

# HAMLIN UNIVERSITY SCHOOL OF LAW ACADEMIC RULES

As Amended December 2012

Note: These rules are amended from time to time. Check with the Office of the Registrar or the Associate Dean's Office for the latest version. Not all of the academic policies are contained in these rules. Additional academic policies and procedures may be found in the Student Policy Manual and on the homepages of the various programs of the Law School.

|   |    |
|---|----|
| AR-101. Responsibilities and Applications .....                 | 1  |
| AR-102. Requirements for Admission .....                        | 1  |
| AR-103. Registration .....                                      | 4  |
| AR-104. Length of Program and Course Load.....                  | 5  |
| AR-105. Grading System.....                                     | 5  |
| AR-106. Academic Standing, Probation and Disqualification ..... | 9  |
| AR-107. Withdrawals from Law School and Leaves of Absence ..... | 9  |
| AR-108. Attendance .....  | 10 |
| AR-109. Rankings & Dean's Honor Roll.....                       | 12 |
| AR-110. Graduation Requirements .....                           | 12 |
| AR-111. Graduation Honors.....                                  | 13 |
| AR-112. Transfer Credits from Other Institutions.....           | 13 |
| AR-113. Exceptions to the Rules.....                            | 14 |
| AR-114. Code of Conduct .....                                   | 14 |

## **AR-101. Responsibilities and Applications**

These Academic Rules apply generally to all members of the law school community. Copies of the Rules will be available in the Registrar's Office and Library and on the Hamline University Web Site. Questions concerning the application of the Rules should be addressed to the Dean or the Associate Dean for Academic Affairs. Requests for exceptions to the requirements of these Rules must be presented in writing to the Dean or to the Associate Dean for Academic Affairs. (See AR-113)

## **AR-102. Requirements for Admission**

### A) General Requirements

#### 1) J.D. Program

The Admission policies of the law school reflect its goal of an educational program of the highest standards of academic excellence. The law school will not admit applicants to the J.D. program who do not appear capable of satisfactorily completing that program. These

policies and the provisions set forth below are administered by the Admissions Committee of the law school. All applicants for the J.D. program, except those exempted for good cause, are required to take the Law School Admission Test administered by the Law School Admissions Council. Each applicant should inform himself or herself of the character and other qualifications for admission to the bar in the state in which he or she intends to practice.

Students with a law degree from a country other than the United States may apply for admission to the J.D. program. Those students may apply for credit toward the J.D. degree based upon courses completed in earning their law degree from such other country. Such application must be submitted to the registrar's office no later than successful completion of the first year of study in the J.D. program. The Associate Dean for Academic Affairs will determine how many credits will be awarded based upon credits earned for the foreign law degree. In no event shall more than 1/3 of the credits required for graduation with a J.D. degree be awarded based upon the foreign law degree credits. A student seeking such advanced standing nonetheless must take all first year required courses and fulfill all other requirements for graduation.

NOTE: On September 11, 2007, the faculty approved an Admissions Statement which may be found in the Student Policy Manual.

## 2) LL.M. Program for Foreign Lawyers

All applicants for the LL.M. program must have an LL.B. or equivalent degree with high academic standing from a recognized university outside of the United States. All applicants must demonstrate proficiency in the English language satisfactory to the Admissions Committee. If the applicant's primary language is not English, the applicant must complete the Test of English as a Foreign Language (TOEFL) or similar comprehension test. All applicants must supply official or certified-true, through WES or a similar evaluation service, academic records for all undergraduate, graduate, and professional work. The academic records should include classes taken, grades, dates of enrollment, explanation of the grading system and date and degree awarded. If in a language other than English, the records must be accompanied by a certified English translation.

## B) First-year Students; J.D. Program

Applicants for admission to the first-year class must possess a Bachelor's Degree from an appropriately accredited college or university prior to matriculation, unless the student is enrolled in an approved 3 plus 3 program. All applicants for admission to the first-year class must have a cumulative undergraduate grade point average and Law School Admission Test score which indicate probability of success in law study. In addition to the more traditional forms of testing and undergraduate grades, the Admissions Committee may give special consideration to motivation, personal experience, maturity, and the ability to articulate one's particular interest in, and affinity for, the study of law.

## C) Transfer Students

### 1) J.D. Program

To be eligible for transfer to Hamline University School of Law, a student should have an undergraduate record which would have qualified him or her to enter the law school as a beginning student. No student, either ineligible to return to his or her former law school or who has failed to maintain at least a "C" average for all law work attempted, may transfer. If these minimum requirements are met, the application will be judged as to whether such a transfer would be in the best interest of the student and of the law school. Only grades of 2.000 on a 4.000 point scale, or its equivalent or above, will receive credit transferring into Hamline University School of Law. Upon being accepted for transfer into the J.D. program, the Registrar's Office will evaluate the credits sought to be transferred to Hamline University School of Law to determine what credits will transfer and whether the credits transferred fulfill the requirements for graduation from Hamline University School of Law.

