Introduction to the Student Handbook

The Western New England University School of Law Student Handbook is a compilation of documents relevant to the student's career at the Law School. The materials in the Student Handbook will be supplemented as necessary. The current version is available online. The Student Handbook provides both notice of and a guide to the regulations and operating rules of the Law School. All students are responsible for knowing and complying with these standards and regulations.
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Mission Statement

Western New England University School of Law is dedicated to training members of the legal profession to serve the public, the bar and the judicial system in the highest and finest traditions of a distinguished calling. To this end, the School of Law’s primary mission is to educate lawyers whose professional lives are characterized by the lifelong pursuit of excellence in the craft of legal practice; by the reflective and ethical solution of legal problems; and by the continuation of, and the exercise of responsible stewardship over, a cherished tradition of public service in pursuit of the common good. The School of Law implements this mission through a distinguished faculty, a curriculum of integrated learning and a community of learning and professional service.

Faculty Excellence and Integrated Learning. The faculty is distinguished by its pedagogical skills, experience, scholarship and profound commitment to the enterprise of legal education and the values of the legal profession. Because we value both the theory and practice of law, our curriculum integrates traditional classroom instruction in legal doctrine, analysis and problem-solving with experiential learning in a range of clinical settings, including simulation courses, client representations, externship programs and co-curricular activities. Building on the knowledge and skills taught in the classroom, these settings challenge students to integrate their analysis of the law with their practical experience and enrich their understanding of the law and their role as lawyers.

Community of Learning and Professional Service. The School of Law strives to create a community that reflects the diversity of the society around us and that models what we most honor in the law: reason, respect for process and for differences of background and position, civility and a dedication to justice and fairness. We share an enthusiasm for the study of law, both in and outside the classroom, an appreciation of what law and lawyers are capable of accomplishing for the betterment of society, and a commitment to personal and professional excellence. We value and seek to strengthen our ties with and service to the bench and bar, the legal academy, the broader educational community, alumni and the local community.
ACADEMIC STANDARDS
# Academic Standards

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Academic Standards

INTRODUCTION:

The headings used in these Academic Standards are for convenience only and are not to be considered a part of these standards. The information in this publication does not create a binding contract between the student and Western New England University School of Law (“Law School”). Western New England University reserves the right to change any of the requirements and regulations at any time without prior notice. This includes, but is not limited to, the right to modify requirements for admission, retention, or graduation; to change the arrangement or content of the courses, the instructional materials used, the tuition and other fees; to alter any regulation affecting the student body; to refuse admission or readmission of any student at any time; or to dismiss any student at any time should it be in the interest of the Law School or the student to do so.

PART I: DEFINITIONS; COURSE LOAD; AND STATUS

Section 101. Academic Year: An academic year consists of two consecutive semesters beginning with the fall semester, including fall and spring semester. The summer or winter session is not a semester.

Section 102. Completed Credit Hour: A “credit hour” is defined as an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. In-class or direct faculty instruction is scheduled as a fifty-minute hour and out-of-class work and all other academic activities including simulations, field placements, clinical, co-curricular, and other academic work leading to the award of credit hours is a sixty-minute hour.

Students earn a “completed credit hour” when they receive a grade of “D” or higher.

Section 103. Full-Time Student: A full-time student is one who is enrolled in 12 or more academic credit hours of course work per semester.

Section 104. Variation From Full-Time Course Load: A full-time student may not enroll in fewer than 12 or more than 16 credit hours without special permission from the Dean or the Dean’s delegate. Normally a request for an exception shall not be considered unless the reasons for the request are stated in writing, which will be included in the student’s personal file.

Section 105. Part-Time Student: A part-time student is one who is enrolled in fewer than 12 academic credit hours of course work per semester.

Section 106. Variation From Part-Time Course Load: A part-time student may not enroll in fewer than 8 or more than 11 credit hours without special permission from the Dean or the Dean’s delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student’s personal file.

Section 107. Maximum Course Load: In no event may a student enroll in coursework in any one semester that exceeds 20 percent of the total credit hours required for graduation.
Section 108. Change of Status: With permission from the Associate Dean for Academic Affairs, students may change from part-time status to full-time status, or vice versa. The number of months in which a student who has changed status can graduate will depend upon how long it takes the student to earn the required academic credits. Regardless of status, all students must comply with the Years Allowed for Completion of Degree Requirements. A student may not complete the J.D. degree in fewer than 24 months or more than 84 months after the student's first matriculation at any law school.

Because there are numerous possible combinations of full-time, part-time, winter and summer sessions, any student who is contemplating a change of status should consult with the Associate Dean for Academic Affairs as well as Student Administrative Services. A request for permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file.

PART II: DEGREE REQUIREMENTS AND LIMITATIONS

Section 201. Years Allowed for Completion of Degree Requirements: A student may not complete the J.D. degree in less than 24 months or more than 84 months after the student's first matriculation at any law school.

Section 202. Academic Requirements for Graduation:

A. A student must earn 88 academic credits, no fewer than 64 of which must be earned in courses that meet in regularly scheduled class sessions at a law school, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and experiential learning requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in subsection B unless waived pursuant to subsection E.

B. The Law School imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:

1. A student must successfully complete 28 hours of law studies before enrollment in a clinic or externship.

2. A student may not simultaneously enroll in more than (i) one clinic, (ii) one externship, or (iii) one clinic and one externship.

3. A student may not take more than a total of three externships for academic credit.

4. A student who has successfully completed 28 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study courses include Tutorial Study, Advanced Research, and any other course so designated.

5. A student may not take more than a total of three independent study courses, simultaneously enroll in more than two independent study courses, or take more than one independent study course under the sole guidance of any one faculty member.

6. A student must complete all required courses in sequence as described in the JD Plan of Study.

C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, may impose additional restrictions as a condition for enrollment.
D. Upper-level courses are designated as offering a number of “units” of writing from zero to a maximum of three per course. To satisfy the upper-level writing requirement, students must take at least five units of writing from across the curriculum, at least two of which must come from one course. Pursuant to American Bar Association Standards, a student may not use a course to satisfy both this writing requirement and the experiential learning requirement.

E. The requirements in subsection A may not be waived by the Dean or the Dean’s delegate. However, the Dean or the Dean’s delegate is authorized to grant variances from the limitations described in subsection B. All variances shall comply with American Bar Association standards.

Section 203. Last Day of Enrollment: No student may enroll in a course after the close of business on the tenth day of classes of a regular semester or, in the case of summer school, the close of business on the third day of classes for the summer school session.

Section 204. Course Withdrawal:

A. Required Courses: Students are required to enroll in and may not drop required courses without approval from the Associate Dean for Academic Affairs.

B. Restricted Withdrawal Courses: No student may withdraw from a restricted withdrawal course after the time designated by the instructor or subsequent to the second class of the semester, whichever period is shorter. To qualify as a restricted withdrawal course, the course instructor, with the approval of the Dean or the Dean’s delegate, must designate the course as restricted withdrawal in the registration materials. A student who withdraws from a restricted withdrawal course beyond the period permitted in this section shall receive a “W” on the student’s transcript.

C. Elective Courses: A student in the full-time program may withdraw from a fall or spring semester elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student’s academic load to less than 12 credit hours that semester. A student in the part-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student’s academic load to less than 8 academic credit hours for that semester. A student in the summer program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for that summer session.

D. Procedure: A student who wishes to withdraw from a course must complete and submit an official withdrawal form to the Registrar’s Office.

E. Withdrawals and Refunds: Students who withdraw from a course are subject to the University tuition refund policy in effect at the time.

F. Financial Obligations: No student may withdraw and remain in good standing unless all financial obligations have been met.
PART III: OTHER ACADEMIC PROGRAMS AND TRANSFER OF CREDITS

Section 301. If a student has completed at least 30 credits, the student may earn academic credit in a program outside the Law School as follows:

A. Combined Degree Programs and Articulation Agreements: Students may earn credit from other institutions pursuant to the terms of a combined degree program or an articulation agreement established between the School of Law and another institution; or

B. Non-JD courses at Western New England University: Students may earn no more than 6 credits by the successful completion of non-JD courses offered at Western New England University. To receive credit toward a law school degree, the student must:
   1. Take an upper-level undergraduate or graduate level course(s);
   2. Demonstrate that the graduate course(s) contribute to the student's education in law or particular professional interests;
   3. Obtain prior, written approval from the course instructor and the Associate Academic Dean for Academic Affairs of the Law School; and
   4. Enroll in and successfully complete the course(s) after matriculating in the JD program.

C. Visiting at Other ABA-Approved Law Schools: Students may earn no more than 15 credit hours while attending another law school approved by the American Bar Association, subject to the prior approval of the Associate Dean for Academic Affairs. Permission shall not be granted to take a course or courses required for graduation at the Law School.

