

ACADEMIC AND DISCIPLINARY REGULATIONS, 2009 -2010 Edition

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ACADEMIC AND DISCIPLINARY REGULATIONS, 2009 – 2010 EDITION

I. ACADEMIC REGULATIONS FOR THE JURIS DOCTOR PROGRAM

NOTE: Students in LL.M. programs – American Law, Taxation, and Banking Studies – are governed by separate sets of academic regulations specific to each program. Those regulations can be found on the BU Law website.

Article I. Requirements for the Degree of Juris Doctor

1. **Juris Doctor degree.** Boston University confers the degree of Juris Doctor (hereinafter, “JD”) upon candidates recommended by the Faculty of the School of Law and approved by the President and Trustees of the University.
2. **Requirements.** All candidates for the JD degree must:
 - a. Pursue legal study through an ABA/AALS-approved law school for at least three academic years or the equivalent. Unless the Dean has permitted otherwise, at least two years of this study must have been completed in residence at Boston University School of Law (hereinafter “BU Law” or “the School”).
 - b. Pass all first-year courses, the first-year seminar, and the first-year moot court program.
 - c. Take at least 26 credits in each year and 12 credits in each semester, except as otherwise permitted by the Dean or the Dean’s designate.
 - d. Satisfy the upperclass writing requirement, the professional responsibility requirement, and, beginning with the Class of 2011, the professional skills requirement.
 - e. Earn at least 84 passing credits.
 - f. Fail not more than five credits in courses and seminars taken during the second and third years.
 - g. Earn a final average of at least 2.3.
 - h. (1) Complete the JD program in no more than five years from its commencement (including any leaves of absence) and (2) take at least 10 credits in each of at least four semesters. Requirements (1) and (2) of this paragraph are fundamental requirements of the JD program. This paragraph applies only to students who entered BU Law in the fall semester of 2003 or later. It does not affect the requirement, stated in paragraph (c) above, that a student who seeks to take fewer than 12 credits in any semester, or fewer than 26 credits in any year, must obtain permission from the Dean or the Dean’s designate.
3. **Honors.** The JD degree with honors, including *cum laude*, *magna cum laude*, and *summa cum laude*, will be awarded on the basis of cumulative average. Any student graduating with an average in the top one-third of the class shall receive a degree *cum laude*, and any student graduating with an average in the top 10% of the class shall receive a degree *magna cum laude*. The Registrar shall present to the Faculty the names and averages of any students graduating with an average in the top 1% of the class, so that the Faculty may consider whether to award any such students degrees *summa cum laude*. All policies concerning honors may be changed by vote of the Faculty, and such changes are binding on all who have not yet received their degrees.

Article II. Program Requirements for First-Year Students

1. **First-year program.** The first-year program includes (1) required first-year courses, (2) the first-year seminar in legal research and writing, and (3) the first-year moot court program. As provided in Article I, paragraph 2(b), no student may earn a JD degree without passing each part of the first-year program.
2. **Continuation.** Students will be dropped from the School if (1) they earn an average below 2.0 in a completed first-year program, or (2) they fail more than six first-year credits. Such students must petition for reinstatement under Article X. Other students may continue, subject to the provisions of section 3 below and, for students whose average is not above 2.7, subject to any conditions or academic support program that the Academic Standards Committee may prescribe.
3. **Retaking failed parts of the first-year program.** A student eligible for continuation under section 2 above, but who has failed any part of the first-year program, must retake any failed part of that program during the next year. If practicable, the student will be assigned to a section taught by a different instructor. Both the original grade and the grade earned on retaking will appear on the student's transcript, and both will be counted in the student's average. Students who fail a retaken part of the first-year program will be dropped from the School and must petition for reinstatement under Article X.