### 2) LL.M. Program

No transfer credit will be accepted toward the LL.M. degree without approval of the Associate Dean for Academic Affairs. If an LL.M. student is attending a graduate program with another college or university in a dual degree or credit exchange program as approved by the law faculty, up to 6 credits from that degree program may be applied toward the LL.M. degree.

## D) Previously Disqualified Students

### 1) J.D. Program

A student dismissed because of academic deficiency will not ordinarily be considered eligible for readmission. The dismissed student may not be readmitted for at least one full academic year (fall and spring semester, or spring and fall semester). Any disqualified student considering a possible reapplication should contact the Admissions Office for more information. The student will be required to make an affirmative showing that he or she possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete his or her studies. In addition to this written requirement, the Admissions Committee may in some cases request an in-person oral presentation by the applicant to the full committee. If an application for readmission is not successful, the student must wait another full academic year (another fall and spring semester, or spring and fall semester) before readmission is possible. A student dismissed for reasons other than academic deficiency may reapply on the terms allowed by the terms of the dismissal.

### 2) LL.M. Program

A student dismissed because of academic deficiency in the LL.M. program will not be eligible to apply for readmission to the LL.M. program.

## E) Special Students

With the approval of the Associate Dean for Academic Affairs, the law school without requiring compliance with its admission standards and procedures, may permit the enrollment in a particular course or limited number of courses, as auditors, as non-degree candidates, or as candidates for a degree other than a law J.D. or LL.M. degree, of:

- (1) students enrolled in other colleges or universities or in other departments of the University of which the law school is a part,
- (2) students enrolled in certificate programs offered by Hamline University, and
- (3) members of the bar, graduates of other approved law schools, and other persons satisfying the requirements for admission set forth in AR-102.

## **AR-103. Registration**

### A) Course Add

Second and third-year J.D. students and LL.M. students may add a course within the first week of classes. First-year J.D. students in their first academic semester cannot add courses other than the required first-year courses. After their first academic semester, first-year J.D. students can add courses with the permission of the Associate Dean for Academic Affairs.

### B) Course Drop

If a student drops a course after the drop-add period, a "W" will be recorded on his or her transcript. J.D. students cannot drop Contracts I & II; Civil Procedure I & II; Legal Research and Writing I, II, or III; Constitutional Law I; Criminal Law; Property; or Torts I without the permission of the Associate Dean for Academic Affairs; and cannot drop any course after the course's last class session for the semester or term.

### C) Registration Priority

Weekend program students will have first registration priority for any courses offered from Friday, 5 p.m., through Sunday evening.

### D) Completion of First-Year Courses

All law students must complete their required first-year courses within the first four semesters of their legal education. Exceptions will be permitted only with the permission of the Associate Dean for Academic Affairs.

## **AR-104. Length of Program and Course Load**

### **A) Full-time and Part-time Status**

Except for Founders Enrollment Program participants, incoming J.D. students in the Weekday Program matriculate as full-time students and remain full-time students throughout their first year unless they receive approval of the Associate Dean for Academic Affairs or Assistant Dean for Students and Multicultural Affairs to go part-time. Students must receive permission from the Associate Dean for Academic Affairs or the Assistant Dean for Students and Multicultural Affairs to move between full-time and part-time courseloads, or to move between the weekend and the weekday programs. Part-time students, excluding the Founders Enrollment Program participants, may not exceed 15% of the Weekday Program. ABA Standard 304 limits full-time students to 20 hours or less of employment per week.

### **B) Course Loads & Program Completion**

Students must complete their J.D. Degree no earlier than 24 months and no later than 84 months after commencing their law school studies. LL.M. students must complete their program of studies within 36 months from commencing studies at the law school. The following is the breakdown of credit limitations and the enrollment status represented by each:

#### **Fall & Spring Semesters**

Full-time J.D. students: 12-16 credits

Part-time J.D. students: 8-11 credits

Full-time LL.M. students: 8-15 credits

#### **Summer Term**

Full-time J.D. students: 6-8 credits

Part-time J.D. students: 1-5 credits

Full-time LL.M. students: 1-8 credits

#### **January Term**

Full-time J.D. students: 1-3 credits

Full-time LL.M. students: 1-3 credits

In no event may a student exceed 17 credits per semester, 10 credits per summer term, or 3 credits per January

## **AR-105. Grading System**

### **A) Grade Accountability**

The final grade in each course or seminar offered at the School of Law shall be based at least in part upon one or more of the following forms of written accountability, selected

at the discretion of the instructor: a written examination conducted at the end of the course or seminar, written examinations or written exercises given at other times during the course or seminar, or a substantial research paper. Satisfaction of the requirements of special courses such as Law Review, Moot Court, Legal Writing, or clinical courses may require other appropriate activities or submissions.

