS and the American Bar Association Section on Legal Education (ABA) differ in certain respects. The ABA is the nationally recognized accrediting agency for law schools. The U.S. Department of Education has so recognized the ABA Section on Legal Education, thereby enabling students at ABA-accredited schools to obtain federal financial aid. In addition, most states rely upon ABA accreditation in their rules regulating who may take the state's bar examination. As a membership organization, the AALS's purpose is to support and encourage member schools in improving legal education. The AALS membership review process is grounded in peer review.

Every ten years AALS member schools are visited by a site team representing the ABA Section of Legal Education and Admissions to the Bar and the AALS. The site visit teams include one person appointed by the AALS who will write part of the ABA report as well as a separate report for the AALS that addresses AALS membership requirements (the AALS report). When you are asked to serve as an AALS reporter, please disclose any conflicts to the AALS (such as graduating from the law school or serving as a faculty member within the past ten years; knowing someone on the faculty is not a conflict). Please call the AALS office if you have any questions about potential conflicts. The person appointed by the AALS is called the "AALS reporter."

Just as the ABA Chair of the joint site team typically meets separately with the dean of the law school being visited to provide an overview of the site visit and to answer any questions the dean may have about the process, the AALS recommends that the AALS reporter meet separately with the dean, either before the site visit or early in the site visit. This is an opportunity to explain the core values of the AALS as well as to answer any questions the dean may have about the AALS questionnaire or the membership review process.

ABA site teams organize the joint site report into sections that track the organization of the ABA's Site Evaluation Questionnaire and the ABA Accreditation Standards. As the learned

society for law teachers, the AALS includes among its core values the quality of teaching and scholarship at member schools. Thus, AALS reporters find it helpful to ask to be assigned to the section of the joint site report concerning faculty.

The joint site report by its nature does not give special attention to issues relevant to the core values of the AALS. It would be helpful, therefore, if your AALS report is organized around the AALS core values (See the AALS Report Format Outline). The AALS Report should not simply summarize the joint site report, and may discuss facts that expand on, or go beyond, those in the joint report. The report should have sufficient relevant facts so that the Executive and Membership Review Committees can determine whether a school complies with AALS membership requirements. The AALS reporter should refrain from drawing conclusions, however, as to whether the facts demonstrate compliance or noncompliance with membership requirements, which are the responsibility of the Committees. The report also should not refer to individual faculty members by name unless doing so provides facts that might be essential to establishing compliance with the bylaws and regulations.

The ABA provides a copy of the ABA site evaluation report to the AALS. The AALS Membership Review Committee (MRC) uses both the AALS report and the ABA site team's report in determining whether a law school is operating in compliance with the AALS membership requirements. It also receives the AALS questionnaire completed by the school. The AALS report is to be independent (although it may reference sections of the ABA report), but basic facts underlying both the ABA and AALS reports should be similar; if you include factual conclusions in your AALS report that are significantly different from those in the ABA report, include an explanation for this disparity in your report. Please keep the report confidential, sending it only to the AALS office (and the site team).

Before the site visit, the AALS sends reporters the most recent AALS Report on the school being visited and the most recent AALS letter to the school on its compliance with membership requirements. In some cases, that letter may raise issues the AALS would like addressed in your report. Reporters will be sent an invitation to a Dropbox folder that contains guidance that is not school specific, including: (1) AALS Membership Requirements by topic 2017; (2) a Memo to the Dean on the AALS Membership Review Process; (3) AALS Questionnaire; (4) AALS Report Format Outline; (5) Suggestions for the AALS Reporter Discussion with the Dean; (6) AALS Reporter Instruction Memo; (7) ABA Classroom Visitation Form; (8) Confidentiality Guidelines; (9) A Memo to the Site Team introducing the Role of the AALS reporter on the Joint ABA-AALS site visit.

AALS Membership Requirements are available on the AALS website at:

<https://www.aals.org/member-schools/membership-requirements/>

**Staff contact:**

Barbara Studenmund, Director of Membership Review [bstudenmund@aals.org](mailto:bstudenmund@aals.org) (202) 296-6474  
Cara McQuitty, Membership Review Manager [cmcquitty@aals.org](mailto:cmcquitty@aals.org) (202) 296-2356

## AALS Site Visit Timeline

When the reporter is appointed: The dean of the law school being visited, site team chair, and AALS reporter will receive an email when the AALS reporter is appointed, and attached to that email will be AALS membership requirements, the AALS site visit questionnaire, and a memo to the dean concerning the site visit. The ABA Section is also sent a copy of that email.

Before the site visit: The AALS reporter will receive a letter from Executive Director Judith Areen enclosing the most recent letter the Executive Committee sent to the school concerning the school's membership and the previous AALS report on the school. The dean of the law school will receive a copy of the letter to the AALS reporter. The Reporter will also receive an invitation to a Dropbox folder that includes guidance for preparing an AALS Report.

Questionnaire and Self Study: The AALS questionnaire seeks information relevant to the core values of the AALS that will assist the AALS reporter, Membership Review Committee, and Executive Committee in the membership review process. The AALS office would like to receive an electronic version of the completed AALS questionnaire at least 20 days prior to the site visit. Each school also prepares a Self Study for the ABA Section; the school should send an electronic version of the ABA Self Study (Parts I and II) and all supplemental materials to the AALS office. Please do not send a paper copy of the AALS Questionnaire or the ABA Self Study to AALS.

After the visit, the draft report: The reporter sends the draft report to the AALS for review by the AALS Membership Review Consultant and the AALS staff.

The final AALS report: The final AALS report will be sent to the dean and the university president, or the appropriate official at an independent law school. They will have an opportunity to send any comments and additional information to the AALS Executive Director before the AALS Membership Review and Executive Committees consider the reports. We would appreciate also receiving copies of any comments on the ABA report sent to the ABA Section on Legal Education; these comments are also shared with the AALS committees.

Committee Meetings: The Membership Review Committee meets twice a year, in April and October, and the Executive Committee considers the MRC reports at its meetings in May and November. The AALS Executive Committee will send the school a letter concerning its membership compliance after it reviews the reports, questionnaires, deans' comments, and the recommendation of the Membership Review Committee.

Executive Committee Letter: In most cases the school will receive a letter continuing membership; some letters may include peer advice. In rare cases a school may be asked to submit future progress reports on items of concern or to supply additional information if the Executive Committee found it did not have sufficient information to determine compliance. In rare cases a dean may be asked to attend a future committee meeting. A copy of the letter to the school will be sent to the AALS reporter on the site team.

## Reporter Appointment Letter

Dear [Title] [Last]:

Thank you for agreeing to serve as the AALS Reporter on the ABA/AALS site evaluation team visiting [law school name] on [Date of Visit]. [chair name and school] has agreed to chair the team. As the AALS Reporter, you will be responsible for writing the AALS Report as well as some of the ABA Report.

An invitation to a Dropbox folder has been sent to you. It contains files that should assist you in your role as the AALS reporter on the site team (these documents are not school specific). If you have any difficulty using Dropbox, please contact Barbara Studenmund, AALS Director of Membership Review, via email at [membershipreview@aals.org](mailto:membershipreview@aals.org).

Enclosed with this letter are files that relate to [law school name] from the previous AALS site visit, including the most recent AALS report and the most recent letter from the AALS Executive Committee to the school concerning its membership. (This material will not be in Dropbox).

The AALS would like to receive a final version of your report (please email your report to [membershipreview@aals.org](mailto:membershipreview@aals.org)) by [deadline date], so that we can provide the school the opportunity to comment before forwarding the report to the Membership Review Committee.

Thank you again for accepting this significant task on behalf of the Association. I hope that you will find it both interesting and informative.

Sincerely,

Judith Areen  
Executive Director

cc: [law school dean]

Enclosures:

Previous AALS "action" letter and AALS Report

Instructions to AALS Reporter including list of Dropbox materials

## Instructions for the AALS Reporter

Thank you for agreeing to serve as the AALS Reporter. As the AALS Reporter, you will be responsible for writing the AALS Report as well as some of the ABA Report. As you know, every ten years a site visit team made up of law professors, university administrators, and practitioners/judges visits member law schools as part of the ABA accreditation/AALS membership review process. The AALS appoints one member, the AALS reporter, to the ABA/AALS site team. As the learned society for law teachers, the AALS includes among its core values excellence in scholarship and teaching at member schools. Thus, you may find it helpful to ask to be assigned to the section of the ABA Report concerning faculty.

The AALS membership review process is grounded in peer review. The Association seeks, through the review process, to ensure that member schools comply with the shared objectives set forth in its bylaws. The Association also benefits from the review process by gathering important information on trends in legal education that can then be used to improve services for member schools across the country.

After the Membership Review and Executive Committees review your report, the AALS will send an action letter to the school. In that letter we would like to include commendations on the school's improvements since the last site visit. Please review the AALS site questionnaire for the school's improvements since the last site visit and include them in your report to the AALS.

The ABA provides a copy of the ABA site evaluation report to the AALS. The AALS uses the AALS report, the ABA site team's report, and the AALS questionnaire completed by the school prior to the site visit to determine whether a law school is operating in compliance with the AALS membership requirements. The AALS report should complement but not duplicate the ABA report. Basic facts underlying both the ABA and AALS reports should be similar; if factual conclusions in the AALS report are significantly different from those in the ABA report, an explanation for this disparity should be included in the AALS report. Both the ABA site team report and the AALS report are confidential.

As the AALS reporter, you will be sent an invitation to a Dropbox folder that contains the AALS membership requirements, report format, reporter instructions, and other files that you may find useful. If you have not yet received that invitation, please email [membershipreview@aals.org](mailto:membershipreview@aals.org).

### AALS Membership Requirements

Available in Dropbox is a copy of the AALS Bylaws and Executive Committee Regulations that pertain to membership requirements (the AALS core values are on the first page). We will send to you the AALS Report submitted at the time of the previous site visit and the Executive Committee's letter to the school in response to the prior report.

