



# The State Bar *of California*

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**OPEN SESSION  
AGENDA ITEM O-401  
AUGUST 2020  
COMMITTEE OF BAR EXAMINERS**

**DATE:** August 21, 2020

**TO:** Members, Committee of Bar Examiners

**FROM:** Natalie Leonard, Principal Program Analyst

**SUBJECT:** Action on Inspection Report and Accreditation of Concord Law School

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## **EXECUTIVE SUMMARY**

Concord Law School at Purdue University Global (Concord) is an unaccredited, distance law school that is seeking provisional or full accreditation. The Committee of Bar Examiners (CBE) requested that an inspection be conducted after it made a finding that the school appeared to demonstrate at least substantial compliance with the Rules and Guidelines for Accredited Law Schools.

On April 1-3, 2020, the school was inspected, and the inspection team observed that the school appears to be in compliance with the Rules and Guidelines for Accredited Law Schools and recommended granting accreditation.

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## **BACKGROUND**

A registered, unaccredited school applies for accreditation by submitting an application and detailed self-study demonstrating how it currently complies with the Rules for Accredited Law Schools (rules) and Guideline for Accredited Law Schools (guidelines). (Rule 4.121) The application includes a plan for program transition, including a plan for teaching-out currently enrolled law students in their current program or allowing students to apply to the accredited program, with all students being given a reasonable opportunity to complete their JD degrees. (Guideline 1.1(D)(1))

When the CBE reviews an application for provisional accreditation under Rule 4.123 and makes a finding that the school appears to be in substantial or full compliance with the rules and guidelines, it requires that an inspection be scheduled.

The purpose of the inspection is “to verify the information submitted by the law school and determine the extent of the law school's compliance with these [Accredited] rules.” (Rule 4.124)

After reviewing the resulting inspection report, the CBE may take one of three actions: 1) If the CBE makes a finding that the school has complied with the rules and guidelines, it may grant accreditation as of a date certain; 2) If the CBE makes a finding that the school has substantially complied with the rules and guidelines, then provisional accreditation for a fixed period of time is appropriate, and the school remains subject to the First-Year Law Students’ Examination requirement until such time as full accreditation is achieved; or 3) If the CBE makes a finding that the school has not established either substantial or full compliance, it may deny the application. (Rule 4.120)

The CBE considered Concord’s initial application for provisional or full accreditation in January 2020. After reviewing Concord’s detailed application, the CBE concluded that the Concord had demonstrated at least substantial compliance with the accredited law school rules and directed that an inspection should be conducted.

The inspection took place on March 17-19, 2020 via remote process. It was conducted by the team of State Bar consultant Heather Georgakis, CBE Member Dr. Angeli Agatep, and Linda Keller, Dean of Thomas Jefferson School of Law. Though the inspection was conducted remotely, all elements that are typically part of an inspection were included.

The State Bar provided the school with an advance copy of the inspection report. (Attachment A) The school responded via letter in which it agreed with all recommendations from the team, and confirmed that, for each recommendation, it had either implemented the recommendation or provided evidence that it had taken the steps necessary to implement that recommendation upon the granting of provisional or full accreditation. (Attachment B)

## **DISCUSSION**

Consistent with the CBE’s findings in January 2020, the inspection team verified that the school is operating in compliance with the rules and guidelines, except in areas where compliance is not possible until accreditation is earned. (Attachment A)

The inspection team made a short list of suggestions that are detailed below. The school agreed to each recommendation and advised that subsequent to the inspection, the law school has implemented each recommendation or completed preparations to do so immediately upon a grant of provisional or full accreditation.

## RECOMMENDED MANDATORY ACTIONS

1. **Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited):** The school should adopt and implement a faculty course load policy that complies with the applicable guideline.
2. **Guideline 5.35 (Unaccredited) or Guidelines 5.7 and 5.8 (Accredited):** The school should adopt, implement, and publish a transfer credit policy that states the requirements under the applicable guideline(s).
3. **Guideline 7.2:** The school should state the process used to amend its academic policies in the Catalog as required by the guideline.

## SUGGESTION FOR ENHANCED COMPLIANCE

1. Pursuant to the Rules and Guidelines for Accredited Law Schools, if the school becomes accredited the school should conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether required disclosures and written policies adhere to the CBE's requirements.

As part of the inspection, the team reviewed the school's self-study and a wide range of operational documents, and the school's operating procedures. They also spoke with the governing board, administration, faculty, staff, and students.

In addition, the team and staff also discussed the school's proposed transition plan and found it to be compliant. Students who need to pass the First-Year Law Students' Examination will continue to study in the registered program until they pass or are otherwise dismissed. The remaining students who are in good standing will transfer to the accredited program.

After a transitional year, the school's curriculum would be maintained, but the academic calendar would be restructured to remove timing elements that were related to the first year bar examination.

In the future, the school may return to the CBE to seek approval for a full-time program as well.

An initial grant of five years is recommended, with the next inspection to be set in the spring of 2025, unless the CBE finds that circumstances warrant an inspection sooner.

## FISCAL/PERSONNEL IMPACT

None

## AMENDMENTS TO RULES OF THE STATE BAR

None

## AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

## STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None - core business operations

## RECOMMENDATIONS

It is recommended that the Committee accept the Inspection Report of Concord Law School and adopt all recommendations made by the team, noting that the school has documented satisfaction of the recommendations in its response.

It is also recommended that the CBE grant accreditation to Concord Law School effective immediately as to its part-time four-year JD program, as well as degree granting authority pursuant to that accreditation. It is also recommended that the school's next inspection be set for spring 2025.

## PROPOSED MOTION

Should the Committee of Bar Examiners agree with staff recommendations, the following motion should be made:

**MOVE**, that the Committee of Bar Examiners receive and file the inspection report of Concord Law School at Purdue University Global; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

**FURTHER MOVE**, that the Committee grant accreditation to Concord Law School at Purdue University Global and its part-time, four-year JD program, as well as degree-granting authority pursuant to that accreditation, effective August 21, 2020.

**FURTHER MOVE**, that the school's next inspection to verify continued compliance will be set for spring 2025, unless the Committee determines that an inspection is required sooner.

## ATTACHMENT(S) LIST

- A. Inspection Report – Concord Law School
- B. Response from Concord Law School at Purdue University Global



# The State Bar of California

## **Concord Law School, Purdue University Global Site Inspection for Provisional or Full Accreditation**

**Inspection Conducted  
Pursuant to Rule 4.162 of the  
Accredited Law School Rules On:**

March 17–19, 2020

**Visitation Team:**

Dr. Angeli Agatep, Committee of Bar Examiners  
Linda Keller, Dean, Thomas Jefferson School of Law  
Heather Georgakis, Educational Consultant

**REPORT ON SITE INSPECTION FOR PROVISIONAL ACCREDITATION OF  
CONCORD LAW SCHOOL, PURDUE UNIVERSITY GLOBAL  
10100 SANTA MONICA BOULEVARD, SUITE 300, LOS ANGELES, CA 90067**

**EXECUTIVE SUMMARY AND RECOMMENDATIONS**

**Introduction**

A site inspection for provisional or full accreditation of the Concord Law School, Purdue University Global (Concord) was conducted on March 17–19, 2020. The Visitation Team included Dr. Angeli Agatep, Committee of Bar Examiners; Linda Keller, Dean, Thomas Jefferson School of Law; and Heather Georgakis, Educational Consultant and Team Leader.

Although Concord is currently unaccredited, because the school is seeking accreditation, the team evaluated the school’s substantial compliance or compliance with the Accredited Law School Rules, as well as the Guidelines for Accredited Law School Rules.

The school was last inspected by the Committee of Bar Examiners (CBE) in November 2014 and was found to be compliant with the CBE’s Rules and Guidelines for Unaccredited Law Schools, which were the appropriate rules to govern that inspection.

Founded in 1998 as the nation’s first fully online law school, Concord is headquartered in Los Angeles, California. The school was accredited in 2000 by the Distance Education Training Council (DETC), now the Distance Education Accrediting Commission (DEAC). In 2007, Concord was acquired by Kaplan University (Kaplan), a for-profit entity owned by Kaplan Higher Education LLC (KHE), a division of the publicly traded Graham Holdings Company.

