



# The State Bar *of California*

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**OPEN SESSION**  
**AGENDA ITEM O-402**  
**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 Northwestern California University School of Law

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## **EXECUTIVE SUMMARY**

Northwestern California University School of Law is an unaccredited law school that is in the processing of seeking provisional or full accreditation. The Committee of Bar Examiners 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.

The team conducting the inspection of the school on April 1-3, 2020 verified 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 will require an inspection within sixty days of the CBE's consideration of the application.

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)

Here, NWCU applied for provisional or full accreditation in January 2020. The Committee reviewed the school's detailed application as well as an extensive staff analysis addressing all aspects of school operations. Based on that information, the CBE concluded that the school had demonstrated at least substantial compliance and that an inspection should be conducted.

The inspection took place on April 1-3, 2020 via remote process. It was conducted by the team of State Bar consultant Heather Georgakis and CBE member Kareem Gongora. 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 proposed inspection report. 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.

## **DISCUSSION**

The inspection team created the attached report of its findings and recommendations, which were consistent with the CBE's review of the school's application for accreditation undertaken in January.

The law school reviewed the report and agreed with all recommendations; it further demonstrated in the response that the law school had implemented each recommendation or prepared to do so immediately upon a grant of provisional or full accreditation.

The key recommendations from the team are summarize here.

## RECOMMENDED MANDATORY ACTIONS

1. **Guideline 2.6:** The school should revise and republish its student discipline policy to include cancellation of an exam as a sanction and to give prompt written notice of charges.
2. **Guidelines 2.7(A)(3), 7.7, and 7.8:** The school should revise and republish its course repetition policy to clearly state factors considered in deciding a petition for course repetition and whether or not the original grade will remain on the student's transcript.
3. **Guideline 2.7(C):** The school should update its policies on the authentication of student work and exams, and other policies as necessary, if remote proctoring technology is adopted for regular use.
4. **Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited):** The school should adopt, implement, and publish in the Faculty Handbook a faculty course load policy that complies with the applicable guideline. The school has created and shared a compliant policy that it would implement upon accreditation.
5. **Guidelines 4.7(A) and 4.8:** The school should revise and publish in the Faculty Handbook a faculty evaluation policy that meets all requirements of the guidelines, including evaluation of the enumerated factors and performance indicators.
6. **Guideline 5.4:** The school should revise and republish its application to comply with the guideline.
7. **Guideline 6.5(C):** The school should revise and republish its attendance policy to comply with the guideline.
8. **Guideline 6.5(J):** The school should adopt, implement, and publish a student course load policy that complies with guideline requirements in the Student Handbook.
9. **Guideline 7.1:** The school should raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.

## SUGGESTIONS FOR ENHANCED COMPLIANCE

1. Pursuant to Guideline 4.6, it is suggested that the school evaluates options to provide additional faculty development opportunities.
2. 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 or not required disclosures and written policies adhere to the Committee's requirements.

As part of the inspection, the team reviewed the school's self-study, a wide range of representative documents, and the law school's operating procedures. It also held conversations 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 in the registered program who have not yet passed the First-Year Law Students' Examination will continue to study in the registered program until they pass that exam, while other students may follow a process to seek transfer immediately.

Students who have passed that exam or enroll after the date of accreditation would continue to be enrolled in a four-year, part-time JD program with the same components, with two minor changes. First, some of the credit values of the course have been adjusted, though the course content remains the same. Next, the school would adjust the term period for students in the accredited program to allow for more flexibility of time than could be provided in the unaccredited program due to the requirement for unaccredited correspondence law schools to maintain a specific schedule of study. The proposed program would comply.

In the future, the school may return to the CBE to seek permission to add additional flexibility that would allow students to complete their studies in a period of less than four years, after the current transition is completed successfully, if the CBE should grant provisional or full accreditation.

The school has worked hard to review the requirements for accredited schools, establish compliance with those requirements, and demonstrate its compliance to the Committee with speed and candor. The school has made preparations to allow an immediate transfer to accredited status, if granted.

The inspection team recommended accreditation as to the law school's part-time four year JD program. It is suggested that the next inspection be set in the spring of 2025, unless the Committee 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 NWCU 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 NWCU 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 Northwestern California University School of Law; that it adopt all recommendations contained therein, and note the school's satisfaction of those recommendations.

**FURTHER MOVE**, that the Committee grant accreditation to Northwestern California School of Law 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 – Northwestern California University
- B. Response from Northwestern California University School of Law



# The State Bar of California

## **Northwestern California University School of Law Site Inspection for Provisional Accreditation**

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

April 1-3, 2020

**Visitation Team:**

Kareem Gongora, Committee of Bar Examiners  
Heather Georgakis, Educational Consultant

# **REPORT ON SITE INSPECTION FOR PROVISIONAL ACCREDITATION OF NORTHWESTERN CALIFORNIA UNIVERSITY SCHOOL OF LAW 2151 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833**

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

### **Introduction**

A site inspection for provisional or full accreditation of the Northwestern California University School of Law (NWCU) was conducted on April 1-3, 2020. The Visitation Team included Kareem Gongora, Committee of Bar Examiners (Committee), and Heather Georgakis, Educational Consultant and Team Leader.

Although NWCU 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.

When last inspected in September 2013, NWCU was found to be compliant with the Committee's Rules and Guidelines for Unaccredited Law Schools, which were the appropriate rules to govern that inspection.

NWCU was founded in 1982 in Sacramento, California as a for-profit, correspondence law school and was registered with the Committee that same year.

The school offers a four-year, part-time Juris Doctor (JD) degree program leading to eligibility to take the California Bar Exam. Under the current registered, unaccredited JD program, students must complete 102 units, including 12 elective courses. Should the school become accredited, it will transition to a curriculum of eight required units with 11 units of elective courses; that curriculum will continue to include all subjects tested on the bar exam and 11 units of elective courses.

Courses are taught entirely online, in a mix of asynchronous and synchronous activities, through distance learning technology. New students may join the program every two weeks. A student's academic term begins when the student gains access to NWCU's learning management system.

If the school becomes accredited, the academic term structure would change from four single "years" of between 48 and 52 weeks, to four flexible "terms" of 12 months, during which students would complete coursework at their own pace. The JD program could be completed in 45 or more months, but no more than 84 months. Once accreditation and a successful transition have been achieved, the school may later seek the Committee's approval to offer a full-time JD program or other schedule flexibility.

NWCU is overseen by the school's founder Dean Michael Clancey, a graduate of Western State University Law School and a State Bar licensee. The faculty includes Dean Clancey, Academic Dean

Mary Schofield, and 13 adjunct instructors, all of whom are graduates of schools approved by the American Bar Association (ABA) or regulated by the Committee, and all but two faculty are licensed to practice law.

At the time of inspection, total enrollment was 502 students, including 299 California residents. The total cost for the JD program is \$11,400 based on current tuition, a decrease of about 20 percent since the school's last site inspection visit. Total fees are roughly \$795.

An accredited school must maintain a minimum cumulative bar passage rate of at least 40 percent, an objective NWCUC has accomplished. NWCUC's 2019 MPR was 48.6, and its 2020 MPR is 45.0. The school should pay close attention to this requirement to ensure that it maintains compliance. In particular, the school does not plan to adjust its admissions, but it will establish an exemption from the First-Year Law Students Exam, so it will need to monitor and support its students appropriately without the additional milestone of that exam to provide an interim evaluation of student performance. In addition, the school has adjusted the number of credits in its JD program from 102 to 80, which still meets the minimum required for accredited programs, though the school has indicated that this was more of a bookkeeping change than a change in the substantive curriculum, and expects that its graduates will continue to be sufficiently prepared to maintain or improve performance on the bar exam. The team emphasizes that a 40 percent minimum MPR should be viewed as a minimum to be exceeded.

According to the school's 2019 JD Disclosure Statement, the overall cumulative pass rate for NWCUC students on the First Year Law Students' Exam is approximately 50 percent through the February 2019 administration. The pass rate for all NWCUC takers was 23.1 percent on the June 2019 administration and 26.4 percent on the October 2019 administration.