   1. Grounds for Approval of Request to Visit During Summer or Winter Session: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in its summer or winter session and the courses offered by the law school to be visited are similar to those offered by the Law School.

   2. Grounds for Approval of Request to Visit During Academic Year: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in a single semester and the courses offered by the law school to be visited are similar to those offered by the Law School. The student bears the burden of demonstrating by clear and convincing evidence that the student's request meets one of the following requirements:

      a) The petitioner has demonstrated a special interest in taking a concentration of courses in a defined subject matter, the Law School will not be able to offer that concentration of courses during the petitioner's period of attendance at the Law School, and the petitioner's cumulative grade point average in the Law School is 2.33 or higher; or

      b) The petitioner demonstrates that exceptional personal hardship will result if visiting status is not granted.
Academic Standards

Section 302. Transfer of Credits: The Law School will accept the transfer of credit received at another law school during an approved visitation as follows:

A. The Law School will transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the law school visited.

B. All grades for which credit is transferred will be reported as Pass for purposes of computing academic averages of students at the Law School. The student's transcript will also include the course name and grade for all courses taken during the visit, including any reported course for which transfer credit is not received. Courses for which transfer credit is not received will be accompanied by the notation “No Credit.”

C. In addition to the limitations set out above, the Law School will not accept more than 32 transferred academic credits from an ABA approved law school or 29 transferred academic credits from a law school not approved by the ABA during the student's career at the Law School, including academic credits awarded to a transfer student.

Section 303. Advanced Standing: In the case of admittance of a transfer student, the Associate Dean for Academic Affairs will determine the credit to be awarded toward the Law School's degree.

Section 304. Unapproved Visitation: The Law School does not accept the transfer of credit taken as a visiting student at another law school unless the program of studies was approved in accordance with these Standards.

PART IV: ATTENDANCE AND AUDITING

Section 401. General Attendance:

A. Standard: Regular and punctual class attendance is mandatory, as required by the American Bar Association. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The policy objectives are to ensure academic success, of which attendance is a major component, and to develop standards of professionalism.

B. Implementation:

1. Faculty members will monitor attendance in their classes, choosing an adequate methodology. Any student who is tardy, or who leaves class early, may, in the discretion of the faculty member, be marked absent.

2. Any student who fails to attend at least 80% of the regularly scheduled class meetings, without excuse acceptable to the faculty member, has not met this Standard. All students are responsible for knowing and complying with this Standard and its implementation.

3. Any faculty member may adopt a more stringent attendance standard than that in subsection two (2) above by communicating it to the class in writing before the end of the first class meeting or in the course syllabus. A student who fails to comply with such policy has not met this Standard.
4. A faculty member must send a student a written warning when the student is at least one absence away from triggering the faculty member’s request for administrative withdrawal.

5. Whenever a student fails to meet this Standard, a faculty member shall notify the Associate Dean for Academic Affairs and may request that the student be administratively withdrawn from the course.

6. Upon receiving a request from a faculty member that a student be administratively withdrawn from a course, the Associate Dean for Academic Affairs shall do so unless, after consultation with the faculty member, the Associate Dean for Academic Affairs determines that there is good cause not to withdraw the student.

Section 402. Auditing of Courses and Enrollment of Non-JD Candidates in Law School Classes:

A. Statement of Policy: Individuals may enroll in a limited number of courses as auditors, non-degree candidates, or candidates for a degree other than a law degree. However, such enrollment is permissible only when it does not interfere with the ability of the law school to operate in compliance with the ABA Standards and to carry out the Law School’s program of legal education. A student must obtain permission to audit a course from both the instructor and the Associate Dean for Academic Affairs.

B. Auditing: An auditing student is expected to acquire the materials for the course and shall be held to the same attendance standards as all other students. If the student satisfies the conditions of permission to audit, including regular attendance, the course is entered on the student’s academic record and the word “Audit” is entered where academic credit and grade would normally be entered.

C. Credits for Degree Candidates: Degree candidates may audit a course, and the credits will not count toward the normal full time academic course load.

D. Auditing Fees for Non-Degree Students: Non-JD degree students granted permission to audit a course must pay the regular tuition and fees that apply to the course.
PART V. EXAMINATION AND GRADING

Section 501. Purpose: Where appropriate, instructors should utilize both formative and summative assessment methods to measure and improve student learning and to provide meaningful feedback to students. Grades are designed to measure competency in: (a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) the exercise of professional and ethical responsibilities to clients and the legal system; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.

Section 502. The Grading System:

A. Assessment: The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

<table>
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<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>90-100%</td>
</tr>
<tr>
<td>A-</td>
<td>87-89%</td>
</tr>
<tr>
<td>B</td>
<td>80-86%</td>
</tr>
<tr>
<td>B-</td>
<td>77-79%</td>
</tr>
<tr>
<td>C</td>
<td>70-76%</td>
</tr>
<tr>
<td>C-</td>
<td>67-69%</td>
</tr>
<tr>
<td>D+</td>
<td>60-66%</td>
</tr>
<tr>
<td>D</td>
<td>59% and below</td>
</tr>
<tr>
<td>P</td>
<td>Pass</td>
</tr>
<tr>
<td>W</td>
<td>Withdraw</td>
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The cumulative grade point average of any student is determined by multiplying each grade given for every graded course, including courses in which the student received a grade of F, by the total number of semester hours assigned to that course, and then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredth decimal place and are not rounded upward or downward. Academic credit is granted for a final grade of D or higher. If a student receives a failing final grade in a course, the grade is included in calculation of grade point average, but the failed course is not included in calculating the total credits completed for graduation.

B. Grade Normalization: The law faculty has adopted a grade normalization policy for all graded courses. Under this policy, a faculty member who is teaching a required course or a large section course (25 students or more) must distribute grades so that the median grade for the class is a B, with the distribution as follows:

<table>
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<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A- and above</td>
<td>0-25%</td>
</tr>
<tr>
<td>B- and above</td>
<td>40-85%</td>
</tr>
<tr>
<td>C- and above</td>
<td>75-100%</td>
</tr>
<tr>
<td>D+ and below</td>
<td>0-25%</td>
</tr>
</tbody>
</table>

A faculty member who is teaching a graded course other than a required course, a large section course, or a small section course (eight or fewer students) must distribute grades so that the mean or average for the class falls within the range of 2.90 to 3.67. Faculty members whose grades fall outside those limits are required to request a variance from the Associate Dean for Academic Affairs before grades are distributed. The Dean or Dean’s delegate shall review all course grades submitted. After review, course grades shall be posted by the Registrar by course and examination number.
Section 503. Pass-Fail Courses: In designated courses, a grade of P (Pass) is assigned if the student satisfactorily completes the course. A grade of P in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of A through C+. A grade of F in a pass-fail course is intended to reflect work equivalent to the letter grades of C through F. A grade of F (Fail) in a pass-fail course is treated as if it were a letter grade of F when calculating the student’s grade point average.

Section 504. Unsatisfactory Grades: Grades of C, C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.33 at the end of the spring semester of any academic year is subject to dismissal.

Section 505. Required Courses in Which a Failing Grade is Received: Any required course in which a failing grade has been received must be repeated in the next academic period in which the course is offered unless the Associate Dean for Academic Affairs approves an alternative schedule. If a student receives a failing final grade in a course which is a prerequisite to an advanced course, the prerequisite course must be satisfied before the advance course may be taken. If a student is required to repeat a course because of a failing final grade, the original grade is included in the calculation of “completed” work for the purpose of grade average calculation, even though the failed course is not used in calculating the total credits required for graduation.

Section 506. Grades of Incomplete: A student who is given a grade of Incomplete in a course shall have an extension of time satisfactory to the instructor to complete the necessary coursework. However, the extension date shall not be later than the last day of the following semester’s regularly scheduled examinations. The instructor shall submit the student’s final grade by the grading deadline of that semester. The Registrar, in consultation with the Associate Dean for Academic Affairs, will convert the Incomplete to an “F” if the grade is not submitted by the grading deadline. Exceptions to this rule may be made only in cases of extreme hardship and with the approval of the Associate Dean for Academic Affairs.

Section 507. The Examination Process:

A. Materials Permitted at the Examination: Each instructor shall state which materials are permitted in the examination in the instructor’s course. It is the policy of the Law School that an item or material is not to be authorized unless its content is necessary to a proper analysis and solution of one or more problems on the examination, such as a statute on which the problem is based.

B. Form of the Examination: The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent is to have a meaningful faculty assessment of the student’s work product.

C. The anonymous grading system shall apply to all examinations.
D. Rules for Examinations: The Dean or the Dean’s delegate shall be responsible for establishing rules to govern the examination process. Those rules shall include, but not be limited to, the following:

1. No more than one student at a time may leave the room. Students must sign out at the proctor’s desk and cross off their names upon returning. Students are not allowed to take any examination material from the room at any time and are not permitted to consult, obtain, or access any material while outside the exam room.