As a part of Kaplan, Concord was included in Kaplan’s accreditation by the Higher Learning Commission (HLC), a regional accreditor located in Chicago and recognized by the U.S. Department of Education. Thus, the school did not renew its DETC/DEAC accreditation after 2015.

Most recently, Kaplan was acquired in 2018 by Purdue University (Purdue), an Indiana public institution, and Concord became part of a new nonprofit public benefit corporation, Purdue University Global, Inc. (Purdue Global), of which Purdue is the sole member.

Purdue Global enrolls approximately 31,000 students in roughly 175 online programs, from the undergraduate through doctoral levels. Through a shared services agreement between Purdue Global and KHE, Concord has access to additional services and expertise beyond those provided by Purdue Global itself.

Concord operations are overseen by Dean Martin Pritikin, a Harvard Law School graduate and State Bar of California licensee, who is supported by two other full-time administrators. As of September 2019, the faculty included seven full-time professors and 24 adjunct professors. All are

graduates of law schools approved by the American Bar Association (ABA) or accredited by the CBE, and all are licensed to practice law.

The school's mission is to make "high quality legal education accessible" to students whose life circumstances "preclude attending a traditional campus-based law school." The school offers a Juris Doctor (JD) program, which qualifies graduates to take the California Bar Exam, and an Executive Juris Doctor (EJD) program, which does not qualify graduates to take the bar exam. Except as noted, this report addresses only the bar exam-qualifying JD program.

Students in the JD program complete 92 semester units, including eight elective units. Courses include all subjects tested on the bar exams. If accreditation were granted, the school would not plan to change the fundamental aspects of the JD program.

All instruction is delivered online over two 24-week terms per year. Most courses include synchronous, interactive events called live seminars. Students may participate in a seminar in real time or view an archived version later. Total program tuition is about \$47,750 based on current per-unit tuition of \$519; total program fees are about \$2,500.

If accreditation were granted, the school would offer a 48-month, part-time program of seven-to-nine units per term. Terms would include three 15-week semesters. Eventually, the school will likely request permission from the CBE to offer a full-time program of 11-to-13 units per term.

At the time of inspection, total enrollment was 374 students, with 219 JD students in the bar-qualifying program and 155 Executive JD students in the program that does not qualify students to take the bar exam. Of the JD students, almost half were first-year students. The school now admits first-year students three times per year and upper-level students twice per year; 70 to 80 new students were expected to enroll in April 2020. If accreditation were granted, the school would adjust to have three terms per year for all students and three starts per year.

All JD students hold at least a bachelor's degree and about 40 percent have advanced degrees. Approximately 40 percent of JD students identify themselves as nonwhite; black students are the largest nonwhite group, comprising about 20 percent of the student body. Over half of the JD students are women.

An accredited school must maintain a minimum cumulative pass rate (MPR) on the bar exam of at least 40 percent among its graduates who take the exam. (Guideline 12.1) The school's 2019 MPR was 48.1 percent and the 2020 MPR is 47.9 percent.

On the First-Year Law Students' Exam (FYLSX), the overall pass rate for Concord students is 49 percent through the October 2018 administration, according to the Concord 2019 JD Disclosure Statement. The pass rate for all Concord takers was 35 percent on the June 2019 administration, and 35 percent on the October 2019 administration, which is higher than average. The school has made some changes to the good standing requirement to ensure that it can maintain a compliant MPR without the assistance of the FYLSX, which is to be commended, yet the school is still

encouraged to closely monitor the transition and strive to continue to maintain or increase its MPR.

The team found Concord to be compliant with relevant standards of the Accredited Law School Rules and Guidelines for Accredited Law School Rules after a review of the curriculum, learning platform, admissions, scholastic standards, faculty, legal research resources, facilities, records, dean, administrators, and faculty, and therefore recommends a grant of accreditation.

### **Recommended Action by the CBE**

The team recommends that the CBE receives and files this Periodic Inspection Report, approves the team's recommended and suggested actions, grant full accreditation to Concord Law School, Purdue University Global, and schedules its next periodic inspection in the spring of 2025, unless the CBE deems an earlier visitation is necessary.

### **Recommended Mandatory Actions**

1. **Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited):** The school should adopt and implement a faculty course load policy that complies with the applicable guideline.
2. **Guideline 5.35 (Unaccredited) or Guidelines 5.7 and 5.8 (Accredited):** The school should adopt, implement, and publish a transfer credit policy that states the requirements under the applicable guideline(s).
3. **Guideline 7.2:** The school should state the process used to amend its academic policies in the Catalog as required by the guideline.

### **Suggestion for Enhanced Compliance**

Pursuant to the Rules and Guidelines for Accredited Law Schools, if the school becomes accredited the school should conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether required disclosures and written policies adhere to the CBE's requirements.

### **Submission of Self-Study**

Concord submitted a self-study to assist the team in its assessment of the law school's compliance with the Rules and Guidelines. Dean Pritikin responded to requests for additional information, and the information he provided was considered when drafting this report.

### **Conduct of Site Visit**

Days before the planned inspection visit, government authorities warned that unnecessary travel and face-to-face interactions should be avoided to limit spread of COVID-19. Concord was given the choice to delay the inspection until a later date or to undergo a remote visit based on the

same standards as an in-person inspection visit. The school selected a remote visit, and team members met via videoconference with Concord and Purdue Global employees.

The team discussed governance with Concord's leadership, including Dean Pritikin, Administrators Larasz Moody-Villarose and Jen Fishman; Purdue Global Chancellor Betty Vandenbosch, four trustees, and all full-time faculty members. Concord and Purdue Global personnel were interviewed on a range of operational, administrative, and academic topics. Finally, the team met with the dean's Advisory Council, students, and alumni. To conclude the meeting portion of the visit, the team held an exit interview with Dean Pritikin to discuss their observations.

Out of necessity, some events occurred outside the three-day inspection period. Purdue Global's Human Resources representative, Gloria Siefert-Hardin, was interviewed by teleconference. Before and after the remote visit, team members observed a sample of online seminars and reviewed instructional materials.

A representative sample of digital records were inspected, including applicant and student files, course syllabi, instructional materials, attendance records, exams, assignments, student answers, and administrative files. At the consultant's request, the school invited current students to send comments about the school to the consultant via email; all student responses were reviewed.

## **SPECIFIC FINDINGS AS TO THE CBE'S RULES AND GUIDELINES**

Below are the team's findings, conclusions, and recommendations as to the school's compliance with the Rules for Accredited Law Schools, as well as the Guidelines for Accredited Law School Rules.

### **Rule 4.160(A): Lawful Operation. The law school must operate in compliance with all applicable federal, state and local laws and regulations. (Guideline 1.6)**

The school appears to comply with applicable federal, state, and local laws.

Concord is a school within Purdue University Global (Purdue Global), a nonprofit corporation headquartered in and organized under the laws of Indiana. Purdue Global has been granted tax-exempt status under the United States Internal Revenue Code and has filed the necessary documents to operate as a nonprofit in both Indiana and California. The school has complied with the business registration requirements of the City of Los Angeles, where it maintains its offices.

Policies and procedures are in place to address the Americans with Disabilities Act (ADA) and related laws. ADA-compliant policies are published in the Purdue Global Catalog (Catalog). Concord personnel work with trained professionals at the Purdue Global Center for Disability Services (CDS) to process accommodation requests. The CDS protects confidential medical records against inappropriate disclosure, while the school works to keep disability accommodations

within the parameters generally granted for State Bar exams and counsels JD students about State Bar accommodations requirements.

Concord has taken steps to ensure that all course content is ADA-compliant. Written transcripts are provided for all video presentations to assist hearing-impaired students, and visual media have been designed to be accessible for students who may be colorblind. Administrative offices and school-related live events, such as graduation, are ADA-compliant.