The final grade in any course or seminar offered in the law school may be based in part upon such factors as class attendance, class discussion, participation in activities of a professional nature related to the subject matter of the course or seminar, or oral examination, provided that the instructor has announced at the beginning of the course or seminar the factors upon which his or her final evaluation of the students in the course will be based.

## B) Grading Process

- 1) By the beginning of each semester or term, the instructor will make students reasonably aware of how the final grade for each course will be calculated.
- 2) All written examinations at Hamline University School of Law should be graded anonymously.
- 3) Each student shall identify him or herself by exam number (not his or her name or student ID number) for any exam graded anonymously.
- 4) The administration of the exam will be governed by the Code of Conduct and administrative procedures established by the Dean's Office and the Registrar's Office.
- 5) All examinations identified by exam number shall be read and graded by the instructor by number.
- 6) To maintain grading anonymity in courses involving exams graded by number, instructors shall abide by the following procedures:
  - (a) Whenever an examination forms any part of a student's final course grade, the instructor shall submit examination grades to the Registrar's Office by number.
  - (b) Whenever a student's final course grade will be based on factors in addition to one or more examinations identified by number, the instructor shall work with the Registrar's Office to assure anonymity pending the computation of the final course grade. Normally, the Registrar's Office will correlate grades for these other factors with each examination number, and either the Registrar's Office will then calculate the final course grade based upon the instructor's assessment formula, or the Registrar's Office will give the instructor adequate information to compute the final grade without violating anonymity.
  - (c) If the instructor prefers to know the students' identities before incorporating assessment factors other than anonymously-graded examinations, the instructor can do so under strict limitations. Once a student's identity is revealed, the instructor can only move the student's grade up (and not down) by one gradation (e.g., from a "C+" to "B-").
- 7) Once final grades are submitted, they cannot be changed unless a clerical error has occurred.

- 8) A student who does not take a scheduled examination will receive a grade of "F" for that examination, unless properly excused. In addition, any student who does not turn in a required paper on the scheduled date will receive a grade of "F" for that paper, unless properly excused. Failure to meet any course requirement can be the basis for a final grade of "F" in the class, unless properly excused.
- 9) Successful completion of a prerequisite with a grade of "D-" or better is required in order to remain in the course for which the prerequisite was required.

#### C) Numerical Grade Equivalents

A is computed as 4.0  
A- is computed as 3.75  
B+ is computed as 3.5  
B is computed as 3.0  
B- is computed as 2.75  
C+ is computed as 2.5  
C is computed as 2.0  
C- is computed as 1.75  
D+ is computed as 1.5  
D is computed as 1.0  
D- is computed as 0.75  
F is computed as 0.0

#### D) Incomplete Grades

Incomplete grades are issued by instructors only in exceptional cases. All incomplete grades must be removed by the deadline set by the instructor but in no event later than the end of the following academic semester. Failure to remove the grade by the appropriate deadline will result in the grade being changed to an "F." For purposes of this provision, a summer session of academic or other work is not considered to be an academic semester.

#### E) Retaking Courses

When a student retakes a course for any reason, including because the student received an "F" in a required course, as a condition of an exception to an academic dismissal, or as a condition of readmission following academic dismissal, both grades will appear on the transcript and both grades will be calculated into the student's cumulative grade point average. For purposes of meeting graduation requirements, credit will be awarded only once, but both grades will appear on the transcript. In special circumstances and for compelling reasons, the Dean may, upon the recommendation of the Associate Dean for Academic Affairs or the Admissions Committee, grant an exception and permit a student to retake a course and have the new grade, but not the old grade, calculated into the student's cumulative grade point

average. Both grades will appear on the transcript. Students who fail a required course must retake the course in order to meet graduation requirements.

#### F) Calculating Grade Point Averages

Grade point averages are computed as follows: the credit value is multiplied by the number equivalent of the grade received in the course. This multiplication product results in grade points. The sum of the grade points is then divided by the number of graded credits attempted. The grades and credit value of "I," "W," "P," "AU," "N" and "Z" are not included in grade point averages.

