

LSAC Rules Governing Misconduct and Irregularities in the Admission Process

GENERAL PROVISIONS

SECTION 1. Purpose.

- (a) The Law School Admission Council (LSAC) assists law schools in conducting admission processes and disseminates information concerning nearly all applicants for admission to law school in the United States, Canada, and Australia. LSAC recognizes that United States, Canadian, and Australian law schools rely upon the accuracy and authenticity of information provided both by LSAC and by applicants.
- (b) LSAC assumes responsibility to prevent compromise of Law School Admission Test (LSAT) materials and to provide to law schools only accurate and authentic data about candidates. LSAC will report instances of misconduct and irregularities in the admission process to law schools to which the candidate has applied and to other affected persons and institutions. This process involves no general investigation into nor general assessment of the character or background of applicants for admission. Decisions approving or denying admission to law schools remain the exclusive responsibility of the law schools.
- (c) Issuance of a misconduct or irregularity report or cancellation of invalid data will be made in accordance with the following rules. These rules are intended to ensure candidates whose applications to law school are the subject of inquiry a full and fair opportunity to answer an allegation of misconduct or irregularity. If a determination adverse to the interests of a candidate is ultimately made, the candidate shall be given a copy of the report sent to schools and other affected persons and institutions. LSAC reserves the right to pursue other additional remedies.

SECTION 2. Scope.

These rules apply to instances of misconduct or irregularity in the admission process by a candidate or anyone else unless applicable laws mandate otherwise. The admission process includes, but is not limited to: application for admission to law school; application to take the LSAT; the taking of the LSAT; submission of information for the Credential Assembly Service (CAS); reporting of LSAT score; and transfer from one school to another.

SECTION 3. Definition.

Misconduct or Irregularity is the submission, as part of the law school admission process, including but not limited to regular, transfer, LLM, and visiting applications, of any information that is false, inconsistent, or misleading; or the omission of information that may result in a false or misleading conclusion; or the violation of any law or regulation involving the law school admission process, including violations of LSAT test center regulations. Intent is not an element of a finding of misconduct or irregularity. Examples of misconduct and irregularities include, but are not limited to doing or attempting to do the following: submission of an altered or a nonauthentic transcript; submission of an application containing false, inconsistent, or misleading information; submission of an altered, nonauthentic, or unauthorized letter of recommendation; falsification of records; impersonation of another in the admission process, including taking the LSAT; switching of LSAT answer sheets with another; taking the LSAT for purposes other than applying to law school; copying on, or other forms of cheating on, the LSAT; obtaining advance access to test materials; theft of test materials; working, marking, erasing, reading, or turning pages on sections of the LSAT during unauthorized times; submission of false, inconsistent, or misleading information to the Credential Assembly Service (CAS); submission of false, inconsistent, or misleading statements or omissions of information requested in the LSAT/CAS registration process or on individual law school application forms; falsification of transcript information, school attendance, honors, awards, or employment; or providing false, inconsistent, or misleading information in the financial aid/scholarship application process. A charge of misconduct or irregularity may be made prior to a candidate's admission to law school, after matriculation at a law school, or after admission to practice.

SECTION 4. Subcommittee on Misconduct and Irregularities in the Admission Process.

LSAC has established the Subcommittee on Misconduct and Irregularities in the Admission Process (hereafter Subcommittee). It is appointed by the Chair of the Law School Admission Council Board of Trustees. Members of the Subcommittee are volunteers drawn from the staff and faculties of LSAC-member law schools.

INVESTIGATION AND NOTICE

SECTION 5. Reports of Possible Misconduct or Irregularities in the Admission Process.

When a report of alleged misconduct or an irregularity has been received by LSAC or when internal security procedures indicate that misconduct or an irregularity may have occurred, an investigation shall be conducted by LSAC staff (hereafter staff).

SECTION 6. Investigations.