Northwestern California University School of Law was found to be compliant with the Accredited Law School Rules (Rules) and Guidelines for Accredited Law School Rules (Guidelines) after a review of the curriculum, learning platform, admissions, scholastic standards, faculty, legal research resources, facilities, records, dean, administrators, and faculty.

### **Recommended Action by the Committee**

The team recommends that the Committee receives and files this Periodic Inspection Report, approves the team's recommended and suggested actions, grants full accreditation to Northwestern California University School of Law, and schedules its next periodic inspection for the spring of 2025, unless an earlier visitation is deemed necessary by the Committee.

### **Recommended Mandatory Actions**

- 1. Guideline 2.6:** The school should revise and republish its student discipline policy to include cancellation of an exam as a sanction and to give prompt written notice of charges.
- 2. Guidelines 2.7(A)(3), 7.7, and 7.8:** The school should revise and republish its course repetition policy to clearly state factors considered in deciding a petition for course repetition and

whether or not the original grade will remain on the student's transcript.

3. **Guideline 2.7(C):** The school should update its policies on the authentication of student work and exams, and other policies as necessary, if remote proctoring technology is adopted for regular use.
4. **Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited):** The school should adopt, implement, and publish in the Faculty Handbook a faculty course load policy that complies with the applicable guideline. The school has created and shared a compliant policy that it would implement upon accreditation.
5. **Guidelines 4.7(A) and 4.8:** The school should revise and publish in the Faculty Handbook a faculty evaluation policy that meets all requirements of the guidelines, including evaluation of the enumerated factors and performance indicators.
6. **Guideline 5.4:** The school should revise and republish its application to comply with the guideline.
7. **Guideline 6.5(C):** The school should revise and republish its attendance policy to comply with the guideline.
8. **Guideline 6.5(J):** The school should adopt, implement, and publish a student course load policy that complies with guideline requirements in the Student Handbook.
9. **Guideline 7.1:** The school should raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.

### **Suggestions for Enhanced Compliance**

1. Pursuant to Guideline 4.6, it is suggested that the school evaluates options to provide additional faculty development opportunities.
2. 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 or not required disclosures and written policies adhere to the Committee's requirements.

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

NWCU submitted a self-study to assist the team in its assessment of the school's compliance with the Rules and Guidelines. Dean Clancey and other staff members responded to requests for additional information, and the information they provided was considered in drafting this report.

## Conduct of Site Visit

Prior to the planned inspection visit, government authorities warned that unnecessary travel and face-to-face interactions should be avoided to limit spread of the novel coronavirus. Dean Clancey and other NWCUC staff members arranged a remote visit during which team members met via videoconference with school administrators, faculty, students, and alumni.

After a webcam tour of the NWCUC offices, the team discussed the school's operations with Dean Clancey, Academic Dean Schofield, Information Technology Director Oscar Olivares, and Executive Director and Registrar Lorenza Zapata. The team next met with Dean Clancey, Ms. Zapata, and Mr. Olivares as NWCUC directors. Mr. Olivares demonstrated the use of the eJuris proprietary learning platform, and by remote camera, Registrar Zapata explained the organization of files. Finally, the team attended a real-time Contracts class via eJuris, taught by Professor George Castagnola.

On the second day, the team discussed academic matters with Deans Clancey and Schofield, then participated in videoconference meetings, first with numerous instructors and then with a large group of students and alumni. After further review of records, the team attended a real-time Essay Exam Writing session for first-year law students via eJuris, taught by Academic Dean Schofield. On the final day, the team discussed financial matters with Ms. Zapata, held a team meeting, and concluded with an exit interview with Dean Clancey and other personnel.

A representative sample of digital records and materials were inspected, including applicant and student files, course syllabi, instructional materials, grading 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 COMMITTEE'S RULES AND GUIDELINES

Below are the team's findings, conclusions, and recommendations with respect to the school's compliance with the Rules and Guidelines.

### **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.

Northwestern California University is a California for-profit corporation. (Guideline 2.4) The school is in good standing with the California Secretary of State and has a current Statement of Information on file. The school has complied with the requirements of the City of Sacramento.

Policies and procedures addressing the Americans with Disabilities Act (ADA) and related laws are published in the Catalog and Student Handbook. NWCUC protects medical records against

improper disclosure and routinely counsels students that the accommodations provided by the school may differ from those granted by the State Bar. (Guidelines 1.6 and 2.3)

NWCU protects student information against improper disclosure. Privacy policies are published on the website, in the Catalog, and in the Student Handbook; the Catalog provides students with notice of their rights to file complaints for violation of privacy laws. Student records are not released without consent except as required by law; the school does not publish a student directory.

Policies addressing civil rights, including grievance procedures, are published in the Catalog.

As noted below, NWCU is compliant with California Business and Professions Code section 6061.7, which requires schools overseen by the Committee to post a specific list of statistics about the school's programs. The report was properly updated and posted in early 2020 as required by the statute.

**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))**

The school appears to be honest and forthright in its dealings, as required by Guideline 2.1.

NWCU's website and other publications provide current, consistent information about the school's accreditation status, academic programs, faculty, and services. Generally, policies are clearly stated in an organized manner in the Catalog, Student Handbook, and Faculty Handbook. The school employs adequate staff and faculty to deliver programs and services as promised. (Guideline 2.3)

The school's financial affairs have been conducted with integrity; safeguards are in place to protect against fraud and other improprieties. Tuition and fees are presented with transparency, and a tuition payment plan is offered on clear terms. Financial guidance is available to applicants and students. (Guideline 2.2)

The school's refund policy is compliant with Guideline 2.2(B).

Under Guideline 2.3(D)(1)-(4) (Unaccredited Rules), registered schools must make certain disclosures in specific ways. NWCU has complied with the guideline, including the mandate that it publishes a link from its Admissions webpage to the disclosure required by Business & Professions Code section 6061.7.

NWCU operates as a for-profit corporation. (Guideline 2.4) The school does not compensate individuals based on the number of persons enrolled, applying for admission, or registering. (Guideline 2.5)

Policies for non-academic discipline meet most but not all mandates of Guideline 2.6. Sanctions range in severity from warning to dismissal, but must include cancellation of an exam, pursuant to Guideline 2.6(A). In fairness, a student charged with misconduct should promptly receive written notice of the charges, rather than after the Dean has concluded an investigation and prepared a Statement of Recommended Decision. NWCU should revise its policy to conform to the guideline.

Academic standards are communicated clearly. To graduate, students must maintain a 2.0 minimum cumulative GPA, earn 120 academic credits in the registered, unaccredited program or a proposed 80 credits in the accredited program, and complete all required courses. (Guideline 2.7)

Grading practices are stated in the Student Handbook. Anonymous grading is not used, but if an instructor has a conflict of interest with a student, another instructor will grade the student's work. (Guideline 2.7(A)(5)) Course-specific grading policies are stated in each syllabus, including the basis for the course grade. (Guideline 2.7(B))

In most core courses, course grades are based on midterm and final exams, using a traditional letter grade scale, from A to F. Pass/Fail grades are given in one introductory course and certain electives; if the school becomes accredited, letter grading will be used for all courses.

Essay exams are graded from A+ to F; each grade range reflects a defined achievement level, from "Outstanding" to "Failure." For multiple choice tests, letter grades have been assigned to percentile scores; e.g., a score of 73-77 earns a grade of "C." Assignments are graded Pass/Fail.

Course repetition policies are discussed below, in the section on Scholastic Standards. As noted below, the school should revise and republish its course repetition policy to clearly state the factors considered in deciding a petition for course repetition, and whether or not the original grade will remain on the student's transcript along with the grade for the later attempt. (Guidelines 2.7(A)(3), 7.7, and 7.8)

Requirements are clearly stated for retention, academic good standing, advancement on probation, and graduation. Academic standing is determined after every term, and to remain in good academic standing, a student must have a minimum cumulative grade point average of 2.0 at the end of each one-year term. A student with a term GPA below 1.0 is dismissed.

