

APPENDIX A



**Section of Legal Education
and Admissions to the Bar**

COUNCIL DECISION

NOTICE OF CENSURE AND DIRECTED SPECIFIC REMEDIAL ACTION

STANDARDS 104, 205(b)

Texas Southern University, Thurgood Marshall School of Law

June 2017

Background

At its June 2-3, 2017 meeting, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (the "Council") conducted a hearing pursuant to Rules 2, 15 through 17, and 23 through 25 with respect to the compliance of the Texas Southern University, Thurgood Marshall School of Law (the "Law School") with, among other things, ABA Standards 104 and 205(b). This hearing was part of an appeal by the Law School from the October 2016 Decision Letter of the Accreditation Committee (the "Committee"), which concluded that, inter alia, the Law School had not demonstrated compliance with these Standards; and, consequently, must take specific remedial actions.

Non-compliance with Standard 205(b) stems from facts reported in the site evaluation report, relating that the site visit team heard complaints regarding gender discrimination and sexual harassment at the Law School. Following the Law School's response to the site visit report and a Committee conclusion that the Law School had not established compliance with this Standard, fact finders were appointed to visit the Law School and report further on the matter, including the established University and Law School policies for dealing with complaints relating to gender discrimination and sexual harassment, as well as how these policies and processes had been applied at the Law School. Following the fact finders' report, the Law School's response to that report, and a hearing, the Committee concluded that the Law School was not in compliance with the Standard and directed the Law School to take remedial action.

The Law School appealed the Committee decision. At the hearing on the appeal, the Interim Dean and the President of the University, who had been appointed subsequent to the particular actions that formed the basis for the site team's report, acknowledged that a perception of gender bias exists at the Law School. They reported on steps that were underway to address the matter. At the hearing, the President stated that "gender discrimination will not be tolerated" at his University.

The action taken by the Committee and the Council aims to assure that the University follows through on the plans that it is making to address this issue at the Law School.

Following the hearing, consideration of the appeal, and based on the record, the Council affirmed the Committee's conclusions that the Law School violated Standard 104 and remains non-compliant with Standard 205(b). The Council also imposed the sanction of a public censure on the Law School for violation of Standard 104 and directed the Law School to take the following described specific remedial actions, including, but not limited to, this public notice.

Sanctions Imposed on Texas Southern University, Thurgood Marshall School of Law

Pursuant to Rules 2(f) and 16, the Council imposes a public censure on the Texas Southern University, Thurgood Marshall School of Law regarding its violation of Standard 104. The Law School shall post this notice of public censure on its website in a manner acceptable to the Managing Director.

Pursuant to Rules 2(f) and 16, the Council imposes a monetary payment of \$15,000, to be paid by the Law School to the ABA Section of Legal Education and Admissions to the Bar, for the Law School's substantial and persistent non-compliance with the Standards.

Specific Remedial Actions Required

With respect to the Law School's non-compliance with Standard 205(b), the Council directs the Law School to take the following remedial actions:

- (1) Develop a written reliable plan for bringing the Law School into compliance with Standard 205(b). In developing its plan, the Law School must specifically address how it will seek to maintain an environment free from gender discrimination, including sexual harassment; how it will provide educational and training programs for faculty, staff, and administration regarding gender discrimination, including sexual harassment; and how the remediation and educational programs will be communicated and implemented to faculty, staff, and administration. The Law School shall submit that plan to the Managing Director by October 1, 2017.
- (2) The Law School shall publish on its website in a manner acceptable to the Managing Director a statement of the specific remedial action it is required to take within five business days of the date of the Decision Letter reporting the Council's June 2017 decision resolving the school's appeal. This statement, or a link to the statement on the Law School's website, shall also be published on the website of the Section of Legal Education and Admissions to the Bar. The Law School shall continue to publish this notice until it has been found to be operating in compliance with Standard 205(b).

Further and pursuant to Rule 9 and Rule 12, a fact finder(s) shall be appointed to visit the Law School and submit a report regarding the above matters to the Managing Director. The report will be delivered to the Law School, which shall have 30 days to submit a response. The Committee will evaluate the Law School's compliance with Standard 205(b) based on the record, the fact finder's report, and the Law School's response. If, after considering the fact finder's report and the Law School's response, the Committee concludes that the Law School is not in compliance with Standard 205(b), the Committee or the Council may take any appropriate action pursuant to Rules 12(b) and 16-18.