2. No conversation is allowed during the examination. If a student has a question, the student shall write the question on scrap paper and give the question to the proctor.

3. When the proctor announces that the exam time is up, all students shall stop writing immediately. It is a violation of the Honor Code to continue writing once the examination has ended.

4. When finished, students shall turn in their examination questions together with any scrap paper. All students must cross their names off the roster and quietly leave the room.

5. Students who type their examinations shall return them to the proctor from whom they secured the examinations.

6. Late arrivals are not allotted extra time. Proctors shall ask a student who arrives late if they are willing to take the exam in the reduced time. Students unwilling to accept the reduced time shall report to the Registrar’s Office.

7. Any breach of anonymous grading, whether by including personal identifying information or such notations as “graduating senior” on an examination, shall be reported to the Honor Code Committee.

E. Take-Home Examination: Requirements:

1. An instructor may give a take-home examination under such conditions as the instructor deems appropriate in consultation with the Associate Dean for Academic Affairs.

2. The anonymous grading system shall apply to take home examinations.

3. If an instructor decides to use a take home examination, notice shall be given to the students and the Associate Dean for Academic Affairs. That notice should be given before the end of the add/drop period.

Section 508. Illness Before Examination: If a student becomes ill before commencing an examination, the student must attempt to notify the Dean or the Associate Dean for Academic Affairs prior to the commencement of the examination to obtain permission to reschedule the examination. When the Dean and Associate Dean for Academic Affairs are unavailable, the ill student shall have the right to decide not to take the examination but must notify the Dean or the Associate Dean for Academic Affairs of the illness as soon as possible following the examination. If a student leaves an examination for illness or for any other reason, the examination will be graded.

Section 509. Examinations in First-Year Courses: In all first-year courses that are graded with a final exam, professors will provide additional assessment or assessments during the semester that comprise(s) at least 20%, but not more than 60%, of the final course grade. For purposes of this section, a “first year course” means Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property or Torts, whether offered in the day or evening. The assessment(s) must include formative feedback.
Section 510. Departure from Examination Schedules: No instructor has the authority to grant to a student a departure from the examination schedule. Any student who desires a departure from the examination schedule shall make the request to the Associate Dean for Academic Affairs at the time or times designated:

A. A student shall be granted a departure from the examination schedule for a conflict. In that event, the make-up examinations must be taken in the next regularly scheduled examination period that does not constitute a conflict. An official conflict form must be submitted prior to the examination period. A conflict in the examination schedule is defined as:

1. two examinations simultaneously;
2. two examinations in successive examination periods (including night morning but excluding Saturday Monday);
3. two examinations on the same day;
4. three examinations on three successive calendar days for part time students employed full time who certify that they cannot obtain time off during the examination period;
5. four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams;

or

6. four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

B. In the event of an emergency, the Associate Dean for Academic Affairs may grant a departure from the examination schedule.

C. It is a violation of the Law School Honor Code to “[a]cquire information concerning an examination or assignment without the instructor’s authorization;” and/or to discuss “any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor’s authorization.” Honor Code §2.2(b)(1) and §2.2(b)(8).

Section 511. Reporting Grades: Unless otherwise announced by the Dean, the following procedure applies:

A. For the fall semester, instructors shall report all final examination grades to the Registrar not later than the day before the Registrar’s Office opens after the Winter Recess. For all semesters other than fall semester, Instructors shall report all course grades to the Registrar not later than 14 days after the date of the last final examination.

B. The Registrar shall record the course grades as part of each student’s academic record when the course grades are released.
Section 512. Faculty Requests For Change of Course Grade: There is a strong presumption of finality to all final course grades. Changes may be made to a final exam grade only at the request of a faculty member. The Dean or the Dean’s delegate may approve only such changes that are required to correct a mathematical error. The Dean shall submit all other requests by the faculty member to the Academic Standards Committee where there shall be a presumption against approving that recommendation. The faculty member shall bear the burden of overcoming that presumption.

Section 513. Preference for Anonymous Grading:

A. The Law School uses an anonymous grading system for the determination of a student’s grade on examinations and for the course, unless it is impractical to employ anonymous grades. It is impractical to use anonymous grades in, inter alia, experiential learning courses, moot court, independent studies or tutorials, writing courses, or courses where grades are based on individual or group projects. In all other instances, the faculty shall adhere to anonymous grading.

B. Individual Projects or Interim Examinations: Individual or group projects or interim examinations may be used by instructors to be evaluated toward the course grade.

C. File of Final Examinations: The Law School shall keep an official file of all final examinations administered to students. Each instructor shall give the Registrar’s Office at least two copies of each examination that counts toward the final grade.

D. Preservation of Final Examinations: Each instructor shall deliver to the Registrar’s Office all final examination books to be kept on file for at least one year after the examination has been graded.

Section 514. Integration of Non-Anonymous with Anonymous Grades:

A. Integration of Projects with Anonymous Examination Grades: If an instructor uses projects or similar non-anonymous methods of assessment as part of the course grade, the instructor shall submit a list of students by name, showing their project or program grades at the same time as submission of anonymous examination grades by examination number. The instructor shall also state the percent of course grade attributable to the project or program. The Registrar shall integrate the grades according to the instructor’s formula after which the instructor shall designate the final grade.

B. Grade Increase for Superior Classroom Participation: The faculty believes that student performance in the classroom is an essential part of the educational process. An instructor may recognize superior classroom performance by individual students by adding a one-third (1/3) letter grade increase to the student’s course grade for grades other than A or F. The following procedures apply:

1. No instructor may award an increase for classroom participation unless the instructor has announced the intention to do so in a regular meeting of the class within the first three weeks of class or in the course syllabus.

2. To make an addition to the grades of individual students, the instructor shall submit a list of the names of those students whose course grades are to be benefited by the practice at the same time that the instructor submits the list of final examination grades by student examination number.

3. The Registrar’s Office shall integrate the classroom participation letter grade increase with examination grades and project scores, if any.
Section 515. Honors: The Law School awards degrees with honors at graduation for superior scholastic achievement. Students may be recommended for honors if they have completed a minimum of 58 credit hours at Western New England University School of Law. Academic honors will be granted upon graduation to those students whose cumulative grade point average is within the highest 15% of the graduating class, provided that no honors will be granted to any student whose cumulative grade point average is below B.

A. **Summa Cum Laude:** Any student who would otherwise receive magna cum laude honors upon graduation may be graduated summa cum laude, if, in the opinion of the Academic Standards Committee, the student has achieved unusually outstanding academic excellence as indicated by the student's cumulative grade point average.

B. **Magna Cum Laude:** Any student, other than a summa cum laude graduate, whose cumulative grade point average is included within the highest 3% of the cumulative grade point averages in any graduating class will receive magna cum laude honors upon graduation.

C. **Cum Laude:** Any student, other than summa cum laude and magna cum laude graduates, who is entitled to graduate with honors, will receive cum laude honors upon graduation.

D. **Dean's List:** The Dean's List consists of the top 15% of each class grouped by expected graduation date based on the semester average. Dean's List will be awarded at the end of every semester after the first year. Non-degree students are not eligible for Dean's List.

**PART VI. ACADEMIC WARNING; DISMISSAL; AND REINSTATEMENT**

Section 601. Academic Warning: The “academic warning” status is informational to assist students in achieving academic success and is an internal designation only that is not noted on students’ transcripts.

A. **Reporting of Grades:** Each semester, the faculty reports grades to the Registrar’s Office, and the Registrar’s Office calculates a cumulative grade point average for each student.

B. **Academic Warning, Imposition:** At the end of every first-year semester for full-time students and every first- and second-year semester for part-time students, a student will be placed on academic warning if either of the following conditions exist:

1. the student’s cumulative final grade point average for all of the following courses taken as of that date is at or below 2.67: Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, Torts, and Lawyering Skills; or

2. the student has one or more final grades below a “C+” in Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, or Torts.
Academic Standards

Section 602. Requirements of Students on Academic Warning: Each student on academic warning is required to meet regularly with the Director of Academic Success Programs or the Dean's delegate to strategize for success. Based on those meetings, the Director of Academic Success Programs or the Dean's delegate may require any or all of the following measures:

1. enrolling in and completion of the academic success program;
2. having course selections for all subsequent semesters approved by the Director of Academic Success, the Associate Dean for Academic Affairs or Dean's delegate to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of academic and bar success; and
3. obtaining prior approval from the Director of Academic Success, the, Associate Dean for Academic Affairs or the Dean's delegate before serving as an officer in any student organization.