The school protects student information against improper disclosure. The Catalog informs students of their rights under the Family Educational Rights and Privacy Act (FERPA), including the right to restrict disclosure of personal directory information. The Purdue Global Registrar's Office oversees disclosure of academic records in accordance with FERPA; by policy, student records are not released to third parties without consent, except as required by law. As addressed below, Purdue Global also employs appropriate measures to secure student information on its servers.

Policies addressing civil rights are published in the Catalog, including discrimination grievance procedures. The school maintains a low student loan default rate and appears to comply with federal financial aid regulations.

As noted below, Concord is compliant with California Business and Professions Code section 6061.7 requiring schools overseen by the CBE to post a specific list of statistics about the school's programs. The school's annual disclosure report posted in compliance with this statute was properly updated timely in early 2020.

**Rule 4.160(B): Integrity. The law school must demonstrate integrity in all of its programs, operations, and other affairs. (Guidelines 2.1–2.10; Bus. & Prof. Code Section 6061.7(a) and Section 6061.7(c))**

As required by Guideline 2.1, Concord appears to be honest and forthright in its dealings.

The Concord website and other publications provide current, consistent information about the school's accreditation status, academic programs, faculty, and services. Policies are stated clearly in the Catalog in an organized manner. Students can access the Catalog from the website through the homepage of their virtual classroom. Adequate staff and faculty are employed by Concord and Purdue Global to deliver programs and services as promised.

Financial affairs are conducted with integrity. Tuition and fees are presented with transparency on the website, and financial guidance is available to applicants and students. As a school eligible to offer federal financial aid, Concord appears to comply with U.S. Department of Education (DOE) requirements, and its default rate is within DOE limits. Financial assets are managed through Purdue Global's Finance Department.

The refund policy is fair and clear. Following the inspection, Concord amended its policy to ensure that refunds are issued within 30 days and the school is now compliant with Guideline 2.2(B).

Guideline 2.3(D) requires that schools make certain disclosures, in some cases using specific language “without alteration.” Following the inspection, the school amended its disclosures to use the specified language, with respect to the FYLSX and limits on taking the bar exam or gaining bar admission in other jurisdictions, as applicable to the JD and EJD programs. The school is now fully compliant with the guideline.

As noted above, Concord complies with Business and Professions Code section 6061.7 and Guideline 2.3(D)(3). References on the website and in other publications to regional accreditation by the Higher Learning Commission have now been revised to state that the school’s degree-granting authority is based on its status with the Committee of Bar Examiners. The school is now compliant with Guideline 2.3(E)(2).

Concord is part of a nonprofit corporation, Purdue Global, which is headquartered in and organized under the laws of Indiana. Purdue Global has been granted tax-exempt status under the United States Internal Revenue Code and has filed the necessary documents to operate as a nonprofit in both Indiana and California. (Guideline 2.4(A))

Guideline 2.5 is satisfied. Concord does not compensate individuals based on the number of persons enrolled, applying for admission, or registering.

Stated in the Catalog, policies for nonacademic discipline meet some but not all Guideline 2.6 mandates. Discipline may be imposed for numerous well-defined behaviors, such as cheating and plagiarism. Sanctions range in severity from verbal warning to dismissal, but should also include cancellation of an exam and denial of course credit, pursuant to Guideline 2.6(A). The disciplinary process needs clarification, as apparently contradictory steps are described in Catalog sections on “violations” and “appeals.” Concord’s policy should also provide for a written final determination with details as specified by the guideline.

Under Guideline 2.6, students must have an opportunity for a hearing “before a panel.” This provision contemplates an oral process, either in person or by technological means. Students should be clearly informed of this option; they are currently informed that “hearings are typically conducted based on written submissions.” Concord should revise its policy to conform to the guideline as noted.

Academic standards are clearly communicated. To graduate, students must maintain a 2.5 minimum cumulative GPA, earn 92 credits, and complete all required courses. (Guideline 2.7)

Most courses use numeric grading. Students earn grade points on traditional A-F scale, based on a percentage of total possible points. Thus, a numeric score of 83-100 equates to an A and 4.00 grade points. Each letter grade defines a certain level of achievement, ranging from “superior” (A and A-) to “proficient” (C+ and C) to “failure” (F). A few courses use Pass/Fail grading, such as the Capstone, Moot Court Honors, and externship courses.

Students are informed in the Catalog that Concord does not use anonymous grading due to the nature of its learning management system. (Guideline 2.7(A)(5))

Course repetition policies comply with Guideline 2.7(A)(3), as detailed below.

Requirements for retention, good standing, advancement, and graduation are clearly explained. To remain in good academic standing, students must maintain a cumulative grade point average of 2.5 at the end of each term, a level of achievement between “proficient” and “excellent” on Concord’s scale. At the end of their first term, students with a cumulative GPA between 2.00 and 2.49 are allowed to continue on probation, but at end of their first year, students who fail to achieve a cumulative GPA of at least 2.5 and pass all their courses are dismissed and will not be certified for the FYLSX. The school indicated that it is expected that students would continue to be dismissed based on those same GPA criteria if accreditation were granted.

Upper-level students who are placed on probation will be dismissed if they do not achieve good standing after one term, except students who qualify to pursue a Satisfactory Academic Progress (SAP) (SAP) may continue on probation for up to four terms. Such students face dismissal if they do not follow plan requirements, including earning a term GPA of 2.75.

As a registered school, Concord has upheld its duty to dismiss students who have not passed the FYLSX within three administrations of being certified as eligible to take that exam. After passing the FYLSX, students must maintain the minimum 2.5 cumulative GPA and continue to earn at least 66.6 percent of all credits attempted.

Through course syllabi, students are informed of the basis for their grades. They can track their performance on multiple interim assessments through Concord’s learning management system (LMS) and have access to grading rubrics for many of those assessments. During a sample review, the team found consistency between the announced grading factors and those used for grade calculation. (Guideline 2.7(B))

Concord’s policy on authenticity of student work is compliant. As detailed in the Catalog, students must log in with two unique identifiers when using the student portal and LMS, and take an Acknowledgement Quiz when completing major assignments or exams. The LMS permits professors to use plagiarism detection software on written submissions. (Guideline 2.7(C))

Students are informed of their grades promptly and have opportunities to review—and in some cases, copy—exam questions. (Guideline 2.7(E)) Students may appeal their grades based on unfairness, departure from policy, or clear mistake; such appeals are handled by a committee that includes at least two Concord faculty members, in compliance with Guideline 2.7(F) and (G).

As noted above, Concord maintains the privacy of student information, records, and communication, including health records, pursuant to Guideline 2.8. Reasonable security and backup procedures have been established to protect Concord’s computer systems, communications systems, and records, as discussed below. (Guideline 2.9)

The school is compliant with Guideline 2.10(A). “Services, experiences and activities” for students are described on the website and in the Catalog; these appear to be adequately resourced.

Concord also provides appropriate academic support services and clinical experiences. Several programs provide targeted support to new students, including an orientation and a 12-week, noncredit FYLSX preparation course, though that course may be adapted or retired upon accreditation. Created by the faculty, an Academic Resource Center features videos, exercises, and practice tests for more than two dozen courses.

Kaplan Bar Review materials have been integrated into all four years of the curriculum, and fourth-year students enjoy a significant discount on the Kaplan Bar Review program. Concord also offers a nationwide externship program, an independent study course, and a moot court honors program. (Guideline 2.10 (B))

**Rule 4.160 (C): Governance. The law school must be governed, organized, and administered so as to provide a sound educational program. (Guidelines 3.1–3.3; 4.1–4.2)**

Concord is governed and organized to provide a sound educational program.

Purdue Global, the school’s nonprofit parent corporation, is governed by a diverse, six-member Board of Trustees with expertise in business and higher education. The Board meets at least four times annually. Until recently, Purdue Global was led by its inaugural Chancellor, Betty Vandebosch, PhD, a former president of Kaplan University. The new Chancellor, Frank Dooley, JD, PhD, was formerly a Purdue University Senior Administrator. He reports to the Board and Indiana’s former governor, Purdue University President Mitch Daniels, JD.