A student with a cumulative GPA below 2.00 will be allowed to advance on probation for one term, but will be dismissed at the end of that term unless he or she has earned a cumulative GPA of at least 2.0. (Guidelines 2.7(A)(6)-(7)) As required, NWCU dismisses students who have not passed the FYLSX within three administrations of being certified.

NWCU authenticates student work through secure log in procedures and passwords, proctored exams, and plagiarism-detection tools. (Guideline 2.7(C)) During the pandemic, the school has used remote proctoring software to allow students to take exams securely from their homes or

offices. The school should update its policies on the authentication of student work and exams, and other policies as necessary, if remote proctoring technology is adopted for regular use.

Instructors inform students of their grades directly through the learning management system, generally within three weeks. By policy, students may review exam questions, as well as copy them in appropriate circumstances. (Guideline 2.7(E))

Students may seek review of their grades based upon mathematical or transcription error, or some form of unfairness, prejudice, mistake, or departure from policy. Grade challenges are decided initially by the dean or academic dean, subject to a student's appeal to the Committee on Academic Standing. (Guideline 2.7(F) and (G))

NWCU 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 the school's computer systems, communications systems, and records, as discussed below. (Guideline 2.9)

The school provides web-enabled educational services and activities, as described on the website, and in the Catalog and Handbook. These appear to be adequately resourced. Academic counseling is provided by instructors and administrators. The school encourages students to participate in clinical experiences and the curriculum includes a six-credit Legal Practice course with both classroom and externship components. (Guideline 2.10(A)-(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)**

The team found that NWCU's governance and administrative structures provide effective support for the JD program.

NWCU is governed by a four-member Board of Directors. The directors include three full-time school administrators and one instructor: Dean Clancey, Registrar and Executive Director Zapata, Internet Technology Director Olivares, and Professor Tara Ozes. The Board meets formally at least once per year; Ms. Zapata is the current Chair. Although Dean Clancey has no plans to leave his position, the Board recently approved a succession plan.

The school's administrative team also includes six staff members who are not directors, including Academic Dean Mary Schofield, Dean of Instruction George Castagnola, and four administrative assistants. Detailed job descriptions exist for all administrative positions.

The NWCU faculty has a limited role in governance, as addressed below. As permitted, the school now operates without an advisory board. (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)**

The administration and faculty meet the requirements of Rule 4.106(D) and related guidelines.

NWCU's dean is responsible for the formulation and administration of the school's educational program. The dean is also charged with maintaining policies and procedures necessary for compliance with the Committee's requirements, and with operational matters such as school promotion, business development, and marketing. (Guideline 4.1)

Dean Michael Clancey, the school's founder, is professionally qualified for his position. (Guideline 4.1(A)) A decorated combat veteran, he graduated from Western State University Law School and became a State Bar licensee. Dean Clancey also holds tax-related LLM degrees from Regent University and Thomas Jefferson School of Law, summa cum laude. He is also a Barrister and a member of the bar in England and Wales.

In addition to practicing law between 1974 and 2000, Dean Clancey also served for 24 years in the Marine Corps Reserve as a Judge Advocate. Currently, he teaches courses such as Military Law and Legal Document Drafting at NWCU. He is also the author of Clancey's Outlaws, a legal reference used by NWCU students.

Executive Director and Registrar, Lorenza Zapata, is a 25-year employee of the school. She is responsible for recording grades and issuing transcripts (Guideline 4.1(C)), and as the school's Executive Director, she manages operational functions and financial matters. Ms. Zapata was found to be well-informed about the Committee's requirements.

Academic Dean Mary Schofield has direct responsibility for the school's curriculum and admissions. She assumed her full-time position five years ago after serving as the school's Dean of Academic Administration. An NWCU graduate and State Bar licensee, she brings to her current role extensive experience in both education and law. She teaches core first-year subjects.

Dean of Instruction George Castagnola, also an NWCU graduate and a State Bar licensee, works part-time to coordinate academic support activities and mentor new faculty members. He maintains a private law practice and teaches Contracts. Dean Schofield and Dean Castagnola are professionally qualified for their roles.

As reported in the 2019 Annual Compliance Report, the faculty includes Deans Clancey and Schofield, as well as 13 part-time instructors. Their credentials satisfy Guideline 4.5, including the requirement that the faculty should reflect diverse educational backgrounds.

Ten NWCU professors are graduates of American Bar Association-accredited law schools. Five are graduates of Committee-registered schools, including four from NWCU. 12 are licensed to practice law in California, one is admitted to practice elsewhere, and two are not licensed.

Professors contribute to decision-making procedures on academic matters through conversations with Deans Clancey and Schofield, and as members of faculty committees, which include: the Admissions Committee; Committee for Formulating, Implementing, and Administering Academic Policies and Programs; and the Academic Standing and Grade Review Committee. (Guideline 4.2)

The school has enough instructors to maintain a sound program. The current student-to-faculty ratio is 27:1. (Guideline 4.3) If the school becomes accredited, the law school will implement a faculty course load policy that complies with all requirements of Guideline 4.4, as submitted after the inspection visit. The school should adopt, implement, and publish a faculty course load policy in the Faculty Handbook that complies with the guideline applicable to its status with the Committee.

NWCU's Faculty Handbook details the obligation of professors to counsel students about educational matters at mutually convenient times, via videoconference, telephone, or email. During the inspection and in emails to the team, students and alumni expressed a high degree of satisfaction with the availability of guidance from NWCU faculty members. (Guideline 4.4)

Under Guideline 4.6, instructors have a duty to continuously improve their teaching skills and substantive expertise. In hiring new instructors, NWCU considers numerous criteria, including a candidate's academic record, aptitude for teaching, public service, and professional experience. To promote faculty development, the school provides instructors with a book on law school teaching and encourages them to implement the skills described. The school also holds calibration sessions to promote compliant grading practices.

During a meeting with instructors, the team noted that faculty members were eager to exchange ideas on effective classroom strategies and other ways to meet students' needs. The school is encouraged to evaluate options for providing additional faculty development opportunities.

Faculty are evaluated by a three-part process that meets some, but not all, requirements of Guidelines 4.7 and 4.8. All instructors are evaluated at least once annually. Reviews are conducted by the dean and academic dean, and consider student evaluations, a self-assessment prepared by the instructor, and course materials and online documentation provided by the instructor. However, the guidelines enumerate specific factors and performance indicators by which instructors must be evaluated. The school should revise and publish a faculty evaluation policy in the Faculty Handbook that meets all guideline requirements and informs faculty of the factors and performance indicators upon which evaluation will be based.

As required, the school has a written academic freedom policy. (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)**

NWCU offers a program of legal education that is quantitatively and qualitatively sound. If granted accreditation, the school would offer a JD program with the same basic educational content, but with a modified term structure as permitted by the guidelines.

At first, a part-time program would be offered, and subject to the Committee’s later approval, a full-time program could be requested. As now, new students would be permitted to enroll every two weeks.

Guideline 6.5(A) requires that students in an accredited program must complete a minimum of 1,200 hours of “Verified Academic Engagement” (VAE) over at least 80 semester units. 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. NWCU’s 80-unit program would require a minimum of 1,200 hours of VAE, therefore it would be compliant.

Under Guideline 6.5(B), VAE can be completed by student participation in a synchronous or asynchronous curriculum offered through “distance-learning technology.” The school uses eJuris, a proprietary learning management system (LMS), to deliver instruction. Through study, research, and monitoring, administrators and faculty have calculated the time students would take to complete each VAE course activity, as well as required hours of non-VAE reading and study.

Through the LMS, students interact with instructors, watch recorded videos and live seminars, post to discussion boards, work in study groups, and complete assignments and exams. The time each student spends on activities conducted through the LMS will be digitally tracked and can be verified through the LMS.