Article III. Program Requirements for Second- and Third-Year Students

1. **Minimum credits in a year or semester.** No student may register for fewer than 26 credits in any year, or fewer than 12 credits in any semester, without advance permission from the Dean or the Dean's designate. Unless the Academic Standards Committee has approved summer credits under Article IV, paragraph 4(c), such permission will be granted only in extraordinary circumstances. Any student who, without permission, fails to take at least 12 credits in any semester will be dropped from the School and must petition for reinstatement under Article X.
2. **Maximum credits in a year or semester.** No student may register for more than 34 credits in any year, or more than 17 credits in any semester, without permission from the Academic Standards Committee. The Committee will grant such permission only in the most exceptional circumstances.
3. **Maximum Non-Grade Point Average Credits.** Some sources of credit do not produce grades that are included in a student's grade point average, even if grades appear on the transcript. These sources include study abroad programs, fieldwork components of externships (including fieldwork in the semester in practice program), courses taken elsewhere in the university or at other law schools, and credit for work on law journals. A student may not apply more than 16 credits from such sources toward the total required for graduation. This limit may be waived by the Academic Standards Committee on a showing of good cause.
4. **Continuation for second- and third-year students.** Second- or third-year students will be dropped from the School if (1) they fail to earn an average of at least 2.0 in second-year courses and seminars; (2) they fail to earn a cumulative average, at the end of the second year, of at least 2.3; (3) they fail a retaken required course; or (4) they fail more than five credits after the first year. Such students must petition for reinstatement under Article X. Other students may continue, except that continuation for students whose cumulative average at the end of the second year is not above 2.7 is subject to any conditions or academic support programs that the Academic Standards Committee may prescribe.
5. **Professional responsibility requirement.** In the second or third year, all students must pass one of the following: (1) a course in professional responsibility offered to JD students generally, (2)

a course in professional responsibility offered in conjunction with the School's civil or criminal clinics, or (3) the School's legal externship program. Unless the Faculty directs otherwise under Article IV, paragraph 4(b), a student who fails a course or program listed above, but who is nonetheless in good standing, must take or retake a professional responsibility course offered to JD students generally at BU Law. Both the failing grade and the grade in the second professional responsibility course will appear on the student's transcript, and both will be counted in the student's average. Students who fail a second course in professional responsibility will be dropped from the School and must petition for reinstatement under Article X.

6. Upperclass writing requirement. In the second or third year, students must satisfactorily complete substantial research and writing under faculty supervision. The requirement may be fulfilled by work in connection with a course or seminar, by a supervised research and writing project, or by a paper written in connection with co-curricular activities approved by the Faculty. With the approval of the Dean's designate, a part-time faculty member may supervise work conducted under this paragraph. The student's work must demonstrate analytical ability of high professional caliber and, in the usual case, proficiency in legal research. Students are responsible for selecting a topic, obtaining a faculty supervisor, developing the program of research and writing, and completing the work by the required date. Students are advised to formulate their plans as early as possible in the second year, and they are required as a condition for registration in their final two semesters to specify how they will complete the writing requirement. All work submitted must be the student's original work and must not have been offered previously for any purpose at any academic institution. Unless the project is a note prepared for a student-edited journal, the faculty supervisor is expected to meet regularly with the student and to comment on at least one preliminary draft. If the project is a journal note, the student editor is expected to meet regularly with the student and to comment on at least one preliminary draft, with the faculty supervisor deciding whether the project has satisfied the writing requirement. Upon satisfactory completion of the work, the faculty supervisor shall certify to the Registrar that the requirement has been satisfied.

7. Professional Skills Requirement. Beginning with the class of 2011, every student must take one course before graduation that satisfies the American Bar Association's professional skills requirement. A list of qualifying courses will be published with the registration materials each spring.

8. Failure to satisfy degree requirements. Any student who, at the end of the third year, has failed to satisfy the requirements for the JD degree must petition the Academic Standards Committee with a specific proposal for completing outstanding requirements. The Committee will report the matter to the Faculty with a recommendation. Upon receipt of the Committee's report and recommendation, the Faculty may direct either that the students be dropped from the School or, where appropriate, that the student complete specified work to satisfy degree requirements.