A review of several years of meeting minutes reflected that the Board is appropriately engaged in strategic planning and oversight, including approval of budgets. The Board has delegated day-to-day management to the administration and respects the role of the faculty in academic matters. (Guideline 3.2) Meeting minutes of the Kaplan University Board confirm the planning that resulted in the transition of Concord to its current status as a part of Purdue Global.

The Dean’s Advisory Council, an eight-member volunteer panel, meets annually to advise Dean Pritikin on academic and administrative matters. Current members include distinguished Concord graduates and outside members of the legal profession. (Guideline 3.3)

**Rule 4.160(D): Dean and Faculty. The law school must have at each campus, including any approved branch campus, a competent dean, a qualified administrator, an adequate administrative staff and a competent faculty that devote adequate time to administration, instruction and student counseling. (Guidelines 4.1–4.9)**

Concord administration and faculty comply with Rule 4.106(D) and related guidelines. Concord operations are overseen by Dean Martin Pritikin, a magna cum laude graduate of Harvard Law School and licensee of the State Bar of California. After law school, Dean Pritikin

worked for several years as a litigator with a large national law firm. In 2014, he joined the faculty of Whitter Law School, where he became a full-time professor in 2010, and served in several senior administrative capacities, including Associate Dean and Acting Dean. Through 2013, Dean Pritikin also practiced law in several volunteer and of counsel capacities.

In 2016, Dean Pritikin became Dean and Vice-President of Concord, and in 2018 he oversaw the school's transition to become part of Purdue Global. The Dean has a comprehensive curriculum vitae, including scholarly publications, presentations, media appearances, and articles. Based upon his professional and academic credentials, Dean Pritikin is well-qualified for his position. (Guidelines 4.1(A)-(B))

Other full-time administrators include Assistant Dean of Students Larasz Moody-Villarose, JD, MA, and Senior Manager of Student Operations Jennifer Fishman. In addition, a few professors have administrative duties, including: Associate Dean of Faculty Shaun Jamison, JD, PhD; Associate Dean of First-Year Programs Steve Bracci, JD; and Externship Program Director Kelly Mauerman, JD. All appear to be knowledgeable about issues of compliance and engaged in their roles.

Most technical registrar functions are handled through the Purdue Global Registrar's Office. However, the assistant dean and senior manager have access to student records and regularly provide guidance to students about program requirements. (Guideline 4.1(C)) Concord also has operational support from Purdue Global in the areas of curriculum, institutional research, finance, career services, and learning and leadership. Pursuant to a services agreement between Purdue Global and KHE, the school has access to support on admissions, marketing, information technology, business functions, financial aid, and student support services.

According to the 2019 Annual Compliance Report, the faculty includes seven full-time professors and 24 adjunct professors; all are graduates of law schools approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (ABA) or accredited by the CBE, and all are licensed to practice law in at least one jurisdiction. Some have taught at Concord for a decade or more; all instructors have successful teaching experience and/or relevant legal experience in the subjects they are assigned to teach. (Guideline 4.6)

Professors actively participate in decision-related to academic programs and policies at Concord, and participate in Purdue Global governance through the Faculty Senate. Concord administrators and professors meet at least monthly by videoconference. A sample review of archived meetings showed that this format has been used effectively to convey information orally and visually. Recent topics include State Bar developments, information privacy, learning platform features, effective live seminars, and active learning. (Guideline 4.2)

The school has enough faculty to maintain a sound program. According to the January 2020 Business and Professions Code section 6061.7 disclosure form, required courses have an average class size of 24 students. Recently, the four-year average student to faculty ratio was approximately 30:1. (Guideline 4.3)

According to the self-study, Concord believes that the Guideline 4.4 limit allowing instructors to concurrently teach no more than three subjects is not optimal in Concord's distance learning environment. Because Concord's online courses are predesigned, the instructor's immediate duties may be more limited than in a traditional course, particularly if enrollment is low. Nevertheless, Concord agrees to set faculty course loads in compliance with Guideline 4.4, though if accreditation were granted, the school might seek a short-term waiver of the limit while the school transitions to its new calendar.

Concord places a high value on timely communication with students. Instructors are expected to respond to emails within 48 hours and to return assignments within five days; their activities are reviewed to ensure compliance. The curriculum has been designed to promote regular self-assessment by students and structured feedback by instructors, and the learning management system is used effectively to track and prompt student engagement. (Guideline 4.4)

The school requires faculty members to complete eight hours of professional development each year. New instructors complete an online orientation and are paired with more experienced mentors. Through Purdue Global, faculty can access an online library of mini-courses or attend free online conferences on pedagogy and online teaching.

Concord also sponsors development webinars throughout the year, such as a Distinguished Speaker series on legal topics and a continuing legal education series taught by faculty. Faculty members also participate in calibration sessions for the bar exam. (Guideline 4.6)

Faculty are evaluated through a multi-faceted evaluation process that complies with Guidelines 4.7 and 4.8. As confirmed by a sample file review, all instructors are evaluated at least annually and new instructors are reviewed two or three times during their first year of teaching. Full-time professors are evaluated by a university-wide process, in which the professor and their direct supervisor must complete a Faculty Appraisal Form and then meet to discuss the evaluation; a parallel process for part-time professors has also been implemented recently.

In a separate Concord process, the dean reviews full-time instructors and the associate dean reviews adjunct instructors, using either a comprehensive checklist or a shorter version designed for quick feedback. Professors must complete a self-assessment and respond to their supervisors' comments. Some checklist items allow a supervisor to provide data from the LMS showing whether the instructor has met qualitative expectations, such as returning grades in five days. Other items, such as conducting live seminars, call for qualitative assessment of effectiveness.

Purdue Global has an academic freedom policy that protects the Concord faculty. (Guideline 4.10)

**Rule 4.160(E): Educational Program. The law school must maintain a sound program of legal education. (Guidelines 1.8; 6.1–6.14)**

Concord offers a JD program that is both quantitatively and qualitatively sound.

The school proposes to offer a JD program with the same educational content as its current program, delivered over shorter academic terms. Concord would admit both first-year and upper-level students three times per year, rather than admitting upper-level students only twice per year, as it does now. In the future, the school may consider seeking approval for to offer a full-time program.

Under Guideline 6.5(A), students at an accredited school must complete at least 1200 hours of “Verified Academic Engagement” (VAE), over no fewer than 80 semester units. The JD program exceeds these requirements.

Concord requires students to complete 92 units of academic credit to graduate. Each unit represents 15 hours of verified or tracked academic engagement (VAE) and 30 hours of untracked preparation and homework, totaling 45 hours of study. Students complete at least 1380 hours of VAE (92 units x 15 hours), exceeding the minimum 1200 hour requirement.

In fact, the faculty has calculated that the JD program requires at least 1864 VAE hours, with 1744 hours dispersed among 84 required units, and a minimum of 120 hours over eight elective units.

Under Guideline 6.5(B), VAE can be completed by student participation in a synchronous or asynchronous curriculum offered through “distance-learning technology,” such as Brightspace, the Concord learning management system (LMS). Students log in to the LMS to watch live seminars or recorded videos, post to discussion boards, take timed assessments, or do other activities. Such participation, or VAE, is digitally tracked and verifiable for each student.

To evaluate and verify the amount of VAE included as part of the JD curriculum, the faculty conducted an audit of the time each activity in the required curriculum would take students to complete. Actual times were assigned for events with fixed times, such as live seminars; for other activities, the faculty estimated VAE based on their collective judgment. Reading assignments were not counted toward VAE.

As students complete a course activity, their VAE is automatically recorded by the learning management system (LMS). The LMS has an automated “gating” feature that controls how students move through a course. For example, students must view a video before gaining access to a post-video learning activity and must complete Module One before moving on to Module Two.

At the end of each module, the LMS requires students to verify completion of the estimated hours of VAE and total study. Concord uses this function only as an “added level of corroboration” to help students “internalize the importance of honest self-reporting.” To validate faculty estimates of VAE, Concord surveyed students in 2018 and found that they spend roughly the time estimated, if not more.

