

Academic Rules

Notice: By enrolling at Creighton University School of Law, any student hereby agrees to be governed by the following rules. Creighton University School of Law reserves the right to change these rules from time to time with or without notice.

Attendance 1.1

Dismissal and Academic Standing 2.1 - 2.5

Examinations 3.1 - 3.4

Failures 4.1 - 4.6

Grades 5.1 - 5.5

Courses; Changing Courses 6.1 - 6.11

Residency and Degree Requirements 7.1 - 7.6

Petitions 8.1 - 8.7

Academic Discipline 9.1 - 9.5

Law School Notice on Plagiarism

These rules constitute the policy of the Law School in regard to a number of recurrent academic problems. They are subject to amendment by the faculty at any time. Amendments are effective from the time they are posted on the Law School Website. These rules are not exclusive in that students are required to meet the standards of conduct expected of professional persons. In addition, students in the Law School are subject to any applicable all University Rules, including the Creighton University Student Handbook.

The faculty of the law school and, when so authorized by these rules, the Academic Affairs Committee, have the exclusive right to interpret and apply the rules in order to meet the goals of the academic standards set out in the rules. The Academic Affairs Committee's interpretations of the rules in individual cases are authoritative and, subject only to review by the faculty, are part of the rules. No petitioner under these rules has the right to a specific interpretation of a rule that differs from the manner in which it has been interpreted and applied by the committee and the faculty.

ATTENDANCE

- 1.1** Regular and punctual class attendance and thorough preparation of all assigned work in courses in which a student is registered are conditions of receiving credit for work done. A student may be excluded from the examination or may be prohibited from submitting the final paper by the Dean or the instructor in any course in which the student's work or attendance is unsatisfactory.

Preparation for, attendance at, and participation in all classes is expected. Less than 80 percent attendance in any course will be deemed unsatisfactory and result in exclusion from the course. No student may sign the attendance sheet for another student.

The 80 percent attendance rule is mandatory and may not be lowered by excused absences. Any student who misses more than 20 percent of his or her scheduled classes in any course will receive a grade of Absence Failure (AF) for the course. The Law School will use its best efforts to provide appropriate notice to those students who are in danger of reaching the 20 percent mark, however, students are responsible for keeping track of their own absences and are on notice of and responsible for all absences. Notices will be sent to the student's Creighton email account.

The 80 percent attendance rule is a minimum standard. A faculty member may impose a more demanding attendance requirement. A more demanding requirement shall be disclosed in writing to the students on or before the first day of class.

Exclusion of a student from a course for unsatisfactory attendance will result in a grade of AF on the permanent transcript of the student so excluded.

A student's attendance record may be considered in all questions of awards, scholarships, honors, petitions to the Faculty and in such other matters as the Dean and Faculty deem appropriate. Chronic, repeated, or general lack of attendance shall be grounds for dismissal from the school upon a vote of the Dean and Faculty.

DISMISSAL FOR ACADEMIC DEFICIENCY: PROBATION

- 2.1** (a) Any student, whether full or part time, who fails to achieve a grade point average of 2.0 at the end of the student's first semester of law school is on academic probation. Any student, whether full or part time, who fails to achieve a cumulative grade point average of 1.85 at the end of the student's second semester of law school will be dismissed for academic deficiency. Any student, whether full or part time, who achieves a cumulative grade point average below 2.0 at the end of the student's third semester or any semester thereafter will be dismissed from the law school for academic deficiency. The law school will define the conditions of probation for students on probation, including, but not limited to, the courses that probationary students may and may not take.
- (b) A student who transfers into the Law School with advanced standing from another law school is not governed by Rule 2.1(a) above but is governed by this subsection. Such a transfer student, whether attending full or part time, who fails to achieve a cumulative grade point average of 2.0 at the end of the student's first semester at Creighton is on academic probation. The law school will define the conditions of probation for such students, including, but not limited to, the courses that they may take. A transfer student with advanced standing, whether attending full or part time, must have a cumulative grade point average at Creighton of 2.0 or higher after two semesters at Creighton. A transfer student with advanced standing, whether attending full or part time, whose cumulative grade point average at Creighton is less than 2.0 at the end of the student's second semester at Creighton or any semester thereafter will be dismissed for academic deficiency. A student transfers with "advanced standing" under this rule if the student receives any course credit at Creighton from another law school or schools when the student transfers to Creighton.
- (c) All students must achieve a cumulative grade point average of 2.0 in order to graduate.
- (d) A first year student will be administratively withdrawn no later than October 15 if, by that time, the law school does not have on file the student's official transcripts verifying all academic credits undertaken and degree(s) conferred.
- 2.2** A student will be automatically dismissed from the School if, at any time during the course of study, the student accumulates more than 11 hours in failures. This rule applies even though the student subsequently passes the course pursuant to Rule 4.
- 2.3** AF, XF, and UN shall be considered failures for the purpose of Rule 2.2.
- 2.4** Any student who, in the opinion of the Faculty, lacks the aptitude to pursue successfully the study of law, may be dropped by a vote of the Faculty, even though the student may satisfy the above minimum requirements.