### Conversation with the Law School Dean:

The Chair of the ABA team typically meets separately with the dean of the law school being visited to provide an overview of the site visit and to answer any questions the dean may have about the process. The AALS recommends that you also meet separately with the dean, either before or early in the site visit. This is an opportunity to explain the core values of the AALS as well as to answer any

questions the dean may have about the AALS questionnaire, or the AALS membership review process. A document with suggestions for that conversation is available in Dropbox. Also in Dropbox is a copy of the memorandum about the AALS membership review process that has been sent to the law school dean.

### AALS Questionnaire

About three weeks before the site visit, the school will send to you its completed AALS site questionnaire. Please review it for completeness, compare the data provided with your observations during the visit, and report any significant differences or omissions.

### AALS Report

The ABA organizes its report to track ABA Accreditation Standards. The AALS report, by contrast, should provide for more discussion of areas of particular importance to the AALS core values (scholarship, teaching, governance, and diversity). An outline of a recommended format for the AALS Report is available in Dropbox.

The AALS Report is normally shorter than the ABA Report, e.g. some 7 to 10 pages in length, single-spaced. You may rely on information provided by other members of the ABA team, and you should feel free to refer to (rather than summarize) specific sections of the joint site report in your separate AALS Report. You do not need to wait until the ABA report is finalized to send us your AALS Report. Please do not send a copy of your AALS Report to the dean or the ABA Section staff.

The AALS Report should not simply summarize or duplicate the ABA Report, because the AALS committees receive the ABA site report. The AALS report may refer to the ABA site report for information already provided such as faculty governance. However, the AALS report may discuss facts that expand on, or go beyond, those in the ABA report. The focus of the AALS Report should be on the AALS core values, and as a result the AALS Report may go into more detail in some areas, or focus on different aspects, than the ABA Report. Please include in your report any facts relating to items in the AALS questionnaire that suggest noncompliance with core membership requirements, e.g., poor teaching, inadequate scholarship, or an incomplete nondiscrimination policy.

The AALS committees also have access to the AALS site questionnaire completed by the law school. The AALS report should summarize the information in that questionnaire, not duplicate it. The AALS report may refer the questionnaire for details on information such as descriptions of faculty meetings. The AALS report should include information from the questionnaire such as any innovative programs or activities that were identified by the school that you are able to confirm during the site visit.

Include enough relevant facts in your report so that the AALS Executive and Membership Review Committees can determine whether a school complies with AALS membership requirements. The AALS report may also refer to sections of the ABA site report or the law school's questionnaire for additional facts. You should refrain from drawing conclusions, however, as to whether the facts demonstrate compliance (or noncompliance) with membership requirements. Your report also should not refer to individual faculty members unless doing so provides facts that are essential to establishing compliance with the bylaws and regulations.



Many experienced site visitors find it helpful to review the documentation before going to the school, and they often draft the AALS Report before the visit, using the recommended format. Writing a draft before the visit will help you to spot any gaps in information that you can be sure to address during your visit. It can also serve as a guide, highlighting any improvements the school has made or any problems they might be struggling with that you can plan to observe in person. You can then spend the visit to verify the information and finalize the report soon after the site visit.

### AALS Committee Review

The AALS's Membership Review Committee and the Executive Committee will use your separate AALS Report, together with the AALS Questionnaire and the ABA Report, to determine whether the school complies with AALS membership requirements.

When your report is complete, email it to [membershipreview@aals.org](mailto:membershipreview@aals.org). After the AALS office receives both your report and the ABA Report, it will be reviewed by the AALS Membership Review Consultant. The consultant will contact you with any questions or suggested edits before your report is sent to the school. The dean will have the opportunity to submit comments to the AALS Membership Review Committee on your AALS Report. Do not be surprised if you are not contacted for a few weeks after you submit your draft Report. The AALS never sends out its Report before receiving and reviewing the ABA report. Thus, you may not hear from the consultant for several weeks after submitting your draft.

The AALS Membership Review Committee meets twice a year, in April and October; it will consider your report, along with the ABA Report and the AALS site questionnaire. The Membership Review Committee prepares recommendations that the AALS Executive Committee will consider at its meetings in May and November. A letter will be sent to the school after the Executive Committee meeting. A copy of that letter will also be sent to you, the AALS Reporter.

Available in Dropbox:

- AALS Membership Requirements
- AALS Reporter Conversation with the Dean
- AALS Membership Review Process
- AALS Site Questionnaire
- AALS Report Format Outline
- Role of the AALS Reporter Memo, for the site team

Also in Dropbox: ABA Classroom Visitation Form

The website containing the recording from the most recent AALS Site Evaluation Workshop can be found at <https://www.aals.org/member-schools/membership-requirements/site-evaluators/>.

If you have any questions, please contact Barbara Studenmund via email at [bstudenmund@aals.org](mailto:bstudenmund@aals.org) (202/296-6474).

## Classroom Visitation Form

### SAMPLE REPORT FORM

1. Course Name:
2. Instructor:
3. Evaluator:
4. Date of Visit:          Arrived:          Departed:
5.
  - a. Approximate number of students attending:
  - b. Number registered:
6.
  - a. Room number:
  - b. Was the room adequate (seating, sightlines, acoustics, lighting, technology)?
7. If you were present at the start of the class, was attendance taken and, if so, by what method?
8. If you were present at the start of the class, did it begin on time? Did students arrive on time?
9. The general subject matter considered in the class:
10. The method or methods of instruction:
11. Did the instructor and students appear prepared?
12. Did the instructor interact with the students and did the class actively participate in the discussion?
13. Was the class intellectually stimulating and rigorous?
14. Did you observe students accessing non-class related materials on laptops, cellphones, or other electronic devices during class?
15. Other comments on the class or the classroom:
16. Overall impression of the class on a scale of 1-10 (10 being highest):

## AALS Reporter Discussion with the Law School Dean

The Chair of the ABA site team typically meets separately with the dean of the law school being visited to provide an overview of the site visit and to answer any questions the dean may have about the process. The AALS recommends that you also meet separately with the dean, either before or early in the site visit. This is an opportunity to explain the core values of the AALS (attached) as well as to answer any questions the dean may have about the AALS questionnaire or the AALS membership review process.

The roles of the AALS and the ABA differ in certain important respects with regard to accreditation and membership review. The ABA is the nationally-recognized accrediting agency for law schools. The U.S. Department of Education has so recognized the ABA, thereby enabling students at ABA-accredited schools to obtain federal financial aid. In addition, most states rely upon ABA accreditation in their rules regulating who may take the state's bar examination. The AALS is not an accrediting agency. As a membership organization, the AALS's purpose is to support and encourage member schools in improving legal education. Periodic reviews enable the Association to foster excellence in legal education.

The AALS membership review process is grounded in peer review. The Association seeks, through the review process, to ensure that member schools comply with the shared objectives set forth in its bylaws. The Association also benefits from the review process by gathering important information on trends in legal education that can then be used to improve services for member schools across the country.

The ABA provides a copy of the ABA site evaluation report to the AALS. The AALS uses the AALS report, the ABA site team's report, and the AALS questionnaire completed by the school in determining whether a law school is operating in compliance with the AALS membership requirements. The AALS report is independent, but basic facts underlying both the ABA and AALS reports should be similar; if factual conclusions in the AALS report are significantly different from those in the ABA report, an explanation for this disparity should be included in the AALS report. Both the ABA site team report and the AALS report are confidential.

The AALS Membership Review Committee makes recommendations to the AALS Executive Committee concerning the review of member schools. The AALS Membership Review Committee meets twice a year, and the dean will receive a letter about the AALS review after the spring or fall Executive Committee meeting.

## **Section 6-1. Core Values.**

- a. The obligations of membership imposed by this Article and the Executive Committee Regulations are intended to reflect the Association's core values and distinctive role as a membership association, while according appropriate respect for the autonomy of its member schools.
- b. The Association values and expects its member schools to value:
  - (i) a faculty composed primarily of full-time teacher-scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service;
  - (ii) academic freedom;
  - (iii) diversity of viewpoints;
  - (iv) excellent scholarship;
  - (v) excellent teaching;
  - (vi) a rigorous academic program in the context of a dynamic curriculum that is both broad and deep;
  - (vii) a diverse faculty hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination;
  - (viii) competent and professional staff to support the mission of the law school;
  - (ix) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession; and
  - (x) honesty, integrity, and professionalism in dealing with students, faculty, staff, the public, and the Association.

## AALS Site Visit Questionnaire

Law School Name \_\_\_\_\_ Date \_\_\_\_\_

Name and Position of Person Completing Questionnaire \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

This questionnaire seeks information relevant to the core values of the AALS that will assist the AALS reporter, Membership Review Committee, and Executive Committee in the membership review process. The AALS membership review process is meant to complement, and not duplicate, the ABA's accreditation process. Our questionnaire, therefore, focuses on the core values of AALS. This questionnaire is formatted as a word document to make it accessible to variations in response to our questions. Most answers will be included in separate appendices. If you want to add an explanation or expand on information in the questionnaire, please do not change the question itself.

At least twenty (20) days before the site visit, please send the AALS reporter your completed questionnaire. In addition, the AALS office would like to receive an electronic version of this completed questionnaire on a flash drive. Include each appendix separately on the flash drive. Do not include them as one large document. Your school is also preparing a Self Study for the ABA Section; the AALS would also like to receive an electronic version of the ABA Self Study and all supplemental materials. (Do not send a paper copy of the AALS questionnaire or the ABA Self Study to AALS.) Please mail a flash drive containing all files to: AALS Membership Review, 1614 20th Street, NW, Washington, DC 20009.

If you have any questions, please contact Barbara Studenmund, AALS Director of Membership Review, at [membershipreview@aals.org](mailto:membershipreview@aals.org).

### I. Faculty and Scholarship

1. Please indicate the number of current full-time tenured or tenure-track faculty \_\_\_\_\_ as well as the number of other full-time faculty who are expected to produce scholarship \_\_\_\_\_. AALS asks for the current number of full-time faculty, which we understand may differ from the numbers submitted on the ABA SEQ. Please complete the following chart for the preceding three academic years.