The school enforces a compliant attendance policy. (Guideline 6.5(C)) Under the Final Exam Qualification Policy stated in the Catalog, students are blocked from accessing the final exam for a

course unless they have completed all module work and have also participated in a minimum of 80 percent of all seminars by at least one week prior to the exam.

The learning management system (LMS) automatically tracks completion of all module work, while the Student Operations Manager verifies seminar attendance through the LMS, warns students who are not on pace, and blocks noncompliant students from digital access to the final.

If Concord were to be accredited, the JD program would be restructured to a format compliant with Guideline 6.5(D). The school would move from two 24-week terms to three 15-week semesters. Currently, Concord courses consist of 15 modules each taught over 10 days; with shorter terms, the same modules would be taught over seven days.

In compliance with Guideline 6.5(E), (F), and (J), part-time students would complete seven-to-nine units per term. If a full-time program were later requested and added at a future date, full-time students would complete 10-to-13 units per term. Part-time students currently take 10-to-13 units in each 24-week term.

Concord was found to comply with requirements addressing the use of appropriate texts, course syllabi, instructional formats, and limits on class size, under Guidelines 6.5(K)-(N).

An externship program, the Legal Education Experience Program (LEEP), adheres to Guideline 6.6 provisions. In this elective course, third- and fourth-year students earn two credits by completing 70 hours of field placement and 20 hours of in-class activities. Students may work either remotely or in person, and are able to arrange their own placements, with Concord support as requested. A faculty member exercises oversight and maintains records as required, a role currently held by Professor Kelly Mauerman.

The content of the JD program complies with the unaccredited and accredited guidelines, and would not change if the school became accredited, with the exception of the modification or sunset of the FYLSX review program. Recently, the Concord faculty completed a two-year project to revise the required curriculum to integrate best practices as to legal pedagogy, distance learning, and adult learning. Elective offerings have been updated and expanded as part of this initiative.

All students must take 84 units of required courses. These include all subjects tested on the bar exam, a course on the legal profession, first-year and upper-level courses in legal research, analysis, and writing, as well as a Capstone and a year-long bar course that integrates bar exam preparation, as permitted by Guideline 1.8.

Students also choose eight units of elective coursework, with roughly 15-to-20 courses being offered each term. (Guidelines 6.7-6.9) A highly selective course, Moot Court Honors, offers two or three Concord students the opportunity to compete in a national moot court competition.

Concord encourages student-faculty interactions. The school considers responsiveness when evaluating faculty, and instructors utilize a range of strategies to promote positive communications. Students and alumni reported that such interactions are a strength of the school. (Guideline 6.10)

The team found the school to be compliant with Guidelines 6.10 through 6.14, with respect to exams and grading requirements. A review of course materials confirmed that final exams are administered in doctrinal courses, while final projects are assigned in many performance, writing, and elective courses. Grades are based on numerous assessments in varying formats, not merely on midterm and final exams, as done in more traditional law school programs.

The team reviewed a sample of interim assessments, final exams, and assignments. Almost uniformly, these materials were found to be well-drafted and a fair test of the legal issues or skills being tested. For interim assessments, faculty routinely provide extensive feedback, including general and student-specific comments, model answers, and rubrics.

The team also reviewed a sample of student answers, including those given high, medium, and low grades. The school intends to grade in a manner that will advise students as to their progress toward preparation for licensure. (Guidelines 6.11–6.13)

The Concord administration and faculty regularly analyze grades, both term-by-term and longitudinally, to improve their accuracy, validity, reliability, and consistency. Further, the school has also used grade studies to make policy decisions about admissions, academic standing, academic support, and course design. In reviewing grade correlation reports, the team found a substantial degree of consistency in grading practices, with appropriate subject-matter differences. (Guideline 6.14)

**Rule 4.160(F): Competency Training. The law school must require that each student enrolled in its Juris Doctor Degree program satisfactorily complete a minimum of six semester units (or their equivalent) of course work designed to teach practice-based skills and competency training and have the opportunity to take up to fifteen semester units. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner. Students must also have the opportunity to take up to fifteen semester units of practice-based skills training. (Guideline 6.9)**

Under Guideline 6.9, a school must offer students entering the JD program the opportunity to complete 15 units of practice-based skills and competency training. Concord meets this requirement by integrating 18 units of competency training into its required curriculum, in a total of 13 courses.

For each course, Concord has charted all training activities and the hours of active student engagement that each requires. Additional competency training opportunities are available in elective courses, independent study, and externship courses.

**Rule 4.160(G): Scholastic Standards. The law school must maintain sound scholastic standards and must as soon as possible identify and disqualify those students who lack the capability to satisfactorily complete the law school's JD degree program. (Guidelines 7.1–7.11)**

Concord has adopted sound scholastic standards that promote the prompt identification and disqualification of students who are unlikely to be successful in the JD program.

The Catalog states Concord's policies with respect to academic standing, academic disqualification, advancement in good standing and on probation, retention, and requirements for graduation. The school should also state the process used to amend these policies in the Catalog. (Guideline 7.2)

For faculty, information about the school's academic policies is found in the Faculty Handbook, in an online New Faculty Orientation course, and in documents on topics such as classroom expectations and grading. Concord students receive information on specific course policies in course syllabi.

As noted above, the school uses a system of numeric grades with a corresponding four-point, A-F scale; each grade position is well defined, ranging from "superior" to "failure."

Students are evaluated for retention after each term. To be in good standing, students must have a cumulative GPA of 2.5 or higher. Concord set this standard after analyzing the relationship between cumulative GPA and success on regulatory exams. As stated in the self-study, Concord has "determined that achieving a 2.5 provides adequate assurance that a student has a reasonable likelihood of passing the bar." Calibration sessions are held regularly to ensure that instructors are grading consistently with each other and this benchmark.

Probation policies are appropriate under Guidelines 7.3 and 7.4. First-year students with a cumulative GPA between 2.0 and 2.49 after the first term are put on probation and dismissed after the second term if a 2.5 cumulative GPA is not achieved. Advanced students who fall below a 2.5 cumulative GPA have one term to regain good standing. If the minimum GPA not achieved, they are dismissed unless they have an approved Satisfactory Academic Progress (SAP) appeal. Students on SAP have up to four terms to meet their SAP conditions, which include achieving a term GPA of 2.75. At the moment, the school has few advanced students on probation.

The school offer students a host of academic support programs, including early, individualized interventions for first-year students in their second term. (Guideline 7.3)

Concord has significant attrition, with voluntary withdrawals of up to 45 percent and involuntary dismissals of up to 35 percent in the first semester. Limited attrition occurs after the first year. The school has studied causes of attrition and adopted various remedial measures, and it is strongly encouraged that it continues to do so. To a degree, however, attrition is a result of Concord efforts to advance only those students likely to succeed.

As a registered, unaccredited law school, Concord has complied with all requirements pertaining to the FYLSX. (Guideline 7.5 and 7.6)

Course repetition policies comply with Guidelines 7.7 and 7.8. Students must repeat any required course in which they earn a failing grade. Both original and repeated course grades appear on the transcript, but the repeated course grade is used to calculate the cumulative grade point average. Duplicate credit is not granted for repeating the same course or one that is substantially similar.

Concord maintains sound grading policies and practices in compliance with Guideline 7.9. As noted above, the school's interim assessments and exams were found to be well-drafted and a fair test of the legal issues or skills being tested. The school regularly reviews the correlation of grades among faculty teaching the same students. According to the self-study, grading consistency is greater in doctrinal courses than in skills courses. However, the team was satisfied that grading standards are consistently applied across the curriculum.

A Concord analysis of grades awarded over several years shows that first-year students are realistically assessed, with approximately 31 percent of grades being in the D and F ranges. Grades skew higher in upper-level courses, which are attended by students who have passed the FYLSX. While current grading standards do not appear unreasonable, the faculty should guard against the inflationary tendency to award mostly A's and B's in upper-level courses unless those grades are warranted by student achievement.

The school has complied with record-keeping requirements under Guideline 7.10.