Section 603. Penalty for noncompliance: Failure to comply with the conditions identified in Section 602, above, as determined by the Director of Academic Success Programs, at any time, will lead to academic dismissal for poor scholarship. The Director of Academic Success Programs will report non-compliance to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, will determine whether dismissal is appropriate. Upon such determination, the Associate Dean for Academic Affairs will direct the Registrar to withdraw the student from the Law School due to poor scholarship. The student may petition the Academic Standards Committee for Reinstatement as noted below.

Section 604. Petitioning for the Removal of Academic Warning Status: Academic warning status will remain in effect throughout a student's enrollment at the Law School. A student on academic warning may petition the Director of Academic Success for the removal of that status, by submitting a letter stating the basis for the removal request, but may do so no earlier than one semester after the status has been imposed. The Director may consider any relevant information in evaluating the petition. If the Director concludes that, in an exceptional circumstance, the academic warning status is no longer necessary for the student, the Director shall make that recommendation to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, may decide to remove the student from academic warning. This decision is non-reviewable.

Section 605. Dismissal for Poor Scholarship: A student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of any academic year is less than 2.33. A student is not eligible to graduate if the student's cumulative average on all work completed is less than 2.33.
Section 606. Procedure Relating to Petition for Reinstatement After Academic Failure:

A. Notice of Failure: At the close of each spring semester, the Law School Registrar shall send a list of students to be dismissed due to grade point averages to the Associate Dean for Academic Affairs, who shall then send a written notice of dismissal to each such student. The notice shall be accompanied by a statement of the Academic Standards relating to dismissal, reinstatement, and the procedure for filing a petition for reinstatement.

B. Petition Procedure: The procedure for filing a petition for reinstatement is as follows:

1. Time for Petition: A petitioning student must file a petition for reinstatement within 15 days after the date of mailing of the notice of dismissal. The student shall file the petition with the Associate Dean for Academic Affairs.

2. Form and Style of Petition: A petition for reinstatement shall be typed and titled “Petition for an Exception to the Rules for Academic Dismissal.”

C. Reference to Academic Standards Committee: The Associate Dean for Academic Affairs shall refer any petition for reinstatement to the Academic Standards Committee for review.

Section 607. Guidelines for Review by the Academic Standards Committee:

A. General: The Academic Standards Committee sitting without student members, unless the petitioning student elects otherwise, shall review any petition for reinstatement filed under Section 606. In reaching its determination, it shall be guided by the considerations stated in subsections (B) and (C) below.

B. Specifications of Reason for Academic Failure: The petitioning student must allege and prove that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete studies at the Law School. The petitioning student must also state any extraordinary circumstances beyond the student’s control, which rebut the presumption raised by the student’s record, and which establish that the deficiency was not due to lack of capacity to complete the program of legal education and be admitted to the bar. If the circumstances are related to physical or psychological incapacity in the course of a semester, or before or during an examination, convincing medical proof must accompany the petition.

C. Scope of Relief: The Academic Standards Committee is authorized to

1. deny the petition; or

2. grant the petition, upon terms and conditions stated by the Committee.

For every admission or readmission of a previously academically dismissed student, a statement of the considerations that led to the decision shall be placed in the student’s file.
Academic Standards

D. Guidelines for Readmitted Student: In all cases of readmission the Academic Standards Committee shall determine, on an individual basis, the terms and conditions for readmission, including, but not limited to, the disposition of grades earned prior to readmission. For readmitted students, the grades received by the student in the year(s) prior to readmission being repeated shall not be computed in determining class rank or grade point average, but such grades shall be retained upon the student’s transcript. In the case of such student, the following notation shall appear on the transcript: “By faculty action this student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student’s academic average and class rank on this transcript, only the grades received after readmission are included.”

E. Faculty Review of Decisions by Academic Standards Committee: The Academic Standards Committee shall notify the petitioning student in writing of its decision and of the availability of full faculty review of an adverse decision. The faculty, sitting without student members, unless the petitioning student elects otherwise, shall review the Committee’s decision at the request of three full time faculty members. The petitioning student may appear at the faculty meeting only if the faculty so requests. The faculty shall affirm the decision of the Academic Standards Committee unless, upon review of the available information, the faculty is convinced that the decision is clearly erroneous.

Section 608. Effect of Academic Dismissal:

A. Attendance and Refund: If a student’s cumulative grade point average falls below 2.33 at the end of any semester and/or if a student receives notice of dismissal for poor scholarship while the student is in attendance at the Law School during the next succeeding academic session, the student is eligible to take any final examination or submit any papers or projects for grades for that academic session. However, the student may instead elect to withdraw, in which event the Law School will recommend to the Vice President for Finance of Western New England University that an appropriate refund of tuition be made to any student who is dismissed for poor scholarship during the next succeeding academic session.

B. Eligibility to Petition for Reconsideration: Any former student dismissed for poor scholarship who is not readmitted immediately following dismissal may petition the Associate Dean for Academic Affairs subject to the following limitations:

1. the petition must be filed not later than 90 days prior to the date upon which the former student wishes to return as a student;

2. the petition must request reentry at a date when at least two years have elapsed after dismissal;

3. the petition must allege and substantiate that the nature of the former student’s work, activity, or studies during the interim indicate a stronger potential to complete the program of legal education and be admitted to the bar;

4. this provision applies both to students who filed a petition for readmission at the time of dismissal, and also to those students dismissed for poor scholarship who did not file such petition immediately after dismissal; and

5. the petition shall be reviewed and acted upon by the Academic Standards and Committee.
PART VII. ASSOCIATE DEAN FOR ACADEMIC AFFAIRS

Section 701. The Associate Dean for Academic Affairs is appointed by the Dean for an indefinite term. The Associate Dean for Academic Affairs responsibilities include, without limitation, the following duties:

A. to develop and manage the curriculum;

B. to administer academic standards as applied to individual students, including requests for exception to the Academic Standards; and

C. to develop and manage an effective system of academic and career counseling.

D. The Associate Dean for Academic Affairs or the Dean’s delegate is authorized to grant variances from the Academic Standards in cases of extreme hardship or exceptional merit. All variances shall comply with American Bar Association Standards.

Section 702. Relationship between Associate Dean for Academic Affairs and the Academic Standards Committee:

A. Petitions for Exceptions to Rules: All petitions filed for exceptions to the Academic Standards must be filed with the Associate Dean for Academic Affairs.

B. Reference to Academic Standards Committee:

1. The Associate Dean for Academic Affairs shall refer to the Academic Standards Committee any petition for:
   a) readmission; or
   b) reinstatement after suspension or dismissal from class for poor attendance;

2. The Associate Dean for Academic Affairs shall refer any other petition for exception to the Academic Standards to the Academic Standards Committee.

C. Any student who is dissatisfied with the application of these Academic Standards may pursue the matter with the Associate Dean for Academic Affairs. Thereafter, if the student is still dissatisfied, the student may pursue the matter further by petition to the Academic Standards Committee.
PART VIII. OTHER POLICIES APPLICABLE TO LAW STUDENTS

Section 801. All law students are bound by (1) law school policies; (2) Western New England University policies; and (3) the Honor Code.

Section 802. Law School Regulations and Procedures:

A. Classroom Use: The law school’s facilities are under the exclusive control and reserved for the exclusive use of the Law School. If the facilities are not being used for Law School purposes, then alternative use of the classrooms may be permitted.

B. Use of Recording Devices in Class: No person shall use a recording device in any instructional situation in the Law School without the prior consent of the instructor. Exceptions to this regulation may be granted by the Associate Dean for Law Student Affairs to provide reasonable access and accommodations to persons with disabilities, consistent with applicable law.

C. Registrar’s Files and Information:

1. Student Information: Each student is requested to complete a form at registration that provides the Law School with the student’s local address, telephone number, emergency contact, and information concerning the student’s employment while the student is enrolled. Maintenance of the accuracy of the form is the responsibility of each student.

2. Access to File: Under the Family Education Rights and Privacy Act of 1974 (FERPA), a student may inspect and review any and all official records, files, and data directly related to the student in the student’s status as a student. The student will also have an opportunity for a hearing to challenge the content of the records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

3. The opportunity to inspect and review records under the Act may be performed only in the presence of and under the supervision of a member of the staff of the Law School.

4. A student who desires to exercise the opportunity to inspect and review must file a written request to do so.

5. Subsequent to the receipt of the request, but within the 45-day period specified in the Act, the Law School will designate a time and place for the inspection and review of the records and the member of the staff who will be present.

6. The Law School will give notice of this information to the student on the basis of the address or telephone information provided on the request form.

7. If, after the inspection and review, the student desires an opportunity for a hearing to challenge the contents of the records, the student must file a request for a hearing on a form that has been created for this purpose.