- 2.5** A student who has been dismissed from the School may not retake an examination under Rule 4.1. Nor may a student who has been dismissed from the School submit a paper under Rule 4.6.

EXAMINATIONS

- 3.1** (a) All first year courses shall have a written final examination, except Legal Research and Writing I and II.
- (b) In all other courses written final examinations will be given at the end of each semester except:
1. in courses where the instructor in lieu of an examination chooses to require a substantial written paper or a series of written papers; and/or
 2. in courses that have been, or are approved by the faculty to be, evaluated based upon projects or by assessment of performances of students in the role of lawyers.

The method of assessment other than by final examination shall be disclosed to the students in a timely manner.

- (c) Unless otherwise announced, written final examinations shall be three-hour examinations.
- 3.2** Unless otherwise announced, all final examinations are closed book examinations. A closed book examination is one in which books, student notes, study aids, papers, and any other materials are not permitted in the examination room. If an open book examination is given, a student may bring into the room only those materials specifically permitted by the instructor.
- 3.3** Students who have serious and compelling reasons for failing to sit for an examination at the time it is scheduled are required to give prior notice to the Dean. The Dean, after consultation with the faculty member involved, will attempt to reschedule the examination at the earliest convenient time. If for reasons of health or other serious cause the student is unable to take the examination during the examination period or in the weeks immediately following, the examination shall be administered at the next succeeding examination in that course. The student has the responsibility of not communicating with other students concerning the contents of the examination.
- 3.4** Students shall not be required to sit for more than one law school examination per day. Students who have more than one law school examination scheduled on any given day shall, upon request to the Associate Dean for Academic Affairs, have the additional examination(s) rescheduled for the first available and convenient date as determined by the student and the law school Registrar. Such request to the Associate Dean must be made prior to the beginning of the regularly scheduled examination period.

Students shall not be required to sit for law school examinations for more than three consecutive calendar days. Students who are scheduled for examinations for four consecutive days or more, shall, upon request to the Associate Dean for Academic Affairs, have the additional examination(s) rescheduled for the first available and convenient dates as determined by the student and the law school Registrar. Such request to the Associate Dean must be made prior to the beginning of the regularly scheduled examination period.

FAILURES

- 4.1** A grade of D or higher is required for passing each subject. A grade of F, AF, or XF is a failing grade. A student must (required courses) or may (elective courses) earn credit in a course in which the student has previously received a failing grade by reregistering for the course, meeting the attendance requirements, meeting all of the course requirements, and receiving a passing grade in the course.
- 4.2** A passing grade received in a course the student has reregistered for pursuant to rule 4.1 shall be averaged with the earlier failing grade for the purpose of computing the student's cumulative grade point average. (See also Rule 2.5.)
- 4.3** A grade of XF will be entered in the event of a failure to take an examination in a course for which a student is registered and from which the student has not withdrawn.
- 4.4** A grade of XF will be entered in the event of an unexcused failure to submit a paper in a seminar or course for which a student is registered and from which the student has not withdrawn.
- 4.5** The due date for papers submitted in courses or seminars is the date set by the instructor, but in no event may the due date be set by the instructor be later than the last day of the regularly scheduled examination period of the semester in which the course or seminar is offered. If the due date for a paper is set before the last day of the regularly scheduled examination period, the instructor, in the instructor's sole discretion, may extend the due date until the last day of the examination period. After the last day of the examination period, the instructor, in consultation with the Dean, may further extend the due date for a paper in a seminar or course for a reasonable period of time only if the student demonstrates serious and compelling reasons justifying the further delay in submitting the paper. Ordinarily, this extension should not exceed a period of two weeks. During the period of an excused delay in submitting a paper, a grade of "I" will be entered as the student's grade in the course or seminar.
- 4.6** If a student receives a grade of F or XF in an elective course or seminar in which the grade is based upon a submission of a paper and the student wishes to earn credit for the course, the student may submit a paper to the instructor teaching the course for which the student was registered no later than the last day of the next regularly scheduled examination period. In the event that the student does not turn in the paper by the end of the next regularly scheduled examination period, or in the event that the student does not attain a passing grade on the paper submitted, the student must reregister for the course or seminar if credit for the course is desired. If the instructor involved is no longer teaching the course or seminar, the student may submit the paper to any instructor teaching the course. A passing

grade received upon submission of the paper will be averaged with the student's earlier failing grade for purposes of computing the student's cumulative grade point average.