Types of scholarly publications	Number of full-time faculty publishing each type during the 3 preceding years	Number of each type of publication published by full-time faculty during the 3 preceding years
Law review articles		
Books		
Book chapters		
Other scholarly publications		

2. Please complete the attached faculty profile. List all current full-time faculty. This will be Appendix A. Be sure to provide the titles, citations, and publication dates of their scholarship either in the Profile Chart, or in a separate faculty publication list. If a full-time faculty member is expected to publish and has not done so in the past three years, please provide an explanation for why they did not publish. You are welcome to indicate other ways they contributed to the law school in your explanations, including larger course loads, sponsorship of symposia, or service as an Academic Dean.
3. How many tenured faculty \_\_\_\_\_, or untenured, tenure-track faculty \_\_\_\_\_, or other full-time faculty with writing obligations \_\_\_\_\_, have *not* published any scholarship in the past three years?
4. Please separately list the full-time faculty (1) who were at the law school five years ago and indicate their status now (i.e. still on faculty, resigned, retired, etc.), as well as (2) a list of new faculty added in the past five years and their current status. Please indicate the gender and race/ethnicity of each faculty member listed. This will be Appendix B.
5. Describe or attach your school's policy with respect to scholarly productivity, including to whom it applies and any specific expectations, e.g. at least one major article or book chapter every two years. If there is no written policy, please describe how scholarly expectations are communicated to faculty. Please also attach your school's narrative responses to Questions #48(a)(3) and #51(a-b), including Question 48's attachment, of the ABA Site Evaluation Questionnaire (SEQ). This will be Appendix C.
6. Describe the steps you take to mentor new faculty. This will be Appendix D.
7. Describe the programs you have in place to encourage faculty scholarship, e.g. research assistants, opportunities for faculty to present works in progress, etc. Please indicate if you have added or changed any of these programs since the last membership review. This will be Appendix E.
8. Please describe the faculty meetings that were convened over the past academic year and their dates. Please describe briefly the topics covered at each meeting (e.g. faculty hiring, strategic planning). This will be Appendix F.

## **II. Teaching**

1. Please describe the normal teaching load for full-time faculty. If the teaching load varies for different faculty, e.g. tenured, tenure track, clinicians, LRW, please describe the differences. Also attach your school's narrative response to Question #47(a-b) of the ABA SEQ. This will be Appendix G.
2. What programs or services do you offer to assist faculty in improving their teaching? This will be Appendix H.
3. The AALS is interested in understanding where schools are in relation to online and distance education. Please attach your school's narrative response to Question #33 of the ABA SEQ. This will Appendix I.
4. Please attach your school's narrative response and reports in response to the ABA SEQ Question #46 (a) and (b) on Contact and Credit Hours. This will be Appendix J.

5. Please indicate whether more than 20% of your J.D. students are in a part-time division:  
\_\_\_\_\_yes \_\_\_\_\_no

### III. Improvements Since the Last Site Visit

1. Please describe in 1,500 words or less significant changes, if any, to your curriculum requirements since the last site visit, e.g. a change in the number or type of courses required for graduation. This will be Appendix K.
2. Please describe in 1,500 words or less significant curricular innovations (maximum of three), if any, made since the last site visit, e.g. a new clinic or methods of pedagogy. This will be Appendix L.
3. Please describe in 1,500 words or less other significant improvements, if any, made since the last site visit, e.g. new efforts to support faculty teaching or scholarship, or new efforts to increase faculty or student diversity. This will be Appendix M.

### IV. Nondiscrimination and Diversity

- 1.a. Does the school have a written policy that complies with Bylaw 6-3a? (Bylaw 6-3a provides: A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, gender (including identity and expression), sexual orientation, age, or disability.) \_\_\_\_\_yes \_\_\_\_\_no
- 1.b. Please attach copies of all nondiscrimination policies as they appear in printed and online communications, e.g. admissions materials, school promotion documents, etc., and indicate where they appear online. This will be Appendix N.
2. Please attach the ABA Standard 509 Information Report for the past three academic years. This will be Appendix O.
3. Please attach your school's narrative responses for Questions #16 and #17 of the ABA SEQ describing efforts to recruit and retain a diverse faculty. This will be Appendix P.
4. Please report the gender and ethnicity of all full-time employees who are classified as exempt staff as defined by the Fair Labor Standards Act, as well as any nonexempt staff who have significant contact with students. Do not include full-time faculty members. Please use the following chart (add rows as needed). This will be Appendix Q.

Title (do not include names)	Gender	Ethnicity

5. Member schools are required to obtain written assurances from employers that they comply with the school's nondiscrimination requirements. When using an online application such as Symplicity, schools may meet the requirement by adding a box to the application that employers can check to indicate they have read and will comply with the nondiscrimination policy. When job postings are obtained from third parties, schools can meet the requirement by adding a notation to the postings that these employers have not been vetted by the schools and have not yet given assurances of nondiscrimination. Does the school require all employers receiving any form of placement assistance to give written assurances of compliance that meet these standards? (Please answer yes or no) \_\_\_\_\_

Please attach copies of the nondiscrimination policy and documents used in obtaining assurances from employers including Symplicity, job posting forms, and other placement assistance (these may include screenshots of webpages). This will be Appendix R.

#### Appendices to Completed Questionnaire

- A. Faculty Profile
- B. List of faculty who were appointed and those who have retired or resigned during the past 5 years.
- C. Scholarship Policy/Policies
- D. Faculty Mentoring Program
- E. Programs to Encourage Scholarship
- F. Faculty Meetings
- G. Teaching Evaluation Policies and Procedures
- H. Programs to Improve Teaching
- I. Online/Distance Education Programs
- J. Student Contact Hours
- K. Curricular Changes
- L. Curricular Innovations
- M. Significant Improvements
- N. Nondiscrimination Policy
- O. 509 reports for past three years
- P. Faculty Diversity Efforts
- Q. Staff Demographics
- R. Employer Assurance

July 2021

Mail electronic versions of the AALS questionnaire and the ABA Self Study to:

AALS Membership Review  
1614 20<sup>th</sup> Street, NW  
Washington, DC 20009

This questionnaire is also available online at: <http://www.aals.org/member-schools/membership-requirements/>



## Faculty Profile

Instructions: List all current full-time faculty, and include scholarship published in the past three years (either academic or calendar years, whichever you used in Question 1). Group faculty by responsibilities (1) Those with Writing Responsibilities or (2) Faculty with No Writing Responsibilities. Specify the type of publication (e.g. law review article, book, book chapter, etc, and include title, citation, and date of each publication). Also, please note if there is no, or limited (e.g., no post-tenure expectation), scholarly publication expectation for the faculty member. Include faculty who have not published in the three-year period and indicate other ways they contributed to the law school in the notes.

[illegible]

<sup>i</sup> Status includes tenured, tenure-track, clinical, legal writing, and other (please specify).

## AALS Report Format Outline

The purpose of the AALS Report is to provide information about matters of particular interest to the AALS membership review process. It is not necessary to summarize the joint ABA/AALS site report in your report as it is available to the Membership Review Committee (MRC). This also means you can simply reference information in the ABA Inspection Report on the site visit using the question number instead of repeating it. The MRC only has access to the ABA Inspection Report, so please do not reference information from other documents. Your goal should be a report that is 7 to 10 pages in length.

It would be helpful to the AALS Membership Review Committee if your report followed the organizational format outlined below. Under each heading, topics of special interest to the AALS are noted.

Please be as objective as possible in your report. When you are asked to evaluate the quality of scholarship or teaching, you will necessarily be making judgments, but please also provide as many facts to support your evaluation as you can. Please leave to the Membership Review Committee the decision as to whether the facts and judgments you report demonstrate that the school is or is not in compliance with AALS membership requirements.

### I. INTRODUCTION

It is customary to begin with the date of the site visit, full name of the law school, and several paragraphs that describe the school's mission, special strengths, and signature features or programs. Please also report whether the school has an accelerated JD program, or any non-JD programs. You should briefly describe any significant changes to the law school's educational program, location, institutional affiliation, or structure since the last site visit, as well as any changes in the deanship since then.

### II. SCHOLARSHIP AND MENTORING

Please report separately the number of tenured, tenure-track, and contract faculty. The Membership Review Committee values some discussion of the quality, not just the quantity, of scholarship produced by the school's faculty. The AALS Questionnaire asks for information about faculty publications over the past three years, which should be useful to you in assessing the scholarship of the faculty. On every faculty, there are some members who are less productive scholars than others, and a few who may produce no scholarship. But where there is a culture of commitment to producing good scholarship, most faculty should be engaged in publishing good quality scholarly work. If productivity is low, or the work is of poor quality, you should try to determine what, if anything is being done to improve them.

Please report on whether the school has a policy on scholarship expectations, e.g. at least one major article or book chapter every two years. (The AALS Questionnaire asks whether the school's policy with respect to scholarly productivity is in writing, and, if it is not, how those expectations are conveyed.) Please confirm that faculty are aware of the policy on scholarly obligations and productivity. You should also report on whether the school has written promotion and tenure rules, and whether those rules are distributed to tenured and tenure track faculty.

Please describe and evaluate the school's mentoring programs, if any, for faculty concerning scholarship and teaching, and any new programs or policies to encourage faculty scholarship that have been initiated since the last site visit.

### III. TEACHING

Please report the normal teaching loads for the various types of faculty (tenure, tenure track, contract, clinicians, LRW). Please note if there is a policy of reduced teaching loads for some—e.g. new faculty. Please describe how the school evaluates the quality of teaching by all faculty, both full time and part time. Next, evaluate the programs or services offered to assist faculty in improving their teaching. Please describe and evaluate the quality of teaching in the classes visited. Be sure to include a description of the nature of the classes visited, the pedagogy employed, and student engagement. Please also describe and evaluate any classroom innovations (e.g., use of technology or styles of teaching) made since the prior site visit.