#### G) Make-up Examinations

A student shall not be excused from taking any examination on the date regularly scheduled except due to extremely exigent circumstances, for which documentary evidence may be required. Permission for taking a make-up examination must first be obtained from the Assistant Dean for Student and Multicultural Affairs or his/her designee. This rule also applies to any anonymously-graded, non-final exam that counts towards the final course grade, so long as written notice of the exam date(s) (by syllabus, online posting, or otherwise) is provided by the first day of the course or the final day to drop the course, whichever is earlier.

If approval is granted, the student shall be required to take a make-up examination within two weeks from the date regularly scheduled for the examination.

#### COMMENT

"Extremely exigent circumstances" does not include the following circumstances:

1. conflict with weddings, receptions, or similar special events;
2. conflict with travel plans or reservations;
3. conflict with employment plans, opportunities, or obligations;
4. examinations scheduled on sequential days or two examinations scheduled on the same day;
5. permission of the instructor alone.

#### COMMENT

Students with disabilities who may require some type of reasonable accommodation, including an exam accommodation, should contact the Assistant Dean for Student and Multicultural Affairs and make a formal request for accommodation to the University Disability Services Office

#### H) *Conversion of a letter grade to a "Pass" (applies to JD students taking courses beginning in the Spring Semester, 2013)*

Subject to the limitations set forth hereafter, a JD student may elect to convert a

letter grade in any non-required course, other than those designated by the Associate Dean for Academic Affairs as not available for the pass option, to a "Pass" represented by a "P," for "D+" or better work. A student may only convert a letter grade to a "P" in one course during the student's entire law school career.

Students may elect to replace their passing grade with a "P" by filing with the Registrar at any time after registering for the course but not later than 5 calendar days after his or her last grade is posted.

Once the pass option has been exercised, the student cannot reverse that decision, even if hindsight proves that another choice would have been more beneficial.

### **AR-106. Academic Standing, Probation and Disqualification**

#### A) Academic Standing

All J.D. and LL.M. students having at least a 2.000 cumulative grade point average are in good academic standing. Students with a cumulative grade point average under 2.400 will be required to complete curricula and/or academic support programming designated by the Associate Dean for Academic Affairs.

#### B) Probation: J.D. Students

At the end of any semester, a student whose cumulative grade point average is below 2.000 is on academic probation. A probationary student has one semester to raise his or her cumulative grade point average to at least 2.000. An academic semester does not include a summer or January term.

#### C) Academic Dismissal

A J.D. student will be subject to dismissal in any of the following circumstances:

- 1) Failing to achieve a cumulative 2.000 grade point average after completing the probationary semester. An academic semester does not include a summer or January term.
- 2) Failing to complete the requirements of the J.D. law program within 84 months.

An LL.M. student will be subject to dismissal in any of the following circumstances:

- 1) Failing to achieve a cumulative 2.000 grade point average at the completion of 24 credits.
- 2) Failing to complete the requirements of the LL.M. degree within a three-year period.

### **AR-107. Withdrawals from Law School and Leaves of Absence**

#### A) Withdrawals from Law School

Any student wishing to withdraw from the law school must make application to the Registrar's Office for withdrawal. Mere failure to attend classes or unofficial communication of withdrawal to faculty members does not constitute withdrawal. The official withdrawal presumes that the student will not be returning to his or her legal studies at Hamline. Should the student later choose to return, that student can do so only by reapplication to the Admissions Committee.

#### B) Leaves of Absence

Any student in good standing wishing to leave Hamline Law School temporarily, intending to return in a later semester, must make application to the Registrar's Office for a leave of absence. Unless the leave of absence provides to the contrary, the student will be eligible to return at the commencement of one of the three following semesters. If a student does not return from leave at the commencement of one of the three following semesters, he or she can gain admission only by reapplication to the Admissions Committee. Students who are not in good academic standing are not eligible for a leave of absence.

### **AR-108. Attendance**

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. Regular and punctual class attendance and adequate preparation are required. The right to take an examination in any class may be withdrawn if a student has not been attending classes regularly. Also, a student may be dismissed or suspended from this school for excessive absences.

#### **Attendance Policy**

##### Preamble

Classroom experience is: 1) an exploration of knowledge; 2) a development of skills; 3) an examination of professional attitudes. These are critical components of a quality legal education. Hamline University School of Law pursues quality legal education as a duty to its students, as a duty to the profession, as a duty to future clients of its students, and as a duty to society. For these reasons the Attendance Policy is established.

##### A) Taking Attendance

A continuing record will be kept of each student's absences and late arrivals, but no daily reporting of attendance need be made.

##### B) Excessive Absences - Effect of

Students are required to attend class regularly in a punctual and prepared manner. Instructors will report promptly to the Registrar's Office the names of students whose accumulated absences are in their opinion excessive. It is an honor code violation to falsely sign an attendance sheet for a student not present in class. It is an honor code violation to sign in for a class that was not attended in substantial part.