To confirm continued engagement, the LMS will require students to respond to a visual cue every 15 minutes. For assignments, students will earn a specified amount of VAE if they complete the work with passing grades. Exams are proctored and set VAE times are established. In the school’s externship program, VAE will be recorded by the student in an hours log and verified by the qualified attorney or judge who serves as the externship site supervisor.

The school’s attendance policy is compliant with Guideline 6.5(C) in most respects. Students are expected to participate in all class sessions; those with exceptional circumstances may petition for a waiver of up to 20 percent of required sessions, although such petitions are rarely granted. The guideline mandates that a student attends at least 80 percent of the class sessions for each course, so the policy must be revised and republished to allow a waiver of Verified Academic Engagement on a course-by-course basis.

The school promotes attendance in other ways. Before they are allowed to schedule their final exams, students must show they have completed all VAE assignments to date, and course credit is only awarded after a student has completed the minimum required hours of VAE.

If NWCU becomes accredited, the JD program would continue to be structured in four one-year terms of 12 months. Students in the accredited program would have some flexibility as to how to complete the schedule in line with their contracts. Instead of four fixed one-year terms, the school would offer four terms of 12 months; and students will have some flexibility within that timeframe. Typically, the school's part-time JD students would take 20 units per term, including 300 hours of VAE.

Because Guideline 6.5(D) specifically allows distance-learning students to complete their semester units of credit over an entire year, a 20-unit course load is compliant if completed in 12 months.

Under Guideline 6.5(J), the school may allow an individual student to carry a course load outside the normal parameters set by the guideline, but only if the school has found good cause for a variance and documented the considerations constituting good cause in the student's file. NWCU should adopt, implement, and publish a student course load policy in the Student Handbook that complies with guideline requirements.

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

The school offers an externship opportunity to third- and fourth-year students as an elective course called Legal Practice. Third- and fourth-year students may earn six credits by completing at least 180 hours of field placement activities, of which 90 count as VAE; activities must qualify as practical skills under Guideline 6.9. Students also complete 90 hours in reading cases and materials on professional responsibility and writing a thesis on the legal profession.

Students must arrange their own placements. The academic dean oversees the program and maintains records as required; a faculty advisor is available during the course for guidance. (Guideline 6.6) The self-study states that students could enroll in no more than two courses that include credit for externships, but NWCU students would not be able to take the Legal Practice course twice, because Guideline 7.7 prohibits duplicate credit for repetition of the same or substantially the same course.

With respect to course content, the JD program now complies with the unaccredited and accredited guidelines and would not change significantly if NWCU became accredited. All students take 69 units of required courses, including all subjects tested on the bar exam and an introductory course in the first year.

The JD program also requires eleven units of elective coursework, including one practical skills course. Most electives are six-unit courses, except Administrative Law, which is five units. Thus, students who take two six-unit electives graduate with 81 units, rather than the minimum 80. In addition to four practical skills electives, the school offers five other six-unit courses, including Medical Jurisprudence and Legal Writing. (Guidelines 6.7-6.9)

Faculty are expected to make themselves available to provide counseling; students reported high satisfaction with their faculty-student interactions. In the registered JD program, the school has encouraged student interaction by giving bonus grade points for participation in course activities. Appropriately, that practice will cease if the school becomes accredited, because all students will be expected to be actively engaged. (Guideline 6.10)

The school is compliant with Guidelines 6.11 through 6.14 with respect to exams and grading.

If NWCU becomes accredited and its students are no longer required to pass the First-Year Law Students' Exam, the school's exam and grading policies will significantly impact, for better or worse, the school's ability to maintain a compliant minimum cumulative bar pass rate. (Guideline 12.1)

Further, as an accredited school, NWCU would be required to evaluate the effectiveness of its exams and to address its exam evaluation plan in its Annual Compliance Report. (Guidelines 6.1 and 6.13)

NWCU does not engage in extensive testing. In doctrinal courses, course grades have been based largely on two events over a one-year term. The typical midterm exam, worth one-third of the course grade, has been a one-essay test designed to be completed in one hour, but is taken untimed, open book, and un-proctored. The typical final exam, worth two-thirds of the course grade, has been a one-hour essay test, taken timed, closed book, and proctored.

Some doctrinal courses also require a "mini-thesis," an essay of 3,000 to 5,000 words, graded on a Pass/Fail basis, and multiple-choice tests are occasionally given. In most writing and elective courses, assignments are the norm.

Under Guideline 6.13, accredited schools may choose the format for their exams, but are obligated to evaluate the extent to which such exams "test student ability and knowledge of fundamental principles and encompass the subject matter of the course." Given the limited scope of testing, reasonable concerns arise as to whether or not NWCU's exams provide a reliable measure of student performance.

One constraint on NWCU's exam process has been the need to give tests to students in distant places. Typically, students have taken all their final exams for the entire year in one multi-hour session near their homes, under the observation of unrelated proctors. Due to the pandemic lockdown, this spring, NWCU used remote proctoring technology to allow students to take exams from their own computers.

Remote proctoring would allow NWCU to schedule exams more easily and thus structure them so they are a fair test of students' abilities and knowledge, and would encompass the subject matter of the course, rather than be an accommodation to practical concerns.

The team reviewed a sample of assignments and exams. Despite narrow topic coverage, all were found to be well-drafted and to fairly test the legal issues or skills being tested.

A review of student papers in numerous courses indicated that instructors consistently gave meaningful feedback, although model answers, issue outlines, or grading rubrics were not provided. However, on some papers, instructors noted serious analytical flaws and nonetheless awarded high grades, even before the addition of bonus points. Grades of A and B were given to papers in which, according to the grader, students failed to spot key issues, wasted time on irrelevant analysis, or failed to reach conclusions. Greater consistency in grading would avoid misleading students about their own level of achievement.

As noted in the Scholastic Standards section, grades reported in the 2019 Annual Compliance Report, as well as the school's analysis of graduates' cumulative GPAs and bar exam pass rates suggest a tendency towards grade inflation. (Guidelines 6.11-6.13)

**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 complete at least fifteen such units. Such competency training must teach and develop those skills needed by a licensed attorney to practice law in an ethical and competent manner. (Guideline 6.9)**

Under Guideline 6.9, an accredited school must give students entering the JD program the opportunity to complete 15 units of practice-based skills and competency training. NWCUC is compliant with this mandate.

Students are required to pass a four-unit course in professional responsibility and ethics, and one of the following six-unit practical skills courses: Legal Drafting, Legal Practice, Professional Skills, and Trial and Appellate Advocacy.

In each course, students work closely with a faculty advisor; in Legal Practice, essentially an externship program, students also work with a practicing attorney or judge. Students may choose to take a second skills course. The team also noted that at least two electives not yet designated by the school as skills courses would appear to qualify, including Legal Research and Legal Writing.

NWCUC is also considering adding a second skills course to the required curriculum or integrating practical skills training into some doctrinal courses. Under Guideline 6.8, an accredited school must offer students the opportunity to take elective courses, so the school may wish to preserve at least some opportunity for students to take non-skills elective subjects.

**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)**

For the most part, the school 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 and Student Handbook clearly state NWCU'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) Course syllabi provide information on course-specific policies.

The Faculty Handbook advises faculty about the school's academic policies.

As noted above, the school uses a system of letter grades on a four-point, A through F scale, with plus and minus points; each grade position is well-defined, ranging from "Outstanding" to "Failure."

According to the self-study, the school holds calibration sessions with faculty to ensure that grading is accurate and reliable. The Academic Dean compares grades regularly to confirm that grades adhere to the school's grading standards and that the standards are applied consistently. Finally, the school's grading standards are analyzed regularly and compared relative to results on the First-Year Law Students' Exam and bar exam.

Students are evaluated for retention after each year. To be in good standing, students must have a cumulative GPA of 2.0 or higher.

Probation policies are compliant with Guidelines 7.3 and 7.4. First-year students with a cumulative GPA below 1.0 are dismissed; those with a cumulative GPA of 1.0 or more, but less than 2.0, are placed on probation for one term and dismissed thereafter if a 2.0 cumulative GPA has not been achieved. Advanced students who fall below a 2.0 cumulative GPA have one term to regain good standing or they are dismissed. In each of the past three years, between 7 and 9 percent of NWCU's students have been on probation.