GRADES

- 5.1** A student's scholarship rating is reported with letter grades, and a student's academic standing is reported with grade point averages computed on a 4.0 scale as follows:

Grade	Definition	Point Value
A+	Outstanding	4.00
A		4.00
A-		3.67
B+	Good	3.33
B		3.00
B-		2.67
C+	Satisfactory	2.33
C		2.00
C-	Inferior	1.67
D		1.00
F	Fail	0.00

SA Satisfactory

UN Unsatisfactory

AF Absence Failure

XF Non-Examination Failure

I Incomplete Work

(a) excused extension of time to submit seminar paper when due;

(b) excused absence from an examination

- 5.2** AF, XF, and UN have a point value of 0. SA does not have a point value for purposes of computing a student's academic average.

- 5.3** Academic honors are awarded as follows:

1. To graduate Cum Laude, a student must be within the top 25% of the graduating class and have a minimum cumulative grade point average of 3.0;
2. To graduate Magna Cum Laude, a student must be within the top 10% of the graduating class and have a minimum cumulative grade point average of 3.5; and
3. To graduate Summa Cum Laude, a student must be within the top 2% of the graduating class and have a minimum cumulative grade point average of 3.9.

Notation of academic honors is based upon a student's cumulative grade point average including the student's final semester. Notation of honors at hooding and commencement are provisional pending finalization of the student's grades.

- 5.4** Students receiving a Law Degree from Creighton University but who have completed one or two semesters at another law school shall be eligible to graduate with honors on the following basis only:
- 1.** The grades earned for the work completed at the other law school would have placed the student in the upper 20% of the appropriate class at that law school; and
 - 2.** The cumulative average for the work completed at the Creighton University School of Law would permit graduation with honors.
- 5.5** Non-class activities qualifying for academic credit pursuant to Rule 6.7 shall be graded "satisfactory" or "unsatisfactory".

COURSES; CHANGING COURSES

6.1 Course of Study

- (a) All first-year students shall take the required first-year courses.
- (b) All students shall successfully complete the upper-level required courses and a course or courses satisfying the Experiential Course Requirement as listed on the law school website.
- (c) Experiential Course Requirement. All students matriculating in law school must complete six credits of experiential learning, drawn from any combination of:
 - 1. legal clinics,
 - 2. externships for credit, and
 - 3. simulation classes satisfying the Experiential Course Requirement as listed on the law school website.
- (d) Full-time students must take upper-level required courses during their second year of law school, except a student in good standing may defer not more than two upper-level required courses until the student's third year. Legal Research & Writing III, however, must be taken in the second year and may not be deferred to the third year. The law school does not guarantee that each required course will be offered each semester.

- ### **6.2**
- (a) Subject to subparagraph (b) below, no law student shall be permitted to register for more than 18 hours for credit toward a J.D. degree in any semester.
 - (b) No law student in a combined degree program shall be permitted to register for more than 21 hours during any semester. No more than 18 hours of those 21 hours shall be hours for credit toward a J.D. degree.
 - (c) No law student may register for any law school or other Creighton University course the scheduled meeting times of which conflict with another such course for which the student has registered.
 - (d) No student may receive credit for online or distance education courses except those specifically approved by the law school and in compliance with ABA standards. No student may receive credit for more than 10 credit hours required for the J.D. degree for distance education courses during the first one-third of a student's program of legal education. No student may receive credit for more than one-third of the credit hours required for the J.D. degree for distance education courses.

6.3 No student shall enroll in a course in a school other than Creighton Law School without the prior consent of the Dean. (See also Academic Rules 6.9 and 6.10.)

6.4 A student's registration may be changed in the following manner:

- (a) Courses may be added during the first week of classes during Fall and Spring semesters and during the first two days of a summer term.
- (b) Courses may be dropped without receiving a “W” for withdrawing during the first two weeks of classes during Fall and Spring semesters and during the first two days of a summer term.
- (c) Except as prohibited by other rules, such as Rule 6.1, a student may withdraw from a course, except externship, clinic, or trial practice courses, any time before the last day of class, provided the student is not in violation of the attendance requirements for the course.
- (d) A student may withdraw from an externship, clinic, or trial practice course only with the consent of the instructor or the Dean.

All changes in registration must be made through the Office of the Dean by contacting the Associate Registrar.

6.5 Second- and third-year students may audit a course with the consent of the instructor. No student who has audited a course may register for credit in that course. A student receives no credit for auditing a course, and auditing a course fulfills no graduation requirement.