Individual instructors may make these requirements more specific when they deem it necessary for a particular course. Examples of courses where more specific requirements would be appropriate include skills courses and clinical courses. Instructors who do so must communicate that information in writing to their students at the beginning of the course.

If there is a conflict between attendance at a hearing required by a course and another class, the conflict shall be resolved in favor of the hearing. This rule shall not be interpreted to extend beyond hearings in court or before an administrative body. The student who misses a class because of the hearing has the right and duty to make suitable arrangements to cover the materials of that class, if the absence is not to be counted. In addition, observance of a major religious holiday (e.g. Rosh Hashanah, Yom Kippur, Good Friday) shall not be deemed absence for purposes of this policy.

Any instructor may request that a student be removed from the course if the student fails to meet the attendance standard or the instructor's particular attendance requirements. Such request should be directed to the Associate Dean for Academic Affairs. The student shall be notified of the instructor's request and will be afforded an opportunity to present reasons why the student should not be removed from the course. The decision whether to withdraw the student from the course will be made by the Associate Dean for Academic Affairs in consultation with the instructor for the course. Withdrawal from the course for failure to meet the attendance requirement shall result in a "W" on the student's transcript for the course.

#### C) Lateness

Lateness will be dealt with in the discretion of the instructor involved. Persistent or frequent lateness may be the basis for reduction of the grade awarded in a course. Instructors will notify their classes at the beginning of the term of their policies regarding lateness, under AR-105. Instructors should seek to avoid holding students past the scheduled class period. Students should not be penalized for lateness reasonably necessitated by such holding over.

#### D) Unpreparedness

Unpreparedness means an obvious want of minimal preparation of assigned materials for class recitation or discussion. Persistent or repeated unpreparedness may be the basis for reduction of the grade awarded in a course, under AR-105. Provided, however, that wherever possible, students should be given an opportunity to redeem

prior unsatisfactory performance. Distinguished class recitation or discussion may be the basis for increasing the grade awarded in a course, under AR-105.

E) Sanctions

The making of a false statement to an instructor or other school official with respect to any of the foregoing matters, or initialing an attendance form for another, constitute violations of Section 3.01 of the Code of Conduct of the most serious order.

**AR-109. Rankings & Dean's Honor Roll**

- A) All J.D. students shall be ranked at the end of each semester and upon graduation in order of descending cumulative grade point average. The rank will appear on the student's transcript.
- B) Before graduation, J.D. students will be ranked once at the end of each semester within their given class, based upon their year of law school (L1, L2, L3/L4). Students in the third (L3) and fourth or more (L4) year of law school are ranked together.
- C) Transfer students into the J.D. program will be ranked only on the basis of grades received at Hamline University School of Law and following two full semesters of attendance.
- D) Graduation rank is calculated once per academic year at the end of each Spring semester. Rankings include all students graduating in the preceding Summer term, Fall semester, January term, and Spring semester (amended December 4, 2008)
- E) Beginning with the first semester of the first year, J.D. students who receive a 3.250 or above grade point average for any semester of 8 or more graded Hamline Law School credits shall be placed on the "Dean's Honor Roll" for that semester. Such achievement will appear on the student's transcript. Any student with a grade of "I" for any semester will not be eligible for the Dean's Honor Roll for that semester until the "I" has been removed from his/her record.

**AR-110. Graduation Requirements**

A) J.D. Program

- 1) Completion of required courses
- 2) Completion of 88 semester credits
- 3) Cumulative GPA of 2.000 or above
- 4) Completion of course work in 24 to 84 months
- 5) Of the 88 credits required to graduate, a student may not have more than 23 credits in the following types of courses: field placement, moot court and other competitions, law review and journals, independent study, structured study group leader, LRW teaching assistant, course exchange or dual degree courses, or a course for credit that is substantially based upon time expended outside a regularly scheduled class time at the School of Law or another ABA accredited law school. This rule does not apply to seminars, clinics which require a substantial classroom component, foreign study

programs approved by the Law School or another ABA accredited law school, and courses conducted by the Law School or another ABA accredited law school in accordance with ABA standards for distance education.

- 6) Of the 88 credits required to graduate, a student may not have more than 12 credits in designated distance education courses, and cannot receive more than 4 distance education credits in any one term (amended November 15, 2007)
- 7) Each J.D. candidate at Hamline University School of Law entering the law school in 2009 and thereafter is required to perform twenty-four (24) hours of pro bono service as a requirement for graduation.

#### B) LL.M. Program

- 1) Completion of required courses.
- 2) Completion of 24 semester credits.
- 3) Cumulative grade point average of 2.000 or above.
- 4) Completion of all requirements within a 3-year time period.