Article IV. Supervised Research and Writing, Tutorials, and Courses Outside the School of Law

1. Credit for supervised research and writing. Subject to the requirements of paragraphs (a) and (b) below and the limitation in section 2 below, students may earn up to three credits during the second and third years for supervised research and writing.

a. Research and writing supervised by a BU Law faculty member. A student who has prepared a detailed statement of proposed study, and who has obtained a full-time BU Law faculty member's written agreement to supervise the work, may register for up to three credits for supervised research and writing. The study must involve a substantial investment of time and effort and must result in written work that meets a high standard of academic performance.

The student's final grade will be based solely on the written work submitted and will be included in the student's average. With the approval of the Dean or the Dean's designate, a part-time faculty member may supervise work conducted under this paragraph.

b. *Research and writing supervised by an outside faculty member.* A student who has prepared a detailed proposal for law-related research and writing to be supervised by a person holding professorial rank outside BU Law may petition the Academic Standards Committee in advance for permission to register for up to three credits for such work. The petition must include the proposed supervisor's written agreement to supervise the work. Such a petition may be granted if the Committee finds that (1) the work to be done is the equivalent in time and quality of a course carrying such credit, and (2) the supervisor is an expert in the area of study who will set high standards of academic performance. The grade received for such work will be recorded on the student's transcript but not included in the student's average.

2. **Specialized Tutorial Courses.** Students may register for up to three credits of tutorials. However, no student may apply toward the JD degree more than three credits in total for tutorials and supervised research and writing.

3. **Credit for graduate-level non-law courses taken during the regular academic year.** A maximum of 12 credits for graduate-level non-law courses, with no more than four credits for any one course, may apply toward the JD degree as provided in this section. If the course is open to both graduate and undergraduate students, the student must secure the instructor's assurance that the student will be held to graduate-level standards. Permission to apply credits from courses open to both graduate and undergraduate students, or courses not offered at Boston University, must be obtained in advance from the Dean or the Dean's designate.

a. *Dual-degree students.* Students enrolled in a dual-degree program may apply credits from a maximum of two non-law courses in their dual-degree program in any one semester.

b. *Other students.* Second- or third-year students not enrolled in a dual-degree program may apply, in any one semester, credits from one non-law graduate-level course taken at Boston University or elsewhere (or, with the advance approval of the Academic Standards Committee, two such courses).

c. *Tuition, fees, and permission from other schools.* For courses taken at Boston University, no additional tuition or fees will be charged. For courses taken outside Boston University, the student must show that both the outside school and the instructor have given permission for the student to take the course. Any tuition and fees must be borne by the student.

d. *Completion and grades.* The grade received will be recorded on the student's transcript but not included in the student's average. Otherwise, the course will be treated the same as BU Law courses for purposes of Articles I and III. The student is responsible for ensuring that BU Law's Registrar receives the grade in time to meet BU Law deadlines.

4. **Credit for courses taken at other Boston-area law schools during the regular academic year.** Students may earn credits for courses taken at other Boston-area law schools during the regular academic year as provided in this section. The grade received will be recorded on the student's transcript but not included in the student's average. Otherwise, the course will be treated the same as BU Law courses for purposes of Articles I and III. The student is responsible for ensuring that BU Law's Registrar receives the other school's grade(s) in time to meet any relevant BU Law deadlines.

a. *Courses at Boston College Law School.* Students may take selected courses at Boston College Law School. A list of such courses is available from the Registrar. Notice of intent to

enroll in such courses must be filed with the Registrar within five days after commencement of the semester's classes at BU Law. No tuition or fees will be charged by the Boston College Law School.

b. *Courses at other Boston-area law schools.* Courses substantially different from those presently offered at BU Law may be taken at other Boston-area law schools with the approval in advance of the Dean or the Dean's designate. Petitions for permission to take such courses must be submitted within five days after the commencement of classes at BU Law, and they must show that both the outside school and the instructor have given permission for the student to take the course. All tuition and fees must be borne by the student.