6.6 Course prerequisites may be waived for individual students by the instructor concerned.

- 6.7** (a) Second- and third-year students may receive academic credit for participation in activities which do not involve attendance at regularly scheduled class sessions in law school if:
- (1) The participating student receives a significant educational benefit from the activity;
 - (2) The time and effort expended by the participating student is commensurate with the hours of credit received;
 - (3) The activity is conducted or periodically reviewed by a Faculty member to ensure that in actual operation (a) the educational objectives of the program are being met, and (b) the time and

effort expended by the participating student are commensurate with the credit being allowed;

- (4) The activity does not involve an actual or potential monetary payment (other than a scholarship) which may be rewarded on the basis of the student's participation in the activity;
 - (5) The faculty has approved the granting of credit and the number of credit hours in advance of the student's participation, pursuant to established procedures for curriculum approval; and
 - (6) The competitions listed below at 6.7(b) may qualify as experiential learning credit under Academic Rule 6.1(c), if there is a classroom instructional component.
- (b) The regional or national interschool competitions which have been approved as satisfying the requirements of Rule 6.7(a) are the following:
- (1) Advanced Appellate Advocacy Competitions, including the American Bar Association National Appellate Advocacy Competition, Jessup International Moot Court Competition, National Moot Court Competition, Pace Environmental Moot Court Competition, Saul Lefkowitz Moot Court Competition, and substantially equivalent competitions in which the Dean has approved participation;
 - (2) Negotiation Competitions, including the American Bar Association Negotiation Competition and substantially equivalent competitions in which the Dean has approved participation;
 - (3) Arbitration Competitions, including the American Bar Association Arbitration Competition and substantially equivalent competitions in which the Dean has approved participation;
 - (4) Client Counseling Competitions, including the American Bar Association Client Counseling Competition and substantially equivalent competitions in which the Dean has approved participation;
 - (5) Mediation Competitions, including the International Academy of Dispute Resolution's International Law School Mediation Tournament and substantially equivalent competitions in which the Dean has approved participation;

- (6) Transactional Law Competitions, including the LawMeets' Transactional Team Competition and substantially equivalent competitions in which the Dean has approved participation.

Students participating in approved moot court competitions will receive two non-class credits for the participation, provided that the student both prepares a satisfactory brief for the tournament and participates satisfactorily in oral argument at the tournament. A student participating in an approved tournament where no brief is required shall receive one non-class credit.

Credit may be denied for inappropriate conduct by a student during a competition.

- (c) Members of approved student organizations are entitled to receive one hour of non-class academic credit for each forty-five hours of approved non-classroom educational activities if:
 - (1) They otherwise are not receiving credit for these activities; and
 - (2) They satisfy the requirements of all other applicable academic rules, including Academic Rule 6.7(a).
- (d) The following non-class educational activities have been approved for the purpose of Rule 6.7(c):
 - (1) problem drafting;
 - (2) editing;
 - (3) bluebooking, page-proofing, and spading;
 - (4) judging or critiquing performances;
 - (5) preparing a bench brief;
 - (6) legal research and writing;
 - (7) serving, or preparing to serve, as a client, negotiator, trial witness, counsel, or judge in mock proceedings;
 - (8) preparing students for participation in mock proceedings by means of formal demonstrations or practice rounds; or
 - (9) evaluating briefs, articles, or other documents.

The hours completed pursuant to Rule 6.7(c) shall be certified each semester by the faculty advisor(s) of the appropriate student organizations.

Students may accumulate hours in approved activities toward credit under this rule over more than one semester and with more than one approved student organization.

Students may receive no more than three hours academic credit in any one semester under Rule 6.7(c). See also Rule 6.10, providing that at least 72 of the required 90 hours be earned in required courses and regularly scheduled class sessions in the law school.

6.8

- (a) As a condition for graduation, a student must successfully complete a course of study of not less than 90 credit hours of which at least 72 credit hours are in courses in the law school that require attendance in regularly scheduled classroom sessions or direct faculty instruction. The 90-credit hour requirement may include up to 18 credit hours not requiring attendance in regularly scheduled classroom sessions or direct faculty instruction. Courses requiring attendance in regularly scheduled classroom sessions or direct faculty instruction include:
 - (1) Credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction;
 - (2) Credit hours earned by participation in a simulation course or law clinic;
 - (3) Credit hours earned through distance education offered by the law school; and
 - (4) Credit hours earned by participation in law-related studies outside the United States in a program sponsored by an ABA-approved law school.

- (b) In calculating the credit hours of regularly scheduled classroom sessions or direct faculty instruction, the credit hours shall not include any other coursework, including, but not limited to:
 - (1) Credit hours earned through field placements/externships;
 - (2) Credit hours earned in other department, school, or college of Creighton University, or at another institution of higher learning;