As detailed in the section on Educational Standards, Concord has carefully designed its distance education program to meet the CBE's requirements for accredited law schools. The school verifies student engagement through the learning management system and has established the reliability of its time estimates by analyzing the actual time spent by students. The team found that the school is compliant with Guideline 7.11.

The school has a compliant policy on enrollment as an auditor or visitor, as required by Guideline 7.12.

**Rule 4.160(H): Admissions. The law school must maintain a sound admissions policy. The law school must not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the degree program. (Guidelines 5.1–5.9)**

Policies governing admissions are sound and effectively administered at Concord. Most admissions requirements and the Concord application process are explained on the website, and other details are stated in the Catalog. As required, the online application asks applicants if they have ever attended law school, and if so, whether or not they left in good standing. (Guideline 5.4)

Concord only admits students with a bachelor's degree, in most cases from a regionally or nationally accredited institution, and generally seeks applicants with a minimum undergraduate GPA of 3.0. The school chooses not to admit students with alternate credentials who would nonetheless satisfy the pre-legal admissions requirements of Business and Professions Code section 6060(c).

While applicants are not required to submit Law School Admissions Test (LSAT) scores, they must take a proprietary online admissions test that assesses reading comprehension and logical analysis, similar to the LSAT. Concord has revised the test format several times to improve its predictive ability and has adjusted acceptable cut scores based on analysis of student success data. About 60 percent of admissions test takers are disqualified from applying for the JD program, though they may apply to the Executive JD program if their scores qualify.

Applications are handled by advisors in the KHE Admissions Department who work exclusively on Concord admissions. The team found that effective processes are in place at Concord and KHE to ensure the school maintains certain official transcripts on file (Guideline 11.1(B) and (C)), and adheres to the mandate that official transcripts—showing qualification for law study based on pre-legal education—must be on file within 45 days of the start of a student's first term, or the student must be dismissed. (Guideline 5.3) A sample file review also confirmed compliance.

Concord conducts a holistic evaluation to ensure that admitted students have a reasonable prospect of completing the program. In addition to pre-legal education and admissions exam scores, the school considers factors such as post-graduate education and work experience. Applicants may be "fast-tracked" for admissions with a minimum exam score of 24, an undergraduate GPA of at least 2.75, and no prior negative law school experience or moral character issues. Other candidates are reviewed by an Admissions Committee, including two professors and the assistant dean.

The Concord process yields an admitted applicant pool that appears qualified for law study. In fall 2019, the school admitted about 94 percent of applicants with completed files. For entering students, the 75th, 50th, and 25th percentile undergraduate GPA values were 3.5, 3.1, and 2.7, respectively. Typically, about 40 percent of Concord students enter having already earned another graduate degree.

Concord admits or readmits certain students who were academically disqualified from prior law studies at other law schools or Concord. (Guideline 5.34, Unaccredited Rules) Typically, the school requires a 24-month "wait-out" period, but will seldom allow admission or readmission after 12 months. The Admissions Committee documents its reasoning for granting admission or readmission in applicants' files. Should Concord be accredited, the school must not admit or readmit a previously disqualified student unless the school has the student's official LSAT score report, and the school has agreed to comply. (Guideline 5.6(B))

According to the Catalog, Concord adheres to the requirements of Guideline 5.35 (Unaccredited Rules) in awarding transfer credit, except that the school allows transfer of only up to 50

percent—or 46—of the 92 credits Concord requires to complete a JD degree. However, transfer credit policies as described in the self-study do not reflect the distinct standards that apply in specific circumstances, such as those with respect to previously disqualified students.

To ensure that guideline requirements for transfer credit are understood by applicants and properly applied by Concord, the school should adopt, implement, and publish a transfer credit policy that details the requirements under the applicable guidelines, either Guideline 5.35 (Unaccredited) or Guidelines 5.7 and 5.8 (Accredited).

If accredited, Concord plans to continue its current admissions policies and confirm through data analysis that its policies promote the admission of students who are reasonably likely to succeed.

**Rule 4.160(I): Multiple Locations. Accreditation is granted to a law school as an institution. If a law school receives approval to open a branch campus or a satellite campus, the branch or satellite campus must be operated in compliance with the Standards and Guidelines, subject to all site specific operational requirements and any waivers approved by the CBE. The new campus must be in substantial compliance with the Standards and all operational requirements no less than one month prior to the start of classes, and in full compliance within two years. The Dean of the law school will certify the substantial compliance of each new branch or satellite campus, by a letter to the CBE, no later than 30 days prior to the start of classes. If a law school conducts seminars or classes other than at its principal facility, satellite or branch campuses, the seminars and classes must be conducted in compliance with the Standards, except the Library Standard. (Guidelines 15.1–15.4)**

This section is inapplicable to Concord, which only offers distance education.

**Rule 4.160(J): Library. The law school must maintain a library consistent with the minimum requirements set by the CBE. (Guidelines 8.1–8.6)**

Concord meets all library requirements. All required resources are made available to students and faculty online through Westlaw. Early in their first term, students register for Westlaw and begin to use the service for their assignments. Access to other online legal materials, such as HeinOnLine and CALI (Center for Computer-Assisted Legal Instruction), is available through the Purdue Global library website. (Guideline 8.4)

The library website provides other instructional materials, such as library guides and tutorials, and full-text access to a wide range of resources, including journals, magazines, eBooks, reports, and newspapers. Research assistance is available around the clock from Westlaw’s Reference Attorneys, and within reasonable response times from professional librarians at the Purdue Global library, by appointment, email, or chat service.

As required by Guideline 8.3, Concord provides instruction in both electronic and hard copy legal research, primarily in a second-year course entitled Electronic Legal Research. Assignments requiring legal research are incorporated throughout the curriculum in both doctrinal and skills courses. Records of library expenditures are properly maintained. (Guideline 8.6)

**Rule 4.160(K): Physical Resources. The law school must have physical resources and an infrastructure adequate for its programs and operations offered at each campus. (Guidelines 9.1-9.3)**

Concord serves the needs of its online students via distance mediums including email, phone, and conference call, but does not provide any physical classroom or study facilities for students and does not need such facilities due to its fully online delivery model.

The school leases an administrative office in a secure building in the Century City area of Los Angeles, where the dean holds his office. Other Concord personnel work remotely or at Purdue Global offices in Chicago and Fort Lauderdale. Students are welcome to visit any of these offices, but rarely do so. As needed, Concord rents space for events such as graduation, and held one of the first remote virtual reality graduations this year.

The Concord information technology infrastructure is up-to-date, secure, and adequate for institutional needs. Now integrated into Purdue Global's systems, Concord has constant access to student records, files, and materials through three software platforms. Access to these platforms is appropriately restricted by log in, remote desktop, and VPN procedures. As required by Guideline 9.1, authorized personnel can procure all school data at the Los Angeles office.

CampusVue, the main student information system (SIS), is used to maintain official registrar, financial aid, and business data. Brightspace by D2L, a learning management system (LMS), houses course information, such as attendance, gradebook, syllabi, and exams. Salesforce, a student relation management system (SRM), provides a central repository for basic data from CampsuVue and the LMS, and hosts notes about interactions with students.

Purdue Global supports the technology infrastructure. Service outages are carefully tracked and resolved. The team found that the infrastructure is reliable and that adequate resources have been allocated to effectively address any service issues that may arise.

**Rule 4.160(L): Financial Resources. The law school must have adequate present and anticipated financial resources to support its programs and operations. (Guidelines 10.1–10.3)**

The school has adequate present and anticipated financial resources to comply with Rule 4.160(L) and related guidelines. Audited financial statements for the school's parent company, Purdue Global were submitted with the self-study, along with the school's budget and projections.

Concord is almost completely dependent on tuition for revenue. Consistent with general trends, enrollment has declined each year since the 2014 inspection visit. JD enrollment has decreased 65 percent since that time, with a 21 percent decline last year.