The Membership Review Committee needs to determine whether the school is complying with Bylaw 6-4(d) which indicates that each J.D. student shall have the opportunity to obtain most of their instruction from the full-time faculty. According to Executive Committee Regulation (ECR) 6-4.1, a school demonstrates compliance when the school's full-time faculty offer at least sixty percent of the J.D. credit hours or student contact hours in each division. This requirement must be met separately for each division if there are multiple divisions, unless the part-time division is less than twenty percent of the student body. The AALS Site Questionnaire asks for additional details on instructions from schools with over twenty percent of the J.D. students in part-time programs. Please report the number of credit hours or student contact hours offered by full-time faculty in each division. Schools that demonstrate that at least sixty percent of the J.D. instruction in each division is taught by full-time faculty fulfill the requirement. If the school does not meet this safe harbor for each division, please explain.

If the school does not meet the safe harbor percentage, be sure to obtain information on what they are doing to bring themselves into compliance. The above percentage is considered to be a safe harbor, meaning the school can explain use of full-time faculty below sixty percent and the AALS Membership Review Committee will consider this explanation during the membership review process. Be sure to visit some adjunct-taught classes and evaluate their quality. Describe the school's procedures for the selection and orientation of part-time faculty. Do full-time faculty evaluate the performance of part-time faculty, are part-time faculty regularly available to meet with students, and does the school provide office space in which part-time faculty can meet with students?

### IV. CURRICULUM

Please report on any significant curricular changes since the last site visit. The AALS Questionnaire asks schools to identify any innovative curricular developments, and your report should describe and assess programs named by the school, if any. You should also inquire about and report on innovative use of technology in support of the academic program.

### V. IMPROVEMENTS

In an effort to encourage a law school's attempts to further advance legal education, the AALS Questionnaire asks schools to identify any significant improvements made since the last site visit. Please describe and assess any improvements named by the school.

## VI. LAW SCHOOL GOVERNANCE

Please include information on (1) the faculty's role, if any, in the law school's budget process, curriculum planning, strategic planning, and in setting admissions policy; (2) how faculty are selected for committees and the faculty committee structure; the faculty's role in (3) the selection, tenuring, and promotion of faculty; and (4) the selection of the dean. Only list or describe standing and ad hoc committees when there is an interesting or unusual aspect of the school's committee structure.

Please report how often the faculty meets throughout the academic year. Please also describe the governance rights, if any, of full-time faculty who are not tenured or on tenure track. Do they participate in faculty committees? May they attend faculty meetings? May they vote?

Indicate whether the school has an academic freedom policy. Does the policy apply to all faculty, regardless of whether they are on the tenure-track or tenured, and whether they are full-time or part-time?

## VII. NONDISCRIMINATION AND DIVERSITY

### A. NONDISCRIMINATION POLICY

Please include the actual language of the school's written nondiscrimination policy or policies governing internal operations, indicating the categories and activities (admissions, employment, and educational programs) covered by the policy. Indicate where the policy or policies are published to its various constituents (in a view book, student handbook, on its website, etc.).

Please also report on how the school obtains appropriate nondiscrimination assurances from employers who use the law school's placement services. This information can be found in Appendix R of the AALS Questionnaire and should be verified during the site visit. Most schools require an employer to check a box or sign a form when listing positions.

### B. EFFORTS TO CREATE A DIVERSE INTELLECTUAL COMMUNITY

#### 1. Students

Please describe the law school's efforts to recruit a diverse applicant pool. Provide data on the number and percentage of women and students of color, including 1L student diversity data for prior three years (this data can be found in the school's 509 reports, included in the AALS Questionnaire). Please do not disaggregate students based on their racial/ethnic heritage but rather provide the numbers and percentages of students of color as a whole.

Please provide data to show whether the law school has been successful in admitting, enrolling, and graduating a diverse group of students. Describe the geographic area from which the law school draws students. Describe efforts the law school makes to create an inclusive climate for diverse students. Does the law school have appropriate academic support programs?

## 2. Faculty

Describe the efforts made to recruit and retain a diverse faculty. Provide data on faculty diversity, including faculty hiring data for prior five years (this data can be found in the AALS Questionnaire). Does the law school have an inclusive climate for diverse faculty? Confirm the number of tenure/tenure track faculty, clinical faculty, LRW faculty, other faculty, and the percentage of faculty of color and women in each category. Has the number of faculty of color or women increased or decreased in recent years? Please do not disaggregate faculty based on their racial/ethnic heritage but rather provide the numbers and percentages of faculty of color as a whole.

Describe any special considerations that affect the law school's ability to recruit and retain faculty of color and women (e.g. geographic locations, mission, etc.). If the law school has experienced no improvement or any significant declines in diversity since the last site visit, describe its plan to address this matter. Please report gender and ethnicity of all full-time employees who are classified as exempt staff, as well as any nonexempt staff who have significant contact with students.

## VIII. LIBRARY

Do the faculty and students have adequate access to the collection they need? Is the budget sufficient to allow for maintenance and needed growth of the collection and adjustment to technological change? Describe the qualifications of the library director. Is the library and its director integrated into the law school? If the library director does not have faculty rank, what steps has the school taken to assure that the director participates in the policy decisions of the faculty? Please describe the relationship between the law school library and the university library.

## IX. PHYSICAL FACILITIES

If there are concerns about the physical facility that might adversely affect the academic program, the ability to attract students, or the quality of teaching and scholarship, please describe those conditions.

## X. OTHER FISCAL MATTERS

If the law school is facing declining revenue or student enrollment, describe the plan they have for maintaining academic quality in the face of the decline. Has the faculty been appropriately consulted in developing the plan?

## XI. DEGREE PROGRAMS BEYOND THE FIRST DEGREE IN LAW (where applicable)

If the school has instituted an LL.M. or other advanced degree program, please briefly describe the program and its effect, if any, on the school's J.D. program and operations.

## XII. SUMMARY

The summary should note the strengths and weaknesses of the school as they relate to the Association's core obligations of membership. You may wish to point out areas of concern, but you should avoid drawing any conclusions as to whether the school is or is not in compliance with specific membership requirements.

## A SPECIAL NOTE ON SALARIES:

You should not inquire about compensation. The AALS is concerned about compensation only if it affects a school's ability to "attract and maintain a faculty of high competence and suitable size..." [Bylaw 6-4(a)]. If you learn during the site visit that the school has had problems attracting and maintaining faculty, you may inquire as to the reasons. If one of the reasons relates to faculty compensation, you should not inquire any further about that issue. Instead, after the site visit, you should advise the AALS office that the issue has been raised. Any collection of compensation data will be handled separately by someone in the AALS office.

Similarly, please notify the AALS if you hear reports of disparity in salaries that would be attributable to gender, race, or other areas protected by AALS nondiscrimination policy in Bylaw 6-3(a). Again, you should not attempt to investigate or inquire about this issue during the site visit, but should advise the AALS office that the issue has been raised.

## Sample Letter from AALS

Dear President \_\_\_\_\_ and Dean \_\_\_\_\_:

On behalf of the Executive Committee of the Association of American Law Schools, I extend our thanks to the University of \_\_\_\_\_ School of Law for participating in the Association's periodic membership review. The AALS recognizes that the review process takes a significant amount of time and want you to know that we very much appreciate your efforts.

The Executive Committee commends you for your increased support for faculty scholarship and your ongoing efforts to ensure that the core value of diversity is at the forefront of student and faculty recruitment efforts. The Executive Committee also congratulates you, your faculty, staff, and students on your other achievements since the last evaluation of the school, and is pleased to confirm your continued membership in the Association. We look forward to the contributions your law school will make to legal education and to society in the years to come.

Although the site evaluation and AALS reports are not for publication, you may publish this letter reporting the actions of the Executive Committee. In accordance with Executive Committee Regulation 5.6(c), members of the full-time faculty and professional staff of the law school, the governing board, and appropriate officials in the university administration are entitled to read or receive a copy of this letter. If you have any questions, I welcome your call.

**ASSOCIATION OF AMERICAN LAW SCHOOLS  
BYLAWS AND  
EXECUTIVE COMMITTEE REGULATIONS  
PERTAINING TO  
THE REQUIREMENTS OF MEMBERSHIP**

**REGULATIONS CORRELATING TO A BYLAW IMMEDIATELY  
FOLLOW THE APPROPRIATE BYLAW**

**IMPARTIALITY AND PROPRIETY IN THE PROCESS OF AALS MEMBERSHIP REVIEW**

**INTERPRETIVE PRINCIPLES TO GUIDE RELIGIOUSLY AFFILIATED  
MEMBER SCHOOLS AS THEY IMPLEMENT BYLAW SECTION 6-3(A) AND  
EXECUTIVE COMMITTEE REGULATION 6-3.1**



Association of American  
Law Schools

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**Note:** Bylaws are printed in a regular font; *Executive Committee Regulations* are italicized

January 2017



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## **BYLAW ARTICLE 2. MEMBERSHIP**

**Section 2-1. Membership.** The members of the Association shall be the law schools elected to membership pursuant to these bylaws.

### **Section 2-2. Qualification for Membership.**

a. Applications for membership shall be addressed to the Executive Director accompanied by evidence that the applicant has fulfilled and is capable in the future of fulfilling the obligations of membership as reflected in these bylaws and the regulations promulgated thereunder. The Executive Committee shall examine the application and report at the Annual Meeting of the Association those applicants that have qualified. The application for membership shall be filed at the time and in the form specified by the Executive Committee.

b. In determining whether a school fulfills and can continue to fulfill the obligations of membership, the controlling issue is the overall quality of the school measured against the standards of quality articulated in the Requirements of Article 6. The Executive Committee Regulations are designed to provide guidance in making this assessment. They are not meant to be taken as implying that formal compliance with their specific terms is necessarily equivalent to satisfaction of the qualitative requirements, or that departure from any of their specific terms is automatically demonstrative of qualitative failure.

c. A law school making application for membership shall pay to the Association an application fee to defray the indirect expenses of the Association in an amount established by the Executive Committee and such direct expenses incurred in connection with the application as are specified by the Executive Committee.

d. An applicant school may appeal to the House of Representatives the decision of the Executive Committee not to recommend it for membership. The grounds and procedures for the appeal shall be those specified by regulation adopted by the Executive Committee. Representatives of the applicant school are entitled to the privileges of the floor during the consideration of its appeal by the House.