5. Credit for summer courses taken at another law school. Students may receive credit for summer courses as provided in this section. Grades for such courses will be recorded on the student's transcript but not included in the student's average. All tuition and fees must be borne by the student. The student is responsible for ensuring that BU Law's Registrar receives the grade in time to meet any relevant BU Law deadlines.

a. *Students who have been permitted to take a reduced schedule.* With advance approval by the Academic Standards Committee, students who have been permitted to take a reduced schedule may receive credits for summer courses taken at another ABA/AALS-approved law school. The Committee will consider the strength of the student's academic record, as well as the strength of the outside school and the nature of the course. The Committee also will consider whether such credits are reasonably necessary for the student to avoid a semester beyond the usual six required for the JD. If authorized and earned, these summer credits, up to a maximum of six, will count toward the 84 credits required for the JD degree. The professional responsibility requirement may not be satisfied through a summer course.

b. *Students who have failed to satisfy degree requirements by the end of the third year.* Under Article III, section 7, students who have failed to complete degree requirements by the end of the third year must propose a specific plan for completing these requirements. In its discretion, the Faculty may permit outstanding requirements to be completed through a summer course or courses. The Faculty may consider the overall strength of the student's academic record in deciding whether to permit completion of requirements through a summer course or courses.

c. *Other students.* With advance approval by the Academic Standards Committee, students other than those described in paragraphs (a) and (b) above may receive credits for summer courses taken at another ABA/AALS-approved law school or through another school's ABA-approved foreign-study program. Such credits, however, shall neither count toward the 84 credits required for the JD degree nor reduce the minimum credits required for a semester, but they may reduce the credits required for the next academic year to 24. The professional responsibility requirement may not be satisfied through a summer course.

6. Permission to take a semester or year at another ABA/AALS-approved law school.

a. A student who has compelling personal reasons to take a semester or year at another ABA/AALS-approved law school may petition the Academic Standards Committee for permission to apply residence and course credits toward the BU Law degree. The petition must be submitted prior to commencement of the work, and it must set forth the name of any school to which the student intends to apply and the reasons for the request. If the number of credits that the student would earn at another law school results in the student exceeding the allowed maximum of 16 non-grade point average (gpa) credits, then the student must include in the petition a request to exceed that maximum. The Academic Standards Committee will consider

the totality of circumstances in determining whether to grant requests to visit another school and to exceed the maximum non-gpa credits.

b. For personal reasons to be “compelling” within the meaning of the prior paragraph, they must be both exceptional (*i.e.*, shared by only a very small number of other students) and extremely serious (*i.e.*, impose a burden on the student that cannot be accommodated to any significant degree by the student remaining at BU Law). The Academic Standards Committee will consider also, among other factors, whether the student’s reasons were reasonably foreseeable when the student entered BU Law. Engagement or marriage to a person living or planning to live elsewhere will not necessarily be deemed “compelling.”

c. If permission is granted, the student must secure, as soon as possible, approval for the proposed course of study. The student must satisfy academic requirements at both the other school and BU Law. Grades received will be recorded on the student’s transcript but not included in the student’s average. The student is responsible for ensuring that BU Law’s Registrar receives the other school’s grades in time to meet any relevant BU Law deadlines. The student is responsible for any fee imposed to cover administrative and other costs incurred by BU Law.