#### **AR-111. Graduation Honors**

The School of Law will honor its outstanding graduating J.D. students in the following manner:

**Summa Cum Laude:** Students who complete their required course work with a cumulative grade point average of 3.750 or higher will graduate Summa Cum Laude.

**Magna Cum Laude:** Students who complete their required course work and earn a graduation rank (as calculated pursuant to AR-109) in the top ten percent will graduate Magna Cum Laude.

**Cum Laude:** Students who complete their required course work and earn a graduation rank (as calculated pursuant to AR-109) in the top twenty percent will graduate Cum Laude.

#### **AR-112. Transfer Credits from Other Institutions**

A J.D. student in good standing at another approved law school or a Hamline J.D. student visiting at another approved law school may receive transfer credits for all courses in which the student received grade of 2.000 on a 4.000 point scale, or its equivalent or above. Grades for transfer credit courses will be recorded on the student's transcript, but will not be calculated into the student's grade point average. For graduation from Hamline University School of Law, a transfer student must complete at least 45 units of credit in residence at this law school.

A student at Hamline University School of Law who wishes to take courses at other law schools for credit must seek approval in advance from the Dean's Office. See the Registrar for the policy on visiting away.

### **AR-113. Exceptions to the Rules**

The Dean will have authority to grant exceptions to the requirements of these rules for a good cause upon such conditions and in such circumstances as he or she deems appropriate. The Associate Dean for Academic Affairs also has the authority to grant exceptions to Rules AR-103 and AR-104. No exception may be granted for Academic Rules that are required by the law school's accrediting bodies. The Dean will report promptly in writing to the faculty on all exceptions he or she has granted to the requirements of these rules. All requests for exceptions to these rules must be submitted in writing to the Associate Dean for Academic Affairs.

#### COMMENT

The Dean will grant an exception to AR-106 Probation and Disqualification only in the most unusual circumstances when such circumstances are found by the Associate Dean for Academic Affairs applicable to any request for an exception to such rule. In addition to demonstrating unusual circumstances that justify an exception, a student seeking an exception to AR-106 must demonstrate that the circumstances which resulted in any disqualification have been removed or addressed and that there is substantial reason to believe that the student now is capable of successful performance in law school. Students seeking exceptions to enforcement of AR-106 should present their case to the Associate Dean.

### **AR-114. Code of Conduct**

#### Article One: Statement of Purpose

The Hamline University School of Law Code of Conduct (herein-after, "The Code") contains the rules which shall govern any student enrolled in any course offered by the Law School and the procedures to be followed in administering the rules. These rules state elemental standards of honesty and integrity to the end that graduates of the School of Law will be academically qualified for the practice of law and possessed of those character traits necessary to the special trust relationships involved in the practice of law.

#### Article Two: Scope

The Code applies to all conduct (academic and other) that relates to an individual's status as a student of the School of Law. However, The Code is not an exclusive remedy for criminal or tortuous acts.

## Article Three: Prohibited Conduct

### Section 3.01 - Dishonest Conduct or Illegal Acts

Any dishonest conduct, course of conduct, illegal act, or conduct which is cause for rejection of a candidate for admission to the Bar of the Supreme Court of Minnesota is prohibited. Nonexclusive examples of such conduct are:

- (a) Lying;
- (b) Stealing;
- (c) Cheating;
- (d) Vandalism;
- (e) Extortion;
- (f) Threats; and
- (g) Plagiarism.

### Section 3.02 - Prohibited Conduct - Examinations

This Section provides further examples and specific notice of the type of conduct which the law school regards as dishonest in the examination setting. This Section is not to be construed as limiting Section 3.01 in any way. To engage in any of the following acts in connection with any examination shall be prohibited:

- (a) To discuss the examination during the examination with anyone except the instructor or the instructor's substitute unless specifically permitted to do so by the written examination instructions;
- (b) To give, receive, or solicit aid during any examination, take-home examination or make-up examination or to give, receive or solicit aid in connection with any make-up examination after the regularly scheduled examination has been administered. "Aid" means any form of information or assistance except that which is specifically permitted by the written examination instructions;
- (c) To use any materials in any examination except those which are specifically permitted by the written examination instructions;
- (d) To exchange materials with another student during the examination unless specifically permitted to do so by the written examination instructions;
- (e) To continue writing any examination answer when the examination time has expired;
- (1) When the examination is customarily ended by announcement, the examination time shall be deemed to have expired when the instructor or the instructor's substitute makes an announcement which would be interpreted by a reasonable person to mean the examination has ended;

(2) In any other situation, the examination shall be deemed to have expired at the end of the time period which is allowed by the written examination instructions;

(f) To take, without authorization, conceal or destroy any materials from any library where the result is to deny access to such materials to other students.