## **BYLAW ARTICLE 5 EXECUTIVE COMMITTEE**

**Section 5-5. Power to Grant Variances.** Upon application by a member school, the Executive Committee may grant to the member school such variance from the terms of these articles and regulations thereunder as will not be contrary to the core values of this Association. The Executive Committee shall grant the variance upon the conditions that the member school report the results of the variance to the Executive Committee and that the variance be effective for a stated time not to exceed eight years.

**Section 5-14. Visitation.** The Executive Committee may request an advisor to visit a school whenever a school requests it or whenever in the opinion of the Committee legal education would be promoted by a visitation. During a visitation, all records of the school shall be made available to the advisor. The reasonable cost of visitation shall be paid by the member school unless the Executive Committee directs otherwise.

## BYLAW ARTICLE 6 REQUIREMENTS OF MEMBERSHIP

### **Bylaw Section 6-1. Core Values**

- a. The obligations of membership imposed by this Article and the Executive Committee Regulations are intended to reflect the Association's core values and distinctive role as a membership association, while according appropriate respect for the autonomy of its member schools.
- b. The Association values and expects its member schools to value:
  - (i) a faculty composed primarily of full-time teacher-scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service;
  - (ii) academic freedom;
  - (iii) diversity of viewpoints;
  - (iv) excellent scholarship;
  - (v) excellent teaching;
  - (vi) a rigorous academic program in the context of a dynamic curriculum that is both broad and deep;
  - (vii) a diverse faculty hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of nondiscrimination;
  - (viii) competent and professional staff to support the mission of the law school;
  - (ix) selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and nondiscriminatory process designed to produce a diverse student body and a broadly representative legal profession; and
  - (x) honesty, integrity, and professionalism in dealing with students, faculty, staff, the public, and the Association.

## **Bylaw Section 6-2. Admissions**

- a. A member school shall admit only those applicants whose applications have been evaluated pursuant to a process consistent with Bylaw Section 6-3 and who appear to have the capacity to meet its academic standards.
- b. In order that appropriate intellectual rigor may be maintained, a member school shall admit to its first professional degree program only those applicants who have the level of intellectual maturity and accomplishment normally demonstrated by the award of an undergraduate degree.
- c. A member school shall deal fairly with applicants for admission.

### ***Executive Committee Regulations Pertaining to Bylaw 6-2***

**6-2.1 Evaluating Applicants for Admission to the Juris Doctor Program.** *In determining whether an applicant has the capacity to meet its academic standards, a member school should consider the applicant's undergraduate academic record, experience, and an admission test score or other indicia in a manner consistent with Bylaw 6-3. A decision to admit an applicant whose degree was earned outside the United States should be supported by careful evaluation of the applicant's academic record. Member schools should require each applicant to make full written disclosure of any prior attendance at any law school.*

**6-2.2 Financial Considerations.** *A member school may not permit financial considerations to distort its overall admissions policies either by admitting students who appear to lack the capacity to meet the school's academic standards in order to achieve enrollment targets or by making admissions determinations premised on students' financial needs.*

**6-2.3 Recruitment.** *A member school should make available to anyone requesting an admissions application the following information: admissions data; tuition and fees, living costs, and financial aid; conditional scholarships; enrollment data, including academic, transfer and other attrition; numbers of full-time and part-time faculty, professional librarians, and administrators; class sizes for first-year and upper-class courses and number of seminars, clinics, and co-curricular offerings; employment outcomes and bar passage data; recent historical data regarding the academic qualifications of its student body; student activities and groups; and information concerning the school's grading system, retention rules and procedures, and nondiscrimination policies.*

**6-2.4 Conditions of Admission.** *A member school may not require an applicant to accept an offer of admission or to submit a deposit any earlier than necessary to protect the school's admissions priorities and other applicants' opportunities for admission or financial aid.*

### **Bylaw Section 6-3. Diversity: Nondiscrimination and Affirmative Action.**

- a. A member school shall provide equality of opportunity in legal education for all persons, including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the ground of race, color, religion, national origin, sex, gender (including identity and expression), sexual orientation, age, or disability.
- b. A member school shall pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation on the ground of race, color, religion, national origin, sex, gender (including identity and expression), sexual orientation, age, or disability. A member school shall communicate to each employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity.
- c. A member school shall seek to have a faculty, staff, and student body which are diverse with respect to race, color, and sex. A member school may pursue additional affirmative action objectives.

#### ***Executive Committee Regulations Pertaining to Bylaw 6-3***

**6-3.1 Law Schools with a Religious Affiliation or Purpose.** *It is not inconsistent with Bylaw Section 6-3(a) for a law school with a religious affiliation or purpose to adopt preferential admissions and employment practices that directly relate to the school's religious affiliation or purpose so long as (1) notice of the practices is provided to members of the law school community (students, faculty and staff) before their affiliation with the school; (2) the practices do not interfere with the school's provision of satisfactory legal education as provided for in the AALS's Bylaws and these Regulations, whether because of lack of a sufficient intellectual diversity or for any other reason; (3) the practices comply with all other Bylaws and these Regulations; (4) the practices do not discriminate on the ground of race, color, national origin, sex, age, disability, sexual orientation or gender (including identity and expression); and (5) the practices contain neither a blanket exclusion nor a limit on the number of persons admitted or employed on religious grounds.*

#### **6-3.2 Equal Opportunity in Employment.**

- a. *A member school should inform employers of its obligation under Bylaw 6-3(b), and require employers, as a condition of obtaining any form of placement assistance or use of the school's facilities, to provide an assurance of the employer's willingness to observe the principles of equal opportunity stated in Bylaw 6-3(b).*
- b. *A member school has an obligation to investigate credible complaints concerning discriminatory practices against its students that are inconsistent with the core values of AALS to assure that placement assistance and facilities are made available only to employers whose practices are consistent with the principles of equal opportunity stated in Bylaw 6-3(b).*

#### **Bylaw Section 6-4. Faculty**

- a. A member school shall attract and maintain a faculty of high competence and suitable size, with a sufficient number of full-time faculty members to provide ready professional relationships among the faculty and between the faculty and the students and to offer a reasonably broad curriculum. “Full-time faculty member” means a faculty member who devotes substantially all of his or her working time to the responsibilities of teacher, scholar, and educator. Professional activities outside the law school are not precluded if limited so as not to divert the faculty member from the primary interest and duty as a legal educator.
- b. A member school shall have a full-time dean who devotes substantially all of his or her working time to the responsibilities of being a dean, including the dean’s responsibilities as a member of the faculty.
- c. A faculty’s competence shall be judged primarily with reference to the full-time members. Competence shall be determined in the aggregate, with emphasis upon the following criteria:
  - (i) Quality of teaching and attention given to law students both as individuals and as a group;
  - (ii) Faculty training and experience;
  - (iii) Scholarly interests and performance; and
  - (iv) Responsible participation in the self-governing and deliberative processes of the law faculty.
- d. In each division of a member school’s program, each student shall have the opportunity to obtain most of his or her instruction leading to the Juris Doctor degree from the school’s full-time faculty.

#### ***Executive Committee Regulations Pertaining to Bylaw 6-4***

**6-4.1 Full-time Faculty Requirement.** *A member school demonstrates compliance with Bylaw 6-4(d) if in each division of its program, the school’s full-time faculty during the academic year offer at least sixty percent of the Juris Doctor credit hours or of student contact hours leading to the Juris Doctor degree.*

**6-4.2 Limits on Outside Professional Activities.** *To determine whether outside professional activities are properly limited so as not to divert a full-time faculty member from the faculty member’s primary interest and duty as a legal educator, the following factors should be considered:*

- (i) The extent to which the outside activity coincides with the full-time faculty member’s major fields of interest as a teacher and scholar;*

*(ii) The character of the professional activity as a source of novel and enriching experience that can be directly utilized in the person's capacity as teacher and scholar;*

*(iii) The degree to which the demands of the outside activity interfere with the faculty member's regular presence in the law school and availability for consultation and interchange with students and colleagues; and*

*(iv) The extent to which the outside activity may properly be characterized as public service, as distinct from the pursuit of private purposes.*

#### **Bylaw Section 6-5. Law School Governance.**

- a. In keeping with the principles of shared governance of the American Association of University Professors, a member school shall vest in the faculty primary responsibility for determining academic policy.
- b. To determine academic policy, the law faculty shall be properly constituted and organized, meet regularly according to orderly procedures, and maintain a record of its deliberations.
- c. The faculty shall exercise substantial control over faculty appointments or changes in faculty status, such as promotions and tenure designations. The faculty (acting as a whole or by a representative portion determined by reasonable criteria), assembled in a meeting of which suitable notice has been given, should make the initial choice with respect to faculty appointments or changes in faculty status for submission through any intermediate approving authorities to the final appointing authority.
- d. The faculty shall have meaningful involvement in the selection of the dean or interim dean. The faculty, individually or collectively, should be consulted with respect to appointment of the dean or interim dean before submission of any official recommendation to the final appointing authority, or, when no official recommendation is contemplated, before action by the final authority.
- e. Except in rare cases and for compelling reasons, no decanal or faculty appointment or change in faculty status is made over the expressed opposition of the faculty (acting as a whole or by a representative portion determined by reasonable criteria).