8. Confidentiality of Registrar’s Files and Information: The Privacy Act assures students the right to inspect and review all Law School records, files and data directly related to them with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1974, records to which they have waived the right to access, and financial records of their parents or guardians.
9. The Privacy Act also prohibits the distribution of grades to parents or guardians without a student’s prior written consent, or a statement of dependency from a parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

10. However, the Law School may make public at its discretion, without prior approval, the following information: class year, home address, telephone number, University address and telephone number, major field, date and place of birth, dates of attendance at the Law School, degree honors, awards received, and previous educational institutions most recently attended. A student may limit the release of the discretionary information by filing a special form with the Provost/Vice President for Academic Affairs of the University each year.

D. Faculty Evaluations: Students shall be afforded the opportunity to evaluate each instructor in each course.

E. Description of Faculty Committees: The Dean shall provide to the Student Bar Association a description of the charge and jurisdiction of each faculty committee for which students are eligible for membership. A student may file with the Student Bar Association a request for appointment to one or more faculty committees, stating the student’s preference. The Student Bar Association shall announce a deadline for the receipt of student requests for faculty committee appointments. The Student Bar Association shall then certify the names of students to serve on each faculty committee to the Dean. The Dean shall then announce the names of the faculty and the student members on each faculty committee.

F. Qualifications for Admission to the Bar: In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. The Law School encourages all applicants to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.

PART IX. PROCEDURAL RULES FOR THE ACADEMIC STANDARDS COMMITTEE

Section 901. Petitions to the Committee:

A. Meetings with the Committee:

1. Initial Readmission Petitions: An individual who petitions the Committee for readmission to the Law School shall have the right to a meeting with the Committee with respect to the initial petition. Only the student and the Committee may be present at such a meeting.

2. Other Petitions: The Committee may grant, in the Committee’s discretion, personal meetings for all other petitions.

B. Student Members: The petitioner may elect to include or exclude student members of the Committee from consideration and/or decision of the petition. Such an election is to be made in writing. If no election is made, student members will not participate in consideration or decision of the petition.

C. Record of Meetings: All personal meetings before the Committee shall be recorded and the record retained by the Law School.

D. Additional Information to the Committee: The Committee may request such additional information it deems necessary or helpful in order to act on a petition. The petitioners shall present all relevant material and information in their written petitions.
Section 902. Petitions for Reconsideration:

A. New or Additional Information: The Committee shall review a petition for reconsideration of a prior petition only to determine if the reconsideration petition contains new or additional information which was not available or which could not reasonably have been available at the time of the original petition. If the Committee determines that the reconsideration petition contains such new information, then the Committee will reconsider its prior determination in light of this new or additional information. If the Committee determines that such reconsideration petition does not contain such new or additional information, the reconsideration will be denied.

B. Action By Committee: The Committee may, in the Committee’s discretion, meet with the petitioner during the reconsideration process; however, the petitioner shall not be entitled to such a meeting as a matter of right.

Section 903. Miscellaneous Rules:

A. Communications with the Committee: Students or persons acting on the behalf of any student should communicate only with the Chair of the Committee with respect to any petition.

B. Notice of Decision: All notices of decision shall be issued by the Chair of the Committee. The decisions of the Committee shall be communicated in writing to the petitioner. The notice of the decision shall be sent to the mailing address of the petitioner as listed on the petition. The petitioner may request that the written notice be held for him/her in the Registrar’s Office of the Law School or that it be sent by another means.
Election To Include Or Exclude The Student Members Of The Academic Standards Committee From Considering An Individual Petition

Check One:

☐ I request that the student members of the Academic Standards Committee participate in the deliberation of my petition and vote on its merits.

☐ I request that the student members of the Academic Standards Committee participate in the deliberation of my petition, but not vote on its merits.

☐ I request that the student members of the Academic Standards Committee NOT participate in the deliberation of my petition.

Request For Personal Appearance Before The Academic Standards Committee By The Petitioner For An Exception From The Academic Rules

Check One:

☐ I request to appear before the Academic Standards Committee and present an oral statement in support of my petition.

☐ I do NOT request to appear before the Academic Standards Committee and present an oral statement in support of my petition.

Print Name:

Address:

Telephone:

Signature:

Email:

Date:
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PART 1: GENERAL PROVISIONS

1.1. **Scope.** All provisions of this Code, except for Section 2.3(f), apply to the conduct of all students at Western New England University School of Law (the “Law School”) during the time they are enrolled in the Law School. Section 2.3(f) applies to the conduct of all students during the time they are applicants for admission to the Law School. A student is subject to disciplinary action for violations of Section 2.3(f) only upon enrolling in the Law School. A student is subject to disciplinary action for violations of this Code, even though the offending student is no longer enrolled in the Law School, subject to the time limitation set out in Section 4.10.

1.2. **Purpose.** The purposes of this Code are:
   
   a. to establish standards of honorable conduct expected and required of students at Western New England University School of Law;
   
   b. to constitute and define the authority of the Honor Committee; and
   
   c. to provide appropriate procedure by which the Honor Committee and faculty enforce the standards this Code establishes.

1.3. **Duties.**
   
   a. All students have the duty to know the contents of this Code and to conform their conduct to it. All students are presumed to know the contents of this Code. See §2.1(b).
   
   b. The Law School has the duty to make copies of this Code available to students within one week of their matriculation. In addition, copies of this Code, copies of advisory opinions issued pursuant to §3.5(b), and copies of public records created pursuant to Part 7 shall be made available in the Registrar’s Office and the Law Library. All students are bound by this Code even in the event that a copy of the Code has not been provided to them by the Law School.
   
   c. As members of the law school community, students should notify the Dean, the Associate Dean, or the Honor Code Committee of conduct that the student reasonably believes constitutes a violation of this Code. However, failing to give notice of such a suspected violation is not itself a violation of this Code.

1.4. **Definition of Faculty.** For purposes of this Code, the faculty shall consist of members of the full time faculty and the student representatives to the faculty meeting.

1.5. **Construction of Code Provision.** The provisions of this Code shall be construed to further the general purpose of the Code, see §1.2(a), and the specific purposes of the particular provision involved.
PART 2: STANDARDS OF CONDUCT

2.1 Culpability. Unless a particular Standard of Conduct otherwise provides, a student violates a Standard of Conduct set forth in this Code if the student intentionally, knowingly, or recklessly engages in the prohibited conduct.

a. Definitions: As used in this Code, the following terms shall have these respective meanings:

   1. Intentional: A student intentionally violates a Standard of Conduct when it is the student's conscious object to engage in conduct of that nature.

   2. Knowing: A student knowingly violates a Standard of Conduct when the student is aware or is practically certain that the student's conduct is of that nature.

   3. Reckless: A student recklessly violates a Standard of Conduct when the student is aware of a substantial risk that the student's conduct is of that nature but the student nevertheless acts in conscious disregard of that risk. A risk is substantial for this purpose if it would be a substantial deviation from reasonable conduct, given the student's level of academic experience, to engage in that conduct in conscious disregard of that risk.

   4. Negligent: A student negligently violates a Standard of Conduct when the student reasonably should be aware of a substantial risk that the student's conduct is of that nature. A risk is substantial for this purpose if it would be a gross deviation from a reasonable standard of care for a law student at the student's level of academic experience and engaged in the student's conduct to be unaware of it.

b. Knowledge of Code: Every student is presumed to know the contents of this Code, and ignorance of its contents or ignorance of that particular conduct is prohibited under its provisions is not a defense to any violation of the Code.

c. Intoxication: If a student is found to have been voluntarily intoxicated at the time the student acted in violation of a Standard of Conduct, that student shall be deemed by virtue of that intoxication to have acted recklessly with respect to each such violation. If the Standard of Conduct in question requires proof of knowledge or intent, the Committee fact finders may consider evidence of intoxication insofar as it is relevant to whether or not the required knowledge or intent has been proven.

Explanation: This section establishes recklessness as the minimal standard of culpability for all offenses under this Code, subject to the imposition of a higher standard of culpability for individual offense within particular sections of the Code. This section rejects the idea that negligent behavior can constitute violation of the standards of conduct, or that a violation can be found solely on the basis of the effects of the student's actions (strict liability). The requirement of culpability is consistent with an Honor Code's purpose of delineating standards of honorable behavior and punishing only dishonorable conduct rather than punishing any actions that lead to harm.

This section also makes clear that ignorance of the Code is no defense to a charged violation. This rule is consonant with the fact that this is an Honor Code which represents the ethical intuitions of all members of the community, rather than a technical set of directives.
2.2. **Academic Standards.** The following conduct of a student relating to any Law School course (including Law Review, independent studies, tutorials, internships, moot court, and clinics), in intramural or interscholastic lawyering skills competition, or research assistant services is a violation of this Code.

a. **Plagiarism.**

1. **Definition.** Plagiarism is the written representation of the written words or ideas of another as one’s own. Written words or ideas include all representations in tangible media, including audio and video recordings of oral presentations.