7. Credit for courses taken at foreign universities during the regular academic year. Credits earned in fall- or spring-semester courses at foreign universities may apply toward the JD degree only as provided in this section. The requirements of paragraph 5(c), above, apply.

a. *Programs offered through BU Law.* Credits earned through foreign programs sponsored by BU Law may apply toward the JD degree, subject to the rules developed for the particular program.

b. *Other schools’ ABA-approved “semester abroad” programs.* Students may petition the Academic Standards Committee for permission to participate in, and receive credit for, fall- or spring-semester courses in another school’s ABA-approved “semester abroad” program. The petition must specify the particular program and must be presented before the semester of proposed study. The Committee may allow the student to apply toward the JD degree a maximum of 12 credits earned in the other school’s program, if either (1) that program is located in a country different from those in which BU Law conducts its own foreign-study programs, or (2) in a previous semester the student unsuccessfully applied to a foreign-study program sponsored by BU Law. Students who establish either of these two circumstances are eligible for, but not necessarily entitled to, Committee approval. Other factors the Committee may consider include the strength of the student’s academic record, the extent to which that record demonstrates an interest in international study, the reasons given in the petition for pursuing foreign study, and the number of students pursuing foreign study under this paragraph.

c. *Other programs.* Students seeking fall- or spring-semester credit for foreign study outside the programs covered in paragraphs (a) and (b) must obtain advance approval from the Academic Standards Committee. This approval will be forthcoming only in exceptional cases. Students should obtain information from the Office of Graduate and International Programs before petitioning the Academic Standards Committee.

8. Credit for summer externships. With advance approval from the Dean or the Dean’s designate, students may receive up to 2 credits per summer for an externship involving legal work in a private or governmental position, provided that the student does not receive monetary compensation beyond reimbursement for out-of-pocket expenditures. Credits earned will neither reduce the minimum credits required for a semester or year nor count toward the 84 credits required

for the JD degree. Students must provide written proof of the externship's completion. No letter grade will be assigned.

9. **Outside courses for which credit is not sought.** Students taking outside graduate courses for which JD credit is not sought must notify the Registrar. The course will not appear on the student's transcript.

10. **Limit on employment.** In accordance with ABA regulations, no student may engage in employment for more than 20 hours per week, whether outside or inside the School of Law.

Article V. Registration, Course Election, and Program Changes

1. **Registration.** Students must register by the end of the semester's official registration period. The University reserves the right to require earlier completion of registration by pre-registration and prepayment of tuition and fees.

2. **Late registration.** A fee will be charged for late registration. No student may register more than one week late without written approval from the Dean or the Dean's designate.

3. **Course election.** Each spring, first- and second-year students receive course election materials for the following academic year. Courses must be elected according to the time periods stated in the materials.

4. **Program changes after registration.** Subject to maximum and minimum credit requirements stated in Article III, students may change their programs after registration within the relevant "add/drop" period. Because clinical programs prescribe their own add/drop periods and procedures, questions about deadlines and procedures in such programs should be addressed to the office of the relevant program. For other courses and seminars, the Registrar's Office will prescribe and announce the beginning of the add/drop period, together with necessary add/drop procedures and waitlist procedures for closed courses and seminars. The end of the add/drop period for courses and seminars, other than clinical courses and mini-courses, is 5:00 p.m. on the tenth day of classes. The end of the add/drop period for mini-courses will be prescribed by the Registrar. Any student who misses the first meeting of a seminar without the instructor's advance permission may be administratively dropped.

5. **Late adds or drops.** Adds or drops not permitted by section 4 above may be authorized only by the Academic Standards Committee. Unless the student demonstrates that, under the circumstances, the delay should be excused, a course that the Committee permits to be dropped after the relevant deadline will appear with a notation of "W/D" on the student's transcript.

6. **BU Law program, calendar, and schedule changes.** BU Law reserves the right to make changes of any kind to its program, calendar, or academic schedule, with reasonable notice.

Article VI. Attendance, Preparation, and Classroom Participation

1. **Attendance.** Regular attendance is expected in all courses and seminars for which a student is registered. Students must notify the Registrar's Office, in advance if possible, of extended absences. A student who misses a seminar's first meeting without the instructor's permission may be administratively dropped from that seminar. A student who, without permission from the Dean or the Dean's designate, has not attended any of his or her classes in a four-week period will be administratively dropped from the School.