#### **Bylaw Section 6-6. Faculty Development.**

- a. A member school shall maintain conditions conducive to the faculty's effective discharge of its teaching and scholarly responsibilities and service obligations.
- b. A member school shall assign faculty teaching and scholarship responsibilities so as to permit the continuous and energetic study of new developments in the faculty members' areas of interest and so as to be compatible with a climate of research in which faculty members may find

opportunity to undertake investigations of their own choosing that will allow them to develop and continue as effective teachers and scholars.

c. A member school shall assist its faculty to discharge their responsibility to advance as well as to transmit ordered knowledge. To determine whether a school is fulfilling this obligation, the following factors shall be considered:

(i) Recognition accorded creative scholarship in the appointment and advancement of members of the faculty;

(ii) Number of teaching hours and subject matter areas for which each faculty member is responsible;

(iii) Policies and practices concerning reduced teaching loads, relief from committees or administrative assignments, and compensated or uncompensated leaves of absence in order to permit the faculty member to engage in creative scholarship;

(iv) Policies and practices concerning financial support for research assistants, field studies, travel, and related research activities;

(v) Adequacy of administrative, library, and technology support; and

(vi) Percentage or amount of school's budget allocated to research.

d. A faculty member shall have academic freedom and tenure in accordance with the principles of the American Association of University Professors.

e. A member school shall not limit the number of full-time faculty members who may be granted tenure.

### **Bylaw Section 6-7. Juris Doctor Degree Program; Curriculum and Pedagogy**

a. A member school shall maintain as its central academic feature a program of resident study and instruction leading to a Juris Doctor degree, the first professional degree in law. The school shall have a program of appropriate duration and rigor to assure its graduates have a comprehensive understanding of legal institutions and an appreciation for the role of law and lawyers in society, and that they are academically qualified to participate effectively and responsibly in the legal profession.

b. The curriculum of a member school shall be the result of a curriculum planning process by the faculty, which shall include a periodic review of the curriculum for its content and pedagogical effectiveness.

c. A member school shall provide varying methods of instruction related to its curricular objectives. These methods shall include significant opportunities for instruction on an individual or small-group basis and for instruction regarding professional skills.



- d. A member school shall offer courses in a wide variety of fields and shall assure that every student receives significant instruction in legal writing and research.

#### ***Executive Committee Regulations Pertaining to Bylaw 6-7***

**6-7.1 The Juris Doctor Degree Program.** A member school should arrange the curriculum and class schedule of its full-time Juris Doctor program to require substantially the full working time of enrolled students. It is not inconsistent with this regulation for a law school to have, for example, different length semesters for first year students than for upper-class students, as well as mini-semesters and summer sessions.

**6-7.2 Compensation Standards.** A member school may not tie its staff's compensation to the number of students taught or to the fees received.

**6-7.3 The Juris Doctor Degree Program in Special Circumstances.** A member school may modify the normal duration of its Juris Doctor degree program to accommodate special circumstances of individual students. For example, a school that offers only a full-time program may offer a part-time schedule to an individual student with special needs. A member school should establish minimum and maximum limits on the duration of its program to assure that those individual students with special needs complete their course of study within a reasonable time.

**6-7.4 Joint Degree Programs.** All joint degree programs must be approved by the full time faculty. A member school may reduce the number of law school credit hours required for the Juris Doctor degree for those students who are completing a graduate degree in another field as part of a joint degree program. Schools should plan the joint degree program to assure rigor and appropriate integration of law with the other discipline.

#### ***6-7.5 Academic Credit Earned at Another Institution.***

a. Advanced standing and credit hours granted for study at a non-ABA approved law school by an admitting member school may not exceed one-third of the total required for its Juris Doctor degree. A member school may grant advanced standing for foreign study up to one third of the total number of credits required for its Juris Doctor degree.

b. If a member school permits a student who has already matriculated to earn academic credit for course work offered by a foreign institution, the academic credit allowed must be commensurate with the time and effort expended and the educational benefits derived by the student. In no case may a school award a student more than one third of the total number of credits required for its Juris Doctor degree for participation in foreign programs. The full-time faculty must approve each foreign study program in advance and should periodically review the program for its academic content and benefit. For individual student-initiated study abroad for which academic credit is sought, a full-time faculty member should monitor each student's experience to assure that the educational goals of the member school are being met.

c. *A member school may seek a variance from paragraph b of this Chapter from the Executive Director, subject to review by the Executive Committee, if the school and the foreign school have established, or seek to establish, a joint degree program by which students may receive degrees from both institutions by recognizing more than one third of the total required credits at each school for their degree programs.*

**6-7.6 Other Programs.** *A member school may provide other educational programs so long as the Juris Doctor degree program is not impaired. Before establishing such a program, a member school should ensure compliance with Chapter 8.2 of these Regulations.*

**6-7.7 Study and Instruction.** *A member school should maintain a program of study and instruction approved by the full-time faculty. A member school may employ adjunct faculty primarily in advanced and specialized offerings if it maintains effective procedures for their selection, orientation and evaluation.*

**6-7.8 Evaluating Student Performance.** *Evaluation of student performance should be based in primary part on written work, such as written examinations, research papers, drafting exercises, or briefs. Oral examinations may also be used. In addition, student performance may be evaluated on demonstrated ability to investigate, counsel, interview, negotiate, litigate, and to perform other lawyering activities.*

**6-7.9 Course content.**

a. *To effectively implement Bylaw 6-7(a), member schools should offer courses in a wide variety of subject matters, and provide students with an opportunity to study some areas of the law in depth and to gain an understanding of the lawyer's professional responsibility. Further, member schools are encouraged to offer instruction that develops jurisprudential, transnational, multicultural, and interdisciplinary perspectives on law, lawmaking, and legal practice.*

b. *To effectively implement Bylaw 6-7(c), member schools should offer instruction that provides students with an opportunity to develop the skills of legal research, written and oral communication, and critical analysis of primary legal materials. Further, member schools are encouraged to offer additional instruction in dispute resolution, planning and problem solving, drafting, and counseling.*

**6-7.10 Externship Programs.**

a. *If a member school offers opportunities for students to obtain credit for externships in a legal office, including, but not limited to, externships with the judiciary, public policy institutes, legislative bodies, international organizations, or in other legal practice settings, the academic credit awarded should be commensurate with the time and effort expended and the educational benefits derived by the student.*

b. *To ensure the academic value of externship programs, a member law school with an externship program should set out the goals and methods of the program and explain how its structure is designed to achieve those goals. The faculty should approve the introduction of any such program and remain responsible for ensuring that the program is meeting its objectives.*

c. *Member schools are encouraged to include an academic component designed to prepare students to participate effectively as externs and to enable students to derive substantial educational benefits from their externship. The academic component should be taught by one who has the necessary expertise and who is selected and reviewed in the same manner as persons responsible for teaching other courses in the academic program.*

#### **Bylaw Section 6-8. Library.**

a. A member school shall maintain access to a library that supports the curricular needs and research of its faculty and students. A law library of a member school shall possess or have ready and reliable access to a physical collection, electronic resources or other information resources that substantially:

(i) meet the research needs of its students, satisfy the demands of its curricular offerings, and facilitates the training of its students in various research methodologies;

(ii) support the individual research interests of its faculty members;

(iii) serve any special research and educational objectives expressed by the school or implicit in the missions and role of the law school.

b. Whether physical or virtual, the library is central to the law school and shall be organized and administered to perform its educational function and to assure a high standard of service.

c. A member school shall have a full-time director of the law library and a staff of sufficient number and with sufficient training to develop and maintain a high level of service.

#### ***Executive Committee Regulations Pertaining to Bylaw 6-8***

##### **6-8.1 Library Governance.**

a. *To ensure that the library policies appropriately reflect and advance the teaching and research objectives of the law school, the library should formulate its policies with faculty participation.*

b. *The law library should have sufficient autonomy within the university in matters of administration, including budget and personnel, to assure a high standard of service.*

**6-8.2 Planning.** *A member school, with the participation of the library director and faculty, should prepare, periodically review, and implement a written plan of library development, identifying in detail steps appropriate and resources sufficient to achieve its objectives, including appropriate growth of the collection, sufficient personnel to provide services, suitable physical facilities, and an effective system for facilitating access to materials.*

**6-8.3 Maintaining Physical Condition of Collection.** *The law library should assure the preservation of its collection.*

**6-8.4 Access to Information Resources.** *To support and encourage the instruction and research of its faculty and students, the law library should offer reasonable access in terms of time and form to a wide array of matters including central collections, databases, jointly held special collections, numerous supportive interdisciplinary materials, and other types of off-site auxiliary resources.*

**6-8.5 Conditions Conducive to Library Use.**

a. *The law library should be designed, organized, equipped, operated, and have adequate space to contribute to efficient, comfortable, and productive use by its patrons, and to provide access to appropriate research technology.*

b. *The law library should be designed, organized, and equipped to enable its staff to carry out research, teaching, and administrative responsibilities.*

**Bylaw Section 6-9. Physical Facilities and Technology.**

A member school shall have an adequate physical plant and adequate technology to support a broad range of curricular offerings and the development of an intellectual community outside the classroom, and to support the research needs of its faculty and students.

***Executive Committee Regulation Pertaining to Bylaw 6-9***

**6-9 Faculty Support.** *Member schools should provide enough space to faculty to facilitate interaction between faculty and students and to enhance faculty research.*

**Bylaw Section 6-10. Financial Resources.**

a. A member school shall maintain a financial structure sufficiently strong to enable it to pursue excellence and to fulfill the obligations of membership.

b. The faculty's judgment concerning the school's opportunities and needs shall be given appropriate weight by the law school administration and by the university of which it is a part in the decisions regarding the allocation of resources so as to support the school's ability to comply with the obligations of membership.

c. A member school, acting in consultation with faculty, shall have wide discretion, compatible with the university's overall interests, to raise funds to supplement the financial support it receives from the university.