2. **Inference.** A student’s representation of the words or ideas of another without providing appropriate citation or attribution at the point of the presentation of such words or attribution at the point of the presentation of such words or ideas is sufficient to permit an inference of plagiarism.

3. **Presumption.** The Committee shall presume that the student has plagiarized if the student represented the verbatim or substantially identical words of another as the student’s own words by failing to use quotation marks. This presumption shifts to the student the burden of persuading the Committee that the presentation of these words without quotation marks was not intentional, knowing or reckless.

*Explanation:* To represent as one’s own the written words or ideas of another is dishonest. Such presentation nearly always violates the integrity of the person whose words or ideas are misappropriated. Plagiarism also violates the legitimate expectation of an instructor that written work offered by someone as his or her own was truly prepared solely by that person and not in whole or in part by someone else.

In order to be sure of avoiding plagiarism, a student who uses the written words or ideas of another person, whether they are found in a published or unpublished work, or are produced through a collaborative effort with another student, must, for each instance of usage, indicate the source by way of a footnote or textual reference, and must enclose any passages taken directly from the source within quotation marks. A student may not slightly alter the written words of another and then simply provide a textual attribution to the source; in this case the student is required either to place the verbatim words of another within quotation marks, or substantially change the words by paraphrasing. Using the unwritten words or ideas of another student (e.g. receiving that student’s assistance in preparing an assignment when assistance is not permitted) is not plagiarism, but may constitute a violation of this Code under Section 2.2(b)(3).

A student commits plagiarism only if the student acts intentionally, knowingly or recklessly. See §2.1. The provision makes clear that representing the words or ideas of another without proper citation or attribution is sufficient conduct from which to draw an inference of intent, knowledge or recklessness, and that such inference is sufficient to support a finding of plagiarism.
In those cases where a student has used another’s words verbatim, or with minimal paraphrasing, without using quotation marks, the permissible inference becomes a mandatory presumption. This means that a student must be found to have plagiarized these words unless the student persuades the Committee that the use was not intentional, knowing or reckless.

An instructor may authorize conduct that otherwise fits within the definition of plagiarism, as for example by permitting students in a simulation class to utilize standard interrogatories from form books as part of a drafting exercise. A student may raise the question of authority as an affirmative defense. However, in a dispute between the instructor and the student as to whether authorization was given, the student bears the burden of proof. See §2.4.

b. **Cheating.** Cheating in connection with an assignment or examination is:

1. Acquiring information concerning an examination or assignment, without the instructor’s authorization;

2. Taking an examination for another student in whole or in part, permitting another student to take one’s own examination in whole or in part, or collaborating with another student by taking an examination jointly, without the instructor’s authorization;

3. Preparing an assignment for another student in whole or in part, permitting another student to prepare one’s own assignment in whole or in part, or collaborating with another student by preparing an assignment jointly, without the instructor’s authorization;

4. Removing an examination from the examination room in order to give or receive assistance on the examination;

5. Using materials not authorized by the instructor while taking an examination or completing an assignment;

6. Failing to follow instructions concerning the administration of an examination, including the instruction to stop writing;

7. Breaching the anonymity of an anonymously graded examination or assignment;

8. Discussing any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor’s authorization;

9. Submitting work previously submitted for any other purpose, without authorization;

10. Falsely claiming sickness or disability to secure a deferred examination or assignment due date; and

11. Assisting another student with legal research for any writing assignment, or receiving such assistance, without the instructor’s authorization. Providing or receiving general assistance with generic research skills or strategies is not cheating unless this manner of assistance has been prohibited by the instructor.
c. **Unauthorized Taking of Academic Materials.** An unauthorized taking of academic materials occurs when a student takes any academic materials (notes, books, papers, outlines, computer disks, or other work product) from any other student who owns or is using such materials, without that other student’s consent.

d. **Library Misconduct.** Library misconduct includes:

1. Defacing, mutilating, or destroying library material or equipment;
2. Hiding or knowingly misfiling library material;
3. Knowingly removing library material from the library without checking out the materials;
4. Intentionally using any computerized research services covered by a contract to which the Law School or its Library is a party in a manner that violates such a contract. Generally, permitted uses include: work for Law School courses, work in connection with other activities listed in Section 2.2, work as a research assistant to a faculty member, and authorized research regarding employment opportunities; and
5. Creating disturbances that are inconsistent with the rights of others to a quiet study environment.

2.3. **Non Academic Standards.** Non-academic misconduct is addressed by the terms and policies of Western New England University. Students of the Law School are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein. In addition, the following conduct is a violation of this Honor Code:

a. **Misconduct in Seeking Admission.** Misconduct in seeking admission is knowingly providing false or misleading information to any person to gain an advantage in securing admission to the Law School.

b. **Misconduct in Seeking Employment.** Misconduct in seeking employment is knowingly providing false or misleading information to any person to gain an advantage in securing employment.

c. **Non-Cooperation with Honor Committee.** Non-cooperation with the Honor Committee is the refusal to meet with and provide information to the Honor Committee or its representatives with respect to any investigation or proceeding under this Code. No student is required to provide information of a self-incriminating nature.

d. **False Statement.** False statement is making a false or misleading statement to the Honor Committee or its representatives with respect to the Honor Committee or its representatives with respect to any matter under investigation or review pursuant to this Code.

e. **Breach of Confidentiality.** Breaching confidentiality is knowingly revealing, without authorization, information obtained through participation in a formal Law School activity (such as a Student Bar Association committee, a Law School governance committee, Law Review, or some form of employment by the Law School or University) if that information is of a confidential nature.
2.4. **Proof of Violations.** The following rules govern the proof of a violation of this Code:

a. **Burden of Proof.** The investigators bear the burdens of production and persuasion, except as otherwise provided in this section.

b. **Standard of Proof.** The standard of proof necessary to establish a violation and any affirmative defense to a charged violation is a preponderance of the evidence.

c. **Affirmative Defenses.** In proving an affirmative defense to a charged violation of a Standard of Conduct, the accused student shall bear the burdens of production and persuasion.

d. **Presumption of Non Authorization.**
   1. Proof establishing that prohibited conduct occurred in the circumstances, other than lack of authorization, described by any Standard of Conduct in Section 2.2 shall give rise to a presumption that the conduct was not authorized and that a student's unawareness of such lack of authorization was reckless.
   2. It is an affirmative defense that the offending conduct was authorized by the instructor or that, if unauthorized, the student did not have the prescribed level of culpability concerning that lack of authorization.

2.5. **Duty to Report Violations.** Failure to report an act which may constitute a violation of this Code is not itself a violation of the Code. However, as members of the Law School community, students are expected to notify the Dean, the Associate Deans, or the Honor Committee of conduct that the student reasonably believes constitutes a violation of this Code.

2.6. **Residual Authority.** Although only the Honor Committee may determine that a student has violated this Code, nothing in this Code shall limit the authority of:

a. instructors to establish academic standards of performance for their courses, to evaluate student performance under these standards, and to impose such sanctions for failure to adhere to these standards as is within the authority of the instructor, including without limitation, the authority to give a failing grade to the student for the course; and

b. the Dean or the faculty to take measures to protect the physical safety of members of the Law School community, or to maintain conditions compatible with the educational process or institutional integrity of the Law School.
PART 3: THE HONOR COMMITTEE

3.1. **Composition.** The Honor Committee should consist of three members of the faculty, chosen by the faculty, and three law student representatives chosen by the Student Bar Association. The Student Bar Association also will designate two alternate members at the beginning of the year. At the beginning of each academic year the Committee shall select a chair for that year from among its members.

3.2. **Quorum.** A quorum for any meeting of the Committee shall consist of three members, except that a quorum for purposes of a hearing under Part 5 shall consist of four members acting as judges.

3.3. **Withdrawal of Members.** A member of the Committee may withdraw from the consideration of any Committee matter if such member believes that participation would be improper or unwise. A member of the Committee shall withdraw from consideration of any Committee matter if such member provided the statement of violation to the Committee, if such member may reasonably be expected to testify or otherwise furnish information regarding facts pertinent to the matter, or if such student member is charged with a violation of the Code in the matter before the Committee.

3.4. **Replacement of Members.**

   a. Whenever a faculty member of the Committee withdraws from participation pursuant to Section 3.3, the Chair shall appoint another faculty member to serve. Whenever a student member of the Committee withdraws from participation pursuant to Section 3.3, the Student Bar Association President shall appoint one of the alternates designated pursuant to Section 3.1 to serve.

   b. Whenever members of the Committee withdraw from further participation in a matter pursuant to Section 4.6(c), the Dean shall appoint two faculty members, and the Student Bar Association President shall appoint the two alternates designated pursuant to Section 3.1 to serve as the replacements for purposes of the Committee’s disposition of that matter.