Although revenues have generally exceeded operating expenses, the school's operating income has been negative for the past five years due to the school's allocation of expenses for shared services. Through prudent cost cutting since 2016, operating income deficits have been reduced from 41 percent to 12 percent. Prior to the pandemic, Concord anticipated that by fiscal year

2021 and thereafter, enrollments would improve, and operating income would be positive. As an established online school, Concord might expect to have more options available to weather the current pandemic.

As part of Purdue Global, Concord's programs are not jeopardized by its recent deficits. Financial statements submitted with the self-study show the institution has substantial assets and is expected to benefit from a national trend toward online education in the public and nonprofit sectors. In fiscal year 2019, the school made a substantial investment in brand identity and marketing, and in fiscal year 2020, the school projected a solid operating surplus, based on increased enrollment, improved persistence, lower brand spending, and operating efficiencies. The effect of the pandemic of course remains unknown.

**Rule 4.160(M): Records. The law school must maintain adequate records for its programs and operations. (Guideline 11.1)**

Concord maintains its records in compliance with Guideline 11.1. The school is integrated into the Purdue Global computer network, and records are held as digital files within that network. Files are password-protected, accessible only by authorized personnel, and backed up pursuant to Purdue Global's standard data integrity policies, with security and backup systems to protect against corruption or loss. The school also enforces an Acceptable Use Policy that controls the transmission, storage, and printing of digital materials.

Responsibility for maintenance of academic records is shared by the Concord Assistant Dean of Students and the Purdue Global Registrar. Whereas Concord records, such as admissions records, are handled by KHE pursuant to the service agreement, written standard operating protocols are followed to ensure compliance with the CBE's guidelines. KHE's internal audit group conducts an annual audit to ensure records are compliant with school policies.

It is suggested that if the school becomes accredited, the school should conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether or not required disclosures and written policies adhere to the CBE's requirements.

The team conducted a sample review of records and confirmed their compliance, including applicant files and admissions records (Guidelines 11.1(A)-(B)); student files and transcripts (Guidelines 11.1(C)-(D)); class records, exams, and grade tabulations (Guidelines 11.1(E)-(F)); and faculty (Guideline 11.1(H)). Compliance with Guideline 11.1(G) was established via teleconference with the head of Purdue Global's Human Resources Office.

The team also reviewed a sample of other records required by Guidelines 11.1(I) through 11.1(O), including faculty meeting transcripts and video archives, Purdue Global Board minutes, Concord Advisory Council records, Concord Annual Compliance Reports and promotional materials, and correspondence between Concord and the CBE. The team deemed these records to be in order.

**Rule 4.160(N): Minimum Cumulative Bar Pass Rate. The law school must maintain a minimum, cumulative bar exam pass rate as determined and used by the CBE in the evaluation of the qualitative soundness of a law school's program of legal education. The minimum, cumulative bar exam pass rate for a law school with one or more branch campus is to be calculated and reported as the combined rate of all such campuses. (Guidelines 12.1–12.2)**

An accredited law school must maintain a minimum MPR of 40 percent. (Rule 4.160(N), Guideline 12.1) The school's 2019 MPR is 48.1 percent. The school's 2020 MPR is 47.9, representing a trend of continued compliance for this cumulative five-year bar passage measure.

Should Concord become fully accredited, its students will be exempt from the First-Year Law Students' Exam requirement. Concord is confident that it would be able to maintain a compliant MPR despite the loss of the exam as a gatekeeper, based upon recent action taken to adopt a higher GPA required for good standing, as well as the school's plan to continue to analyze student data and adjust its admissions and good standing criteria on a continual basis.

After analyzing academic data and FYLSX pass results, Concord concluded that students with a cumulative GPA below 2.5 were very unlikely to pass the FYLSX on the first try, thus the school raised the minimum cumulative GPA required for good academic standing from 2.0 to 2.5. As noted above, Concord has made other changes to support student success based on analysis of data.

**Rule 4.160(O): Equal Opportunity and Non-Discrimination. Consistent with sound educational policy and these rules, a law school must operate in accordance with policies and procedures that comply with the Constitutions and all applicable laws of both the United States and the State of California to provide both equality of opportunity and to prohibit unlawful discrimination. (Guideline 14.1)**

Purdue Global has adopted and implemented a broad nondiscrimination policy. As stated in the Catalog, "All individuals have the right to strive to reach their potential in an atmosphere free from discriminatory practices including unlawful discrimination and/or harassment based on race, religion, gender, color, sex, age, national origin or ancestry, disability, marital status, parental status, sexual orientation, gender identity and expression, veteran status, genetic information, or any other legally protected status."

The student body is diverse. According to the 2019 Annual Compliance Report, of the 222 students then enrolled in the JD program, approximately 44 percent were male, and 56 percent were female. Students self-identified as belonging to racial or ethnic groups as follows: African American (20 percent); Latinx (12 percent); Asian or Pacific Islander (6 percent); Native American, (1 percent); and Caucasian (40 percent). Slightly more than 20 percent of students declined to identify themselves by race or ethnicity.

In the 2014 Concord Inspection Report, the school was encouraged to increase its efforts to recruit and retain a more diverse faculty, an objective it achieved. Although the faculty is now roughly 28 percent smaller than when that report was prepared, it is nonetheless somewhat

more diverse. The percentage of faculty self-identifying as Caucasian has dropped from 93 percent to 77 percent, and the percentage of male faculty has decreased from 61 percent to 51 percent.

Currently, approximately 13 percent of Concord faculty identifies as African American, and about 10 percent identify as Latinx. Against the backdrop of a smaller faculty, this data suggests a commitment to recruiting and retaining a diverse faculty.

**Rule 4.160(P): Compliance with CBE Requirements. The law school must demonstrate its compliance with these rules by submitting required reports and otherwise complying with the rules. (Guideline 11.1 (O))**

Concord has timely submitted all Annual Compliance Reports and all other required submissions, and responses to requests by the State Bar have been timely addressed by the school. Further, the school has indicated that it is willing to fully comply with the Accredited Rules and Guidelines, and appears to have the capacity to do so, based upon the self-study, accompanying materials, and findings of current practices and plans during the inspection.

Based on a review of the school's operations and budget, the Executive JD program does not appear to impede the overall operation of Concord, nor its ability to offer a sound JD program. The website and other publications do not improperly represent that the CBE approves or oversees the Executive JD program.

Following the inspection, the school revised disclosures about the Executive JD to conform to the specific language required by Guideline 13.3 to be used "without alteration." If Concord becomes accredited, it will seek the CBE's acquiescence to offer the Executive JD program by separate application.

**CONCLUSION AND RECOMMENDATION**

The team recommends that the CBE receives and files this Periodic Inspection Report, approves the team's recommended and suggested actions, grants full accreditation to Concord Law School, Purdue University Global, and its part-time JD program, and schedules its next periodic inspection for the spring of 2025, unless the CBE deems an earlier visitation is necessary. The school already appears to be operating in full compliance with the Accredited Law School Rules and Guidelines, except for those that cannot be achieved until accreditation is granted. In those limited cases where compliance cannot be achieved until accreditation is granted, the school has a plan to make an immediate transition upon accreditation. Those last remaining elements can be verified administratively. Concord should provide an update on its progress toward the recommendations noted as part of its 2020 Annual Report.

The State Bar of California  
ATTN.: Natalie Leonard  
Principal Program Analyst, Educational Standards  
180 Howard St.  
San Francisco, CA 94105

July 30, 2020

RE: Concord Law School Response to Report on Site Inspection

Dear Natalie:

Thank you for forwarding the report and recommendations regarding our site inspection for provisional or full accreditation on July 8, 2020. We are quite pleased to see that the report concludes that Concord “already appears to be operating in full compliance with the Accredited Law School Rules and Guidelines,” and recommends that Concord be granted full accreditation. We agree with and wholeheartedly endorse these findings and recommendations.

I did want to address the three recommended mandatory actions included in the report, and explain the steps that Concord has already taken to address them. In addition, in the interest of full transparency, this response will address one additional policy clarification we have made as a result of the site visit.

