

**REPORT OF THE WSCUC VISITING TEAM**

**SEEKING ACCREDITATION VISIT 2**

THOMAS JEFFERSON SCHOOL OF LAW

September 18-21, 2017

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The team evaluated the institution under the WSCUC Standards of Accreditation and prepared this report containing its collective judgment for consideration and action by the institution and by the WASC Senior College and University Commission. The formal action concerning the institution's status is taken by the Commission and is described in a letter from the Commission to the institution. Once an institution achieves either candidacy or initial accreditation, the team report and Commission Action Letter associated with the review that resulted in the granting of either candidacy or initial accreditation and the team reports and Commission Action Letters of any subsequent reviews will be made available to the public by publication on the WSCUC website.

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## **Section 1: Overview and Context**

### **A. Description of the Institution and Visit**

Thomas Jefferson School of Law (TJSL) was founded in 1969 and accredited by the Committee of Bar Examiners of the State Bar of California in 1972. TJSL was accredited by WSCUC (WASC Senior Commission at the time) from 1976 to 2006 when it withdrew voluntarily from regional accreditation by WSCUC. TJSL was formerly the Western State University (WSU) College of Law San Diego. It separated from WSU Orange County in 1995 and was reorganized as a non-profit educational institution and changed its name to Thomas Jefferson School of Law. It was granted provisional American Bar Association (ABA) accreditation in August 1996 and full ABA accreditation in August 2001. In 2008, it became a member of the American Association of Law Schools (AALS).

TJSL has been in continuous operation in San Diego since its inception, and now has more than more than seven thousand graduates. (TJSL's graduates are eligible to sit for the California bar exam and since its ABA approval in 1996 have been eligible to sit for any bar exam in the United States.) The school's alumni can be found in private practice, in government practice, and in non-profit public interest law groups throughout the U.S. and in many foreign countries. Many alumni remain in San Diego County in all sectors of the legal profession, among them a member of the U.S. Congress, the recently retired District Attorney, the Public Defender, the first Filipina-American judge in the United States, and several prominent federal and state court judges and lawyers.

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TJSL's mission is "to provide an outstanding legal education for a nationally based, diverse student body in a collegial and supportive environment with attention to newly emerging areas of law, particularly those related to technological development, globalization and the quest for social justice." It seeks to achieve this mission primarily through the offering of the Juris Doctor (JD) degree program. It also offers the five additional non-JD law programs, described in detail in this report. Finally, TJSL offers a joint JD-MBA program with the San Diego State University College of Business Administration.

The JD degree is offered on both full-time and part-time schedules, with day and evening classes and some distance education courses. New students are admitted in August and January. As of September 18, 2017, there were 521 students enrolled in the JD program, including 398 in the full-time program and 123 in the part-time program. The student body is racially diverse: Hispanic – 28%; Native American – 2%; Asian & Pacific Islander – 14%; African-American – 13%; Total Minority – 57%; White – 43%. The LLM, MSL (formerly called the JSM), and JSD (formerly called the SJD) programs included another 48 students (42 online and six residential) for a total of 569 students.

TJSL has a fairly open admission policy, providing an opportunity for a legal education to students who hold a Bachelor's degree, but may not have high LSAT scores and undergraduate grade point averages. JD students take 89 semester credits and most graduates sit for the California bar examination.

TJSL has been affected profoundly by the decline in law school enrollments over the last

six years, the impact of which will be addressed throughout this report. The decline has resulted in a drop in enrollment of nearly 50 percent, restructuring of debt, and reducing and containing expenses. As TJSL recovers from this crisis and seeks to rebuild, it has added non-JD programs to diversify offerings in additional law-related areas, which has driven its decision to seek WSCUC accreditation again.

TJSL is located in exceptionally beautiful modern facilities in the heart of downtown San Diego. It has an administrative staff of about 50 full-time employees, organized into six departments. The School has 32 full-time and 46 adjunct faculty members, not including Deans and other academic administrators who teach.

TJSL was found eligible to apply for accreditation in April 2015. Following its first Seeking Accreditation Visit (SAV1) in April 2016, TJSL was granted Candidacy by the Commission for a period of five years until June 24, 2021. In so granting, the Commission found that TJSL met Standard 1 at a sufficient level for Initial Accreditation and met Standards 2, 3 and 4 at a sufficient level for Candidacy. The following are the six major recommendations made by the SAV1 team and endorsed by the Commission in its action letter:

- 1. Financial Sustainability and Planning:** Although TJSL's finances (which are more than 90% dependent on tuition and fees) have been stabilized, long-term sustainability and adequacy of resources over time are not yet assured. The community and leadership are now moving into the next stage of recovery and rebuilding, which calls for developing and implementing prioritized and achievable strategic plans that will lead the school to

financial health. Among the areas that require continued attention are enrollment management to ensure a sufficient enrollment of qualified students; consideration of generating revenue from sources other than tuition revenue from the JD program; and careful monitoring of revenue and enrollment, expenses, projected budgets, and strategic plans. (CFRs 2.1, 2.2b, 3.1, 4.6, 4.7)

- 2. Study and Improvement of JD Program:** TJSL's laudable mission of providing a legal education to diverse and underserved populations carries with it special responsibilities. Admitting a student to law school means that the faculty believes that the student has the potential to succeed in law school and on the bar examination. Admitting a student also carries with it the recognition that the student will invest considerable time and money, will make sacrifices in other parts of life, and may emerge from law school with substantial debt. TJSL has an ongoing duty to examine and improve each aspect of the pathway from application to law practice, including admissions screening; financial, academic and personal support for students; effective teaching; a sound curriculum; rigorous standards of performance and application of academic policies on probation and disqualification; good bar preparation; development of skills for law practice; and assistance in transitioning from law school into the profession after graduation. TJSL's success depends on how well the leadership, faculty and staff address this challenge. (CFRs 2.1, 2.2b, 2.6, 2.10, 2.14, 4.4, 4.5)

- 3. Assessment Plans, Improvement and Publication of Results:** With the adoption of student learning outcomes and emerging work on curriculum maps and the

development of rubrics, TJSL is ready to move to the next level of sophistication in assessment of student learning. The faculty is encouraged to develop **assessment plans** for the outcomes that will lead to improvements in curriculum, teaching methods, and student learning, and provide new measures of the effectiveness of the education it provides. In addition, **publication of the outcomes and learning results** is expected under the Standards. (CFRs 2.3-2.5, 4.3-4.5)

- 4. Adoption and Implementation of Program Review:** Undertaking periodic comprehensive program review that includes the use of external reviewers and is tied to planning and budgeting is one of the critical quality assurance processes in higher education. It has not been in place at TJSL, which has relied on specialized accreditation to fulfill this purpose for the JD degree. While institutions may leverage specialized accreditation for use in program review, this accreditation does not fully substitute for program review and does not apply to the non-JD programs. Adopted and fully implemented program review procedures that apply to all degree programs are expected under the Standards. (CFRs 2.7, 4.1)
- 5. Improved Institutional Research and Use of Evidence:** In order to better understand and improve student achievement and success, better data collection, analysis and dissemination are needed. Although there are promising examples of the use of data in decision making and planning, this practice is not widespread or systematic. Regular ongoing analysis in key areas, like admissions, academic support, degree completion, and bar pass is not in place. The capacity to analyze data and to use evidence to inform

policy decisions and planning is critically important to building new programs and to improving the quality of existing programs and practices. In order to build robust capacity, central oversight and leadership are needed and information technology may need to be enhanced. (CFRs 4.1-4.7)

- 6. Resources for and Oversight of Non-JD Programs:** One of TJSL's strategies for diversifying offerings and sources of revenue has been to offer graduate and professional degree programs beyond the JD degree, but within the scope of TJSL's mission and expertise, including LLM, JSM [now called MSL] and SJD [now called JSD] degrees and moving into online courses and programs. While these programs do not yet enroll very many students, they must be properly resourced and supported and treated with the same attention and care that the faculty shows to the JD program. This includes faculty and board oversight of the offerings, implementation of learning outcomes and assessment plans, application of quality assurance processes like new program approval by the board and periodic program review, and careful tracking of student completion and achievement. (CFRs 2.1, 2.2b, 2.3-2.6, 4.1-4.4)

This report will focus primarily on these six major areas within a review of each of the four Standards. It is noted that Credit Hour Policy and Distance Education Reviews are attached hereto, as issues that arose in the SAV1 were addressed on this visit.

Since the last visit in April 2016, several important steps have been taken to address the Commission's action letter and additional improvement has been realized in a number of areas. In short, the financial status of TJSL has further stabilized; changes have been made in the JD

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admissions practices and curriculum; a Director of Institutional Research has been hired; a detailed analysis of bar pass rates, trends and patterns has been conducted; and program review procedures have been adopted. Each of these will be presented in detail in this report.

In addition, several other important changes have taken place. In 2017, a new dean/CEO, Joan R. M. Bullock, took office following the retirement of Dean Thomas Guernsey. Dean Bullock's JD is from University of Toledo, and she also holds an MBA from University of Michigan and a BA from Michigan State University. She brings over 20 years of law school experience as an educator and administrator. She recently served as Associate Dean for Academic Affairs at the Florida A&M University College of Law, where she was Associate Dean of Teaching and Faculty Development from 2012-2015. She is a fellow of the American Bar Foundation and is a past chair of the ABA Law Practice Division. She was recently appointed to the ABA Council for Racial and Ethnic Diversity.

It should be noted that in March 2017 the ABA Accreditation Committee requested a report from TJSL so that it could make a determination about TJSL's compliance with accreditation standards related to finances; admissions policies and practices, attrition, and bar pass rates; and academic support. This report was submitted timely in May 2017. In July 2017, the ABA Accreditation Committee found that TJSL was not in compliance with certain Standards related to the areas noted above and asked for a written response, which was submitted in August 2017. In this response, TJSL set forth evidence and arguments that it believes demonstrate that it is in compliance with ABA Standards. TJSL appeared at a hearing on September 14, 2017. On October 11, after this visit but before this report was finalized, the ABA

Accreditation Committee made a recommendation that TJSL be placed on probation. This recommendation was submitted to the Council of the Section of Legal Education and Admissions to the Bar at its November 2-4, 2017 meeting. Action may be taken then or at the ABA's January meeting. An ABA visit is scheduled for March 2018. The team reviewed the written communications with ABA; however, the team evaluated TJSL on the basis of the evidence provided to demonstrate compliance with the WSCUC Standards of Accreditation.

**B. Institution's Seeking Accreditation Visit Report: Quality and Rigor of the Review and Report**

The team found the institution's report to lack considerable detail and analysis that would have been expected, especially given the Commission's six recommendations. Following the team conference call, more than 30 additional documents were requested. Some were helpful and some were inaccurate and/or incomplete. In particular, the team found that the Institutional Report and related exhibits provided before the visit were lacking in accurate, specific, coherently displayed, or closely analyzed information on the non-JD programs, especially in terms of program descriptions, curricula, faculty oversight, and data on enrollment, retention, and placement of graduates. The team had a very difficult time securing relevant, accurate data despite repeated requests and TJSL submissions while on site. The team also requested the opportunity to review distance education courses (current and past) in advance of the visit, but was unable to gain access until its arrival.

The visit took place as scheduled with a full complement of meetings throughout the three days. While the team was unable to procure all the data it needed from the school, and

sometimes received large amounts of raw, unanalyzed data, the school personnel did seem to be trying to be responsive to the requests made by the team. The lack of an institutional research professional (he was hired just before the visit) and the lack of understanding of WSCUC expectations may have been responsible for the lack of appropriate analyzed data provided to the SAV2 team.

Otherwise, all indications were that many if not all the faculty members, and many of the senior staff members were involved in the institutional preparation for SAV2. No students attended the scheduled Student Meeting with the team but all other meetings had good attendance levels.

### **C. Response to Issues Raised in Past Commission Letters**

The last Commission action letter included six recommendations falling under three of the four Standards, as set forth above. Each of these areas has been addressed to some extent but not with sufficient implementation and depth so that the team could find that TJSL demonstrated a sufficient level of compliance for a recommendation of initial accreditation. The report covers each area in depth in Section II below and a summary of progress appears here, following the recommendation.

## **Section II: Evaluation of Institutional Compliance with WSCUC Standards of Accreditation and CFRs Identified on Prior Seeking Accreditation Visit**

### **A. Standards Found to be at a *Sufficient* Level for Initial Accreditation**

#### **Standard 1. Defining Institutional Purposes and Ensuring Educational Objectives**

As noted above, TJSJ was found by the Commission to comply with Standard 1 at a sufficient level for initial accreditation. The one CFR that TJSJ needed to address follows.

**CFR 1.2 -- Educational objectives are widely recognized throughout the institution, are consistent with stated purposes, and are demonstrably achieved. The institution regularly generates, evaluates, and makes public data about student achievement, including measures of retention and graduation, and evidence of student learning.**

In its July 8, 2016 letter granting candidacy, the Commission encouraged TJSJ to develop measures and assessment plans for measuring its adopted outcomes and to publish these learning results. TJSJ has made progress by posting learning outcomes for all of its programs and encouraging publication of outcomes in course syllabi, but it has not developed or publicized new or disaggregated measures of student success since the 2016 WSCUC visit.