2. **Preparation and classroom participation.** Preparation of class assignments and informed participation in class discussion are expected of every student.

3. **Effect on final grades.**

- a. *Exclusion from further participation.* A student who has been warned by an instructor of excessive absences, and whose absences continue, may be excluded from the final examination or any other further participation in the course, seminar, or clinical program. Such a student will receive a failing grade. A warning under this paragraph may be communicated orally or in writing. A written warning will be deemed adequate if either (1) mailed to the student's street address on file in the Registrar's Office or (2) e-mailed to the student's Boston University e-mail account. Any petition to the Academic Standards Committee for readmission to the course, seminar, or clinical program will face a heavy presumption against readmission.
- b. *Lowering final grades.* An instructor shall announce any policy, apart from the provisions of paragraph (a) of this section, of lowering a student's grade on account of classroom attendance, preparation or participation. Such a policy does not preclude enforcement of paragraph (a).
- c. *Raising final grades.* An instructor, without advance notice, may raise final grades by one increment (e.g., from B to B+) to reflect a student's preparation or classroom participation.
- d. *Special case of courses without a final examination.* With advance notice, an instructor who requires a paper or papers in lieu of an examination may adopt and apply a policy of assigning a specified weight to classroom preparation or participation. The weight given to preparation or participation may be specified either as a percentage of the final grade or in terms of grade increments.

Article VII. Examinations

1. **Examination schedule.** Students must take examinations according to the Registrar's announced schedule unless they have obtained permission otherwise under section 2 or section 3 of this Article.
2. **Advance rescheduling of an examination in special circumstances.** With advance request, in the first instance to the Registrar, a student may reschedule an examination under the following circumstances.
 - a. *Religious holiday.* A student may reschedule an examination held on a religious holiday that the student observes. The rescheduled date will be as close as possible to the original date, and ordinarily it will be neither more than one day earlier nor more than five days later.
 - b. *Examination schedule.* A student may reschedule an examination that is one of (1) three examinations on three consecutive days of the examination period's first calendar week; (2) three examinations on three consecutive days of the examination period's second calendar week, if the third examination concludes no later than 48 hours after commencement of the first; (3) two examinations on one day; or (4) four examinations on four consecutive calendar days. In circumstance (1) or (2) above, the middle examination will be rescheduled. In circumstance (3), either examination may be rescheduled. In circumstance (4), either the second or the third examination may be rescheduled. The date of the rescheduled examination will be as close as possible to the originally scheduled date, and ordinarily it will be neither more than one day earlier nor more than five days later.
 - c. *Illness or other compelling circumstance.* A student may reschedule an examination if the Academic Standards Committee determines that serious illness, or other compelling circumstance beyond the student's control, justifies relief. If illness is the asserted basis for relief, the student's request must be supported by a statement from an examining physician.

The physician's statement must show the date, nature, and severity of the illness, and it should give the physician's judgment as to the student's ability to take the examination as scheduled. The statement should be as contemporaneous with the request as possible. If relief is granted, the rescheduled date will be as close to the original date as the reason for giving relief will permit, and ordinarily it will be neither more than one day earlier nor more than five days later. If the proposed date for rescheduling is beyond the end of the examination period, and if the student is in his or her final semester, then the student must obtain Faculty approval under Article III, section 7.

3. **Excused failure to take or submit an examination on time.** Failure to take an in-class examination at the scheduled or rescheduled time, or failure to submit a take-home examination on time, may be excused only if the Academic Standards Committee determines that serious illness, or other compelling cause beyond the student's control, caused the student's failure. If illness is the asserted cause, the student must produce the documentation described in paragraph 2(c) above. If the Committee decides that the student's failure is excused, it will prescribe an appropriate remedy, which ordinarily will be to reschedule the examination for the earliest date consistent with the reason for recognizing the excuse. If that date is beyond the end of the examination period, and if the student is in his or her final semester, then the student must obtain Faculty approval under Article III, section 7. If the Committee decides that the student's failure is not excused, it will dispose of the petition according to section 4 below.