### **Recommended Mandatory Actions**

“1. **Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited)**: The school should adopt and implement a faculty course load policy that complies with the applicable guideline.” (p.4)

Accredited Guideline 4.4 provides, in part, that “[a]n instructor may concurrently teach courses in no more than three separate subjects [and] may teach no more than 10 hours per week.” Unaccredited Guideline 4.5 is similar, although it states that an instructor “should” teach no more than three subjects concurrently.

As noted in our self-study, the total time burden for faculty to teach our online courses does not correspond neatly to classroom hours per week. Thus, although three courses per term is our default full-time faculty course load, we will occasionally deviate upwards (or downwards) from that default based on a detailed analysis of the hours per week a professor is expected to spend on all aspects of teaching and administering their courses (e.g., teaching live seminars, grading and providing feedback on student written work, responding to student discussion board posts and emails, etc.) given the number of students enrolled in each. In order to provide parity in teaching loads, a full-time faculty member who teaches primarily lower-enrollment upper-division electives may sometimes be asked to teach four or five courses in a given term.

We believe that, notwithstanding these occasional deviations from the numerical benchmarks in Accredited Guideline 4.4 and Unaccredited Guideline 4.5, our existing policy comports with the guidelines' stated rationale of ensuring that faculty course loads do not "impair the instructor's ability to adequately prepare and effectively teach."

In any event, Concord is prepared to strictly comply with the three-course, ten credit hour requirements of Accredited Guideline 4.4 immediately and going forward<sup>1</sup>, and we have already planned to staff our upcoming term start in September to comply with those requirements. Thus, this should not in any way impede the immediate granting of full accreditation.

**"2. Guideline 5.35 (Unaccredited) or Guidelines 5.7 and 5.8 (Accredited):** The school should adopt, implement, and publish a transfer credit policy that states the requirements under the applicable guidelines." (p.4)

Concord has operated in compliance with Unaccredited Guideline 5.35 all along, and has referred to Guideline 5.35 in its published policies; but Concord has not previously detailed the particular transfer credit requirements of that Guideline in its published policies. Concord has obtained all necessary internal approvals to add language to our Catalog to reflect the applicable transfer credit requirements of Unaccredited Guideline 5.35--the full language can be found in Appendix A to this response letter--and those updates were published on July 29, 2020. (Concord is also in the process of obtaining internal approval to add applicable language relating to Accredited Guidelines 5.7 and 5.8, and will be in a position to publish those updates within several days of a vote granting accreditation.)

**"3. Guideline 7.2 [sic]:** The school should state the process used to amend its academic policies in the Catalog as required by the guideline." (p.4)

To fully comply with Unaccredited Guideline 2.9(A)/Accredited Guideline 2.7(A), Concord has obtained internal approval to add language to our Catalog to explain the process used to amend our academic policies (see Appendix A), which update was published on July 29, 2020.

### **Additional Policy Clarification**

Although it was not included in the list of recommended mandatory actions, the report indicates at page 7 that Concord should revise its policy regarding disciplinary sanctions to more fully comply with Accredited Guideline 2.6 (Fairness in Student Discipline). Specifically, the report notes that: (1) the range of potential sanctions listed "should also include cancellation of an exam and denial of course credit"; (2) given that the Guideline requires an opportunity for a hearing

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<sup>1</sup> If accreditation is granted, Concord anticipates temporarily offering overlapping 24-week terms and 15-week terms as it transitions to its new term structure in 2021. Accordingly, Concord may seek a temporary waiver to permit some faculty to teach slightly more than 3 courses or 10 credit hours concurrently during that transitional period. However, if such waiver request is not granted, Concord will remain fully compliant with all aspects of Accredited Guideline 4.4.

“before a panel,” the policy should allow not merely for written submissions but also for “an oral process, either in person or technological means”; and (3) the appeals policy “should provide for a written final determination with details as specified by the guideline.”

Concord has already obtained internal approval to update its Catalog policies to reflect these recommendations, as detailed in Appendix A, which were published on July 29, 2020. Even prior to that publication, Concord modified its internal procedures to notify individual students charged with disciplinary sanctions of their right to request an oral hearing and to provide for a written statement of decision.

### **Conclusion**

I cannot adequately express how excited all of the faculty and staff are about the possibility of Concord becoming one of the first fully online law schools ever to be granted full accreditation by the Committee of Bar Examiners--not only because of what this means for the school, but for what it says about the current state (and future) of online legal education more generally.

Sincerely,



Martin Pritikin  
Dean and Vice President

## Appendix A

### Text of Concord Catalog Policy Changes Published July 29, 2020

**Topic:** Disciplinary Sanctions and Appeal Procedures (Accredited Guideline 2.6)

**Catalog page URL:** <https://catalog.purdueglobal.edu/concord-law-school/policy-information/student-services/student-conduct/>

#### Text of Policy Changes:

. . . A violation of the **Code of Student Conduct** may result in one or more sanctions including, but not limited to:

- Verbal warning
- Written warning
- Grade reduction (including but not limited to failure of an assignment or failure of a course)
- Suspension
- Dismissal

...

#### **Appeal of Disciplinary Sanction**

You may submit a written appeal to the Office of Student Relations within 10 business days of receiving notification of the disciplinary action. All grade-related and plagiarism appeals are to be directed to the Academic Appeals Committee. All other violation appeals are to be directed to Student Relations.

In connection with your appeal, you may request a hearing before a panel of disinterested members of the faculty and/or administration in a disciplinary proceeding. You may request an oral hearing, although these hearings are typically conducted based on written submissions. Any written submission must include the appropriate form and sufficient information to permit fact-finding and investigation.

You will be notified in writing of the panel's decision within 5 business days after the hearing (or panel's meeting in lieu of a live hearing), including a statement of facts, conclusions, and sanctions, if any.

**Topic:** Notice of Process to Amend Policies (Unaccredited Guideline 2.9(A)/Accredited Guideline 2.7(A))

**Catalog page URL:** <https://catalog.purdueglobal.edu/policy-information/>

**Text of Policy Changes:**

Where the Concord policies set forth in this section differ from general Purdue Global policies, the Concord policies apply to students in any of the Concord programs.

Concord Law School reserves the right to change provisions of this Catalog, with or without notice, subject to accreditation and licensing requirements. Any changes to adopted academic standards require approval of the Purdue Global Academic Administrative Council. Policy changes may be applied prospectively, including, upon notice provided, to students who have already enrolled, but generally will not be applied retroactively if doing so would prejudice students. The Catalog is updated periodically, and every effort is made to keep it current; but lack of publication in the Catalog will not prevent approved policy changes from being implemented upon actual notice to affected students.

**Topic:** Transfer Credit Policies (Unaccredited Guideline 5.35)

**Catalog page URL:** <https://catalog.purdueglobal.edu/concord-law-school/policy-information/academic-information/#text>

**Text of Policy Changes:**

All credit transfers will be made in compliance with the requirements of Title IV, Division 1 of the Rules of the State Bar of California (Admission Rules), Rule 4.31, and Guidelines for Unaccredited Law Schools Rule 5.35. As a result, no transfer credit will be granted unless a student has either (a) passed the First-Year Law Students' Examination (FYLSE), or (b) became exempt from the FYLSE by successfully completing the first year at accredited law school. For students who have not passed the FYLSE, credit will ordinarily be granted only for whole courses completed not more than twenty-seven (27) months prior to the date the applicant begins study at Concord. For students who were disqualified for academic reasons at the prior law school, credit will be granted only for courses in which the student received a grade above passing. For students who were in good standing at the prior law school, credit may be granted for all passing grades. For all applicants who have passed the First-Year Law Students' Examination, credit may be allowed in Torts, Contracts, and Criminal Law, even if the grades at the prior law school were not above passing. Concord will not grant credit for a course completed at the prior law school in excess of the number of units Concord

would award for a course with the same number of classroom or participatory hours.

In addition, [t]ransfer credit will be considered only for courses taken in a JD program at a school that is: (a) ABA approved; (b) accredited by the State Bar of California; or (c) registered with the State Bar of California. Law courses taken in a non-JD program, such as a master's degree program, or in a JD program at a school that does not meet (a), (b), or (c) cannot be considered.