TJSJ states the primary objective of all its degree programs is student success, and identifies three primary measures of this success: completion rates, bar pass rates (for the JD and American Legal Studies LLM program), and job placement rates (for the JD program). It continues to compile annual disclosures required by the American Bar Association and posts its current ABA Standard 509 Information Report that includes annual attrition and recent bar pass rates. The TJSJ website also publishes required headcounts of the employment of the recent graduating class, broken out by type, and the numbers of conditional scholarships reduced or eliminated by matriculation year of the recipient.

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The ABA 509 report shows attrition from the JD program for academic reasons, transfer, or “other” reasons during the prior academic year. Although *enrollment* data disaggregated by race and gender is provided, *attrition* rates are broken out only by the students’ year of study. TJSL does not publish information on the ultimate graduation rates of its entering JD matriculants. Because TJSL has programs that start in spring and fall, and full-time and part-time programs, defining and measuring success will require systematic agreement on collection and interpretation of data, a task that may fall to the recently hired Director of Institutional Research. There was no evidence of analysis and publication of retention and completion rates for enrollees of the non-JD programs.

Bar pass rates are a measure widely recognized and embraced by all members of the TJSL community, from admissions to faculty to the Board and alumni. TJSL publishes bar pass rates for first-time takers by the state of licensure for the prior three years for which those results are available, *i.e.*, at the time of this visit, from February 2013 through July 2015. These data, provided in the format required by the ABA 509 report, allow comparison with first-time pass rates of other ABA-accredited law schools. However, although significantly more of TJSL’s graduates will eventually pass a bar exam than its first-time takers, TJSL does not publicize the eventual pass rates for its all of its graduates. Bar passage is also a recognized learning outcome for the LLM in American Legal Studies program. Although relatively few non-JD program graduates sit for a bar exam, information on the numbers of LLM ALS program graduates who

take and pass a bar exam is not separately published. None of TJSL's published bar pass data is disaggregated by race, ethnicity, or gender.

Employment data are posted on the website in the form of annual ABA employment summaries by class. This information captures the employment status, by detailed job type, of every member of a given graduating JD-degree class at a uniform time in the year following graduation. The ABA does not require, and TJSL does not publicize, longer-term employment rates of its JD graduates, nor does it analyze these outcomes as a proportion of entering students.

Disaggregated evidence of success in graduation, bar pass, and employment is particularly relevant to TJSL's stated mission to provide access to a legal education for diverse and underserved groups of students. Posting data on student achievement at each of these critical stages for all programs is expected under the Standards, and relevant to the law school's target audience.

The TJSL faculty adopted a statement of seven detailed learning outcomes for the JD program in January 2016. They are available on the TJSL website as a link from the description of the JD program. In June 2017 the faculty also adopted and has posted four sets of program learning outcomes for its non-JD programs, following the recommendation of the 2016 SAV1 report and Commission action letter. These include four outcomes each for the two residential LLM programs in American Legal Studies and Practice Skills, a single set of four outcomes for all of its online MSL and LLM programs, and three outcomes for its online JSD program, detailed

later in this report. It provided this document to the team, and it is accessible from tabs for “Learning Outcomes” or “Disclosures” on each of these programs’ homepages. TJS� also provided the visiting team “Learning Outcomes for Center Certificates June 2017” which sets out outcomes for each of the five specialty certificate programs although it is unclear where these are published. TJS� provided extensive recent course syllabi for the residential JD program courses; many--although not all--of these contained learning objectives or goals, some tied explicitly to these learning outcomes.

In 2016-2017, the TJS� Assessment and Outcomes Committee established a schedule for review of each JD program outcome at least once each seven years, and it is implementing the first phases of its review of select JD outcomes this year. That will involve creation of rubrics and identification of multiple sources of evidence to measure an outcome. These measures could provide valuable indicators of student progress toward the learning necessary to graduate and enter the profession. Early work toward these ends is creating more common understanding and internalization of the outcomes among the faculty and community, but measurements and results are not yet available to be shared. Although the non-JD programs have assessment plans and outcomes, the team has concerns about the framing of those outcomes (see below) and found no evidence that faculty had started to assess student work to ascertain the level of learning by outcome for individual students or the students being graduated. Because TJS� has not yet completed any assessments of the newly adopted learning

outcomes for any of its programs, no learning data, other than the indirect measures described above, are posted to the website or other publications provided to the team.

Summary of Findings re CFR 1.2: TJSJ publishes some retention and completion, bar pass, and employment data for its JD program as required by the ABA. It does not yet publish other learning data related to the outcomes of this program. No data on retention, completion, and student learning are provided publicly for any of the non-JD programs, and these data are not readily available

**B. Standards Met at a *Sufficient* Level for Candidacy; CFRs Addressed for SAV2 for Initial Accreditation**

**Standard 2. Achieving Educational Objectives through Core Functions**

The team has organized its analysis of Standard 2 into two parts, one on the JD program and one on the non-JD programs. A summary of findings by CFR is provided at the end of the Standard 2 narrative.

**Part 1. JD PROGRAM**

The JD program remains the center of the faculty's attention, with a clear focus on courses that teach the knowledge and skills to pass the bar and to enter law practice. The Academic Support and Bar Prep program gained two full-time positions since the last visit, even as overall enrollment fell. Increasing integration of a skills focus and more feedback in traditional doctrinal courses were evident. Bar pass rates continue to be the primary measure of success; measures for other learning outcomes or professional success are fragmented or in the planning stages. (CFR 2.1, 2.2b, 2.3, 2.4)

Admissions

The size of the entering JD classes continues to decline, in part because TJSJ is seeking to improve the academic profile of classes as a way to raise its future bar pass rates. Enrollment

has dropped from a peak of 985 full-time equivalent students (FTE) in 2011-2012 to 535 FTE in 2015-2016, with a goal of stabilizing at 500 FTE. While the Strategic Plan draft of May 9, 2017 aims to increase *non*-JD enrollments to maintain sufficient revenue, significant reduction in JD admissions is the primary means of maintaining or improving the LSAT and GPA credentials of entering classes. The Plan recognizes the dynamic interplay between the market and ABA regulations as it balances applicants' potential for academic success with a viable budget.

The fall 2017 incoming JD class size contracted over 20 percent from the previous year to 184 matriculants. Their median LSAT was 144 and their 25<sup>th</sup> percentile LSAT was 142, both up one point from the year before. TJSL's five-year plan further reduces the incoming enrollment target to 150 students for fall 2018. Increasing merit scholarships to attract and retain stronger students is a complementary part of the plan to improve academic inputs. TJSL also hopes to expand outreach to non-traditional students (for example local scientists and engineers) and to deploy more personal outreach in recruiting. (CFR 2.2b)

TJSL uses a holistic review of applications to supplement numerical indicators. The faculty Admissions Committee, Enrollment Management, and Academic Success are actively searching for reliable, measurable predictors of success. In March 2016 an outside consultant completed a study of the bar examination performance of the TJSL graduating classes of 2009 to 2015 (2016 Bar Report). This report, along with some discrete follow-up inquiries and studies, is TJSL's most significant analysis of the interrelated issues of admissions, curriculum, retention/completion, academic standards, and bar pass rates outcomes since TJSL began its WSCUC accreditation process. While no magic predictor of success emerged from the study,

particularly for students with the weakest indicators, TJSJ continues to explore potentially useful applicant measures, including difficult to measure qualities, such as “grit.” (CFR 2.1, 2.2b, 4.1, 4.2)

### Curriculum and Academic Support

The faculty’s active engagement with basic skills and knowledge instruction has increased over the already notable levels observed in the 2016 visit. There is more cultural and structural commitment to student practice and feedback and more integration of academic courses, academic support programming, and bar preparation across the JD curriculum. (CFR 2.5)

The JD degree program continues to require 89 units for graduation. Since fall 2016, the 58 units of required courses have included six academic units of experiential coursework. Effective this fall 2017, a major change functionally extends the contents of what was called the “Intensive Curriculum” to most students. That program was started in fall 2012 and required students with a first-year GPA of 2.4 or less to take a series of skills courses and bar-tested subjects, and capped the number of units that could be taken in a single semester. The 2016 Bar Study identified a significant correlation between bar pass and the four-unit Legal Principles course that was a cornerstone of the Intensive Curriculum; it found students in the Intensive Curriculum had higher GPAs and bar pass rates than students with comparable entering credentials before the Intensive Curriculum began. That program’s two-unit course aimed at multiple-choice test-taking also resulted in learning gains from pre- to post-test scores, a valued outcome as the California Bar exam increased the weight of multiple-choice in July 2017. These

findings prompted the faculty in early 2017 to phase out the more narrowly targeted Intensive Curriculum and expand its approach into the required curriculum. (CFR 2.2b)

All students will now presumptively take the nine units of the three revised and renamed analysis and bar skills courses derived from the Intensive Curriculum. These courses are primarily taught by the six full-time Academic and Bar Program faculty members and are taken in addition to seven units of required Legal Writing I and II. Students with a GPA of 3.0 or higher (in about the top 12 to 20 percent of the class) may opt-out of these requirements.

The faculty has also stepped up testing and feedback in doctrinal courses. The Institutional Report and TJSJ's May 2017 letter to the ABA highlight three areas that new policies emphasize:

(1) Multiple choice skills: Faculty members have agreed upon a school-wide approach to "multiple choice thinking," employing common vocabulary and systematic approaches to these questions and generating more practice questions and explanations through purchased commercial resources and faculty-generated problem sets.

(2) Writing skills: Faculty members have added more requirements of written feedback to bar courses by building upon the extensive academic policies and "Coordinated Teaching Practices" first adopted in 2013 (AHARC), to mandate a wide range of topical coverage, instruction, and testing methods. Starting in fall 2017, upper-division courses in bar subjects must include multiple writing assignments with answer explanations followed by debriefing and/or student self-assessment.

(3) Intervention programming: Faculty members are required to reach out to students who perform poorly on midterms in upper-division bar courses, and add penalties to students who shirk the program requirements. Policies also continue to require students to repeat required courses in which they earn a grade lower than 1.7 for first-year and 2.0 for advanced courses; students matriculating between 2010 and 2014 repeated 1182 courses. (CFR 2.5)

The three now-required Academic Success courses revised from the Intensive Curriculum and now required also reinforce these goals, and increasingly integrate with faculty efforts. For example, the restyled Lawyering Skills I course now incorporates a weekly lab that provides feedback on practice questions from students' doctrinal classes. Another promising partnership that involved a student organization is the La Raza Lunge. In fall 2016, 29 students, most self-identified as students of color, participated in programs that involved speakers and students addressing retention-related issues such as anxiety and family expectations. (CFRs 2.2b, 2.3, 2.13)

Coordination with commercial bar review companies is a natural continuation of this all-hands-on-deck approach. TJS� has a preferred provider agreement with the BarBri bar review company to provide instruction to both students and graduates, and uses instructors and tools from multiple other commercial sources. TJS� also launched a new mentoring program for the July 2017 bar, and reaches out to repeat bar takers. Before the February 2017 bar, it identified 90 graduates who intended to retake the bar; 49 participated in at least one aspect of the offered supports, which included individual counseling, workshops, a mock exam, and essay review. (CFR 2.13)

Finally, the team observed that Academic Success and doctrinal faculty repeatedly emphasized meta-cognition and skills of “learning how to learn” as important components of their courses. Self-assessment opportunities, “intentionality,” and specific guidance on cultivating awareness of one’s own learning increasingly permeate the curriculum and feedback. (CFR 2.5) This emphasis furthers the JD program’s adopted learning outcome VII.A.5. for self-evaluation and reflection, but has not been measured. (CFR 2.3, 2.4, 2.6)

TJSL has added two full-time faculty members to Academic Support since the 2016 visit, expanding capacity to deliver the three former Intensive Curriculum courses to the full student body. The number of tenured and tenure-track faculty has not increased. TJSL reported 32 full-time faculty and 46 non-full-time adjunct faculty in fall 2017. The average teaching load is 14.17 semester credits per year, heavily concentrated in required courses, and reaches as high as 28 credit hours taught in the reported year (in non-JD program offerings). TJSL has created and appointed a faculty member to the position of Associate Dean for Faculty Research and Scholarship. (CFR 2.1, 2.2b)

TJSL’s 2016 ABA report tallied 21 percent of full-time faculty in fall 2016 as racial-ethnic minorities, compared to 15 percent of its total teaching force. In that same semester, 56.5 percent of the enrolled JD students were minorities. Although no new faculty hires are planned, the ramifications of this mismatch deserve consideration. (CFR 2.1)

### Assessment of Student Learning

Tasks such as revision of the curriculum map and expanding feedback to students have drawn together faculty and deepened their understanding of the adopted JD program learning

outcomes. The Institutional Report noted that this work has sparked further conversation about how to measure faculty “intuitions” and expectations against student achievement of these outcomes through embedded assessments or other direct/indirect assessment. Many faculty members are also learning more about assessment by serving on the *ad hoc* committees that are starting the first phase of assessing student learning outcomes under the JD Assessment Plan. (CFR 2.3, 2.4, 2.5)

The Institutional Report stated all faculty members are required to include course learning outcomes in their syllabi, which should “resonate with the program learning outcomes in some way.” Most of the many course syllabi provided to the team included some learning outcomes or goals, although the degree of compliance and the language used to describe outcomes varied. (CFR 2.4 and Guideline)

TJSL provided grading guidelines and sample rubrics drawn from Legal Writing courses, and the Academic Success faculty mentioned a variety of specific indicators in discussions with the team. For example, setting an explicit goal of 68 percent correct on multiple choice exercises and measuring the time a student reads and outlines an essay answer before starting to write have helped shape student behavior. TJSL also has multiple years of the Law School Survey of Student Engagement (LSSSE) data that may provide additional indirect evidence relevant to student engagement. (CFR 2.3)

The Assessment plans call for faculty to review each outcome at least once every seven years and the faculty decided to review each outcome on a three-year cycle. Under this plan, the initial assessments of the first two program learning outcomes will not be completed until

2019-2020. As more faculty members conduct more regular assessment, measures of outcomes beyond retention, bar pass, and employment should emerge and inform the planned JD program review. (CFRs 2.3, 2.4)

### Student Success and Retention

Under CFR 2.10, TJSL is expected to demonstrate that students make timely progress toward completion of their degrees and that an acceptable portion of students complete their degrees in a timely fashion. The Institutional Report described TJSL's progress toward having a more data-driven culture, including its periodic evaluation of students for academic dismissal and using the LSSSE results to track student experiences.