## **BYLAW ARTICLE 7. SANCTIONS**

### **Section 7-1. Applicable Sanctions.**

- a. In response to a material failure to comply with the requirements of membership, a member school may be censured, placed on probation, suspended, or excluded from membership. Except in extraordinary circumstances, no school shall be suspended or excluded from membership unless it has been previously placed on probation. Prior to imposing or recommending a sanction, the Executive Committee shall, to the extent feasible, provide a member school with reasonable opportunity to correct noncompliance with the requirements of membership and shall give due consideration to any corrective measures in imposing or recommending a sanction.
- b. Censure shall not result in the loss of the privileges of membership. Probation shall result in the loss of particular privileges of membership only if imposed by the Executive Committee and, if appealed, approved by the House of Representatives. Suspension shall result in a loss of the privileges of membership unless the Executive Committee recommends and the House of Representatives approves continuation of particular privileges. Exclusion shall result in the loss of all privileges of membership.
- c. The imposition of any sanction shall be published in relevant publications of the Association.

### **Section 7-2. Action by the Executive Committee.**

- a. If the Executive Committee finds that a member school has materially failed to comply with the requirements of membership and concludes that a sanction should be imposed, it shall inform the dean and the chief executive officer of the institution of the deficiency and censure the member school or its parent institution or both, place the school on probation, or recommend to the House of Representatives that it take action to censure, place on probation, suspend, or exclude.
- b. A member school may appeal to the House of Representatives for review of a sanction imposed by the Executive Committee by filing a written notice of appeal with the Executive Director within twenty days after notice is given of the initial decision by the Executive Committee to censure the member school or its parent institution or both or to place the school on probation. If the school appeals, the effect of the Executive Committee's action shall be stayed until the House of Representative acts on the appeal. The procedures for the appeal shall be those specified by regulations adopted by the Executive Committee. The President shall take the steps necessary to assure the orderly and fair consideration of the appeal by the House. Representatives of the school are entitled to the privileges of the floor during the consideration of its appeal by the House.

**Section 7-3. Action by the House of Representatives.** If the Executive Committee recommends that the House of Representatives take action with respect to a member school, the Executive Committee shall give the member school written notice of its recommendation at least one month before the House of Representatives meets to consider the recommendation. The

House may not act with respect to a school's membership without first obtaining a recommendation from the Executive Committee. Representatives of the school are entitled to the privileges of the floor during the House's consideration of a recommendation for action.

#### **Section 7-4. Duration of Sanctions; Reinstatement.**

- a. At the conclusion of a period of probation or suspension, if the Executive Committee or the House of Representatives finds that a member school is in compliance with the requirements of membership, it shall remove the school from probation or suspension and restore the school to full membership.
- b. A school may remain on probation for no more than two years, unless the Executive Committee, for good cause shown, extends the probation. If the Executive Committee finds that a member school that is on probation is not taking steps sufficient to bring it into compliance with the requirements of membership in a reasonable time, it shall recommend that the House suspend or exclude the school, whichever is appropriate. After two years, probation shall expire if the Executive Committee has not removed or extended probation or recommended to the House that it suspend or exclude the school.
- c. The same procedures specified in Bylaw Section 7-2(b) shall apply to an appeal by a school from a decision by the Executive Committee not to remove the school from probation. If the House finds upon hearing such an appeal that the school is currently in compliance with the requirements of membership, then it shall remove the school from probation.
- d. If a school whose membership is suspended is not restored to full membership at or before the second Annual Meeting after having been suspended, it is excluded from membership in the Association at the end of that Annual Meeting without further action by the House. For good cause shown, the Executive Committee may extend suspension for one year.
- e. A school that has been excluded from membership may regain its membership by making an application for membership as any other nonmember school and by meeting the requirements therefore.

### ***EXECUTIVE COMMITTEE REGULATION CHAPTER 7. PROCEDURES FOR ADMISSION TO OR WITHDRAWAL FROM MEMBERSHIP IN THE ASSOCIATION; PROCEDURES FOR APPEALS FROM DECISIONS NOT TO RECOMMEND MEMBERSHIP OR TO IMPOSE SANCTIONS***

#### ***7.1 Membership Application***

- a. ***Time to Apply.*** A law school seeking AALS membership should, at least 21 months before the Annual Meeting at which it seeks to have its application for membership considered by the House of Representatives, notify the Executive Director of its intention to file an application. Thirteen months before that Annual Meeting, the school should file a notice of readiness, and at

least 11 months before that Annual Meeting the school should file its application for membership.

**b. Eligibility for Admission.** A law school may not be admitted to AALS membership until it has offered five years of instruction and has graduated its third class.

**c. Application Fee-Site Evaluation Expenses.** An applicant for membership in AALS should pay an application fee of \$35,000. The applicant school should also reimburse each member of the team who inspects the school in connection with the application for all expenses reasonably incurred in making the site evaluation and preparing the site evaluation report and the member of the site evaluation team designated to confer with the Membership Review Committee concerning the site evaluation for all expenses reasonably incurred in attending the conference with the Membership Review Committee.

**d. Withdrawing an Application for Membership.** A law school that has applied for membership may withdraw its application without prejudice at any time before the Executive Committee makes a final decision. If the Executive Committee denies an application, the law school may not file a new application for at least 24 months.

## **7.2 Appeals from an Executive Committee Decision to Not Recommend Membership or to Impose Sanctions.**

**a. Appeal by Applicant for Membership.** If, after considering a law school's application for membership, the Executive Committee decides not to recommend that the House of Representatives admit the school to membership, the applicant school may appeal this decision to the House by giving written notice to the Executive Director within ten days after notice of the decision is mailed to the applicant school. The appeal may be based only on the ground that the Executive Committee improperly applied a Bylaw or Executive Committee Regulation to the school and its program in determining not to recommend the school for membership.

**b. Appeal by a Member School from Action by the Executive Committee.** Under Bylaw Secs. 7-2 and 7-3, a member school may appeal to the House of Representatives a decision of the Executive Committee to censure a school or place it on probation by filing a written notice of appeal with the Executive Director within 20 days after notice of the censure or probation by the Executive Committee is given [Bylaw 7-2(b)]. If the Executive Committee recommends that the House of Representatives suspend or exclude a member school, the Executive Committee must give the member school written notice of its recommendation at least one month before the House of Representatives meets to consider the recommendation [Bylaw 7-3].

### **c. Procedures for Consideration of Appeals.**

*i. The Executive Director should prepare a statement of the pertinent facts concerning the school and its program. If the AALS President and the dean of the law school cannot agree on the statement, the President, after consulting the president or chief executive officer of the applicant's institution, should designate an impartial person to prepare the statement. This person shall determine the procedure for formulating this statement*

*after consulting with both AALS and the school. The school will pay the cost of preparing the statement of facts.*

*ii. Within 10 days after the statement of facts is formulated, the Executive Director should send it to the members of the House. The Executive Director should also send to the House the statements prepared on behalf of the school that is bringing the appeal and the Executive Committee describing, in the case of an applicant school, the different interpretations of the Bylaw and Executive Committee Regulation and the reasons, and, in the case of a sanctioned member, the opposing arguments concerning whether the school is materially failing to meet the requirements of membership and whether it has taken or is taking steps that will bring it into compliance, and when.*

*iii. At the next Annual Meeting held at least 20 days after these statements are mailed, the House should consider the appeal. The President should take the steps necessary to assure the orderly and fair consideration of the appeal by the House. Representatives of the school are entitled to the privileges of the floor during the consideration of its appeal by the House. The pendency of the appeal does not preclude further consideration of the issues by the Executive Committee on its own motion and consequent modification of its action or recommendation.*

**7.3 Withdrawal From Membership.** *A member school may withdraw from membership by (1) non-payment of membership dues [Bylaw 2-3[b]], or (2) sending written notice of withdrawal to the Executive Director, signed by the dean of the law school and, if applicable, the president or chief executive officer of the sponsoring institution. Membership dues will not be refunded if a school withdraws.*

## **EXECUTIVE COMMITTEE REGULATION CHAPTER 5. ACCESS TO ASSOCIATION MEETINGS AND DOCUMENTS**

### **5.5 Access to Site Evaluation Reports.**

*a. The site evaluation report on a member or applicant law school made on behalf of AALS, whether or not it is also made on behalf of the American Bar Association, should be furnished to the dean of the school and the president or chief executive officer of the institution. The AALS should inform the recipients that the report is not for publication, but in the spirit of Bylaw Section 6-5, nothing in these Regulations limits or impedes them from providing a copy of the report to members of the full-time faculty and professional staff of the law school and the governing board and to officials in the university administration who have official reason to see the report.*

*b. The dean of the law school and the president or chief executive officer of the institution should be provided with the letter or minutes adopted by the Executive Committee in response to the site evaluation report and should be informed that the letter or minutes may be published. The dean and president or chief executive officer should also be informed that those persons to whom subsection (a) authorizes them to show or give a copy of the inspection report are entitled to*



*read or receive a copy of the letter or minutes. If denied access to the letter or minutes, a member of the full-time faculty may obtain a copy of AALS's response from the AALS office.*

**5.6 Access for Research.** *The Executive Director may provide a researcher with access to or copies of confidential AALS records if the researcher demonstrates that the researcher and the project are qualified, and signs an agreement that safeguards will be established to assure the integrity and security of the records. The factors that should be considered in determining whether the researcher is qualified include the researcher's experience, education, and training. The factors that should be used in determining whether the research project is qualified include the research design, relevance of the confidential records to the research project, and plans for the research report. The confidential records must be relevant to the project and its purpose, the research project must relate to legal or higher education or the legal profession, and the research design must assure that the report does not contain data in a form that identifies or makes identifiable a member or other law school or individual. If the Executive Director determines that the researcher's access should be to copies instead of the original records, the researcher must pay the reasonable cost of making copies. The Executive Committee may establish additional restrictions on the disclosure of Faculty Appointments Register (FAR) data collected by AALS.*

## **EXECUTIVE COMMITTEE REGULATION CHAPTER 8. RECORDS AND REPORTS**

**8.1 Compliance Reports.** *A member school must report periodically or on particular occasions as may be directed by the Executive Committee to disclose whether it has fulfilled the obligations of AALS membership.*