#### Section 3.03 - Prohibited Conduct - Written Work

This Section provides further example and specific notice of the type of conduct which the law school regards as dishonest with regard to written work produced as an assignment for a course or for any extracurricular activity such as Moot Court or the law journals. This section is not to be construed as limiting Section 3.01 in any way.

To engage in any of the following acts in connection with any written work shall be prohibited:

(a) To engage in any act specifically prohibited by the written instructions governing the assignment;

(b) To submit as one's own any written assignment partially or totally written by another unless specifically permitted to do so by the written instructions governing the assignment;

(c) To collaborate with another student in violating either subsection (a) or subsection (b) of this section;

(d) To take, without authorization, conceal, or destroy materials from any library where the result is to deny access to such materials to other students.

#### Section 3.04 - Prohibited Conduct - Misrepresentation of Academic or Personal Achievement

This Section provides further examples and specific notice of the type of conduct which the law school regards as dishonest. This Section is not to be construed as limiting Section 3.01 in any way.

To engage in the following conduct shall be prohibited: To make any written or oral misrepresentation with respect to academic or personal achievement such as with transcripts, resumes, or oral statements, including but not limited to the submission of false records of achievements, misrepresentations of grade point averages or academic honors, or altering, forging, or misusing the university's academic records.

#### Article Four: Code Administration

##### Section 4.01 - Allegation Filing

Any person may file an allegation of Code violation. A student having knowledge that another student has committed a violation of the Honor Code raising a substantial question as to that student's honesty, trustworthiness or fitness to be a lawyer in other respects, should file an allegation of Code violation. Such allegation shall be prepared in writing and shall include (a) the name(s) of the suspected student(s), (b) the specific allegation(s), and (c) the factual basis for the allegation(s).

The written allegation(s) shall be filed with the Dean of the School of Law. A copy of the allegation(s), with matters identifying the filing party deleted, and accompanied by an explanation of the procedure to be followed, shall be served upon the student suspect(s) notifying the student through his/her message box to pick up a notice at the Dean's Office, and by one of the following methods: (a) mail; (b) first class mail to the student suspect's last address on file with the Registrar; or (c) personal service. Although the Administration cannot guarantee absolute confidentiality, attempts will be made to keep the allegations filed in confidence. Only those with a demonstrated "need to know": (e.g. the Dean, the investigator, the Dean's appointed staff handling the procedures of the Code of Conduct, witnesses, if any) shall be privy to any allegation filed.

#### Section 4.02 - Investigation

Written allegation(s) filed with the Dean shall be investigated by a faculty member appointed to serve as the investigator for that purpose. Investigators shall be appointed as follows:

(a) At the beginning of each academic year, the Dean shall appoint two tenured faculty members to serve as investigators for the following year. The two persons so appointed shall not all be instructors in the same first year section. In the event the appointed investigators have a conflict of interest or are otherwise unavailable to investigate or prosecute, the Dean may appoint another person to investigate or prosecute.

(b) Within five days, excluding Saturdays, Sundays, and law school holidays, of receiving a written allegation of a Code violation, the Dean shall appoint one of the investigators to investigate the allegation. The allegation shall be investigated as rapidly as possible, and the investigator shall make a determination as to whether or not probable cause exists to believe that a violation has occurred. In carrying out this duty, the investigator may request an interview with the accused student(s) during the investigation. The student(s) with whom an interview is requested has the right to decline the request. In making such a request for an interview, the investigator shall inform the student, with whom an interview is requested, of the right to decline the request. If the student consents to being interviewed, he/she shall be informed of the purpose of the interview, the nature of the allegation(s), and of the right to legal or lay representation at the student's expense. Notwithstanding whether an interview has been requested and consented to, a student under investigation may, on his/her own election, present an oral and/or written statement concerning the allegations to the investigator.

The investigator shall complete the investigation and file a written report with the Dean within fourteen days of being appointed, provided however, that the Dean may, upon request of the investigator, and for good cause shown, enlarge the time for the filing of the report. The report shall include a statement of whether or not the investigator found probable cause of a violation. If probable cause is not found, the investigator shall file the report with the Dean as required above and send a copy to the student suspect(s) involved in the manner the allegation may be sent. If probable cause is found, the investigator shall, in addition to the written report, prepare a written complaint according to the requirements of section 4.05. The complaint shall be appended to the report.

The written report and complaint shall be filed with the Dean as required above. The Dean shall cause the written report and complaint, if any, to be served upon the student(s) in the manner the allegation may be sent. The allegation(s) shall be kept in strict confidence as provided for in Section 4.01.