Retention to graduation is a corollary to enrollment management, and is a key indicator of student success. Absent tools for more reliable sorting at the admissions stage, TJSL recognizes that a portion of its first-year and upper-division students will be academically disqualified based on their initial performance in law school. It further acknowledges that students in the lower quartile of entering UGPAs or LSATs have a higher risk of being dismissed or otherwise not completing the program. It maintains that the majority of these students graduate, fulfilling its mission as a school of opportunity. The eventual bar pass rate for graduates from 2010 to present is 70 percent. (CFRs 2.6, 2.10)

The Strategic Plan draft reports a non-transfer attrition rate of 28 percent for the fall 2015 entering class, and a 24 percent rate for all entering classes between fall 2013 and fall

2015.<sup>1</sup> It adopts a goal of 20 percent or less for non-transfer attrition, taking its guidance from a proposed ABA rule.

Further reflection on retaining various segments of its students might help TJSL better align its admissions, academic, and financial aid policies with its stated mission to provide the JD degree to underrepresented groups. Any disparate impact of disqualification may be magnified by debt loads. TJSL reports retention data disaggregated by gender and ethnicity to the ABA. Data on debt load provided to the team showed that for 2017 graduates, white males have the lowest average debt load at \$173,724, 78% of the highest average load of \$223,750, carried by Hispanic male graduates. Tying discount rates solely to credentials has also resulted in an increasingly higher savings for part-time students (35.59% by 2017) compared to full-time students (23.70%), who have comparatively less capacity to defray tuition costs by working while in law school. (CFR 2.10)

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<sup>1</sup> In 2016 TJSL reported its prior year's attrition to the ABA: Non-transfer attrition from the first-year class was 74 students (34% of the class), of which 58 students (28% of the class) were academically disqualified; nine additional upper-division students were academically disqualified and one left for other non-transfer reasons. Including transfers, the 2016 ABA 509 report showed a 47% attrition rate from the first year class entering the prior year. In the 2015 ABA 509 report, 47 first-years were academically disqualified (23.5% of the class), and 20 left for other reasons; 21 second-year students were academically disqualified. In the 2014 ABA 509 report disqualification of 29 second-year students actually exceeded the disqualification of 22 first year students, although 45 first year students left for "other" non-transfer reasons.

It is unclear how much of the shift in disqualification rates forward into the first year is the result of policy changes, shifts in data categorization, counseling students to voluntarily withdraw, or differences in the readmission rates of dismissed students. The team requested information on readmission rates and was given a chart showing 13 students, or 4.4% of academically dismissed students between fall 2017 and spring 2017, were readmitted, of whom five had graduated.

The Institutional Report described a 2013 example of a data-driven intervention to improve term-two retention, but did not discuss the current state of retention to graduation. The report included minimal evidence on retention beyond that required for ABA reporting. The team requested additional information and received fragmented and largely undigested data, and a follow-up to the 2016 Bar Report that identified some interesting lines of inquiry that might bear on attrition. Glimpses of TJSL's retention picture are revealed in this evidence and in the collateral documentation of the current ABA inquiry, but outside of admissions and budget planning, the Institutional Report had little engagement with this aspect of student success. (CFRs 2.6, 2.10)

A critical component of the academic dismissal policy is its inherent reliance on the student GPAs, which are dictated by mandatory grade curves. Because grades are awarded as a set percentage of class enrollment, GPAs do not in the aggregate reflect objective changes in the overall performance of students, just the relative standing of students within it. Cumulative GPAs are also affected by the repeat course policy, which replaces low grades with subsequent passing grades. The Institutional Report states that the Academic Policy Committee regularly discusses issues related to the grade curve, and it revised the curve in 2009 and 2012. However, the Report noted "ongoing monitoring of the grading curve has proved a challenge due to the inability to gather the necessary data each year." (CFR 2.3)

The new Institutional Research Director has already flagged the need to define data categories as a threshold task, and the academic support team continues to investigate indicia of success in vulnerable populations. Whatever goals and measures are picked, the standards

require more consistent, meaningful analysis over time than evidenced in the Institutional Report. (CFR 2.10)

Regarding the student experience, the Institutional Report pointed to student course evaluations and the LSSSE survey as regular measures of student satisfaction. In the past, LSSSE results have prompted adjustments in some administrative services. Student Services observed that the intensive AHARC policies have required “an unprecedented level of contact” between faculty and students and led to a better understanding of students. Meetings with Student Services, financial aid, and career services raised no unusual concerns. No current students came to the open meeting or submitted confidential comments to the team. (CFR 2.10)

#### Bar Pass Rates and Employment

The draft Strategic Plan is unequivocal: “The bar pass rate is the keystone issue on which all of the School’s planning depends.” More than any other outcome, the focus on bar pass in the entire TJSL community is evident. It was the central measure of the 2016 Bar Report and has driven curricular reforms, hiring, enrollment management, budget priorities, and employment. (CFR 2.6)

To place things in context, the bar pass rates for TJSL first-time takers were as follows over the last five reported years: 2012: 55%; 2013: 53%; 2014: 46%; 2015: 51%; 2016: 39%. (Statistics for the July 2017 exam are not yet available.) The eventual bar pass rate on any state bar covering the same five years was: 2012: 73%; 2013: 72%; 2014: 68%; 2015: 59%; 2016:

42% and all years: 70%.<sup>2</sup> Eventual bar pass rates are likely to increase over time, especially for the recent graduating classes.

TJSL's goal is to meet not only the current ABA standards for bar passage, but also the proposed standard of a 75 percent within two years of graduation. The Strategic Plan goals are specific and ambitious: a first-time pass rate of 45 percent, second-time taker pass rate of 15 percent, third-time of 13 percent, and fourth-time of 12 percent. The Institutional Report does not analyze current pass rates in its discussion of Standard 2, focusing instead on support structures, but TJSL's ABA 509 report and 2017 correspondence with the ABA provide some uniform data on first-time pass rates, and the 2016 Bar Report added more context. (CFR 2.6)

The 2016 consultant studied the bar exam performance of the almost 1700 TJSL students who graduated between 2009 and May 2015. Almost 95 percent of these graduates sat for a bar exam. Overall, 52 percent of these cohorts passed a bar the first time; the first-time California bar pass rate was 48 percent. Ultimate pass rates including repeat tries ranged from 83 to 87 percent on all bars for graduates between 2009 and 2011, and 76 to 84 percent for California Bar Exam takers. Since the California Bar has ceased to provide pass/fail lists to schools since the February 2016 exam, updates to eventual pass rates are difficult to complete. As the median LSAT scores of matriculating classes declined by a point each year between 2014 and 2016, from 145 to 143 (before the rise back to 144 in fall 2017), TJSL is appropriately focused on preparing the students in the pipeline for future bar exams. (CFR 2.6)

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<sup>2</sup> Note that these rates are lower than those shown on the school's 509 report to the ABA because of differences in the method of calculation.

The 2016 Bar Report examined pass rates by race and gender and found for the 2009-2015 cohort neither was a significant predictor of success. The study and its aftermath also identified some inquiries on possible predictors that may be pursued by the new Director of Institutional Research. Academic Success and Bar Prep also has surveys of bar takers that might be fruitful to mine. Finally, the 2016 Bar Report compared the actual TJSL first-time California bar pass rates of students with their predicted pass rate based on LSAT scores. The report concluded that TJSL pass rates were lower than what would be expected. This troubling finding should be an area for further study and attention. (CFRs 2.6, 2.10, 4.1)

Bar pass rates in turn profoundly affect the employment rate and job choices of graduates. TJSL's National Association of Law Placement (NALP) reports provided the team extensive breakdowns by individual and job type for the 2014 and 2015 graduating classes. In 2015, women made up 48 percent of respondents and minorities, 41 percent. Of the 213 graduates for whom employment data was known, 67 (31% of the known pool), were employed in a job that requires a JD. Ninety-two (35%) of the 265 graduates in 2014 for whom employment status was known were in jobs requiring bar passage. What is not addressed in the Institutional Report, however, is TJSL's evaluation of these outcomes. For example, stakeholders might consider whether these levels of performance are appropriate in magnitude and time given the 985 students that matriculated in 2010-11, or review public interest placements given its mission statement. (CFRs 2.6, 2.10)

### Program Review

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As TJSL enters its next phase of assessment, bolstered by its new IR capacity, it should address student success and satisfaction along a full continuum of yet-to-be-defined measures of learning outcomes. The fragmentation of data, perhaps exacerbated by the formats of ABA reporting and lack of consistent definitions, hampers TJSL's ability to frame a full picture of its students' pathway to success. Bar pass rates, for example, measure results only against the cohort of students that have already managed to graduate and sit for a bar exam. The team did not receive intelligible data that tracks *entering matriculants'* ultimate rates of success at each stage of the narrowing pipeline: GPAs, timely graduation, licensure, and employment. These analyses would add greater meaning to TJSL's currently published outcomes. (CFR 1.2, 2.7, 2.10)

While it may be difficult to distinguish the effects of the multiplicity of new policies and interventions implemented over the past decade, TJSL must define, execute, and publish measures of learning outcomes beyond bar pass rates. The Associate Dean for Strategic Initiatives, Academic Support, faculty and staff, and new Institutional Research Director have already identified many promising lines of inquiry. Doing so will help evaluate the distinct components of TJSL's many new programs. For example, in 2010 the faculty adopted a policy requiring students to repeat courses if they received a grade below specific levels. Students who matriculated between 2010 and 2014 have retaken 1182 courses, one-tenth of these for more than the second time. Yet bar pass rates, controlled for LSAT scores, are inversely related to the number of repeat courses, raising questions for more exploration. (CFR 2.10, 4.2)

TJSL adopted a program review procedure that aligns program review with the ABA accreditation process. No program review has been conducted yet, but plans are to do so in connection with the spring 2018 visit by the ABA. (CFR 2.7, 4.1)

## **PART 2. NON-JD PROGRAMS**

### Overview

As indicated by the introductory summary of the Commission’s letter advancing TJSL to candidacy, several of the central recommendations that are the focus of this visit relate to or bear upon the School’s non-JD programs. It should be noted at the outset, for those not familiar with graduate degrees in the legal field, that the Juris Doctor (JD) degree program is viewed as the core professional degree. The field has two common forms of advanced degrees that can be earned by those who have already completed the JD or equivalent: The LLM and the JSD degree. The LLM is usually for foreign lawyers seeking to become licensed in the U.S. or for practicing lawyers who want advanced specialized knowledge and skills. The JSD is an advanced research degree comparable to the PhD, generally pursued by those who already have earned the JD professional degree but who want to undertake a major research project or enter academia. In addition, a growing number of law schools have begun to offer “masters in legal studies” or “masters of studies in law” (MLS or MSL) degrees to nonlawyers interested in learning about law. TJSL has also indicated a desire to offer “certificate” programs associated with its several substantive programmatic centers, such as sports law. Some law schools allow JD students to complete “concentrations” that can be designated on transcripts. These

concentrations function somewhat analogously to “majors” for undergraduates, but do not carry any particular significance for licensure. Some schools use the terminology “concentrations” and others may use the terminology “certificates” depending on the conventions employed by their parent campuses (if they are affiliated with a university). Some law schools have begun to market “certificate” programs to those who already have JD degrees as a form of recognition for advanced expertise. Such academic credentialing typically is insufficient to allow practitioners to portray themselves as specialists under state requirements. In order to achieve that objective, practitioners generally need to satisfy education, practice experience, and additional testing requirements under individual state protocols.

This section focuses initially on each of the School’s three residential programs and online non-JD master’s programs, by providing an overview of each of the several discrete programs. The overview in each case describes program history and focus, duration and units required, curriculum, learning outcomes, assessment practices, oversight, program review plans, and student support. The team concluded that it did not have adequate, accurate and well-analyzed data that would allow it to describe or fully evaluate some aspects of these programs. The team was particularly diligent in reviewing these programs, given that all degree programs must meet WSCUC Standards and that TJSL intends to expand these programs, to increase their enrollment, and to develop additional non-JD offerings. As noted above, complete and accurate data on these programs were not available to the team.

### Residential Programs

At present, the School has two active and one dormant non-JD residential programs. Each of the residential programs is available only to students who already have JD degrees (or legal degrees from foreign universities).