- (a) In conducting investigations, staff may contact people and review documentation relevant to the inquiry. Good faith efforts shall be made to preserve confidentiality during the investigation, but no violation of this provision shall be grounds for setting aside determinations made under these rules. Information about an investigation or its disposition shall not be available except as part of the investigation itself or unless the candidate specifically requests its release, or as provided in these rules.
- (b) Once a report of alleged misconduct or irregularity is referred to LSAC, the misconduct and irregularities investigation will continue regardless of whether the initiating party requests that the case be withdrawn.
- (c) If the staff determines to forward a charge to the Subcommittee, a letter of charge detailing the allegation(s), a copy of all the evidence, and a copy of the rules will be sent to the candidate by the Chair of the Subcommittee. The candidate will have thirty (30) days from the date of the mailing of the letter of charge within which to respond in writing to the allegation(s). If the candidate responds in writing, he or she can: (1) address the specific allegations and request a

determination based on a Subcommittee Representative's review of the allegations and the candidate's response, or (2) address the specific allegations and request a hearing. If the candidate does not respond in writing, the case will be decided by the Chair of the Subcommittee acting as the Subcommittee Representative, and the candidate forfeits the right to a hearing and appeal.

- (d) If the staff determines not to forward the case to the Subcommittee, the initiating party shall be notified by staff. The initiating party then may demand that the case be forwarded to the Subcommittee.
- (e) If, during an investigation, a separate allegation unrelated to the facts and circumstances of the pending investigation concerning the candidate is discovered and there is evidence that misconduct or an irregularity occurred, the candidate will again be notified.

SECTION 7. Withholding Data.

- (a) When alleged misconduct or an irregularity implicates LSAC data or information, including, but not limited to transcripts, test scores, and letters of recommendation, transmission of that data shall be withheld pending disposition. Law schools that have received reports from LSAC shall be advised that there may be an error in the data, and that a final report will be sent when the matter is resolved.
- (b) Whenever an LSAT or CAS report is withheld pending investigation, the candidate involved will be promptly notified in writing of the reasons for the delay.

SUBCOMMITTEE ACTION

SECTION 8. Subcommittee.

- (a) If the staff finds evidence of misconduct or an irregularity, the case will be referred to a member of the Subcommittee who will serve as the Subcommittee Representative.
The candidate shall be notified in writing when a case has been submitted to a Subcommittee Representative. Submission to a Subcommittee Representative shall include the documentation described in Section 6.(c), as well as any materials submitted by the candidate.
- (b) The Subcommittee Representative may call for additional written presentations by the candidate and staff. Additional materials, if any, will be sent to both the Subcommittee Representative and the candidate.
- (c) The candidate is responsible for presenting all available exculpatory evidence to the Subcommittee Representative prior to a decision. (See Section 15.(b).)

SECTION 9. Entitlement to Telephonic Hearing.

- (a) If the candidate responds in writing within thirty (30) days of the mailing notifying the candidate of the charge of misconduct or an irregularity in the admission process, and the candidate requests a telephonic hearing in writing and addresses, in writing, the specific allegation(s), then a telephonic hearing shall be conducted by the Subcommittee Representative.
- (b) Telephonic hearings shall be conducted within sixty (60) days after receipt of a written request for a hearing.
- (c) Hearings are conducted by telephonic conference call. In extraordinary cases, and for compelling reasons, and as the result of a joint decision of the Chair of the Subcommittee and LSAC staff, in-person hearings may be held.

SECTION 10. Hearing Procedure.

- (a) The purpose of a hearing with a Subcommittee Representative is to allow the candidate to explain or submit relevant information that may relate to whether a preponderance of the evidence indicates that misconduct or an irregularity has occurred in the admission process.
- (b) In advance of the hearing, the candidate shall be supplied with written documentation and witness statements that may be relied on in resolving the case. In addition, the candidate shall be given notice of the identity of all adverse witnesses and the existence of physical evidence. The candidate shall have the opportunity to examine the original evidence at a location and time convenient to staff prior to the hearing.
- (c) The hearing shall be recorded and transcribed.
- (d) The candidate and LSAC may be represented by counsel.
- (e) The Subcommittee Representative shall conduct the examination of any witnesses. Counsel for LSAC and for the candidate, if present, may examine witnesses presented at the hearing.
- (f) Hearings shall not be governed by formal rules of evidence. Statements or documents that would be hearsay evidence in a court may be admitted and used.
- (g) Evidence will be limited to documents and the testimony of the candidate and of witnesses produced by the candidate, unless the Subcommittee Representative requires witnesses adverse to the candidate.
- (h) The candidate is responsible for presenting all available exculpatory evidence to the Subcommittee Representative prior to his or her decision. (See Section 15.(b).)
- (i) The candidate may make a statement and present evidence and witnesses.
- (j) Staff may present rebuttal evidence.
- (k) The Subcommittee Representative will file a written report within a reasonable time after the hearing.