To meet its obligation under Guideline 7.1 to promptly disqualify those who are not likely to succeed, the school should raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.

A student with a very low cumulative GPA, such as 1.0, is highly unlikely to earn the grades needed in the next term to reach the 2.0 cumulative GPA level, much less to complete the JD program and pass the bar exam. As the self-study acknowledges, even with grades possibly inflated by bonus points, NWCU students with graduating cumulative GPAs below 2.25 do poorly

on the bar exam. A probation-level cumulative GPA much closer to 2.0 should be considered, for both upper-level and first-year students.

Students on probation are provided notice as to what they must do to regain good standing and are offered suggestions for improvement. In general, students are encouraged to seek academic counseling. As academic support, the school offers several optional classes, primarily designed to improve students' writing skills. These include beginning and advanced essay writing classes, as well as two practicums aimed at preparing students for the FYLSX and bar exam. (Guideline 7.3)

NWCU has significant attrition, ranging from 71 to 75 percent over the past three years. In part, this high level of attrition is a result of the school's efforts to give honest and realistic grades when a student's performance is inadequate. The school should be sure that it realistically communicates the requirements of the program to prospective students to ensure they are making an informed decision to enroll.

As a registered school, the school has complied with all requirements pertaining to the First-Year Law Students' Exam. (Guideline 7.5 and 7.6)

Course repetition policies currently comply with the guidelines applicable to registered schools. If NWCU becomes accredited, a student would be allowed to repeat a course only if the student received a grade of D or lower and received the permission of the academic dean, based on the evaluation of several factors. The credits for a repeated course would replace those for the original course.

The school should revise and republish its course repetition policy to clearly state the factors considered in deciding a petition for course repetition, and whether the original grade will remain on the student's transcript, along with the grade for the later attempt. Guidelines 2.7(A)(3), 7.7, and 7.8.

Generally, NWCU maintains sound grading policies and practices, in compliance with Guideline 7.9. As noted above, the school's exams were found to 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. Grading standards appear to be consistently applied across the curriculum.

An analysis of grades reported in the 2019 Annual Compliance Report shows that 25 percent of grades were awarded in the C- to F ranges, 41 percent at the C and C+ level, and 33 percent in the A and B ranges. Considering the school's pass rates on the First-Year Law Students' Exam and bar exam, the faculty should guard against the inflationary tendency to award a significant number of A's and B's, particularly in first-year courses.

When fewer than half of the school's graduates pass the bar exam, a higher proportion of C grades would be more realistic. It is unclear to what extent the award of bonus points for

participation has resulted in grades that do not accurately reflect knowledge of fundamental principles and analytical skills.

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

As detailed in the section on Educational Standards, NWCU has carefully designed its distance education program to meet the Committee's requirements, and the school is able to verify student engagement through the learning management system. 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. (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)**

NWCU's admissions policies are sound and implemented as described.

Students are admitted in all categories available under the guidelines, including "regular," "special," and "transfer" students. Pre-legal education requirements are clearly explained on the school's admissions webpage and in the Catalog. NWCU also admits certain students who were previously disqualified from law school.

Academic Dean Schofield holds the primary responsibility for admissions, including the determination of whether or not applicants have met pre-legal education requirements. Most admissions decisions are made individually by Dean Schofield or Dean Clancey, but the deans jointly decide whether to admit any applicant with a history that raises concerns, such as academic dismissal or misconduct.

Applicants are evaluated based on their academic background, including schools attended, degrees, grade point average, units, and equivalency exam scores, if applicable. NWCU accepts about 86 percent of all applicants. For first year students enrolling in fall 2019, the 75th, 50th, and 25th percentile undergraduate GPAs were 3.48, 3.13, and 2.64, respectively. At the time of the inspection, almost 30 percent of enrolled students had earned another graduate degree other than a JD.

Applicants must submit an application form and a fee; original transcripts are required within 45 days of enrollment and must be mailed, not filed electronically. The school does not require LSAT scores, essays, or recommendations. The addition of essays may give the school the means to assess whether or not the student has the capacity, intent, and perseverance to complete the project, thus later reducing attrition. NWCU compiles a hard copy file of all documents relating to each applicant, and then creates an electronic file for each student in the school's database. Files are clearly marked as documents received and actions taken.

NWCU has effective procedures to ensure compliance with the “45-day rule.” (Guidelines 5.3 and 5.5, and Business and Professions Code section 6060(c)(1)) Under the rule, the school must not allow a student to enroll or attend classes if the original documents showing eligibility for law school are not on file within 45 days after the start of the student’s first term.

Prior to a student’s initial start date, NWCU verifies that eligibility requirements have been met and that official documents are on file. A student with missing documents is advised of the filing deadline by a series of emails, and promptly disqualified if the documents are not timely filed.

The application form asks if applicants have ever attended law school but does not ask prior law students to indicate their academic standing when they left law school, as mandated by Guideline 5.4. The school must revise its application to meet guideline requirements.

Over the past three years, special students have comprised about 3-to-4 percent of the enrolled student body at NWCU; the school limits special students to no more than 10 percent of the student body. In admitting such students, the school conforms to Guideline 5.5.

The school admits transfer students, but rarely beyond the second year. In awarding transfer credit, the school has adhered to the requirements of Guideline 5.35 (Unaccredited Rules). Transcripts of such students show any transfer credit awarded, together with courses taken and grades awarded at their prior law schools.

As permitted by Guideline 5.34 (Unaccredited Rules), over the past five years NWCU has admitted 31 students who had been academically disqualified from prior law studies; such students are automatically placed on probation. Less than 5 percent of those admitted in fall 2019 were students who had previously been academically disqualified.

The team confirmed that the school regularly documents the reasons for granting admission in the files of previous applicants. As recognized in the self-study, should NWCU be accredited, the school must not admit or readmit a previously disqualified student unless the school has an official LSAT score report on file for the student. If applicable, that requirement should be stated on the website and in the Catalog. (Guideline 5.6(B))

**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 Committee. 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 Committee, 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 NWCUC, 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 Committee. (Guidelines 8.1–8.6)**

NWCUC meets all library requirements applicable to an accredited school. All required library resources are made available to NWCUC students and faculty online through the school's contract with LexisNexis. Shortly after enrollment, each student receives an individual password; students pay an annual fee of \$75 fee for this service. (Guideline 8.4) Technical support is available through LexisNexis. NWCUC also provides each student with a letter of introduction to assist them in gaining access to local law libraries where they live.

As required by Guideline 8.3, instruction is provided in both electronic and hard copy legal research. First-year students take a four-unit course entitled Law, Legal Analysis and Legal Research, and a six-unit elective course, Legal Research, is also available. Records of library expenditures are properly maintained. (Guideline 8.6)

Students are also provided with access to the legal resources of CALI, the Center for Computer Assisted Legal Instruction. To add value to these materials, NWCUC has carefully ordered the lessons according to the school's curriculum.

**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)**

The team virtually toured NWCUC's facilities and infrastructure during the inspection visit and found them to be adequate to support the school's program and operations. (Guideline 9.1)

Since 2003, NWCUC has operated from a leased administrative suite of 3,129 square feet in an ADA-compliant Sacramento commercial building. Later this year, the school plans to increase the size of its suite by 30 percent, to 4,085 square feet. NWCUC primarily communicates with its students by email, phone, or teleconference, but students are welcome to visit the office for service each weekday during business hours.

The school's suite includes private offices for almost all staff members, including Dean Clancey and Academic Dean Schofield, and secure housing for the school's internet technology and office equipment. A spacious "moot court" room accommodates videotaping of lectures, meetings, and occasional receptions. Other facilities include a kitchen and break room, and rooms for file storage. As required by Guideline 9.1, the school's records are available for inspection during regular business hours, either in person or as shown during the inspection visit, by virtual means.