- (3) Credit hours earned for participation in co-curricular activities such as law review, moot court, and trial competition; and
 - (4) Credit hours earned by participation in studies or activities in a country outside the United States except as allowed by 6.8(a)(4) above.
- (c) A student shall receive as credit toward the J.D. degree no more than
- (1) 10 hours for competitions, and a student is not allowed to earn credit for participation in the same competition more than twice;
 - (2) 5 hours for the *Creighton International and Comparative Law Journal*, the *Creighton Law Review*, or a combination of both; and
 - (3) 6 hours for selected research.
- (d) Students enrolled in approved combined degree programs may apply specified hours of credit awarded in the respective Master's component of the combined degree program toward satisfaction of credit hour requirements for the second and third years of law school as follows:
- (1) 12 hours of credit for students enrolled in the J.D./M.B.A. or J.D./M.S. in Information Technology Management;
 - (2) 9 hours of credit for students enrolled in J.D./M.A. in International Relations;
 - (3) 5 hours of credit for students enrolled in the J.D./M.S. in Government Organization and Leadership. GOAL courses that qualify to satisfy the J.D. credit requirements are "Counsel Roles and Leadership in Government" (3 credit hours), and "Ethics in Government" (2 credit hours); and
 - (4) 9 hours of credit for students enrolled in J.D./M.S. in Negotiation and Conflict/Dispute Resolution.

These credit hours are governed by 6.8(b)(2), above, and are not law school courses requiring regularly scheduled classroom sessions or direct faculty instruction.

- 6.9** Students may register at academic units of the University other than the law school or at academic institutions other than Creighton University to take courses for which no credit toward the J.D. degree shall apply only upon receipt of prior approval of the Dean. Approval is in the discretion of the Dean but shall not be

granted if the student holds a law school grade point average less than 2.0 at the time the student seeks approval.

- 6.10** Up to six hours in courses in other divisions of Creighton University or other fully accredited institutions (excluding law schools, the credit hours from which are governed by Rule 6.3) may be taken for elective credit to satisfy the J.D. degree requirements. Hours being used to earn a separate degree at any institution may not be used under this option to apply towards the law degree.

Hours applied towards a combined degree program approved by Creighton University are not included in this rule.

This option is available to second- and third-year students in good standing who receive approval from the Associate Dean for Academic Affairs to take such courses. Application for such approval must be made prior to registering for the course and at least two weeks prior to the beginning of the course.

In order to secure approval for such a course, the applicant must demonstrate that the proposed course is related to the study of law and is not available in the curriculum of the law school. The Associate Dean will not approve a course which is so similar to a course previously taken by the student that it will not further the student's legal education.

For those students who have received such approval, law school credit will be awarded for such courses in which a grade of B or higher has been received. However, the grade transferred to the School of Law will be recorded and computed on a pass-fail basis.

- 6.11** A student may receive credit for up to 12 hours of credit for law-related courses earned at Universidad Pontificia Comillas de Madrid (“Comillas”) to satisfy the law degree requirement of 58 credit hours beyond the first year. These credit hours will be elective credit hours and are governed by Rule 6.8(b)(2).

This option is available only to second- and third-year students in good standing who qualify to participate in the program under the Law Student Exchange Program Agreement between Creighton University School of Law (the “Law School”) and Comillas and who comply with the requirements established by the Law School. Any student wishing to participate in the program must apply to the Dean for acceptance into the program. After acceptance by the Dean, the student’s academic program and course of study at Comillas must be approved in advance and monitored by a faculty advisor designated by the Dean.

A student in the program will receive credit only for hours where the equivalent of a C or higher has been received. The grade transferred to the School of Law will be recorded and computed on a pass-fail basis.

RESIDENCY AND DEGREE REQUIREMENTS

- 7.1** The Degree of Juris Doctor (J.D.) is conferred, subject to approval by the faculty, upon students who have satisfied the entrance requirements and have successfully completed the full course of instruction, consisting of
- (a) all first-year required courses; and
 - (b) not less than 58 credit hours beyond the first-year required courses, including all upper-level required courses and the Experiential Course Requirement.

- 7.2** The required courses identified in 7.1 above are:

First-year required courses

Civil Procedure I & II
Constitutional Law Contracts I
& II
Criminal Law
Legal Research and Writing I & II
Property Law
Torts

Upper-level required courses

Business Associations Commercial
Law
Criminal Procedure
Evidence
Legal Research and Writing III
Professional Responsibility Trusts and
Estates
Comprehensive Review *

* Comprehensive Review is a required course for all students in the bottom third of their law class based on grade point average. The determination of class standing will be made during the term or semester when the student has completed at least 57 credit hours.

- 7.3** Transfer Students.
- (a) No more than 45 credit hours may be transferred from another ABA approved law school. No credit shall be transferred for any course in which a grade of less than C was received. Except in instances of a cooperative reciprocal agreement between Creighton and another law school allowing for the transfer of no more than 6 credit hours, grades received at another law school shall not be counted in ascertaining the student's cumulative law school average at Creighton. (See also Rule 5.4.)
 - (b) Transfer students admitted to advanced standing must satisfactorily complete that part of the degree requirements for which they were not given credit on entrance and must complete a minimum of 90 credit

hours, including credit hours transferred in from another law school.