*LLM in American Legal Studies (LLM ALS)*: In place for more than ten years, this program is designed for foreign lawyers. A full-time faculty member directs the program, and the current director has served since 2015. The program is apparently designed to draw two types of students who already have law degrees from other countries: (a) those who wish to qualify to sit for the bar exam in the United States (particularly in California or New York), and (b) those who wish to gain advanced education in particular subject areas so as to enhance their practices at home. Possible specializations listed on the program's website include intellectual property, international trade and investment, and sports and entertainment law. A total of 24 units are required for the degree to be awarded. Students in this program are required to take an initial course providing an introduction to the legal system and typically take Legal Writing I, at least two first-year common law courses (and additional first-year and foundational courses if they plan to take an American bar examination), and electives in their field of interest. All courses except the introductory course are taken together with students enrolled in the JD program. (CFRs 2.1, 2.2b) The school has articulated four program learning outcomes but has not yet assessed these in any formalized way. Students are graded in the same way as the JD students. There is no culminating thesis or capstone experience; that aspect of the program design is similar to the design of comparable programs offered at other law schools. The team

was not provided with written information on the outcomes of this program, such as the number and proportion of students who started the program and completed it and the time frame for completion; the number and proportion of graduates who had taken and who had passed the bar examination by year; or the nature of work that graduates were doing after graduation. There are a few students in the program this fall; on site the school provided different enrollment numbers from those provided in advance of the visit. The latest ones show that five students were enrolled in fall 2017. (CFR 2.3, 2.4, 2.6) This long-standing program is overseen by a director who is a knowledgeable senior faculty member. The faculty with whom the team met were quite familiar with the program when asked about this aspect of the non-JD programs. LLM ALS students receive support through existing school programs of support for residential JD students and through the efforts of the program director. The residential graduate student handbook provides background about support and rules applicable to students enrolled in this program. (CFRs 2.10 2.13) This program has not been the subject of a formal program review. (CFRs, 2.7, 4.1)

*LLM in Practical Skills (LLM PS):* The LLM PS program enrolled its first student in fall 2017. This program is designed to prepare JD graduates/practicing lawyers to gain more “practical skills” in such areas as client interaction, document drafting, negotiating, litigating, and running a law firm, with a focus on any of the following three core areas: (1) transactional law; (2) civil litigation; and (3) criminal practice. The program apparently allows the school to make available or expand skills-related offerings that may be undersubscribed by current JD students. (CFR 2.1)

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This program requires 24 credit hours and is expected to take one year (two semesters) to complete if students enroll full time. Students are required to graduate within three years of matriculation. (CFR 2.1, 2.2b) All students, regardless of area of proposed specialization, are required to take three mandatory courses including client interviewing and client counseling, negotiation theory and skills, and law practice management for a total of seven or eight semester credits. They then take three required courses in their respective area of specialization: transactional (contracts drafting, risk management, and business planning); civil litigation (civil motion practice, litigation and technology, and advanced trial advocacy), or criminal practice (introduction to criminal trial practice, criminal motion practice, and advanced trial advocacy). Each of these courses is two or three units of credit. In addition, those enrolled must take 10 units of elective offerings from among a range of offerings. There is an open question as to whether this is one program or three programs, given that the common core of the curriculum is only seven or eight credits out of 24. TJSL has adopted learning outcomes for the LLM PS program. Students in the LLM PS program are assessed in their individual classes in common with students in the JD program. There is no culminating capstone experience, although elective clinical offerings may serve this function. Because this program is new and only enrolls one student at this time, no data are available about student retention, completion or learning. (CFRs 2.3, 2.4, 2.6) There is no designated faculty member who serves as a director of this program. It is overseen, as are all the non-JD programs except the LLM-ALS, by an Assistant Dean. (CFR 2.1, 2.2b) Because the program has just started, it has not been subject to the newly adopted program review guidelines for non-JD programs, described below, or had a

formal assessment of the learning outcomes. It appears that students in this program will be able to use existing support services available to JD candidates; no services specific to this program were described although the school indicates that the Assistant Dean for Program Development and Distance Education provides services and after the visit the school stated that an Assistant Director of Graduate Program Student Services provides such services. The team was not informed about this role and did not meet this person. (CFRs 2.2b, 2.10, 2.13)

*LLM in International Trade and Investment (currently dormant):* This program was apparently started in 2007-08, during a period in which TJSL had a more extensive range of course offerings relating to international trade. Apparently, the program has been dormant for some time because the original range of courses is no longer offered. The WSCUC site visit team in 2016 understood that the program was still being offered. The School assumed that it could reinstitute this program without prior approval from WSCUC. However, WSCUC policies require that a program that is dormant for an extended period be subject to Substantive Change Approval processes prior to enrolling students. The WSCUC liaison on site with the team encouraged TJSL to submit questions regarding controlling requirements to WSCUC directly so it can receive guidance about whether and how the program might be reinstated.

### Non-Residential Online Programs

*General Background.* The School has a strong interest in offering and expanding online programs. At the time of this visit, TJSL was operating on the assumption that it had three online non-JD degree programs and that it could expand these programs into other content

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areas without WSCUC approval. At the time of the last visit, these programs were titled “LLM, JSM, and JSD in International Taxation and Financial Services.” Subsequently, TJSJ requested permission from the American Bar Association and WSCUC to rename these degrees so as to eliminate the reference to “international taxation and financial services.” TJSJ also requested permission from WSCUC to refer to the “JSM” degree in future as a “Master of Science in Law” (or “MSL”). (CFR 2.1) All the School’s online programs fall under the oversight of an Assistant Dean for Program Development and Distance Education who reports to the Associate Dean for Strategic Initiatives who in turn reports to the Dean/President. The Assistant Dean holds a JD and LLM from TJSJ, and an MEd, and is also an adjunct member of the faculty who teaches tax-related courses. He recruits and oversees adjunct faculty members to teach online courses for these programs, has designed a system of standardized online course portals that utilize the Lexis Blackboard platform, handles planning and budgeting for the existing online and potential future offerings, and appears to be in charge of everything from recruitment to outcomes assessment and data collection related to the programs. (CFR 2.1, 2.2b)

*Online LLM Degree(s):* As noted above, this program initially used a more specific title referencing “international taxation and financial services,” but that specific reference was removed recently. The School’s website and some of its financial reports have not yet been updated to reflect these changes, although the program staff were insistent that the changed titles were in fact controlling at this juncture. The LLM program was described as having three distinct specializations: taxation, financial compliance, and financial services and wealth

management. Students must have a JD degree to enter the program. (CFRs 2.1, 2.2b) Data for the last three years indicate that about 10 to 18 students were enrolled in these programs in any given term. Students must complete 24 academic units. Most courses last eight weeks and are taken one at a time. Nonetheless the program is advertised as allowing students (many of whom are working professionals) to finish the degree in one year if they wish to do so. Students are expected to complete their chosen program within three years. Students take a series of three-credit courses in their chosen area of concentration starting with a concentration-specific introductory course. The only course that all three concentrations have in common is the Thesis course, which is the culminating academic course of the program and by definition varies in content by concentration. There is no common core of coursework (and only one common course) that would identify these concentrations as one single program. Under WSCUC policies stated in the Substantive Change Manual, a program that is more than 25 percent different from another program is considered a separate program. On this basis, the team concluded that the three concentrations should be classified as three distinct LLM programs: an LLM in taxation, an LLM in financial services and wealth management, and an LLM in financial compliance and risk management. (CFR 2.1, Substantive Change Manual) The School adopted learning outcomes that are the same for all three focal areas, which should be reconsidered if the Commission determines that these are three separate programs. (CFR 2.3, 2.4) More details about courses reviewed and their characteristics are provided in the Distance Education Review appended to this report.

Online MSL Degree(s): Students in these programs are admitted solely on the basis of having a Bachelor's degree. However, this program is identical in content to the online LLMS described above and both categories of students (JD and BA holders) are in the same classes. This practice raised questions for the team about the level of the offerings. The model of this program presents multiple concerns under the Standards.

1. Because the content of the three concentrations does not have a common core, the team found these to be three different programs.
2. The degree is only 24 semester credits, whereas the WSCUC calls for a master's degree to be at least 30 semester credits. The team observed that while 24-credit advanced degrees are sometimes offered to those who hold a foundational professional degree like a JD, this is not the case for master's degrees where entrants have only a bachelor's degree.
3. The team had concerns about students with two entirely different kinds and levels of preparation (a bachelor's or a JD) taking the same curriculum, in the same classes, and being assessed at the same level. The team was not provided with any data or studies that demonstrated the efficacy of this model and TJSL did not seem to consider it an issue.

All the faculty members who teach in the program are adjunct, and as noted above, the program is overseen by Assistant Dean for Program Development and Distance Education Jason Fiske. Although team members met with a group of adjunct faculty members, none was

involved in the online LLM/MSL programs. At the open meeting with full-time faculty, none appeared to be aware of, knowledgeable about, or involved in oversight of these online programs. The team was not provided with any information or records of faculty meetings of the faculty teaching in these programs in either SAV visit although the school later stated that such meetings are held once a term. Because of this lack of information and the complete lack of involvement of non-JD faculty in the report and visit, it appeared to the team that the adjunct faculty teaching in the program do not have any means of engaging with each other as a group and do not have any collective responsibility for the program as a whole. (CFR 2.1, 2.2b, 3.1 and Guideline to 3.1) As many as 15 students have been enrolled in the program for the last few years. Data on completion were provided on site on the last day of the visit at the request of the team. However, because of the way the data were presented, it was not clear how many students of those who started the program have completed it. No data were provided on time to degree, or on learning outcomes at the time of graduation, or what graduates did with their degrees. The school has not assessed these programs in terms of learning outcomes or conducted a program review. (CFR 2.6, 2.7) TJSL provides financial aid to these students through its financial aid department. Students receive information through a student handbook and can ask questions or seek support through the Assistant Dean's office; however, the services were not described in any documents provided to the team. The team did not meet any of the students or faculty of the non-JD programs. It seems particularly important to assure that support is available to these students because the program's instructional personnel are adjunct faculty, many currently in practice and not based at the School, and the students are

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studying asynchronously and remotely. An average of about 11 students have been enrolled in these programs over the last three years. (CFRs 2.10, 2.13)

*Online Doctor of Judicial Science (JSD):* The JSD program was originally focused on international taxation and financial services, but is now described as “a postdoctoral program designed for aspiring legal academics wishing to pursue sustained independent study, which includes substantial legal research and writing.” The program is described as “highly selective,” and “open only to applicants holding a prior distinguished academic track record in law, demonstrating promise of future quality scholarship.” There is one incoming class each year in July. Applicants must hold a JD degree or foreign equivalent and an LLM degree. Applicants with a MSJ (or JSM) degree may also apply, but the School states that, “strong evidence of research and writing must be shown to corroborate the application.” The program is 60 semester credits but those with pre-admission LLM degrees transfer in 20 credits, so that only 40 more units must be completed. Students have five years to complete the program or must reapply. This program’s curriculum proceeds in four stages, including 1) Pre-Candidacy where students take courses and identify a research topic; 2) Candidacy where students do independent research and writing under the supervision of the Supervisor Panel and Subject Matter Expert; 3) JSD Evaluation, based on the written work approved by a panel and evaluated by two experts; 4) JSD Defense, which consists of the oral defense of the dissertation by experts. The School has identified three learning outcomes for this program. As indicated above, this program relies heavily upon oversight by adjunct faculty members. Those serving on the Supervisory Panel

must include at least two with PhD or SJD/JSD degrees. The School indicated that there are two faculty members currently on staff who possess these credentials and that there are also affiliated adjunct faculty members from other educational institutions. As discussed above, this program, like the online master's programs, is overseen by the Assistant Dean for Program Development and Distance Education. No TJSL full-time faculty members are assigned to oversee the program, and it is unclear how involved members of the full-time faculty, other than the Associate Dean for Strategic Initiatives, are in overseeing or guiding the program. In reviewing the material online, the team found that the nature and level of some readings at the early stages of the program, pre-work, and evaluations were not suitable for a PhD program (e.g., nutshells, YouTube videos, multiple choice exams, no requirements for literature reviews). Some of the faculty members who teach in the program do not all have advanced academic doctorates or the level of experience that would be expected for a scholarly professional doctorate. The program enrolls 13 students and is planned to grow to 25 students. The team found that there may not be sufficient special support for and interaction with these students, as would be expected for a program to have a "doctoral culture." The support of doctoral students and the presence of a faculty community to enrich their learning through shared experiences and mentoring other than through one advisor are not evident in anything that the team learned about this program. (CFR 2.2b, 2.10, 2.13)

Program Review of Non-JD Programs

TJSL adopted a program review procedure for the non-JD programs prior to the visit. It stated that program review would consider results of its assessment of learning outcomes, retention and graduation rates, student surveys (both program wide and course surveys), bar pass rates for bar-track students, and employment statistics and will coincide with the ABA approval visits. No programs have been reviewed or will be reviewed until some time in or after 2018. The team found this plan to be insufficient in view of the WSCUC CFRs on program review, which expect a periodic comprehensive review of each program, looking not only at achievement data, but at other aspects of quality and viability, such as enrollment patterns, trends, and student qualifications; support for students; faculty qualifications and productivity; and financial viability. (CFR 2.7, 4.1)

### **Summary Findings by CFR**

**CFR 2.1 -- The institution's educational programs are appropriate in content, standards of performance, rigor, and nomenclature for the degree level awarded, regardless of mode of delivery. They are staffed by sufficient numbers of faculty qualified for the type and level of curriculum offered.**

Summary: Re JD programs, the curriculum and nomenclature of the program are in keeping with standards in legal education, in particular, aligning with the ABA requirements. There is a strong cadre of qualified and dedicated full-time faculty members and a core of regular adjuncts. It is unclear if the standards of performance and rigor are adequate in view of the eventual pass rates on the Bar examination.