SECTION 11. Determinations.

- (a) In a case for which no response is received from the candidate within the 30-day response period, the Chair of the Subcommittee may deem misconduct or an irregularity in the admission process to have been established and may treat the case accordingly.
- (b) If the Subcommittee Representative (under Section 10) or the Subcommittee Chair (under Section 11.(a)) determines by a preponderance of the evidence that misconduct or an irregularity exists, then
 - (1) the findings shall state that misconduct or an irregularity exists, but shall not specify which. Because intent is not an element of the findings, no inquiry into or determination of

- intent shall be made. Determinations about the seriousness of an instance of misconduct or irregularity are left to individual law schools and other affected parties.
- (2) staff will report the finding to the law schools to which the candidate applied or subsequently applies and to other affected persons or institutions after the 15-day appeal period has expired. Utilization of reported information remains solely the decision of the law schools and other affected persons and institutions.
- (3) inaccurate data transmitted or pending transmittal by LSAC shall be canceled. Transmitted LSAT/CAS reports shall be corrected, and a report shall be filed with LSAC.
- (c) If the Subcommittee Representative or Subcommittee Chair determines that no misconduct or irregularity exists, then data withheld shall be transmitted. The candidate and any other person or institution apprised of the proceeding through their involvement in the investigation shall be notified promptly.
- (d) A report of the determination shall be transmitted to the candidate within a reasonable time.

SECTION 12. Report to Affected Persons or Institutions.

- (a) A report of a determination shall include:
 - (1) the written decision and an explanation of the determination;
 - (2) copies of documentary evidence;
 - (3) evidence that the candidate was notified of the allegations and given an opportunity to respond;
 - (4) copies of responses by the candidate, if any; and
 - (5) other relevant material that the Subcommittee Representative or Subcommittee Chair determines would assist an affected person or institution.
- (b) The report or appropriate portion shall be distributed to affected persons or institutions, which include, but are not limited to:
 - (1) the candidate who is the subject of the report;
 - (2) law schools to which the candidate has applied or subsequently applies;
 - (3) bar admission and grievance authorities in jurisdictions where the candidate is admitted or seeks admission to practice;
 - (4) other persons or institutions deemed by the Subcommittee Representative or Subcommittee Chair to have appropriate interest; and
 - (5) LSAC staff.
- (c) The report shall not include recommendations for action by parties receiving a report of its conclusions.

SECTION 13. Appeal.

- (a) Either the candidate or the initiating party may appeal the determination of a Subcommittee Representative. Written notice of appeal must be received by LSAC within fifteen (15) calendar days of the date of the Subcommittee Representative's determination. The notice of appeal must state the reasons for the appeal and the relief requested. Appeals will be considered by a three-member panel of the LSAC Subcommittee on Misconduct and Irregularities in the Admission Process (the Appeal Panel), none of whom shall have participated in the initial determination.
- (b) The Appeal Panel will make its determination based on the record of the initial determination, including the transcript of the hearing, if one was held. The subject of a misconduct or irregularity report and the initiating party may submit additional, written information to the Appeal Panel.
- (c) If the majority of the Appeal Panel affirms the determination of the Subcommittee Representative, its decision will be disseminated to the law schools to which the candidate applied or subsequently applies and affected persons or institutions in accordance with Sections 11. and 12. of the Rules. The original determination of the Subcommittee Representative will be included as part of the documented case.
- (d) If the Appeal Panel reverses the determination made by the Subcommittee Representative, that determination will be set aside, and appropriate parties will be so notified.
- (e) The decision of the Appeal Panel is final.

SECTION 14. Record of Determinations.

Records of misconduct and irregularity cases shall be maintained by LSAC.

SECTION 15. Reopening Records.

- (a) Offers of new evidence relevant to issues in a decided case may be made by the candidate or any other person in writing to the Chair of the LSAC Board of Trustees, who may decide to reopen the case and proceed according to these rules.
- (b) No case will be reopened based on exculpatory evidence that could have been obtained by the candidate with reasonable diligence prior to an initial or appellate decision.

SECTION 16. Authority to Amend and Repeal Rules.

These rules may be amended or repealed only by action of the Board of Trustees of the Law School Admission Council.

Inquiries concerning misconduct and irregularities in the admission process should be addressed to Law School Admission Council, PO Box 40, Newtown, PA 18940 (215.968.1101).

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