Technology services are managed by Oscar Olivares, Internet Technology and Computer Services Director, a 17-year employee with extensive experience in the areas of internet technology and computer security. The school contracts with various providers to meet specific needs, including:

Lambda Solutions, an open source learning management platform; TurnItIn, a plagiarism detection application; and Big Blue Button for videoconferencing.

NWCU has allocated sufficient resources to ensure that its distance learning technology supports the educational program, and that adequate procedures are in place to effectively address technology-related problems. (Guideline 9.3) Technology “up-time” is about 99 percent. The school offers its curriculum over the internet, using a proprietary learning management system (LMS) called eJuris. NWCU has recently upgraded the LMS to permit verification of the time each student spends in academic engagement activities, as discussed above. Currently, students must arrange to take their exams through local proctors. NWCU is now testing technology that would permit students to take exams securely through their personal computers.

Students use the eJuris platform to “access course materials; collaborate and communicate in real-time videoconference class sessions with NWCU faculty members and fellow students; to complete quizzes; to participate in web-based lessons; to complete legal research via a link to LexisNexis; to view law study aids and resources, and more,” as stated in the self-study.

**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)**

NWCU’s financial condition is very sound and it has adequate present and anticipated financial resources to comply with Rule 4.160(L) and related guidelines.

For the past five years, the school has maintained an average net equity position of approximately \$630,000, held in cash and savings accounts. NWCU has never sustained material deficits, had an operating loss, or maintained a ratio of current assets to current liabilities of less than 1.5:1. Furthermore, the school has no debt.

While the school saw a slight decline in enrollment from 2016 to 2018, it saw a significant increase in 2019. Even as an unaccredited institution, NWCU would anticipate growth sufficient to outpace 2018 revenue and income. Should the school become accredited, it would expect an increase in both enrollment and operating costs.

NWCU is now one of the most affordable JD programs regulated by the Committee. Annual tuition is now \$2,850, and total tuition for the JD program is \$11,400. Previously, tuition was \$15,000 for the JD program, but it was reduced to the current level a number of years ago.

Although NWCU is completely dependent on tuition for revenue, the school has no plans to seek funds from alumni, investors, the community, or the government. A tuition increase is anticipated if the school becomes accredited, although according to the self-study, the intent is to keep tuition “impressively low.”

The potential financial impact of the pandemic is unknown. However, the school’s long history, established online expertise, compliant bar pass rate, and reasonable tuition suggest that it is

positioned to meet the needs of current and future law students at least as well as most other schools regulated by the Committee.

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

The team found that NWCU maintains its records in compliance with Guideline 11.1.

Applicant, admitted applicant, and student records are maintained in hard copy files held in fireproof cabinets in the NWCU administrative offices for a period of no less than one year. Enrolled student files are held on the premises while the student is enrolled.

As permitted by Guideline 11.1, these files and other required school records are transferred to a safe off-site storage facility, except student transcripts are held in electronic format at the school's offices. Student files are held permanently, including those of graduates.

Responsibility for the maintenance of records is shared by the Registrar, Lorenza Zapata, and Oscar Olivares, Internet Technology and Computer Services Director.

The school takes reasonable precautions to protect all required records from loss or corruption. Electronic files are password-protected, accessible only by authorized personnel, and backed up regularly. The school uses a daily off-site backup and redundancy program through a File Transfer Server for the secure upload and download of computer data.

Policies and practices are in place to ensure that records required by Guideline 11.1 are maintained in the manner and detail as specified by the guideline. For example, detailed checklists and labels are used to confirm that files contain all necessary documents, forms, and information. As noted above, an electronic alert system is used to ensure that administrators and students receive notice of impending or passed record-keeping deadlines.

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 files (Guideline 11.1(H)).

The team also found the other records required by Guidelines 11.1(I) through 11.1(O) to be in order, such as Board minutes, Annual Compliance Reports and promotional materials, archived Catalogs, Student Handbooks, Faculty Handbooks, and correspondence between the school and the Committee.

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 Committee's requirements.

**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 Committee 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 an MPR of 40 percent or more. (Rule 4.160 (N), Guideline 12.1) The school’s 2019 MPR was 48.6 percent, while the school’s 2020 MPR is 45.0 percent.

Should NWCU become fully accredited, its students will be exempt from the First-Year Law Students’ Exam (FYLSX) requirement, which has previously resulted in the academic dismissal of a significant number of students. The school does not plan to adjust its admissions or curriculum upon accreditation, but acknowledges the obligation of an accredited school to maintain a compliant MPR. While the NWCU’s MPR is clearly compliant, the school should be sure that it takes sufficient steps to maintain or improve the school’s compliant MPR.

**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)**

As set forth in the Catalog, NWCU has a comprehensive Equal Opportunity and Nondiscrimination policy. The policy protects prospective students, students, faculty, and staff against discrimination on the basis of race, religion, sex, sexual orientation, disability status, ethnic or national origin, ancestry, marital status, medical conditions, status as a veteran or disabled veteran, or age or citizenship status within the limits of the law. The policy states, in pertinent part:

Northwestern California University is committed to the principle of equal opportunity in education, employment, and welfare for its faculty, staff, students, and prospective students. This commitment is consistent with principles of justice and equality and conforms to both the spirit and intent of federal and state equal opportunity and anti-discrimination legislation.

At the time of inspection, total enrollment was 502 students, including 299 California residents, 180 in other states, and 23 outside the United States.

NWCU gathers information about the gender of its students, but not their race or ethnicity. The school has agreed to begin collecting that information this year as part of the Annual Reporting to the State Bar. In the past five years, women made up roughly 38 percent of NWCU’s student body.

NWCU’s staff of eight is diverse, and includes three staff members who identify as Hispanic, two as Caucasian, one who identifies as Pacific Islander or Filipino (a combined category for reporting

purposes), and one as Native American or Alaskan, also a combined category. Five staff members are women.

Since the 2014 inspection, the school has increased size of the faculty by two instructors and the number of nonwhite faculty members by one; approximately one-third are women.

**Rule 4.160(P): Compliance with Committee 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))**

NWCU has timely submitted all Annual Compliance Reports. 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 during the inspection.

**CONCLUSION AND RECOMMENDATION**

The team recommends that the Committee receives and files this Periodic Inspection Report, approves the team's recommended and suggested actions, grants full accreditation to Northwestern California University School of Law regarding the part-time, four-year JD program, and schedules its next periodic inspection for the spring of 2025, unless the Committee deems an earlier visitation is necessary.



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July 17, 2020

Natalie Leonard, Principal Program Analyst  
Office of Admissions  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105-1617

Re: Acceptance of 2020 Inspection Report

Dear Ms. Leonard,

Northwestern California University accepts the inspection report that resulted from the April 1-3, 2020 site inspection.

The following information is submitted regarding changes that have been made by the school in response to each mandatory recommendation and suggestion specified in the report. Documentation has been submitted to confirm that the changes have been made.

**A. RECOMMENDED MANDATORY ACTIONS**

1. ***“Guideline 2.6:*** *The school should revise and republish its student discipline policy to include cancellation of an exam as a sanction and to give prompt written notice of charges.”*

**School’s Response:**

The school agrees with this recommendation and in response to it, has revised its student discipline policy for publication in an accredited program, in compliance with Guideline 2.6, to include cancellation of an exam as a sanction and to give prompt written notice of charges.

2. ***“Guidelines 2.7(A)(3), 7.7, and 7.8:*** *The school should revise and republish its course repetition policy to clearly state factors considered in deciding a petition for course repetition and whether or not the original grade will remain on the student’s transcript.”*

**School's Response:**

The school agrees with this recommendation, and in response to it, has revised its course repetition policy for publication in an accredited program, in compliance with Guidelines 2.7 (A)(3), 7.7, and 7.8, to clearly state factors considered in deciding a petition for course repetition and whether or not the original grade will remain on the student's transcript.