Re the non-JD programs, the team had concerns, set forth below, about the level and rigor of the LLM/MSL programs and whether it is appropriate to teach BA and JD holders/lawyers in the same classes. The team had serious concerns about the rigor and standards of performance in the JSD. The team concluded that the LLM and MSL programs really constitute three separate programs in each category of degree because the curriculum does not have a common core. Further, the MSL, at only 24 semester credits, does not meet standards for length for a master's degree that follows a bachelor's degree (minimum 30 semester credits). The team found that none of the online non-JD programs had adequate faculty oversight as there are no full-time

faculty and there was no evidence of a group of faculty responsible for teaching, assessing learning, and taking collective responsibility for the programs.

**CFR 2.2b -- The institution's graduate programs establish clearly stated objectives differentiated from and more advanced than undergraduate programs in terms of admissions, curricula, standards of performance, and student learning outcomes. Graduate programs foster students' active engagement with the literature of the field and create a culture that promotes the importance of scholarship and/or professional practice. Ordinarily, a baccalaureate degree is required for admission to a graduate program.**

Summary: Re JD programs, the team continues to have concerns about the related issues of admissions, curriculum, standards of performance, and student learning outcomes, based on data showing that some students with little likelihood of success are admitted, attrition is relatively high, and bar pass rates are among the lowest in the state for ABA law schools.

Re the non-JD programs, the team found that the MSL and LLM are offered to students both with and without a JD, raising questions about the level and rigor of the programs. It is unclear if students are actively engaged with the research in the field, which is especially concerning in the online JSD program, where students are intended to produce original thinking and research. The team found no evidence of a graduate culture in the online programs.

**CFR 2.3 -- The institution's student learning outcomes and standards of performance are clearly stated at the course, program, and, as appropriate, institutional level. These outcomes and standards are reflected in academic programs, policies, and curricula, and are aligned with advisement, library, and information and technology resources, and the wider learning environment.**

Summary: The team found that the learning outcomes and grading criteria for the JD program are published. Re the non-JD program, the team found that, while learning outcomes had been prepared and posted, in many instances, the outcomes were the same for multiple programs. None of the programs, except the JSD, has a culminating experience in which students might be assessed at the time of graduation or an alternative plan by which to assess learning close in time to graduation.

**CFR 2.4 -- The institution's student learning outcomes and standards of performance are developed by faculty and widely shared among faculty, students, staff, and (where appropriate) external stakeholders. The institution's faculty take collective responsibility for establishing appropriate standards of performance and demonstrating through assessment the achievement of these standards.**

Summary: Re the JD, the law school is just beginning to assess the outcomes and will complete its work on the first two outcomes in its assessment plan in 2019. The non-JD program learning

outcomes appear to have been developed by one or two members of the faculty and the Assistant Dean and the team did not see evidence that these outcomes were reviewed or adopted by the TJSJL faculty as a whole or by the non-JD faculty although the team was later told that they were adopted by the faculty on May 1, 2017. The TJSJL full-time faculty is not engaged with the online non-JD programs and has not taken collective responsibility for measuring learning or setting standards of performance; assessment of the stated outcomes has not been done.

**CFR 2.6 — The institution demonstrates that its graduates consistently achieve its stated learning outcomes and established standards of performance. The institution ensures that its expectations for student learning are embedded in the standards that faculty use to evaluate student work.**

Summary: For the JD degree, the bar pass rate is considered the main indicator that learning outcomes have been met, and the first-time taker bar pass rate in 2016 dipped to 39%, 12 points below the 2015 rate. Other methods of measuring learning have not been systematically undertaken across the JD program, and the first attempts at doing assessment of program learning outcomes using student work and faculty-developed rubrics is taking place now. There are few graduates of any of the non-JD degree programs. The exact numbers were not provided, nor was evidence of graduates' achievement and learning.

**CFR 2.7 -- All programs offered by the institution are subject to systematic program review. The program review process includes, but is not limited to, analyses of student achievement of the program's learning outcomes; retention and graduation rates; and, where appropriate, results of licensing examination and placement, and evidence from external constituencies such as employers and professional organizations.**

Summary: TJSJL adopted a program review process for the JD program, to be conducted in conjunction with the ABA accreditation process. This program review has not been conducted. The first opportunity for that is scheduled for spring 2018 when the ABA next visits. A program review process was adopted for the non-JD programs, but the team found that it appeared to be more like an assessment report than a periodic comprehensive program review, as it covered only a few indicators of learning and completion and did not cover viability, program quality, or faculty issues at all. That program review is also to be done in connection with ABA approval, which the team found inappropriate as the ABA does not approve these programs and therefore does not review them thoroughly. None of the non-JD programs has been subjected to a program review or the equivalent.

**CFR 2.10 -- The institution demonstrates that students make timely progress toward the completion of their degrees and that an acceptable proportion of students complete their degrees in a timely fashion, given the institution's mission, the nature of the students it serves, and the kinds of programs it offers. The institution collects and analyzes student data,**

**disaggregated by appropriate demographic categories and areas of study. It tracks achievement, satisfaction, and the extent to which the campus climate supports student success. The institution regularly identifies the characteristics of its students; assesses their preparation, needs, and experiences; and uses these data to improve student achievement.**

Summary: The JD program collects but does not yet systematically and regularly analyze data about student success to assess their preparation, needs, and experiences. Further it is not evident that an acceptable proportion of students complete their degrees, given the high degree of attrition, in particular involuntary attrition from low academic performance. The team found that for the non-JD programs, it could not assess whether students make timely progress toward their degrees, as such data were not provided, despite multiple requests about how many and which students are retained or complete any given program and in what amount of time. The data were wholly inadequate and could not be used to understand or assess student needs. The team found the appointment of an institutional researcher to be a step toward improvement in this area. Also see CFR 4.2.

**CFR 2.13 – The institution provides academic and other student support services such as tutoring, services for students with disabilities, financial aid counseling, career counseling and placement, resident life, athletics, and other services and programs as appropriate, which meet the needs of specific types of students that the institution serves and the programs it offers.**

Summary: This CFR was not cited in the previous report but the team found that it was questionable whether TJSL was providing a range of services to support the students in the non-residential, non-JD programs. The team was not provided with an opportunity to meet and discuss these matters with any non-JD students, faculty, or staff, other than the Assistant Dean and only learned of an assistant director who provides support after the visit. It does not appear that services are geared specifically to students who take courses remotely and asynchronously.

**The WSCUC team finds that TJSL meets Standard 2 at a level sufficient for candidacy, understanding that only the Commission is authorized to make the final determination as to whether or not an institution is in compliance with the Standards.**

**Standard 3. Developing and Applying Resources and Organizational Structures to Ensure Quality and Sustainability**

**CFR 3.4 -- The institution is financially stable and has unqualified independent financial audits and resources sufficient to ensure long-term viability. Resource planning and development**

**include realistic budgeting, enrollment management, and diversification of revenue sources. Resource planning is integrated with all other institutional planning. Resources are aligned with educational purposes and objectives.**

In describing the steps taken by TJSL to address its financial situation, the Eligibility Review Committee (ERC) panel found, “While the panel expressed its appreciation for this new realism and the negotiations that [former] Dean Guernsey led to reduce annual obligations, they also caution that if national law school trends continue a downward trend, these anticipated enrollment declines may be worse than expected.... The panel was also encouraged to hear about other possible revenue generating areas.... The institution’s finances and enrollment will need to be monitored carefully by teams to assess financial sustainability....”

At the time of the SAV1, TJSL was adjusting to the major restructuring of the large debt incurred to build the school’s campus in San Diego, which was closed on December 11, 2014, and to reductions in staffing and other expenses, including pay cuts and increases in teaching and workloads. The team found that addressing TJSL’s financial challenges and bringing it back to financial health were the most important priorities in the years from 2014 to 2017 and that the leadership had done a highly effective job of leading these changes. While TJSL projected balanced budgets going forward, the team concluded that it continued to be in a fragile financial position.

*Fiscal, Physical, and Information Resources*

As evidenced by its financial statements, TJSL is a financially fragile institution. In 2014 TJSL had approximately \$127 million in bonds outstanding and had difficulty making payments, due in large part to the dramatic decline in law school enrollment. The School’s principal and

interest payments previously totaled approximately \$12 million annually. On October 28, 2014, TJSL executed a Restructuring Support Agreement (RSA) with its bondholders. The transaction was finalized on December 11, 2014 and transferred the school's building to the former bondholders who cancelled the bonds. In return, the school leased the building and assumed a lease and note payments totaling \$6 million per year with interest paid at the rate of \$1 million per year. Principal will be paid out of excess cash flow. This note is projected to be paid in full during the 17-year term of the note.

TJSL is reducing the target size of its incoming JD program from 180 students (FY 2018) to approximately 150 students (FY 2019). The result of the reduction will be to decrease its expected net tuition revenue by approximately \$ 2.5 million. TJSL is currently negotiating with its bondholders to reduce the space leased and thereby reduce its rental obligations. Specifically, TJSL is negotiating to return approximately 77,000 square feet of the space currently being leased. This will reduce its leased space from 177,000 to 100,000 square feet. The exact floors to be returned to the lessor are under current negotiation. TJSL expects to have an agreement in principle by December 31, 2017. Prior to the completion of that negotiation TJSL is also negotiating with its bondholders the rollback of the scheduled \$500,000 lease increase that was to start in August 2017. The expected result of the reductions in space is to save (when it is fully implemented) approximately \$2.5 million in overhead costs, which represents a 40% reduction of space costs compared to the FY 2018 costs. The expected reduced costs will be a combination of lower rental costs and reduced utility and other costs associated with the space TJSL expects to return to the lessor. The revised lease is expected to

impact operating costs in FY 2020. If the negotiations are unsuccessful with the bondholders, TJS� will sub-lease its property to outside parties in order to develop an alternative revenue stream to pay the bondholders. If TJS� does the subleasing of the space, TJS� will be looking to rent to non-profit organizations, in order to preclude a property tax reassessment of its facilities, which would result in higher tax rates if rented to for profit entities. Both senior management and the Board of Trustees indicated they firmly believe the bondholders are agreeable to enter into negotiations and to revise the lease to reduce the space rented by TJS�. They indicated it is their belief the bondholders have a strong interest in TJS� becoming financially stronger. The reduction of the building related expenses is critical to the financial success of TJS�. If the reductions do not take place, the forecasted budgets become unbalanced at the enrollment levels and the expenditure levels increased for the lack of space cost savings, which are projected in the Five-Year Forecast, FY 2019 – FY 2023 – version 6 – 09/05/2017, which was based upon the FY 2018 Budget – Version 7 – dated 09/05/2017 (Revised).

A significant part of the financial plan is the growth of non-JD revenue through its LLM tax and distance education programs. The growth of those is dependent upon the ability of TJS� to recruit and retain those students. TJS� plans on teaching those additional students with either existing faculty or with adjunct faculty. The distance education programs are hosted on contract websites with no TJS� Information Technology personnel involvement. The projected non-JD revenue is expected to double in a five-year period. It was unclear exactly how the growth plan was to be executed through the increase in marketing expenditures from

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approximately \$120,000 (FY 2018) to \$500,000 (starting in FY 2020). This increase in marketing is expected to facilitate a 30% increase in enrollment in the LLM programs.

Currently, TJS� is not in compliance with Financial Responsibility Ratios prescribed by the U.S. Department of Education (ED), which has resulted in a requirement to have an irrevocable letter of credit of approximately \$5,132,753 as of October 21, 2017 and a finding of a viability ratio of  $-.02$ . The September 5, 2017 five-year forecast shows that TJS� will have small operating profits over the next several years. (Note that forecasts assume projected space cost reductions, as described above). TJS� does not expect to have any excess cash flow as of the year ended June 30, 2017. TJS� under the forecast is expected to have approximately \$3 million in cash as of June 30, 2017, which represents its safety net, given that it has no current ability to secure additional financing. Under the long-range forecast, TJS� is not expected to meet the minimum ED viability ratio for many years. The leadership believes, based upon discussions with the ED that the ED will grant waivers of the timeline guidelines to return to the minimum viability ratio. In addition, TJS� knows of another institution that has not met the viability ratio requirements for the past 12 years, and the only requirement it has is the maintenance of an irrevocable letter of credit. The CFO indicated that it was her belief that because the negative viability ratio was caused by the write-down of the building in 2014 and because TJS� has had operating profits since then and is forecasting continuing operating profits, ED will continue updating the irrevocable letter of credit requirements in the future, with no further actions required of TJS�.