- 7.4** Upon a showing of extraordinary personal hardship, a student who has senior standing with a grade average of at least 2.0 will be granted permission to attend another AALS accredited law school for the purpose of completing his or her third year of law school. Hours completed at that school with a grade of “C” (or equivalent) and above will be applied toward the graduation requirements at Creighton University. The student will remain subject to Creighton University Law School’s Academic Rules, including Rule 2.2 (more than 11 hours failure rule).
- 7.5** All students must enroll in consecutive Fall and Spring Semesters. Exceptions to this normal progression rule may be granted by the Dean, on a prior written request for a leave of absence. A student who does not enroll for a semester and who has not received the Dean’s permission to take a leave of absence will be withdrawn from the Law School.
- 7.6** Students may complete the course of study for the J.D. degree no earlier than 24 months and no later than 84 months after a student has commenced law study at the law school.

PETITIONS

- 8.1** In extraordinary circumstances, the Dean or the Faculty (depending upon the Rule involved) may grant relief from the application of some of the Rules set forth herein.
- 8.2** All petitions for relief shall be in writing, addressed to the Dean. The petition shall set forth in detail the particular problem, the relief suggested, and the reasons that relief should be granted. The petition shall contain a complete statement of the grounds on which the petitioner relies for relief. The petitioner may orally present information that is not contained in this original petition to a Faculty committee or a Faculty member concerning the merits of the petition. However, if the petitioner wants that additional information to be considered by the Faculty, the petitioner must submit a supplemental written statement containing that information for purposes of incorporation into the record prior to Faculty consideration of the Petition.
- 8.3** Exclusion for academic deficiency under Rules 2.1, 2.2, or 2.4 constitutes prima facie evidence that the excluded student lacks the necessary capacity or motivation to complete the required course of study in an acceptable manner. The petitioner shall have the burden of persuading the Faculty that he or she has the present capacity and motivation to complete the required work successfully and that he or she ought to be readmitted.
- 8.4** A student admitted to the full-time program who has been excluded for academic deficiency during the first year or a student admitted to the part-time program who is so excluded during the first two years may apply for readmission de novo to join a full-time first year class entering the law school two or more years after the student is notified of his or her exclusion. The Admissions Committee may readmit the reapplying student if the members of the Committee believe there is a substantial likelihood that the applicant is presently able to successfully complete law school. In making this decision, the Committee shall consider the applicant's post-dismissal course work, work activity, or study and the applicant's GPA and LSAT. The Committee shall have the right to impose conditions on readmission as prescribed by Rule 8.6.

If the Admissions Committee decides to readmit the student, the Admissions Committee Chairperson shall sign and place in the student's file a statement of the considerations that led to the decision to readmit the student. The Committee may also exercise, on behalf of the Faculty, the right to impose conditions on readmission as prescribed by Rule 8.6.

If the Admissions Committee denies an application under Rule 8.4, the decision of the Committee shall be final for the academic year in question.

8.5.1 Any student who has been excluded for academic deficiency may petition for readmission on the ground that the student's failure was caused by a serious, unanticipated disruption which was unrelated to the student's capacity to complete the required course of study successfully. The disruption relied on must be an event of sufficient seriousness that a student with reasonable aptitude for legal studies would neither have foreseen and prepared for it nor have been able simultaneously to cope with the event and pursue legal studies in a satisfactory manner.

A student relying on a serious, unanticipated disruption must present evidence of the relationship between the disruption and the academic deficiency, that the cause of the disruption no longer exists, and that the disruption is unlikely to recur. The petition for readmission must be submitted to the Dean. In no case will readmission be granted if the Faculty concludes that the petitioner lacks sufficient capacity or motivation to complete the required work successfully, even though the student may have provided evidence of a serious, unanticipated disruption.

8.5.2 Denial of an application filed pursuant to Rule 8.5.1 shall be without prejudice to the right to apply for readmission pursuant to Rule 8.4. The authority to exercise the powers of the Faculty under Rule 8.5.1 is hereby delegated to the Academic Affairs Committee. The Committee's action in granting or denying a petition under this rule shall be final unless three members of the Faculty request in writing that the full Faculty review its action. The Committee may also exercise, on behalf of the Faculty, the right to impose conditions on readmission as prescribed by Rule 8.6. When the Committee shall have acted upon a petition, the Chairperson of the Committee shall within one week thereafter circulate to each member of the Faculty a report stating the substance of the petition, the Committee's action thereon, and the reasons for that action. Requests for full Faculty consideration must be presented in writing to the Dean within seven working days after the report is circulated.

8.6 When a petition for readmission is granted, the Faculty may, among other things, require the petitioner to retake a particular course or courses, prescribe the level of academic performance (including the number of hours of additional failures) which will again result in exclusion for academic deficiency, limit the student's outside employment, or impose other restrictions it may deem appropriate. In absence of any express conditions imposed by the Faculty, the relevant rules in these Academic Rules shall control.