3.5. **Responsibilities.**

   a. The Committee shall resolve all suspected violations of this Code brought to its attention under Section 4.1, according to the procedures set out in Parts 4 and 5 of this Code.

   b. The Committee may also issue written advisory opinions as to whether particular hypothetical conduct constitutes a violation of this Code.

   c. The Committee shall carry out all other responsibilities that this Code assigns to it.
PART 4: INVESTIGATION

4.1. Notification of Suspected Violation. Any person who reasonably believes that a student has violated this Code and who wishes to report such violation shall submit a statement, orally or in writing, containing all relevant information to any member of the Committee.

4.2. Initiation of Investigation. As soon as practicable after receiving a statement under Section 4.1, the Committee shall meet to determine whether investigation of the matter described in the statement is warranted. If the Committee determines by majority vote that investigation is warranted, the Chair shall appoint one faculty member and one student member of the Committee to serve as investigators. Investigators shall not thereafter act as members of the Committee with regard to the matter under investigation.

4.3. Investigation.

a. The investigators shall conduct their investigation in whatever way they consider appropriate, including gathering relevant documentary evidence and speaking to the person who referred the matter and other persons who may have relevant information. The investigators shall not reveal the name of the person who notified the Committee of a suspected violation or the name of the student whose conduct is under investigation unless doing so is necessary to their investigation.

b. Before concluding their investigation, with respect to any student whose conduct is under investigation, the investigators shall:
   1. notify such student in writing of the investigation;
   2. provide such student with a copy of this Code; and
   3. advise such student in writing that the Code details the student’s rights and responsibilities concerning all investigations and proceedings regarding alleged violations.

c. The investigators shall complete their investigation within two weeks of the date of their appointment or within such longer time period as may be authorized by the Chair for good cause.


a. After completing their investigation, the investigators shall decide whether to issue a complaint against any student. The investigators shall not issue a complaint only if they reasonably believe that no violation of this Code has occurred, that sufficient evidence does not exist and cannot be obtained to support a complaint or that the matter can be resolved informally pursuant to Section 4.5.

b. If the investigators do not issue a complaint, they shall report to the Committee in writing the reason for their decision. Where appropriate, the report may include the views of any member of the Law School community having substantial interest in the matter.

c. Unless disapproved pursuant to Section 4.6, the investigators’ decision not to issue a complaint becomes the Committees final decision on the matter and is not further reviewable under this Code.
4.5. Informal Resolution.

a. Subject to the disapproval of the Committee pursuant to Section 4.6(a), the investigators are authorized to resolve informally a matter referred to them, except as otherwise prohibited by state, federal, or local law, if:

1. the Honor Committee reasonably believe that there are substantial grounds for deciding not to issue complaint;

2. they reasonably believe that no sanction is appropriate or that an appropriate sanction for the violation is one or more of the sanctions set out at Sections 5.4(d)(1)–(4); and

3. the student under investigation agrees to accept the resolution proposed by the investigators.

b. Whenever the investigators resolve a matter informally, their written report under Section 4.4 shall set forth the nature of the informal resolution, any sanction, and the investigators reasons for deciding not to issue a complaint.

c. An informal resolution may (but need not) provide that the student admit violating this Code.

4.6. Disapproval of Investigators’ Decision Not to Issue Complaint.

a. The Committee may, by majority vote, disapprove a decision by the investigators not to issue a complaint only if such decision is unreasonable. Upon such disapproval the Committee may, by majority vote, direct the investigators:

1. to investigate the matter further;

2. to seek or to renegotiate, as appropriate, an informal resolution of the matter pursuant to Section 4.5; or

3. to issue a complaint pursuant to Section 4.8.

b. If the Committee directs the issuance of a complaint as authorized by Section 4.6(a)(3), either investigator may withdraw from further participation in the matter pursuant to Section 3.3. If either investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute.

c. If the investigators issue a complaint after further investigation of a matter pursuant to Section 4.6(a)(1) or after the Committee’s direction pursuant to Section 4.6(a)(3), the members of the Committee shall withdraw from further participation in the matter. The Dean and the Student Bar Association President, respectively, shall appoint their replacements pursuant to Section 3.4(b).
4.7. **Disagreement Between Investigators.** If the two investigators disagree as to whether to issue a complaint on a matter under investigation, the investigator who favors the issuance of a complaint shall prepare and issue it pursuant to Section 4.8. The investigator who did not favor issuing a complaint may withdraw from further participation in the matter pursuant to Section 3.3. If that investigator withdraws, the Chair shall designate a faculty or student member of the Committee, as appropriate, to serve as a substitute. At the time of the hearing on the matter, a person appointed pursuant to Section 3.4(a) shall serve as judge in place of the Committee member designated to serve as a substitute investigator.

4.8. **Issuance of Complaint.**

   a. **Conditions for Issuance.** After completing their investigation, the investigators shall, within a reasonable time, issue a complaint if they:

      1. reasonably believe that a violation of this Code has occurred, that sufficient evidence exists or can be obtained to support a complaint, and that the matter cannot be resolved informally pursuant to Section 4.5; or

      2. are directed to do so pursuant to Sections 4.6(a)(3) or 4.7.

   b. **Contents.** The complaint shall include a description of the student's alleged conduct, the charges against the student, and a specification of the Code provisions allegedly violated.

   c. **Filing and Notice.**

      1. The investigators shall submit the original complaint to the Committee for placement in the file maintained pursuant to Section 7.1.

      2. The investigators shall, by certified mail, send the student a copy of the complaint and a copy of this Code. Concurrently with the mailing to the student, the investigators shall provide each member of the Committee with a copy of the complaint.

      3. The investigators’ failure to provide the student with proper notice under Section 4.3(b) is not a ground for dismissal of the charges against the student. Such failure may constitute good cause for a continuance under Section 5.1.

4.9. **Continuing Responsibilities of Investigators. After the issuance of a complaint, the investigators:**

   a. may continue to gather evidence relevant to the alleged violation in preparation for the hearing on the charges set out in the complaint; and

   b. retain the authority to resolve the matter informally consistent with the rules set out in Sections 4.4 and 4.5 governing the informal resolution of a matter when a complaint is not issued.

4.10. **Time Limitation.** No investigation shall be instituted later than one year following the student's graduation, final withdrawal, or dismissal from the Law School.
PART 5: HEARING, DECISION AND SANCTION

5.1. **Timing.** As soon as practicable after the Committee receives a copy of the complaint, the Committee shall determine the date, time and place of the hearing on the alleged violation, and notify the student, by certified mail, of the time and place and of the student’s rights pursuant to Section 5.2. At any time the Committee may grant a continuance of a hearing for good cause shown.

5.2. **Rights of Student Charged.** A student who has been charged with a violation of the Code shall have the following rights:

a. to be present at the hearing and to be assisted at the hearing by counsel or any other representative of the student’s choice;

b. to review (personally and/or through counsel) any information gathered by the investigators and any evidence in the possession of the investigators at a reasonable time prior to the hearing;

c. to present any relevant evidence at the hearing and to cross examine any witnesses who testify at the hearing;

d. to testify or (without prejudice or adverse comment by the investigators) to refrain from testifying at the hearing;

e. to a closed hearing, or, upon written request to the Committee, an open hearing;

f. to request or oppose at the hearing any particular sanction for violating this Code; and

g. to prepare (at the student’s expense) a daily transcript of the hearing record maintained pursuant to Section 5.3(d).