Effective management and oversight of finances is bolstered by regular monitoring and financial reporting, which includes a comprehensive monthly internal financial statement. Financial statements and supplemental schedules are reviewed in detail by the CFO, the Dean, the General Counsel, and the Board of Trustee Finance and Audit Committees. Once those financial documents are reviewed and approved by the school management and the above Board Committees, the financials are then sent to its bondholders and members of the Board of Trustees. More comprehensive reporting packages are sent to the bondholders on a quarterly and semi-annual basis. These reports go through the same review process. TJSL's financial statements are prepared in accordance with generally accepted accounting principles and are audited each year by an independent accountant. These audits are conducted in accordance with generally accepted auditing standards and are consistently issued with "unqualified opinions."

The budgeting appears to be realistic; however, meeting the budget depends upon meeting the enrollment management projections. TJSL is a highly tuition-dependent institution (over 90%) and is currently dependent on both the JD and non-JD tuition revenue. It has not developed other tuition sources, gifts or auxiliary revenues to support its mission. The five-year forecast does not include significant revenues associated with gifts, because it was indicated there is not a consistent record of giving. In order to prepare a conservative financial plan, the CFO does not include an increase in the giving above the historic levels. The budget does not currently anticipate general compensation changes for the next few years until FY 2020. The faculty and staff have not had compensation adjustments since approximately 2012 and 2011,

respectively. The five-year budget forecast has compensation cost decreases of approximately \$200,000 in each of the next three years. It is expected the savings will come from attrition and replacement of those leaving with less costly personnel, as long-time employees leave. Starting in FY 2022, the forecasted salary increases will increase 2% annually. The forecasted budgets do not call for any new faculty lines.

The budget process calls for the Vice President of Finance and the Dean to draft the budget with input from the department chairs. Once a draft budget is prepared, it is shared with the Faculty Budget Committee to receive input from the faculty. The budget is finalized and then presented to the Board of Trustees for approval at its spring board meeting.

If the projected savings do not arise from a renegotiated lease with the bondholders and/or the projected revenues do not materialize the question was posed was there a “Financial Plan B” for TJSL. Management and the Board members do not believe those possibilities can be expected to occur at the same time. It is their belief that their budgeting is conservative and the finances of TJSL are stable and in good condition. Neither the Board nor Senior Management has requested a contingency financial plan be developed because they believe the current financial plan is realistic and can reasonably be expected to be attained.

Summary of Findings re CFR 3.4: The team found that, while TJSL has achieved balanced budgets for the last few years, it remains financially vulnerable, based on its heavy dependence on tuition, coupled with planned reductions in enrollments, relatively small reserves and other sources of revenue, and several key assumptions that may or may not be realized. Among these assumptions are substantial reductions in rent and related costs, recruitment of a better qualified (albeit smaller) entering class in the coming year, continued accreditation status with the ABA, and growth in the non-JD programs without increasing the resources devoted to these programs.

**The WSCUC team finds that TJSL meets Standard 3 at a level sufficient for candidacy, understanding that only the Commission is authorized to make the final determination as to whether or not an institution is in compliance with the Standards.**

**Standard 4. Creating an Organization Committed to Quality Assurance, Institutional Learning, and Improvement**

**Part 1. Quality Assurance and Improvement, Institutional Research (CFRs 4.1-4.4)**

While TJSL understands the need to engage in sustained, evidence-based, and participatory self-reflection about how effectively it is achieving its educational objectives, and it has taken some steps in this direction since the last site visit, it cannot be said at this point to have advanced very much further in its quality assurance processes. The school definitely considers the changing environment of higher education in envisioning its future, especially the very volatile environment of legal education. These activities should, and undoubtedly will, inform both institutional planning and systematic evaluations of educational effectiveness, but there is not much evidence of this activity yet. The results of institutional inquiry, research, and data collection should be used to establish priorities, to plan, and to improve quality and effectiveness, and the school knows this, but this does not yet describe the reality of TJSL.

Of these recommendations, perhaps the one most directly focused on the criteria within Standard 4, and especially CFR 4.2, is institutional research. As noted above, the Commission called for better data collection, analysis, and dissemination for decision making and planning, especially in key areas like admissions, academic support, degree completion and bar pass.

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In the period since SAV1, the school has taken some steps toward meeting the CFRs 4.1-4.5. It commissioned a bar pass study, which was done by a knowledgeable and experienced outside consultant. That study did provide some useful information and raised additional areas for further study. Perhaps most significantly, the school approved a position description for a Director of Institutional Research, and advertised the position in late June 2017. At the time of SAV2, the new IR Director had been hired and was on the job four weeks. He and the Associate Dean plan to develop an IR Plan for the school; however, that had not yet been accomplished at the time of the visit. (CFR 4.1, 4.2)

Additionally, the report indicates that the school has moved forward with learning outcomes assessment. The JD curriculum map has been revised to better display how learning outcomes are addressed in required courses and key electives. The school has adopted Assessment Plans for the JD non-JD programs. The JD program is currently in the first phase of assessment for two learning outcomes and will not have assessment results on all outcomes until 2019-20. (CFR 4.1)

The School has also adopted Program Review Guidelines for the JD program, with a different process for the non-JD programs. (See CFR 2.7 above.) No program reviews have been conducted under these guidelines although the first JD program review is scheduled to be conducted in spring 2018 in connection with the ABA visit. (CFR 4.1)

The hiring of a Director of Institutional Research should greatly enhance the efficacy and sophistication of these efforts. That said, much of the data collection and analysis has continued to occur on an ad hoc basis as noted in the team's report after SAV1. As also noted in

that report, the ABA annual reviews appear to drive data collection, reporting, and improvement. However, the ABA only accredits the JD program; it acquiesces to, but does not accredit, the non-JD programs. And the data collected for the ABA report are not the only key data that TJSL should be studying to realize an effective evidence-based culture for planning and decision making.

Obtaining relevant data in a timely fashion for this report was a challenge. As noted above under Standard 2, with regard to the non-JD programs, in particular, the team concluded that it did not have adequate, accurate and well-analyzed data that would allow it to describe, let alone evaluate, some aspects of these programs, for example in the areas of admissions, enrollment, retention or graduation numbers and rates. The team wishes to stress that information on these issues should be collected, confirmed for accuracy, analyzed, and made publicly available on the School's website, in keeping with obligations of transparency incorporated into WSCUC standards (CFR 1.2, 4.1).

As noted in SAV1, WSCUC accreditation will require substantially improved data collection, analysis, and dissemination, and implementation of a plan to use data to support institutional planning, policy development, and strategic decision-making. (CFRs 4.1-4.3)

Since SAV1, TJSL has worked to adopt and implement a program review process under which all academic programs undertake a periodic, comprehensive program review covering all aspects of the program functioning, including such components as enrollment trends, patterns, and student profile; retention, persistence and completion; currency of curriculum; student performance in co-curricular programs and clinics; faculty qualifications, workload, and

productivity; student learning outcomes; bar pass rates (where applicable) and other indicators of student achievement. In keeping with good practice, program review is expected to include self-study and external review, and to result in recommendations that are adopted by the faculty and leadership and integrated with planning and budgeting. The school may wish to leverage its ABA approval process and integrate it with program review, but needs to implement the full policy across all degree-granting programs. As noted under CFR 2.7, the program review guidelines for the non-JD programs are less comprehensive and the team found that as currently written they would not fulfill the WSCUC expectations for a program review. (CFR 4.1)

The focus so far has been on what TJSL needs to do for quality assurance, and what they have not yet accomplished. This begs the question, what have they achieved in the period since SAV1? Some of that work is outlined here:

- The mission of the school has been carefully reviewed as part of the overall Strategic Plan revision. “Specifically, the diversity of the student body, staff and faculty are consistent with the mission’s emphasis on a nationally-based diverse student body.” (TJSL SAV2 Institutional Report, p. 42 of 61) (CFR 4.1)
- TJSL has developed a non-JD program approval policy and a document on program role/scope/objective summary. Both documents outline reasonable procedures for the gathering of data and research before faculty discussion of a new non-JD degree program and ways of thinking about ongoing programs. It would have been instructive to the team to see how these outlined procedures have played out in reality through

inclusion of the types of data gathered, other research done, and meeting minutes

describing faculty discussions of the programs. (CFR 4.1)

- An IR Director was hired in summer 2017 and had been in place four weeks at the time of SAV2. Expectations regarding what this person can accomplish via data collection and analysis are running very high at TJSJL and numerous ideas for projects involving him arose in virtually every site visit meeting. (CFR 4.2)
- The leadership and faculty at TJSJL have worked hard at improvement of their teaching and of the campus environment. To that end, administrators have attended numerous WSCUC workshops and meetings since 2015. Internal workshops are held for faculty to improve the quality of teaching. A list of 13 publications by faculty members on teaching and student learning were included in the Institutional Report. Surveys of students, including LSSSE, are routinely conducted to determine student satisfaction with a variety of issues. (CFR 4.3)
- The faculty have adopted an Assessment Plan and have begun Program Review of the JD. CFR 4.4 states in part: “The institution, with significant faculty involvement, engages in ongoing inquiry...” At this point, the correct statement would be “The institution... plans to engage in ongoing inquiry...”.

It must be acknowledged that TJSJL has not had a great deal of time between April 2016 and September 2017 in which to develop and implement quality assurance processes, especially given the challenges of responding to ABA inquiries and preparing for a sabbatical site visit from ABA/AALS in March 2018. This is offered as recognition of the reality that with

the best intentions, it does take time to turn the ship when moving from traditional legal education to outcomes-based legal education. TJSL is committed and is moving in the right direction.

#### **Summary of Findings re CFRs 4.1-4.4**

**CFR 4.1 -- The institution employs a deliberate set of quality-assurance processes in both academic and non-academic areas, including new curriculum and program approval processes, periodic program review, assessment of student learning, and other forms of ongoing evaluation. These processes include: collecting, analyzing, and interpreting data; tracking learning results over time; using comparative data from external sources; and improving structures, services, processes, curricula, pedagogy, and learning results.**

Summary: The team found that TJSL is in the early stages of assessment, had not yet conducted a program review for any program, and did not have the capacity to analyze and use data for improvement at a sufficient level for accreditation.

**CFR 4.2 -- The institution has institutional research capacity consistent with its purposes and characteristics. Data are disseminated internally and externally in a timely manner, and analyzed, interpreted, and incorporated in institutional review, planning, and decision-making. Periodic reviews are conducted to ensure the effectiveness of the institutional research function and the suitability and usefulness of the data generated.**

Summary: The team found that TJSL did not yet have sufficient capacity to analyze, interpret and incorporate data into planning and decision making although steps had been taken shortly before the visit to appoint an institutional researcher who could lead this function.

**CFR 4.3 -- Leadership at all levels, including faculty, staff, and administration, is committed to improvement based on the results of inquiry, evidence, and evaluation. Assessment of teaching, learning, and the campus environment—in support of academic and co-curricular objectives—is undertaken, used for improvement, and incorporated into institutional planning processes.**

Summary: The team found that the faculty, staff and administration seem to be committed to making improvement from evidence; however, the school is in the early stages of engaging in this kind of inquiry and analysis and has not yet demonstrated its ability to do this systematically and regularly.

**CFR 4.4 -- The institution, with significant faculty involvement, engages in ongoing inquiry into the processes of teaching and learning, and the conditions and practices that ensure that the standards of performance established by the institution are being achieved. The faculty and other educators take responsibility for evaluating the effectiveness of teaching and learning processes and uses the results for improvement of student learning and success. The findings from such inquiries are applied to the design and improvement of curricula, pedagogy, and assessment methodology.**

Summary: Although examples of improvements from evaluation were found, the ongoing work of evaluating effectiveness and making improvement based on evidence is not built into the culture and processes of TJSL across all functions and areas, and is particularly lacking in the non-JD programs.

## **Part 2. Strategic Thinking and Planning (CFR 4.6)**

The ERC noted that the plan provided with the Eligibility application was adopted in 2010 before the dramatic changes in TJSL's financial and enrollment picture and acknowledged that the plan was outdated. At the time of the SAV1 visit, the team found that TJSL leadership had begun a planning process to engage its multiple constituencies. However, the faculty's draft Strategic Plan contained lists of objectives with recent activities, action plans, and time frames, but was not evidence-based, strategic, nor useful in addressing the school's challenges. It did not prioritize measurable objectives, articulate priorities, identify the person(s) accountable for implementation, include completion deadlines, or calculate the resources required. Since the SAV1, TJSL developed a much more appropriate strategic plan with nine goals.

A Faculty Strategic Planning Committee was responsible together with management for the development of this strategic plan. The plan was reviewed by all stakeholders and the

strategic plan was finalized in May 2017. It was then submitted to the Board of Trustees for its approval. The team was told by the Board that the plan was to be approved at its regularly scheduled October 2017 meeting; however, the president indicated after the visit that the plan had in fact been approved by the Board in June 2017. The Board of Trustees members indicated the Board did not approve the draft May 2017 strategic plan at its May meeting because the plan, which they view as a living document, needed to be adjusted for the newly hired Dean's input, specifically including the Dean's vision for a new incubator that she has called for and the certificate programs. The incubator program is expected to start in FY 2020 and to generate approximately \$100,000 in membership income by FY 2023. (The Dean did not start working at TJSL until July 2017.)

It is critical that clear linkages are made between the strategic plan and the budget and that an implementation timetable be adopted. Additionally, there needs to be clarity concerning who has the explicit oversight of the plan at both the senior management and board levels. (CFRs 3.4, 4.6, 4.7)

As noted under the discussion above in Standard 3, the team asked the board and leadership what the contingency plans are if the projected savings do not arise from a renegotiated lease with the bondholders and/or the projected revenues do not materialize. Management and the board do not believe those possibilities can be expected to occur. It is their belief that their budgeting and strategic planning is conservative and the finances of TJSL are stable and in good condition. Neither the Board nor Senior Management has requested a

contingency plan to be developed should the current budget plans/forecasts not occur, because they believe the current financial plan is realistic and can be reasonably expected to be attained.