8.7 After a petitioner's request for readmission has been considered on its merits by the Faculty, a subsequent petition for readmission may be summarily denied by the Dean. Only if the Dean concludes that new grounds are alleged which justify readmission will the Faculty proceed to consider the subsequent petition.

ACADEMIC DISCIPLINE

- 9.1** Students are expected to meet the standards of conduct appropriate to professional schools.
- 9.2** Nonacademic misconduct will be dealt with at the discretion of the University administrators pursuant to the procedures set out in the Student Handbook. Academic misconduct will be dealt with within the School of Law. Non-serious academic misconduct will be dealt with by the Dean. In cases of serious academic misconduct, as defined in Rule 9.3, the procedures stated in Rule 9.4 will be applied.
- 9.3** Serious academic misconduct includes, but is not limited to:
- (a) cheating on law school examinations;
 - (b) plagiarism of written work which is used to satisfy the academic requirements of any law school course or activity (See Rule 9.5);
 - (c) submission of written work to satisfy the academic requirements of any law school course or activity when such work (or a significant portion thereof) has also been submitted to satisfy the academic requirements of any other course (including a course taken outside the law school) or law school activity;
 - (d) furnishing false academic or academic related information to the institution;
 - (e) intentional destruction of library materials;
 - (f) theft of library materials;
 - (g) misuse of library privileges;
 - (h) obtaining or gaining unauthorized access to examinations or grades;
 - (i) other misconduct as set forth in the University Student Handbook under "Academic Misconduct";
 - (j) furnishing false academic related information to the Career Services Office, to an employer using the Career Services Office, or to any other group or individual, by the use of resume, application form, or other written or oral communication; or
 - (k) any other misconduct which gives the offending student unfair academic advantage over other students.

- 9.4** (a) Whenever a member of the faculty believes that a case of serious academic misconduct has occurred, the faculty member will meet and confer with the Dean. The Dean will investigate the matter, either in person, or through such member of the administration of the Law School as the Dean deems appropriate. If after investigation, the Dean believes that there is evidence sufficient to warrant a charge of serious academic misconduct, the Dean will refer the matter to the Academic Affairs Committee.
- (b) Whenever the Dean refers a case of serious academic misconduct to the Academic Affairs Committee, the Chairman of the Committee shall give written notice to the student of the charge and of the evidence which supports the charge, and shall give the student an opportunity to appear before the Committee and answer such charge. The notice shall be given at least one week in advance of the day set for the hearing. A student who elects to appear before the Committee has the right to be assisted either by an advisor of his or her choice selected from the University community or by a member of the Bar. The student may bring witnesses and present evidence in his or her defense. A student is not required to appear before the Committee. If a student elects not to appear, the determination required under Rule 9.4(b) will be made on the information available to the Committee.
- (c) At the conclusion of the hearing, the Academic Affairs Committee, by a vote of a majority of its members may find either that (1) the charge of serious academic misconduct has not been proven, in which event the charge will be dismissed; (2) that a charge of academic misconduct has been proven, but that the misconduct is not serious misconduct, in which event the Committee will refer the matter to the Dean for appropriate action, provided that the Committee shall not find a case of proven misconduct to be other than serious misconduct if it involves a violation of Rule 9.3(a), (b) or (c); or (3) the Committee may find that a charge of serious academic misconduct has been proven. The Committee shall find that a charge of serious academic misconduct has been proven only when it reasonably believes that information before it supports such finding. If the Academic Affairs Committee finds that a charge of serious academic misconduct has been proven, then it shall impose an appropriate sanction. The sanction shall be imposed by a majority vote of the members of the Committee. The sanctions which may be imposed include expulsion, suspension, censure, probation, or restitution. The usual sanction for violations of Rule 9.3(a), (b) and (c) will be either expulsion or suspension for a substantial period.
- (d) The Committee shall give written notice to the student of the decision which it has made. If the decision is that serious academic misconduct has

been proven, the notice shall include a brief summary of the evidence which supports the decision and an explanation of the reason for any sanction imposed. The notice shall also inform the student of his right to appeal under subsection 9.4(e) of this Rule. The notice of the Committee's action shall be forwarded to the Dean and made available to each member of the full-time faculty.