#### Section 4.03 - Finding of No Probable Cause by Investigator

If probable cause is not found by the investigator, the Dean shall notify student(s) within twenty-four (24) hours that probable cause was not found.

The Dean, investigator or any other member of the administrative staff, shall not place in the student's personal file and/or Registrar's files any allegation which has failed to bring forth student violation proceedings due to lack of probable cause. In such cases, the file in the matter shall remain in the Dean's office for such purposes as confirming that no probable cause was found, providing evidence that is relevant to any subsequent investigation or proceeding (including investigations or proceedings by the Law Examiners of any jurisdiction), and providing information that is responsive to subpoenas or search warrants in compliance with applicable law. Upon written request, students who were the subjects of the investigation may review this file in the presence of a member of the Dean's professional staff.

#### Section 4.04 - Disposition by Agreement

The investigator-prosecutor and charged student may dispose of any charges by agreement at any point in time prior to a decision by the Academic Discipline Committee. Any such agreement must be approved by the Dean before it will be deemed a valid and final disposition.

#### Section 4.05 - Complaint

Upon a finding of probable cause, the investigator shall file a formal written complaint with the Dean. The complaint shall include the following:

- (a) the name(s) of the accused student(s)
- (b) the specific charge(s), and

(c) a complete statement of the facts supporting the charge(s).

The Dean shall schedule a hearing to be held before the Academic Discipline Committee on a date at least fourteen days, but not more than thirty days, from the date on which the complaint was delivered to the student.

On request to the Dean by the student(s) involved, an expedited hearing shall be scheduled as soon as possible.

#### Section 4.06 - Hearing

The Academic Discipline Committee shall hear the matter on the date set by the Dean pursuant to Section 4.05. The Committee shall be composed of the two tenured faculty members chosen at random if a hearing is required, and two students selected by the Student Bar Association president. If those selected cannot serve for any reason, the Dean may select alternate faculty members and the Student Bar Association president may select an alternate student.

The committee shall choose its own chairperson. Committee hearings shall be closed to the public. Extensions in time for holding the hearing shall be granted by the committee solely upon a showing of good cause. The investigator who prepared the complaint shall act as the prosecutor. The accused student shall have a right to representation at such hearing by legal counsel or lay counsel of the student's own choosing and at the student's own expense. Strict rules of evidence shall not be followed at the hearing, and all documentary or oral evidence offered by the student or by the prosecutor may be accepted. The hearing will be tape recorded. The complete record of the proceeding, including the tape recording, shall be filed in the Dean's office upon completion of the hearing.

#### Section 4.07 - Witnesses

Upon request of the accused student and/or the prosecutor, the Dean shall compel the presence of the student and/or witnesses at the hearing. Refusal or failure of such a witness to attend shall result in such sanction(s) as the Dean deems appropriate in the circumstances.

#### Section 4.08 - Decision

The Academic Discipline Committee shall prepare a written Decision. The Decision shall include a determination of whether a violation was committed. A three-fourths majority vote of the membership of the Committee shall be required to make such a determination. Where such a determination is made, the Committee shall also prepare an Order stating the penalty for the violation. The penalty for any second violation shall be expulsion. The Committee shall file its Decision, and Order, if any, with the Dean not later than fourteen days from the end of the hearing. The written Decision and Order shall be made available

to the Prosecutor and to the student involved. If the Decision and Order is not appealed within fourteen days thereafter, it shall become final.

#### Section 4.09 - Appeal

A student found to have committed a violation shall have the right to appeal the Committee's Decision and Order to the tenured faculty. The tenured faculty members who served as investigator(s) and/or prosecutor(s) in the case under review shall not participate in the review. A majority of tenured faculty members neither disqualified by the preceding sentence nor disqualified on their own initiative shall constitute a quorum. If notice of appeal is timely filed, the Decision and Order shall be reviewable both as to penalties and findings. The notice of appeal shall include specific allegations of error with regard to the Decision and Order.

#### Section 4.10 - Appellate Hearing

A meeting of the tenured faculty shall be scheduled to consider the appeal within ten days, unless the student charged requests a delay; in no event shall the appeal be heard later than thirty days after filing of notice of appeal, except in the event that a quorum of the tenured faculty is not in residence in the law school. In the event a quorum of the tenured faculty is not in residence, the Dean may postpone the hearing until the first week of the next semester, unless a quorum of the tenured faculty can be secured prior to such time. The tenured faculty will consider the appeal in any manner it deems appropriate, including, but not limited to, review of the taped and documentary record, reopening of the record to take additional evidence and/or argument by the student (or his or her representative), and the prosecutor. A quorum will be as provided in Section 4.09. A simple majority of those present and voting shall be sufficient to make decisions in appellate hearings