3. ***"Guideline 2.7(C): The school should update its policies on the authentication of student work and exams, and other policies as necessary, if remote proctoring technology is adopted for regular use."***

**School's Response:**

The school agrees with this recommendation. The adoption of remote proctoring for regular use is currently being considered. If adopted, relevant policies on the authentication of student work and exams, and other policies, stating that remote proctoring technology is being adopted by the school for regular use, and providing necessary details related to the remote proctoring process, will be drafted and published in compliance with guideline 2.7(C).

4. ***"Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited): The school should adopt, implement, and publish in the Faculty Handbook a faculty course load policy that complies with the applicable guideline. The school has created and shared a compliant policy that it would implement upon accreditation."***

**School's Response:**

The school agrees with this recommendation, and in response to it, has adopted a faculty course load policy that complies with Guidelines 4.4 and 4.5, for publication in the Faculty Handbook in an accredited program.

5. ***"Guidelines 4.7(A) and 4.8: The school should revise and publish in the Faculty Handbook a faculty evaluation policy that meets all requirements of the guidelines, including evaluation of the enumerated factors and performance indicators."***

**School's Response:**

The school agrees with this recommendation and in response to it, has revised the faculty evaluation policy, for publication in the Faculty Handbook in an accredited program, in compliance with Guidelines 4.7(A) and 4.8, so that it meets all requirements of the guidelines, including evaluation of the enumerated factors and performance indicators.

6. ***“Guideline 5.4: The school should revise and republish its application to comply with the guideline.”***

**School’s Response:**

The school agrees with this recommendation and in response to it, has designed its application for an accredited program in compliance with Guideline 5.4, so that it includes questions regarding academic standing at law schools previously attended.

7. ***“Guideline 6.5(C): The school should revise and republish its attendance policy to comply with the guideline.”***

**School’s Response:**

The school agrees with this recommendation and in response to it, has revised its attendance policy for publication in an accredited program, in compliance with Guideline 6.5(c), to state that it allows a waiver of VAE only on a course-by-course basis.

8. ***“Guideline 6.5(J): The school should adopt, implement, and publish a student course load policy that complies with guideline requirements in the Student Handbook.”***

**School’s Response:**

The school agrees with this recommendation, and in response to it, has adopted a student course load policy for publication in an accredited program in the Student Handbook, in compliance with Guideline 6.5(j).

9. ***“Guideline 7.1: The school should raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.”***

**School’s Response:**

The school agrees with this recommendation, and in response to it, in compliance with Guideline 7.1, has adopted a policy, for publication in an accredited program, to raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.

## B. SUGGESTIONS FOR ENHANCED COMPLIANCE

1. *"Pursuant to Guideline 4.6, it is suggested that the school evaluate options to provide additional faculty development opportunities.*

### School's Response:

The school agrees with this suggestion for additional faculty development and, in response to it, will increase the number of faculty meetings and videoconference workshops for the discussion of instructional philosophy and enhanced use of both teaching materials and instructional technology. Other options of providing faculty development opportunities will be explored and, if found to be useful; will also be implemented, in compliance with Guidelines 4.6.

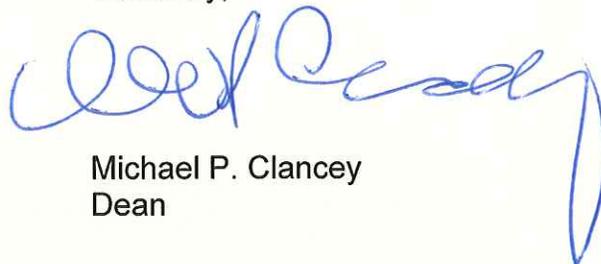
2. *"Pursuant to the Rules and Guidelines for Accredited Law Schools, if the school becomes accredited, the school should conduct an annual compliance audit that includes a careful review of the Accredited Rules and Guidelines, with specific attention to whether or not required disclosures and written policies adhere to the Committee's requirements."*

### School's Response:

The school agrees with this suggestion for enhanced compliance and, in response to it, will conduct an annual compliance audit that includes a careful review of the Rules and Guidelines for Accredited Law Schools, with specific attention to whether or not the school's disclosures and written policies adhere to the Committee's requirements.

I, on behalf of the faculty, staff and student body of Northwestern California University, thank the inspection team members, Dean Emeritus Heather Georgakis and CBE member Kareem Gongora, for the challenging work they did to accomplish a comprehensive remote inspection of the school during difficult times caused by the COVID-19 crisis. Their extreme professionalism and valued guidance throughout the inspection process was greatly appreciated.

Sincerely,



Michael P. Clancey  
Dean

**Changes Made By Northwestern California University in Response to  
Each Mandatory Recommendation and Suggestion Specified in the  
State Bar of California Report for the April 1-3 2020 Site Inspection**

Policies and documents have been revised and will be published for an accredited program in accordance with the mandatory requirements and suggestions specified in the inspection report. Those requirements and suggestions are provided below along with relevant policy and document wording. The added or changed wording appears in bold text.

**A. RECOMMENDED MANDATORY ACTIONS AND CORRESPONDING CHANGES THAT HAVE BEEN MADE**

1. *“Guideline 2.6: The school should revise and republish its student discipline policy to include cancellation of an exam as a sanction and to give prompt written notice of charges.”*

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Policies With Revisions:

NWCU School Policy 6.3 (I)

I. Punishment or Sanctions

The punishment or sanctions that may be imposed by the Committee include, but are not limited to:

1. Expulsion;
2. Suspension from the school, which may be for a specified or unspecified period of time, and which may include conditions for reinstatement or avoidance of further punishment or sanctions;
3. Suspension from activities, services, facilities, or from any other parts of the school and law study program for a specified period of time;
4. Reduction of grade on an assignment or exam, or reduction of a course grade;
5. Withdrawal of academic credit for a course;
6. Requirement that an assignment or exam be redone, which may include specific instructions or requirements;
7. **Cancellation of an exam;**
8. Written warning or reprimand; and
9. Verbal warning.

NWCU School Policy 6.3 (C):

C. Reports of Misconduct

Acts of alleged misconduct are to be reported to the dean as soon as reasonably possible following the incident. If such report is made more than three days after the incident, it should be accompanied by a statement explaining any delay in reporting. **Within ten days of a report of misconduct to the dean, unless appropriate justification exists for a delay, the subject student shall be sent a copy of the report and notice that an initial investigation is being commenced.**

2. *“Guidelines 2.7(A)(3), 7.7, and 7.8: The school should revise and republish its course repetition policy to clearly state factors considered in deciding a petition for course repetition and whether or not the original grade will remain on the student’s transcript.”*

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Policies With Revisions:

NWCU School Policy 2.4 (A) and (B)

A. Courses Taken at NWCU

Permission may be granted to a student who petitions to repeat a course taken at NWCU only if the student received a grade of D or lower. Such permission will be granted at the discretion of the academic dean and shall be based upon a consideration of the likelihood of improvement by the student if allowed to repeat the course, **based upon factors indicating a change in circumstances, study habits, academic support available, participation in learning activities offered by NWCU, and the like**; the potential effect of any increase in course load; and the impact that the repetition will likely have on the student's ability to complete the J.D. program within the maximum time limit.