- (e) In any case in which the Committee finds that serious academic misconduct has been proven, the student may appeal to the faculty by giving written notice to the Dean of the student's intention to appeal. The student must give notice of intention to appeal within 10 calendar days after the date of the Committee's written notice of its decision is sent to him or her. A student may appeal on either or both of the grounds that **(1)** the decision of the Committee is not supported by the information available to it or **(2)** the sanction is too severe. If the student appeals, the issue or issues upon which the student appeals shall be reviewed de novo by the full-time faculty. If a student appeals solely on the issue of sufficiency of the information, the severity of sanction will not be reconsidered. However if the issue of severity of sanction is raised, since the review is de novo, it will be open to the full-time faculty to impose a different or more severe sanction. The action of the faculty will be preceded by a hearing before the full-time faculty at which the student shall have the right to appear and to be represented by the same type of assistant or counsel which the student could have utilized before the Committee. The student may bring witnesses and present evidence in his or her defense. A student who has appealed need not appear before the faculty. If a student does not appear, the decision of the faculty will be based upon the information available to the faculty at the meeting at which it considers the appeal. The action of the faculty shall be taken by a majority of the members of the full-time faculty present at the hearing, and a quorum of the full-time faculty present at the hearing. The student shall be given at least seven (7) calendar days notice of the hearing before the faculty.
- (f) The action of the Committee shall not become final until 10 calendar days after the date of the notice to the student. During that 10-day period, any member of the full-time faculty who is dissatisfied with the action of the Committee shall notify the Dean in writing of such dissatisfaction. If during the time before which the decision becomes final, five members of the full-time faculty express dissatisfaction in writing, then the entire matter will be referred to the faculty for de novo consideration. On such de novo consideration, the faculty may take any action which the Academic Affairs Committee could have taken in the first instance. In case of faculty dissatisfaction, the procedures to be followed will be those provided for by an appeal by a student pursuant to subsection 9.4(e) of this Rule.

- (g) The Dean shall give written notice to the student of the decision which the faculty has made. If the decision is that serious academic misconduct has been proven, the notice shall include a brief summary of the evidence which supports the decision and an explanation of the reason for any sanction imposed.
- 9.5** Unless otherwise announced, a student is permitted to discuss a legal research, moot court, seminar, estate planning, independent research, other writing or drafting assignment or requirement with other students, but the student's written work submitted in satisfaction of an assignment or requirement must be his or her own. Failure to comply with this rule shall be considered to be plagiarism.

LAW SCHOOL NOTICE ON PLAGIARISM

Academic **Rule 9.3** of the Law School provides, in part:

"Serious misconduct includes but is not limited to: . . . (b) plagiarism of written work which is used to satisfy the academic requirements of any law school course or activity; . . ."

In cases of plagiarism the sanctions the faculty may impose include expulsion and suspension. In addition, the Dean will usually be called upon to report the misconduct to the appropriate state officials when the student involved applies for admission to the Bar.

Plagiarism involves using someone else's words or ideas and passing them off as your own. For law schoolwork, if proper attribution is made for the words and ideas of others, no question of plagiarism arises.

What is proper attribution? If you use the exact words (or the exact words with omissions) from some source you must so indicate by the use of quotation marks or appropriate indentation, and at that place in your work, either by footnote or textual reference, you must cite the exact location of the source. If you appropriate an idea or thought from some source you must, at that place in your work, indicate the source.

Two examples (as they might appear in your paper):

- (1) In discussing the problem of the bona fide purchaser, one authority has stated: Another argument for the bona fide purchaser seeks to claim support from what may be called the Janus-faced formula . . . The trouble with this formula . . . is that it does not fit the facts. The acts of both, the original seller and the good faith purchaser, must combine to 'put it in the power of' the possessor to perpetuate the wrong in question. Each, . . . trusted the possessor not to sell goods that he was not authorized to sell. Either both can stand firmly upon this formula, or neither can. This formula does not show any basis for judging between them . . . L. Vold, *The Law of Sales* 177 (1959).
- (2) As one authority has pointed out, the use of the Janus-faced formula is not helpful. Since it took the trust of both parties, the formula does not help us to decide the question. L. Vold, *The Law of Sales* 177 (1959).

It is not enough in either example to list the source only as part of your general bibliography. You must give proper attribution for the words or ideas you use at the point they appear in your work. (In both examples the source could be identified by a footnote rather than in the body of your paper.)

The question of the academic sufficiency of a paper is different from the question of plagiarism. Plagiarism involves misrepresentation. A writer may be honest as to the

sources of ideas discussed and still receive a failing grade, if the project does not reflect enough of the writer's own work.

As the nature and purpose of the written projects which you may be called upon to prepare in law school vary, the question of how much the project is to reflect your original thought cannot be answered simply. Your instructor will answer this for you in each particular case.

Some general rules and thoughts:

- (1) A research paper virtually always requires the student's thought and analysis of a problem. A verbatim copy or a collection of the ideas of others without any critical analysis of the ideas will not be academically satisfactory. If proper attribution is made, there will be no question of plagiarism, but the paper will still receive a failing grade.
- (2) If you are asked to prepare a form, e.g., a notice of bulk sale or a deed, you are not ordinarily expected to invent your own form. You may use a formbook or other source and make only the changes called for by your situation.

In case of doubt about what is expected, ask your instructor, as you are responsible for the outcome.