### **8.2 Significant Change of Operation of a School.**

*a. A member school that contemplates a significant change in its operation should report its plans and undergo review as specified in this Chapter. A significant change in operation means a major institutional change, including, but not limited to, the following: creating a new full- or part-time Juris Doctor program; creating a new division; establishing a branch or other separate location; relocating a school's principal campus to a new and substantially different site; transferring in whole or part of the school and its program to a new entity; merging with a university or education entity that had not previously been affiliated with the school; creating or affiliating with a related or subsidiary education entity to provide legal education; or closing a school or a related or subsidiary education entity.*

*b. A member school should report fully to the Executive Committee and allow for its review before implementing a significant change in operation. The school's report should address whether it is in compliance currently with AALS's requirements and policies; the school's objectives in making the proposed change; the character of the change; the effects of the change on the school's existing program and operations; and the school's anticipated ability to comply with membership requirements in connection with its implementation of the proposed change and the school's future operations. However, in the case of a (1) transfer in whole or part of the school and its program to a new entity, (2) merger, (3) affiliation with a university or education entity with which it was not previously affiliated, or (4) change in the*

*governance structure of a law school, the member school may, if circumstances justify, delay, notify and report to the Executive Committee immediately after the transfer, merger, affiliation, or change in governance structure has occurred. When there is a delay in reporting to the Executive Committee, the member school should also identify and explain those circumstances.*

*c. The Executive Committee should review the report of the member school to determine whether the school complies with the requirements of membership, and whether it appears that the school will remain in compliance. The Executive Committee may defer a final determination pending receipt of additional information concerning the school's initial experience in implementing the change. The Executive Committee may require an inspection of the school at the school's expense to assist it in making this determination. If the Executive Committee requires such an inspection of a member school that has completed a transfer, merger, affiliation, or change in governance structure, the member school's membership in AALS will be continued contingent on the school's remaining in compliance with AALS's membership requirements and policies.*

*d. The Executive Committee may advise a school that additional review will be required before a final determination can be made concerning the membership status of the school or its affiliated programs. In making this determination, the Executive Committee should consider such elements as existing arrangements and anticipated changes in the character of the school's educational programs; student recruitment and enrollment patterns; faculty hiring, teaching assignments and participation in governance; relationships between the dean, faculty, other administrators, staff, and students; arrangements for provision of educational, library, and student services; and financial and institutional relationships between the school and related entities.*

## **Impartiality and Propriety in the Process of AALS Membership Review**

### **I. Impartiality and Propriety**

A. Those who have significant responsibility in the process leading to and continuing membership in the Association of American Law Schools serve a vital and quasi-judicial function in the legal system of the United States. It is important to the fair and effective functioning of the system of membership review and to the maintenance of public and professional respect for that system that those who participate in it act impartially and avoid even the appearance of impropriety.

B. One who has significant responsibility in this system or who has had significant responsibility in this system within a period of two years past, as enumerated in paragraph “D” below, should not serve as a consultant to a law school in any matter relating to membership in the Association of American Law Schools.

C. This restriction applies to service as consultant whether or not that service is for compensation. It does not apply to informal advice which an advisor renders (1) without fee, (2) informally, and (3) which he or she discloses fully to the other members of the membership body on which he or she serves or has served. The restriction also does not apply to the routine or official advice and assistance which is rendered by members of a site evaluation team or hearing commission, by the Executive Director of the Association of American Law Schools, or by persons acting on behalf of the Executive Director, or (4) by any other person acting in the normal course of his or her employment.

D. This restriction applies to:

1. members of the Membership Review Committee and the Committee on Academic Freedom and Tenure of the Association of American Law Schools;
2. the President and members of the Executive Committee of the Association of American Law Schools;
3. members of the professional staff of the Association of American Law Schools, except as provided in paragraph “C” above;
4. a member of a site evaluation team or hearing commission accepting appointment as a consultant to a law school that he or she has inspected or conducted hearings on, within two years after the site evaluation or while the Association still has under consideration matters developed by the site evaluation, whichever is the longer;

E. The Executive Director of the Association of American Law Schools or other person acting on behalf of the Association of American Law Schools may not acquiesce in the appointment as consultant on readiness of any person who by this statement should not accept appointment as a school’s consultant.

F. Service as a consultant for a law school does not disqualify a person from any of the offices or committees in paragraph “D.” However, the officer or committee member should recuse himself or herself from participation in discussion, formal or informal, of the affairs of a school for which he or she has served as consultant or employee and from taking part in any vote with respect to its status.

G. A person who has served as a consultant or employee of a law school within two years prior to assuming a significant responsibility in the membership review process should decline to participate in the determination of the membership status of the school with which he or she previously served.

H. The Executive Director of the Association of American Law Schools shall bring this regulation to the attention of persons who are nominated for or appointed to any of the positions enumerated in paragraph “D” above and to all persons who are holding these positions or who have held them within two years past, at the time the regulation becomes effective.

## II. Conflicts of Interest

A. The Association of American Law Schools endeavors to avoid any conflict of interest or perceived conflict of interest arising because a person involved in the membership review process has an associational interest in the law school or law school program under review by the Membership Review or Executive Committees. If a member of the Membership Review or Executive Committees is a dean or a regular faculty member of a law school under review, a former dean or former faculty member (for a period of ten years following the termination of faculty status with that law school), or a graduate of the law school under review, she or he will not vote on the consideration of that school. A dean or a regular faculty member of a law school under review, a former dean or former faculty member (for a period of ten years following the termination of faculty status with that law school), or a graduate of the law school will not serve on a site evaluation team for that law school.

B. Any member of the Membership Review or Executive Committees may recuse himself or herself from voting and/or deliberation on any law school or law school program without the necessity of stating a reason. Committee members who have served on site evaluation teams for a school under review may participate in the committee’s discussion, but shall recuse themselves during the voting. Committee members also shall recuse themselves from voting on matters relating to schools competing with schools at which committee members are currently employed.

### **Interpretive Principles to Guide Religiously Affiliated Member Schools as They Implement Bylaw Section 6-3(a) and Executive Committee Regulation (ECR) 6-3.1**

These principles are intended to guide religiously affiliated member schools as they implement Bylaw Section 6-3(a) and ECR 6-3.1. They seek to strike a fair and sensitive balance between the values of religious liberty and nondiscrimination based upon sexual orientation. These principles are based on the premise that Bylaw 6-3(a) protects against discrimination on the basis of sexual orientation. When applied to religiously affiliated schools, that absolute protection of the status of sexual orientation continues, but in the unique context of religious liberty, Bylaw 6-3(a) and ECR 6-3.1 should be interpreted to permit the regulation of conduct when that conduct is directly incompatible with the essential religious tenets and values of a member school. These principles will guide the Accreditation Committee in reviewing whether a member school is in compliance with the Association’s Bylaws and Executive Committee Regulations.

**1. We reaffirm that the academic freedom principles set forth in ECR Chapter 3.7 bind all member schools.** This principle in no way changes the current situation, since religiously affiliated schools have never been exempt from academic freedom principles. However, it is important to recognize that, insofar as alleged discrimination occurs in a context that also suggests the denial of academic freedom, the fact that the acts occurred as a result of a religiously held tenet and value in no way alters the need to determine whether the individual's academic freedom has been denied.

**2. No school may make any direct inquiry into the sexual orientation of applicants for admission or candidates for faculty or staff position.** Given the importance of assuring the privacy interests of applicants, this principle affirms that inquiries into an applicant's sexual orientation are proscribed.

**3. No individual or organization of students, staff, or faculty should suffer disadvantage solely because of the status of the individual's sexual orientation or the organization's focus on the subject of sexual orientation.** Recognition of individual dignity and the need for all persons to coexist require all institutions to refrain from discrimination based solely on the identified status of an individual or on an organization's focus on the subject of sexual orientation. This principle recognizes that students, staff, and faculty have a right to establish such organizations. At the same time, however, religiously affiliated institutions which have core values directed toward conduct within their communities are entitled to protect those values if they do so in a manner consistent with principle #4 below.

**4. In any circumstance in which a school finds that the conduct of an individual or an organization conflicts with the religious values of the school, the school shall make a good faith examination whether and in what ways it can accommodate the rights of the individual or the organization under Bylaw 6-3(a) consistent with the school's essential religious tenets, and it shall act accordingly.** The key to coexistence and tolerance between groups of divergent beliefs is the willingness to try to accommodate each other's beliefs to the fullest extent possible. In affirming the essential importance of both religious liberty and nondiscrimination, this principle provides that religiously affiliated schools will periodically review and evaluate their policies and procedures so that exclusion of members from or limitation on the participation of members within the law school community based upon conduct occurs only to the extent necessary, in compelling circumstances, and when essential religious tenets require such a result. The conclusions reached after such a searching inquiry may change over time, since few things remain static, and this principle affirms the continuing need for careful and serious reflection when the invocation of a particular rule or tenet threatens the right of an individual or an organization to be free of discrimination. This principle is not designed to suggest the appropriate outcome of any particular conflict, but it does impose a good faith obligation on the institution to make whatever accommodations appear feasible under the circumstances presented. Moreover, if the essential religious tenets lead to a prohibition of all nonmarital sexual conduct, the school must, nevertheless, comply with Bylaw 6-3(a), which prohibits differences in treatment based on sexual orientation.

**5. Religiously affiliated schools have an obligation to give clear notice of the religious tenets and values of the institution to prospective members of the law school community prior to their affiliation with the school.** This notice requirement parallels found in ECR 6-3.1, which pertains only to the preference that institutions may give to their coreligionists. However, the requirement seems equally important here, to the extent that the preceding principles acknowledge that there may be some circumstances in which, because of a deeply held religious tenet and value, a particular religiously affiliated institution may engage in practices that otherwise would be deemed to violate the regulation. It is most important that individuals seeking to become members of a particular law school community become fully aware of the culture of the institution so that they can make informed decisions about whether they will feel comfortable in an environment where they will be expected to conform their behavior to those tenets and values. In this regard, if the school has a conduct code that implicates the concerns addressed in these Interpretive Principles (including a ban on all nonmarital sexual conduct), the school's bulletin and admissions materials should state these restrictions clearly so as to avoid misunderstanding.