B. Effect of Course Repetition on the Student's Grade Point Average

When a course is repeated, upon successful conclusion of the course, the grade awarded for the repeated course shall replace the original grade awarded for the course. **The original grade received will not be indicated on the student's transcript, but the course title will have "(R)" following it to indicate a repeated course.**

3. *“Guideline 2.7(C): The school should update its policies on the authentication of student work and exams, and other policies as necessary, if remote proctoring technology is adopted for regular use.”*

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NWCU Response Pending Policy Revisions:

**The adoption of remote proctoring for regular use is currently being considered. If adopted, relevant policies will be updated and published in compliance with guideline 2.7(C).**

4. *“Guideline 4.4 (Accredited) or Guideline 4.5 (Unaccredited): The school should adopt, implement, and publish in the Faculty Handbook a faculty course load policy that complies with the applicable guideline. The school has created and shared a compliant policy that it would implement upon accreditation.”*

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New Policy:

The following policy has been adopted. The wording of it is to be published in the school's Faculty Handbook and implemented for an accredited program:

### **NWCU Faculty Policy 3.8: Course Loads for Professors**

**NWCU law professors must not have teaching responsibilities with respect to the number of students, courses, or scheduled participation hours per week, which will impair the instructor's ability to adequately prepare and effectively teach. If at any time a professor's ability to adequately prepare and effectively teach becomes impaired, whether due to excess teaching responsibilities or due to any other situation, the professor should notify the Dean or Academic Dean so that arrangements can be made to correct the problem. Such corrections may include temporary or permanent adjustments to the professor's teaching responsibilities, depending upon the specific circumstances and need.**

**Each instructor has a responsibility to counsel students, and must be available at times and through means that are reasonably accessible and convenient to the students. NWCU provides access to professors via email as well as during class time. Additionally, professors may use the eJuris “Office Hours” video-conference site as needed to meet with students.**

**An instructor may concurrently teach courses in no more than three separate subjects. An instructor may teach no more than 10 hours per week counting sections of the same course at full value, or 10½ hours per week counting sections of the same course as one-half.**

5. *“Guidelines 4.7(A) and 4.8: The school should revise and publish in the Faculty Handbook a faculty evaluation policy that meets all requirements of the guidelines, including evaluation of the enumerated factors and performance indicators.”*
- 

Policy With Revisions:

The following policy, as revised, is to be published in the school’s Faculty Handbook and implemented for an accredited program:

NWCU School Policy 8.1 (A) and (B):

A. Procedure for Review

The dean or academic dean **will observe a live or recorded class taught within the last year, review a sample of online posts, and** may hold a private meeting with individual faculty members during the calendar year. These meetings provide the opportunity for dialogue concerning goals, achievements and observations.

In addition to information attained through such meetings, student evaluations, faculty self-evaluation reports, course materials, and online documentation of the instruction provided by the faculty member may be considered.

**The factors to be considered in performing evaluations of instructors are as follows:**

1. **The instructor's education, knowledge, and experience in the subject matter;**
2. **The instructor's competence in the classroom or in other instructional activities;**
3. **The instructor's teaching skills given the technology and methodology used in instruction, and the quality of participatory experiences employed;**
4. **The instructor's organization of the course as demonstrated by outlines and syllabi;**
5. **The quality, nature, and type of examinations and assignments, and the quality of grading;**
6. **The relation between the field of instruction and the area of specialization, if any, of the instructor in private practice or other professional activities; and**
7. **The years of experience, both in teaching and in private practice or other professional activities.**

## B. Review of Courses, Materials, and Exams

**Because course materials for each course are not selected by individual instructors, a separate review of course materials and exams will be done at the end of the first year that a new course is taught, and at least every third year thereafter. The review of materials shall both verify that the assigned materials are reasonably up to date and suited to the course. The review of exams will include an evaluation of the extent to which examinations and grading standards provide a reasonably accurate appraisal of each student's ability.**

6. *“Guideline 5.4: The school should revise and republish its application to comply with the guideline.”*
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Application Revision:

In compliance with Guideline 5.4, the Northwestern California University application for enrollment for an accredited program will include the following wording:

**If you have ever attended a prior law school, please indicate your academic standing at the time your enrollment ended:**

- good standing**
- academic probation**
- academic dismissal**
- administrative disqualification**
- other:** \_\_\_\_\_

7. *“Guideline 6.5(C): The school should revise and republish its attendance policy to comply with the guideline.”*
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Policy With Revisions:

NWCU School Policy 2.1 (A) and (C)

- A. The Juris Doctorate degree requires completion of a minimum of 80 semester units, which must include a minimum of 1,200 hours of verified academic engagement, plus 2,400 hours of preparation or additional study, all completed in no fewer than 30 months nor more than 84 months from the date the student begins law study. (Guideline 6.5(A))

**Students typically take 20 semester units per year of studies, requiring six to ten hours per week of verified academic engagement. Regular and**

**punctual attendance in academic engagement is required such that the student must have completed the required hours of verified academic engagement for each course by date that final exams are taken.**

Each semester unit requires a minimum of 15 hours of verified academic engagement, plus 30 hours of preparation or additional study. (Guideline 6.5(A))

Students who participate in an approved experiential or clinical program for school credit will be required to submit a written log verifying the hours spent in activities which will count as academic engagement, and such log must be approved by both the designated supervisor of the program and the academic dean. (Guideline 6.5(B) and (C))

(C) Exemption from Time Requirements

An exemption from the time requirements above may be considered only in documented, exceptional circumstances, **and only on a course-by-course basis**. In this case, the student must complete not less than eighty percent of the academic engagement required in each course in which the student is enrolled and for which an exemption is being sought. Exemption requests will be considered by a three-member ad hoc committee comprised of the dean, the academic dean and the executive director of the school, with a substitute if necessary, designated by the dean. (Guideline 6.5(C))

8. *“Guideline 6.5(J): The school should adopt, implement, and publish a student course load policy that complies with guideline requirements in the Student Handbook.”*

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New Policy:

The following policy has been adopted. The wording of it is to be published in the school’s Student Handbook and implemented for an accredited program:

**NWCU School Policy 2.1 (B): Student Course Loads**

- B. Students may take more or less than 20 semester units only if required to meet graduation requirements, such as for a transfer student taking a half-year term, or to add an elective course in accordance with the policy below on elective courses.**

**Transfer students may deviate from NWCU’s standard curriculum if required due to having taken different courses at their prior law school, or if repetition of a course is required due to the transfer, or in accordance with the policy below.**

**Students in the first or second term of study may not take electives nor deviate from the standard curriculum. Students in the third term or fourth term may add one elective course to the standard curriculum for the term only if their grade point average for the second term was at least 3.00. Note that this is in addition to the elective courses which are already a part of the fourth year curriculum.**

In each such case **where a student takes more or less than 20 semester units during a term of study**, permission must be granted by the dean or academic dean and a memorandum stating the considerations constituting good cause for the variation in number of units taken during the term shall be placed in the student's file.

9. *“Guideline 7.1: The school should raise the academic standard for advancement on probation, for both first-year and upper-level students, to levels at which students allowed to advance have a reasonable prospect of satisfactorily completing the subsequent year and the JD program.”*

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NWCU Response:

**Grade increases for participation would not be awarded in an accredited program at NWCU. For that reason, it is agreed by the school that a student with a very low cGPA, such as 1.0, would be highly unlikely to earn in the next term the grades needed to reach the 2.0 cGPA level.**

**Therefore, for an accredited law study program at NWCU, the probation level GPA would be raised from 1.0 to 1.5**

Policy With Revision:

NWCU Policy 5.1 (A)

First year students and all students who begin a term in good standing must pass all courses taken during the term and must achieve a grade point average of at least **1.50** to be elevated to a successive term of the law study program.

Students who are on academic probation must pass all courses taken during the term of probation and must achieve a grade point average **for the term** of at least 2.0 to be elevated to a successive year of the law study program.

(D) Academic dismissal can result in three ways:

First, a student whose GPA is below **1.50** for an academic term must be academically dismissed from the program.

## **B. SUGGESTIONS FOR ENHANCED COMPLIANCE AND CORRESPONDING CHANGES THAT HAVE BEEN MADE**

1. *“Pursuant to Guideline 4.6, it is suggested that the school evaluate options to provide additional faculty development opportunities.”*

**The school agrees with this suggestion for additional faculty development and, in response to it, will increase the number of faculty meetings and videoconference workshops for the discussion of instructional philosophy and enhanced use of both teaching materials and instructional technology. Other options of providing faculty development opportunities will be explored and, if found to be useful; will also be implemented, in compliance with Guidelines 4.6.**

2. *“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 or not required disclosures and written policies adhere to the Committee’s requirements.”*

**The school agrees with this suggestion for enhanced compliance and, in response to it, will conduct an annual compliance audit to include a careful review of the Rules and Guidelines for Accredited Law Schools, with specific attention to whether or not the school’s disclosures and written policies adhere to the Committee’s requirements.**