Finally, the team had concerns about the planning for the non-JD programs, which are projected to produce net revenue that will help TJSL to be viable. It did not appear to the team that there was solid analysis for the planned growth in these programs or consideration of providing the resources that these programs need to produce good outcomes. There were frequent references to increasing the enrollment and related revenue at little or no increase in costs. Projections appear to have been developed without systematically collecting and analyzing data on the need for and interest in these programs, whether students would come to TJSL for these programs, or what is needed to run these programs well. Although one document referenced the analysis that would be done for new programs going forward (market potential, suitability with the law school, fit within existing resources), the team saw no evidence that even this cursory analysis was done as the current online programs were developed.

The team recognizes that the School has spent considerable time working on a strategic plan. The potential for developing non-JD offerings is embedded in that document along with budgetary projections. Despite the important role that these programs are expected to play in TJSL's success, it is not clear that these programs are adequately integrated into its overall academic program planning and oversight arrangements so that desired quality and synergies with the JD program can in fact be realized. At present, non-JD programs are tucked into a

corner of the organizational chart, which indicates that they are treated more as an ancillary undertaking rather than being treated as part and parcel of the School's academic programming as a whole.

It is important to clarify that under existing policies, WSCUC would have to approve any new credit-bearing degree or certificate programs, and that TJSL cannot use a blanket approval of a generic LLM or MSL to offer any content it wishes without approval. Substantive Change requirements include market and needs analysis and evidence of faculty-developed outcomes and program oversight, support for student learning and success, three-year budget forecasts, and more. Moreover, as discussed under Standard 2 above, offerings require more extensive faculty involvement in assessment and oversight than currently exists for established online non-JD offerings.

**CFR 4.6 -- The institution periodically engages its multiple constituencies, including the governing board, faculty, staff, and others, in institutional reflection and planning processes that are based on the examination of data and evidence. These processes assess the institution's strategic position, articulate priorities, examine the alignment of its purposes, core functions, and resources, and define the future direction of the institution.**

Summary of Findings re CFR 4.6: TJSL engaged in and produced a proposed strategic plan. The team was informed that the plan was awaiting board review and approval at the time of the visit; however, the President informed the team after the visit that the board had in fact approved the plan prior to the visit. Although this plan is a substantial improvement, some of the foundational underlying assumptions are speculative and if not realized would require radical actions. TJSL has not developed any contingency plans for any other of those scenarios and the methods of monitoring the plan are less than clear.

**The WSCUC team finds that TJSL meets Standard 4 at a level sufficient for candidacy, understanding that only the Commission is authorized to make the final determination as to whether or not an institution is in compliance with the Standards.**

### **Section III: Inventory of Educational Effectiveness Indicators**

The current IEEI was useful to the team and demonstrates the school's efforts to comply with applicable WSCUC requirements. This exhibit shows the advances made by TJSL since the 2016 visit in terms of integrating assessment of student learning into school-wide teaching and describing some of the necessary infrastructure that supports that effort.

At this point, the IEEI focuses on both the JD program and the various non-JD programs. The student learning outcomes (SLOs) for all the degree programs except one have been posted to the school's website. The one exception is the LLM in Trade & Investment. The SLOs for this dormant degree program are under development. For individual courses, the team's examination of a subset of the course syllabi made available by TJSL during the site visit show that some but not all such syllabi include SLOs. The inventory indicates that under their Assessment Plan, learning outcomes in the JD program will draw on various data/evidence, typically drawing on three different sources: rubrics for embedded assessments, surveys of

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various constituencies, and a miscellany of data including Bar Exam results, employment statistics, LSSSE survey results and surveys of field placement supervisors and alumni who hire students. The non-JD programs will draw data from a capstone course (online MSL/LLM), a dissertation (JSD), surveys of graduates and bar exam results and employment placements (LLM ALS), embedded assessments (LLM PS) and similar types of data for the emerging LLM in Trade & Investment.

As noted above, the very recent hiring of an institutional research director should greatly enhance and invigorate data collection efforts throughout the Law School. The team was told that he will also work on assessment.

Each program learning outcome (PLO) will be reviewed at least once every seven years by the faculty. Each outcome will be part of a three-year cycle. Design of the process will occur in year 1, collection of data will occur in fall of year 2, assessment of data will occur in spring of year 2. And year 3 will focus on closing the loop.

As noted in Standard 2 discussion above, a program review process has been adopted for the JD program with task forces working under the supervision of the Vice Dean/Associate Dean and the Assessment & Outcomes Committee. The first program review is scheduled to be conducted in conjunction with the ABA review in spring 2018. Program Review is far less clearly defined for the non-JD programs. There has not, so far, been a full review of any programs.

There are two other notes of progress since the last visit. The school has developed a deeper understanding of the limits of an ABA/AALS site visit as a tool for program review. And the faculty has decided to use external reviewers beyond the ABA/AALS as an aid in the

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program review process. However, the school has not yet hired any external reviewers as Program Review is very nascent at this point.

In summary, TJSL has definitely taken the recommendations from the previous SAV to heart and has begun to develop processes to assess student learning more formally, both in the formative and summative stages, and to develop a culture of evidence-based decision making, most clearly demonstrated by the hiring of an IR director. There is commitment from the faculty and the school's leaders to assess student learning, but the steps taken are so close to the beginning of the process that one cannot yet draw any real conclusions about the effectiveness of assessment and program review, and closing the loop is still a concept on the far horizon. The team expects that WSCUC will have to see concrete results of these processes during the ongoing candidacy period before granting initial accreditation.

## **Section IV. Findings, Commendations and Recommendations**

### **Commendations**

The team acknowledges that Thomas Jefferson School of Law has experienced considerable change in the last 18 months since the SAV1 visit including progress on most of the areas cited in the last report and the Commission's action letter. The team recognizes that TJSL has had extensive interactions with the ABA, which required much time, attention and energy. Among the positive changes since the last visit are:

1. TJSL searched for and appointed a new Dean, who brings an appreciation of assessment of student learning, extensive legal education experience in a range of areas, and many fresh ideas and approaches.
2. TJSL has developed a proposed strategic plan in a collaborative manner with input from across the institution. This plan holds promise to guide TJSL over the next few years during a time of further change and challenges.

3. The faculty and/or staff have adopted learning outcomes and assessment plans for all programs and are building the capacity and tools to conduct assessment, with pronounced progress in the JD program.
4. TJSL has adopted program review policies and procedures.
5. TJSL has started to look more deeply into the connections among admissions, performance, academic support, and bar pass rates and has made promising changes.
6. Many faculty and staff members expressed that the different parts of the law school are more integrated than before and that people are working more effectively across departments.
7. TJSL retained an institutional research professional to help build the capacity to collect and understand all kinds of data that will inform decisions and plans.
8. TJSL has generated surpluses in very challenging times financially and continued to manage finances carefully.

### **Findings and Recommendations**

1. Financial Planning and Sustainability: TJSL continues to demonstrate sound financial management, controlling expenses, realizing surpluses, and receiving clean audits. However, TJSL carries a heavy debt load in proportion to its annual budget, is heavily dependent on tuition and fees, has relatively small reserves, and has no line of credit. It continues to have a negative composite score with the Department of Education, requiring the posting of a large letter of credit. The budgets for this year and going

forward are based on some speculative assumptions, including renegotiation of its lease that would result in lower rent; recruitment of smaller but better-qualified incoming classes; and substantial increases of revenue from the non-JD programs, which are small and under-resourced, and are operating in a competitive environment. As noted previously, continued attention is needed to enrollment management to ensure sufficient enrollment and retention of qualified students along with the implementation of the strategic plan. (CFRs 3.4, 4.6)

2. Continued Evaluation and Improvement of the JD Program: TJSL plans to admit smaller yet better qualified incoming classes, as evidenced by this fall's enrollment of first-year students. Along with promising changes in the curriculum, enhancements to academic support, preliminary work in assessment of the program learning outcomes, and the recent addition of an institutional researcher, TJSL is positioned to better meet its mission of providing a legal education to diverse and underserved populations. However, the impact of changes cannot yet be seen in key measures like bar examination results, and other areas such as academic policies have not yet been addressed. As described in the previous report, TJSL is obligated to examine and improve each aspect of the pathway from application to law practice, including admissions screening; financial, academic and personal support for students; effective teaching; a sound curriculum; rigorous standards of performance and application of academic policies on probation and disqualification; good bar preparation; development

of skills for law practice; and assistance in transitioning from law school into the profession after graduation. (CFRs 2.1, 2.2b, 2.6, 2.10, 2.13, 4.4)

3. **Assessment:** In keeping with the Commission's recommendations, TJS� continued to build its capacity for assessment by adopting assessment plans for the JD program and creating a task force to assess two of the program learning outcomes this year. A full cycle of assessment of all the outcomes will not be done for at least three years. Although the non-JD programs have adopted an assessment plan, work has not commenced. The faculty is encouraged to continue this promising work on the JD assessment and to use the results to inform improvements in curriculum, teaching methods, and student learning. This assessment work needs to be expanded to all degree programs. In addition, publication of the outcomes and learning results is expected under the Standards. No data on retention, completion, and student learning are provided publicly for any of the non-JD programs. (CFRs 1.2, 2.3-2.5, 4.3-4.5)
4. **Program Review:** TJS� adopted a program review process for the JD program, to be conducted in conjunction with the ABA accreditation process, which is in spring 2018. Hence there has not yet been a program review for the JD program under the new process. A program review process was adopted for the non-JD programs, but the team found that the self-study stage of the review was more like an assessment report than a periodic comprehensive program review, as it covered only a few indicators of learning and completion and did not cover viability, program quality, or faculty-related issues. In addition, the non-JD program review is also scheduled to be conducted in connection

with ABA approval, which the team found inappropriate in that the ABA does not approve non-JD programs and therefore does not review them in the same thorough manner as is done for the JD degree. Many, but not all of the non-JD programs are new. None of the non-JD programs has been subjected to a thorough program review of any kind and would greatly benefit from this important quality assurance process. TJSL is urged to make adjustments to its processes and plan in keeping with these findings and to be prepared to provide completed program review at its next visit. (CFRs 2.7, 4.1)

5. Institutional Research: As noted above, TJSL contracted with an outside firm to prepare an analysis of bar pass and has used the results to inform changes described above for the JD program. Most important is that TJSL has appointed a professional institutional researcher. Building on these two important first steps, TJSL needs to develop plans to undertake studies that will help it better understand and improve student achievement and success. With the enhanced function, TJSL is positioned to build the plans, systems, and culture that are needed to analyze data and to use evidence to inform policy decisions and planning. (CFRs 4.1-4.4)
6. Support and Oversight of Non-JD Programs: At the time of the last visit, the team found that, “While these programs do not yet enroll very many students, they must be properly resourced and supported and treated with the same attention and care that the faculty shows to the JD program. This includes faculty and board oversight of the offerings, implementation of learning outcomes and assessment plans, application of quality assurance processes like new program approval by the board and periodic

program review, and careful tracking of student completion and achievement.” This team has the same concerns now and in some ways, these concerns have been heightened by what was learned on this visit. Each offering needs to be examined for compliance with WSCUC expectations about curriculum sequencing, length, nomenclature, admissions criteria, rigor, and learning outcomes. Collective faculty oversight of the program should be clearly established. Data about the programs should be collected, reported and analyzed. And the programs need to be properly resourced.

(CFRs 1.2, 2.1-2.7, 2.10)

**CREDIT HOUR REVIEW**

Material Reviewed	Questions/Comments
Policy on credit hour	Is this policy easily accessible? X YES
	If so, where is the policy located? Student Handbook
	Comments: The policy is general and may be more valuable if it also explicitly covered non-classroom credit-bearing work, such as you see described below, and online courses.
Process(es)/ periodic review of credit hour	Does the institution have a procedure for periodic review of credit hour assignments to ensure that they are accurate and reliable (for example, through program review, new course approval process, periodic audits)? X NO
	If so, does the institution adhere to this procedure? X NO
	Comments: A procedure is needed to review course syllabi especially for non-classroom credit-bearing work.
Schedule of on-ground courses showing when they meet	Does this schedule show that on-ground courses meet for the prescribed number of hours? X YES
	Comments: None
Sample syllabi or equivalent for online and hybrid courses <i>Please review at least 1 - 2 from each degree level.</i>	How many syllabi were reviewed? 20
	What kind of courses (online or hybrid or both)? Online
	What degree level(s)? <input type="checkbox"/> AA/AS <input type="checkbox"/> BA/BS X M A X Doctoral
	What discipline(s)? Law
	Does this material show that students are doing the equivalent amount of work to the prescribed hours to warrant the credit awarded? X YES <input type="checkbox"/> NO
Sample syllabi or equivalent for other kinds of courses that do not meet for the	How many syllabi were reviewed? 4
	What kinds of courses? Clinical, Independent Study, Intern/Extern, Law Review Moot Court in JD and Dissertation for JSD
	What degree level(s)? X Doctoral

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prescribed hours (e.g., internships, labs, clinical, independent study, accelerated) <i>Please review at least 1 - 2 from each degree level.</i>	What discipline(s)? Law
	Does this material show that students are doing the equivalent amount of work to the prescribed hours to warrant the credit awarded? X YES
	Comments: See above. Policy should more explicit about equivalent hours or work in these courses. Need procedures for periodic checks.
Sample program information (catalog, website, or other program materials)	How many programs were reviewed? 5
	What kinds of programs were reviewed? JD, 2LLM, MLS, JSD
	What degree level(s)? <input type="checkbox"/> AA/AS <input type="checkbox"/> BA/BS X M A X Doctoral
	What discipline(s)? Law
	Does this material show that the programs offered at the institution are of a generally acceptable length? X NO
	Comments: The MSL degree is 24 semester credits while master's degrees, especially those not built on the foundation of another graduate or professional degree are expected to be 30 semester credits.