5.3. **Conduct of the Hearing.**

a. Judges. The four Committee members shall serve as judges, and they shall appoint one member to serve as presiding judge for the hearing. The presiding judge shall convene the hearing and shall advise the student of the student’s rights pursuant to Section 5.2. The presiding judge shall establish fair and efficient procedures, consistent with this Code, for the presentation of evidence and argument at the hearing, and shall rule on any matters arising at the hearing.

b. Investigators. The investigators shall present all relevant evidence (including exculpatory evidence) to the judges.

c. Evidence. Formal rules of evidence do not apply at the hearing. The presiding judge shall admit to the record any relevant evidence, unless it was obtained unlawfully. The judges may not consider evidence outside the hearing record. Notwithstanding the right to an open hearing provided in Section 5.2(e), witnesses other than the student charged with a violation shall not be present during other testimony unless at least three judges decide otherwise.

d. Hearing Record. The judges shall maintain a verbatim record of the hearing, including all testimonial and documentary evidence.
5.4. Decision and Sanction.

a. In Camera Conference. As soon as practicable after the hearing, the judges shall meet in camera to decide the merits of each charge set out in the complaint and to determine the appropriate sanction if the charged student is found to have violated this Code. The judges may reopen the hearing to take additional evidence for purpose of determining an appropriate sanction.

b. Finding of Violation. The judge shall find a violation of this Code only if at least three judges determine that a violation has been proved under the rules established by Section 2.4.

c. Sanctions. The judges shall impose one or more sanctions for each violation of this Code. Any sanction imposed shall be agreed to by at least three judges. In reaching their decision as to appropriate sanctions, the judges may not consider evidence outside the hearing record. The judges may take into account the possible impact that the sanctions may have on the student's admissibility to the bar.

d. Available Sanctions. Sanctions include one or more of the following:

1. Written warning;

2. Written reprimand;

3. Requiring the student to accept appropriate counseling;

4. Restitution;

5. Probation;

6. Requiring a retake of an examination in a course, or requiring additional work as condition of satisfactory completion of a course;

7. Withdrawal from or withdrawal of credit for a course;

8. Lowering of a grade in a course, including the imposition of the grade of “F”;

9. Suspension for one or more semesters from the Law School;

10. Expulsion from the Law School;

11. Withdrawal of a degree awarded; and

12. Publication to the Law School community of the identity of the student.
e. **Entry on Student’s Record.** Written notice of the finding of violation and of the sanctions imposed shall be entered on the student’s permanent record unless at least three judges find that the conduct constituting the violation does not raise a serious question as to the student’s character and fitness for the practice of law.

f. **Opinion.**

1. Within seven days of the hearing the judges shall prepare a written opinion briefly setting forth: the evidence they considered; their findings of fact; their decision on the merits of each charge set out in the complaint; the sanctions imposed, if any; the reasons for their decisions on the merits and as to any sanctions; and the number of judges who concurred in each aspect of the decision.

2. A judge who disagrees with any aspect of the disposition may prepare a separate opinion.

3. As soon as practicable, the judges shall send a copy of each opinion by certified mail to the student charged in the complaint.

**PART 6: APPEALS**

6.1. **Right of Appeal.** The student may appeal the judges’ decision or the sanctions imposed, or both, to the faculty. No sanction shall be imposed pending the faculty decision of the appeal.

6.2. **Notice of Appeal.** Within ten days of receiving the decision, or within such additional time as the Chair may allow, a student who wishes to appeal must submit a written notice of appeal to the Chair. The notice of appeal shall include a brief statement of the reasons for appeal. The student may assert additional grounds for the appeal in the written brief or oral statement permitted by Sections 6.3 and 6.7. As soon as practicable after receiving notice of an appeal, the Chair shall inform the Dean of its submission.

6.3. **Written Briefs.** The student (or the student’s representative) and the investigators may submit written briefs regarding the appeal.

6.4. **Preparation of Transcript.** At the request of the faculty or the student taking the appeal, the Chair of the Committee shall prepare a transcript of the record of the hearing and make copies of that transcript available at the Law School’s expense to the faculty and to the student. The Committee shall make such copies available as soon as practicable.

6.5. **Transmission of Documents.** As soon as practicable, but in no event later than two days before the hearing on appeal, the Chair of the Committee shall transmit to the faculty copies of the written notice of appeal submitted by the student, the complaint, the judge’s written opinions and any briefs submitted under Section 6.3.

6.6. **Hearing on Appeal.** As soon as practicable after receiving notice of an appeal from the Chair of the Committee pursuant to Section 6.2, the Dean shall set the date, time, and place for the hearing of the appeal by the faculty and shall provide at least five days advance written notice of this date, time, and location to the student and to the Chair of the Committee. The Dean, or a faculty member designated by the Dean, shall preside at the hearing on appeal.

6.7. **Oral Statement.** The student (and the student’s representative) and the investigators may make brief oral statements to the faculty regarding the appeal.
6.8. **Decision on Appeal.** As soon as practicable after the hearing on appeal, a majority of the faculty voting on the appeal shall affirm, reverse, or modify the judges’ decision and sanctions, or remand the matter to the Committee. The faculty shall affirm all findings of fact made by the judges unless it determines that the findings were not supported by substantial evidence. The faculty shall not consider any evidence outside the hearing record, although for good cause shown the faculty may remand the matter to the Committee for the purpose of taking additional evidence. The faculty shall review de novo any sanction imposed by the judges, but shall not increase any sanction. The faculty shall also review de novo any interpretation of this Code made by the judges.

6.9. **Withdrawal.** A faculty member may withdraw from participation and voting in the determination of an appeal if such member believes that participation or voting is improper or unwise. A faculty member shall withdraw from participation and voting in the determination of an appeal if the faculty member filed the statement of violation with the Committee, represented the charged student in connection with the charges, or served as a witness during the hearing. Neither Committee members nor investigators shall be present or vote at the hearing on appeal, except as provided by Section 6.7.

6.10. **Disqualification.** The student may petition the faculty to disqualify not more than two faculty members from voting on the appeal. The student shall present a written memorandum in support of the petition to the faculty. By majority vote, the faculty may grant the petition and disqualify up to two faculty members from hearing the appeal. Faculty members who are the subject of the petition shall not vote on the question of their disqualification.

6.11. **Finality of Decision on Appeal.** Decisions of the faculty under Section 6.8 shall be final. Decisions of the Committee pursuant to a remand by the faculty shall be appealable as provided in this Part.

**PART 7: RECORDS OF PROCEEDINGS**

7.1. **Committee File.**

a. Creation and Maintenance. The Committee shall create and maintain a file with respect to every notification of suspected violation pursuant to Section 4.1 and advisory opinion pursuant to Section 3.5(b). The file shall contain all documents relevant to the Committee’s consideration and disposition of the matter in question.

b. Sealing. Subject to the preparation of records pursuant to Sections 7.2 and 7.3, the Committee shall seal any file maintained as a result of notification of suspected violation at the conclusion of the proceedings.

7.2. **Official Record.**

a. Duty to Prepare. At the conclusion of the proceedings, the Committee shall prepare an official record with respect to every notification of suspected violation pursuant to Section 4.1.

b. Matters Resolved Without a Hearing. When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the official record shall contain the written report of the investigators and any other information the Committee decides should be retained.

c. Matters Resolved After a Hearing. When a matter is resolved after a hearing pursuant to Part 5, the official record shall contain the hearing record maintained pursuant to Section 5.3(d), the original complaint, the judge’s opinions, any decision on appeal, and any other information the Committee decides should be retained.
7.3. **Public Record.**

a. **Duty to Prepare.** At the conclusion of the proceedings, the Committee shall prepare a public record with respect to every notification of suspected violation pursuant to Section 4.1.

b. **Matters Resolved Without a Hearing.** When a matter is resolved without the issuance of a complaint pursuant to Section 4.4 or by informal resolution pursuant to Section 4.9(b), the public record shall contain the written report of the investigators with the names of individuals excised from the text.

c. **Matters Resolved After a Hearing.** When a matter is resolved after a hearing pursuant to Part 5, the public record shall contain the complaint, the judges’ opinions, and any decision on appeal, with names of individuals excised from the text. The Committee shall include in the public record the identity of the person found to have violated the Code only if the judges direct such inclusion as a sanction pursuant to Section 5.4(d)(12).

7.4. **Inspection of Records.**

a. **Official Record.** The Committee subsequently may consult the official record for any purpose relevant to its responsibilities under this Code, but only if the public record is insufficient for that purpose. The administrators of the Law School may inspect the official record only for the purpose of deciding whether to certify the student for admission to the bar. The official record shall not otherwise be disclosed to any person without the prior written authorization of the student.

b. **Public Record.** The Committee shall provide a copy of the public record to each member of the faculty and, for decisions finding a violation, shall make the public record available to the Law School community pursuant to Section 1.3(b).

7.5. **Preservation of File and Records.** After three years from the student’s graduation, expulsion, or final withdrawal from the Law School, the Committee may destroy any material contained in the Committee file or in the official record of a proceeding under this Code, other than the judges’ opinions and any decision on appeal. The Committee shall permanently retain the public record.

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8.1. **Ratification and Effective Date.** This Code, and any amendments thereto shall take effect upon ratification by majority vote of the faculty and by majority vote of the Student Bar Association. The effective date of this Code is August 22, 1999.

8.2. **Amendment.** Any student or instructor may propose an amendment to this Code by submitting such amendment in writing to the Committee for its consideration. If four members of the Committee approve such amendment, as modified if appropriate, the Committee shall submit the amendment to the full time faculty and Student Bar Association for their ratification pursuant to Section 8.1.

8.3. **Prospective Application.** This Code shall apply to conduct only if the conduct in question occurs entirely after the date of ratification. Amendments to this Code also shall have only prospective effect. Conduct not governed by this Code is governed by the Honor Code in effect at the time the conduct constituting an alleged offense commenced.