10/10/17 Review completed by Teri Cannon

**DISTANCE EDUCATION REVIEW**

Institution: Thomas Jefferson School of Law

Type of Visit: SAV2

Name of reviewer/s: Judith Wegner

Date/s of review: September 19-21, 2017; September 28, 2017

*1. Programs and courses reviewed (please list)*

The team requested access to all online course offerings associated with graduate degree programs.

The school initially treated its online LLM programs as a single LLM offering in international taxation and financial services. Since the team raised questions about this design during its exit interview, the school has revised its website and now presents itself as having three online LLM programs in the following areas: financial compliance and risk management, taxation, and financial services and wealth management. <http://www.tjslgraduateprograms.com/featured-navigation/degree-offerings.html>

TJSL offers a MSL (master of science in law) to candidates with bachelor's degrees but no JD or other graduate degree. The team raised questions about whether WSCUC would allow such a

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degree to be awarded to the target audience of bachelor's degree holders for only 24 academic units (rather than the usual minimum of 30 academic units).

The school also offers an JSD degree (a research degree for holders of both JD and LLM degrees) online. That degree is offered wholly online and is also described on the school's website at the URL listed above.

At the team's request, the school provided access to all online courses over the past two years offered over the past two years for these degree programs.

The courses referenced below are offered using the Lexisnexis.com "Blackboard" course management system. Course designs are relatively uniform and are developed by adjunct faculty teaching in these programs with the oversight and assistance of Assistant Dean for Program Development and Distance Education, a Thomas Jefferson graduate who holds a JD and LLM from that school and an MEd degree.

2. Background Information (number of programs offered by distance education; degree levels; FTE enrollment in distance education courses/programs; history of offering distance education; percentage growth in distance education offerings and enrollment; platform, formats, and/or delivery method)

The information requested is provided, to the extent available, in the team's site visit report. About 40 students take online courses. The degree programs currently offered by distance education include three LLM/MSL degrees and the JSD. Enrollment data were inconsistent, incomplete, and incoherent and the number of graduates was not clearly provided. It appears that Thomas Jefferson launched online degree programs in approximately 2007-2008. As indicated above, the school's offerings are made available over the LexisNexis.com website (a site used by many law schools to provide supplemental resources for more traditional residential JD courses):

[https://webcourses.lexisnexis.com/webapps/portal/frameset.jsp?tab\\_group\\_id=2\\_1&url=%2Fwebapps%2Fblackboard%2Fexecute%2Flauncher%3Ftype%3DCourse%26id%3D\\_26787\\_1%26url%3D](https://webcourses.lexisnexis.com/webapps/portal/frameset.jsp?tab_group_id=2_1&url=%2Fwebapps%2Fblackboard%2Fexecute%2Flauncher%3Ftype%3DCourse%26id%3D_26787_1%26url%3D). The LexisNexis website uses a platform based on Blackboard.edu.

3. Nature of the review (material examined and persons/committees interviewed).

One of the team members, an experienced legal educator, reviewed all of the online courses listed at the end of this form. These included courses that had in the past been offered for a blended audience of LLM and MSL students in the substantive areas now described as comprising the three substantive and related LLM programs the school continues to present online. This team member also reviewed all listed courses offered in conjunction with the

online JSD program. The team member charged with lead responsibilities to draft the team report on non-JD offerings at Thomas Jefferson was joined by the team chair and vice chair in interviewing the Assistant Dean for Program Development and Distance Education, who is an administrator with an adjunct professor status, who is the individually principally responsible for the development and oversight of the online courses and degree offerings. This group also interviewed Associate Dean Aaron Schwabach, to whom the Assistant Dean reports. These and other members of the team also had more general conversations with the faculty as a whole, adjunct faculty members not teaching in the online degree programs, the vice dean, the dean, and members of the Board of Trustees about non-JD programs including online programs. One of the team members also met with the school’s IT personnel who appeared to have little if any role in the online offerings, other than perhaps assisting with modest occasional videotaping of lectures (this point was not altogether clear).

Please note below and under the Standard 2 discussion in this report that the team had serious concerns about the non-JD programs, including the online programs for several reasons, including the lack of any full-time faculty dedicated to these programs and the apparent lack of faculty involvement in the development, assessment, evaluation and improvement of these programs.

Of great concern is the online JSD degree program, which does not have any full-time faculty and only a few faculty members with meaningful experience as academics at research-oriented institutions; reading assignments for required courses taken at the outset of the program at an inappropriately low academic level, such as study guides that would never be used as readings for JD courses, instruction provided via YouTube videos, and multiple choice assessments. The level at which the program is pitched, admission selection, and some of the faculty members’ qualifications raises questions about level and quality. No support services are targeted specifically to remote students and it is not clear that the school has the kind of library needed to support an advanced research degree at the level of a JSD or engagement in literature review and graduate culture associated with such degrees. Four examples of dissertations are posted, only one of which lists the dissertation committee (which is composed of faculty from UC Irvine, University of San Diego, and University of Arizona, rather than from Thomas Jefferson). This degree program appears to lack the academic rigor and academic oversight to be expected of an advanced research degree, and seems unrelated to Thomas Jefferson’s core mission.

**Observations and Findings**

<b>Lines of Inquiry (refer to relevant CFRs to assure comprehensive consideration)</b>	<b>Observations and Findings</b>	<b>Follow-up Required (identify the issues)</b>
<i>Fit with Mission.</i> How does the institution conceive of distance learning relative to its mission, operations, and administrative	Not clear that all programs fit with mission.	Follow-up is needed on recommended changes in administrative structure,

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<p>structure? How are distance education offerings planned, funded, and operationalized?</p>	<p>An Assistant Dean for Program Development and Distance Education is the principal and virtually sole person involved in the online programming and its oversight. The regular full-time faculty as a whole seemed very uninvolved in any of this programming. The principal reason for offering these programs appears to be financial (in order to balance the school's budget given the decline in number of residential JD students). The administrative structure puts the online programming off to one side, removed from the apparent oversight of the vice dean (who is responsible for all academic programs).</p>	<p>meaningful faculty oversight, and student trajectories from application through graduation.</p>
<p><i>Connection to the Institution.</i> How are distance education students integrated into the life and culture of the institution?</p>	<p>Students do not appear to be integrated into the life of TJSL. The team did not meet any students on either visit.</p>	<p>Online students are not integrated into the culture or TJSL. LLM degree students may be relatively self-sufficient because they have already gotten used to legal education and gained JD degrees, but MSL students do not have a prior law degree and JSD students do not participate in a graduate culture other than discussion with their primary advisor.</p>
<p><i>Quality of the DE Infrastructure.</i> Are the learning platform and academic infrastructure of the site conducive to learning and interaction between faculty and students and among students? Is the technology adequately supported? Are there back-ups?</p>	<p>The online LLM courses appear to be well designed and delivered. The delivery system is outsourced to LexisNexis and it is unclear how long LexisNexis will continue to support the existing system now that it has sold its line of legal</p>	<p>The next visit should show what platform and back-up plans are for supporting the online instruction.</p>

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	<p>education products to a different publisher. The IT personnel at the law school have little or no involvement with the online program.</p>	
<p><i>Student Support Services:</i> What is the institution’s capacity for providing advising, counseling, library, computing services, academic support and other services appropriate to distance modality? What do data show about the effectiveness of the services?</p>	<p>The school indicates that students have the same support as on-site students. Non-JD students in online programs have access to the Assistant Dean and the Assistant Director (whom the team did not meet) for other support. No support specific to remote student was described. Students may access online library resources remotely and can ask for inter-library loans. There are no data on student services or their effectiveness.</p>	<p>The school needs to study what kinds of services its online students need and start providing any that are not already provided.</p>
<p><i>Faculty.</i> Who teaches the courses, e.g., full-time, part-time, adjunct? Do they teach only online courses? In what ways does the institution ensure that distance learning faculty are oriented, supported, and integrated appropriately into the academic life of the institution? How are faculty involved in curriculum development and assessment of student learning? How are faculty trained and supported to teach in this modality?</p>	<p>The LLM/MSL courses are taught by adjuncts who are identified and overseen by Assistant Dean for Program Development and Distance Education. No one teaching in these online degree programs was made available for the team to interview. There does not appear from the evidence provided to be collective responsibility for the online programs by the JD faculty or the adjuncts who teach in this program. Each LLM/MSL course reviewed had “learning outcomes” displayed, structured progressions of topics to be addressed, discussion forums, periodic video lectures, distributed power point materials,</p>	<p>There is no oversight by full-time faculty members. As noted, the Assistant Dean seemed the only one involved in oversight, training or curriculum development and assessment.</p>

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	<p>structured reading assignments, and a series of progressive, practice-oriented writing assignments in lieu of exams.</p> <p>Note the concerns raised above re the JSD program faculty.</p>	
<p><i>Curriculum and Delivery.</i> Who designs the distance education programs and courses? How are they approved and evaluated? Are the programs and courses comparable in content, outcomes and quality to on-ground offerings? (Submit credit hour report.)</p>	<p>An Assistant Dean described above oversees instructional design and evaluation for the online programs. It does not appear that faculty approve these courses. JSD courses in the first phase of the program rely heavily on YouTube videos including those by the instructors and materials include readings from “Nutshells” (study aids that would never be assigned as reading in JD courses, let alone for an advanced research degree). Four sample dissertations are posted, only one of which lists actual review committee members (who are drawn from UC-Irvine, University of San Diego, and the University of Arizona, rather than Thomas Jefferson). There are occasional “group” sessions that are taped and made available to those unable to attend.</p>	<p>The Assistant Dean appears to have sole responsibility for the curriculum and delivery, which should be addressed along with the concerns about the rigor and nature of the JSD.</p>
<p><i>Retention and Graduation.</i> What data on retention and graduation are collected on students taking online courses and programs? What do these data show? What disparities are evident? Are rates comparable to on-</p>	<p>Data on retention, persistence and completion were not adequate. Data provided were inconsistent and tracked numbers of enrolled students</p>	<p>The school has a new institutional research director who may be able to create better tracking of data and creating reports. It is not</p>

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<p>ground programs and to other institutions' online offerings? If any concerns exist, how are these being addressed?</p>	<p>each term and year for budget purposes without seeming to track students' pathways from application through course work, graduation, and careers.</p>	<p>clear where data on and assessment of distance education programs and offerings will fall within the IR director's and the school's priorities.</p>
<p><i>Student Learning.</i> How does the institution assess student learning for online programs and courses? Is this process comparable to that used in on-ground courses? What are the results of student learning assessment? How do these compare with learning results of on-ground students, if applicable, or with other online offerings?</p>	<p>The online courses for the LLM degree reviewed typically require students to respond to relatively short, practice-oriented problems. There has not been any programmatic student learning assessment with an eye to stated learning outcomes. Because of the school's past practice of blending students with JD degrees and those with no prior legal training in its online offerings, the team had real questions about how those with very differing backgrounds were being assessed in the same courses. These concerns were even more pronounced with regard to how candidates for the JSD were being assessed, insofar as that degree is one geared to advanced and sophisticated research, usually supported by a research university libraries. A review of the second "research methods" course showed that rigor and assessment methods were not at the post-professional doctoral level, as the assessments were of reading in a nutshell and testing by means of a 55-question multiple choice exam taken at home.</p>	<p>The school needs to develop and implement a meaningful assessment plan for online programs, with particular attention to the level and rigor of the JSD.</p>

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<p><i>Contracts with Vendors.</i> Are there any arrangements with outside vendors concerning the infrastructure, delivery, development, or instruction of courses? If so, do these comport with the policy on <i>Contracts with Unaccredited Organizations</i>?</p>	<p>TJSL contracts with LexisNexis Blackboard, which is not covered by this WSCUC policy.</p>	
<p><i>Quality Assurance Processes:</i> How are the institution's quality assurance processes designed or modified to cover distance education? What evidence is provided that distance education programs and courses are educationally effective?</p>	<p>The school is in the early stages of assessing student learning and conducting traditional program reviews for its residential JD program. It only has general ideas about future assessment of the efficacy of distance education LLM/MSL offerings, and to date has no evidence on this point that it could provide to the team.</p> <p>It is concerning that none of these programs was reviewed through a quality assurance process either before it was offered or since it was started.</p>	<p>This area must be addressed for the LLM/MSL degrees promptly as noted above.</p> <p>The team found the JSD program to be of concern in design, academic rigor and oversight. Students in this program appear to receive little meaningful education at the level expected for a post-professional, let alone advanced research degree.</p>