4. **Unexcused failure to take or submit an examination on time.** If the Academic Standards Committee determines that a student, without compelling cause, has failed to take an in-class examination on time, or has failed to submit a take-home examination on time, the Committee may allow the student to take and submit the examination, provided that the student does so immediately. If the Committee so allows, it will impose a penalty that reflects both the student's fault and any benefit the student might have obtained from delay. Ordinarily this penalty will be a substantial reduction of the student's examination grade.

5. **Examination rules.** The following rules apply to the conduct of examinations. Additional rules may be prescribed either by the School or by an instructor.

a. All in-class examinations must be of at least two hours duration, with questions and answers in writing.

b. All final examinations, including take-home examinations, will be evaluated on an anonymous basis, with students' papers identified to the instructor only by a number that the Registrar has assigned.

c. Take-home examinations will be issued by, and must be returned to, the Registrar. During take-home examinations, students may not consult other persons unless expressly authorized by the instructor.

d. During an in-class examination, students may not possess materials or devices forbidden by the instructor. Students may not consult with other persons. They may consult books, notes, or similar material, only as authorized by the instructor. Use of laptop computers is subject to announced School policy and procedure. Possession of cell phones, or other communication and/or recording devices, is forbidden unless authorized specifically by the School in advance.

e. Except in case of emergency, students taking an in-class examination may leave the examination room only as necessary to use the restrooms.

f. Students must stop writing and turn in their in-class examination papers when time is called.

- g. No student may retake an examination for any purpose.
- h. Students may review essay portions of their examinations after final grades have been released.

6. **Failure in courses requiring an examination.** No credits for a failed course or seminar may count toward the 84 credits required for the JD degree. Such credits, however, will count toward the minimum credits required to be taken during a semester or year. The failing grade will appear on the student's transcript and will be included in the student's average.

Article VIII. Papers

1. **Deadline for submitting papers.** For students in their final semester, the deadline for submitting papers is 5:00 p.m. on the last day of the examination period, unless the instructor has prescribed an earlier deadline. For other students, the deadline is 5:00 p.m., on the 14th calendar day after the end of the examination period, unless the instructor has prescribed an earlier or later deadline. Deadlines for students not in their last semester may be no later than the next February 1 for fall semester papers and no later than the 21st day after the examination period for spring semester papers.

2. **Reporting an inability or failure to submit a timely paper.** Any student unable to submit a paper by a deadline established consistent with section 1 above must report the facts promptly. Students whose papers will be graded anonymously should file a petition with the Academic Standards Committee. Students whose papers will not be graded anonymously should report to the supervising faculty member. (See sections 3 and 4 below, respectively.) Students unsure whether their papers will be graded anonymously should ask the Registrar. Students in their final semester are subject to the requirements of Article III, section 7.

3. **Late submission of papers that will be graded anonymously.** If a paper is to be graded anonymously, the Academic Standards Committee will excuse late submission only if the student demonstrates that serious illness, or other compelling cause beyond the student's control, prevents or has prevented the paper's timely submission. If illness is the cause, the student's request must be supported by a statement from an examining physician that shows the date, nature, and severity of the illness, as relevant to the student's submission of the paper. If the Committee excuses a paper's late submission, the Committee may set a new deadline. If the Committee denies a student's request for excuse, and if the paper is not submitted by a deadline established consistent with section 1 above, the Committee will inform the instructor of the relevant facts. The instructor then will have discretion to determine any penalty for the late submission.

4. **Late submission of papers that will not be graded anonymously.** If a student reports inability or failure to submit on time a paper that is not to be graded anonymously, the instructor may either extend the deadline for the paper, subject to the limits stated in section 1 above, or impose a penalty for the student's lateness. Instructors may require the student to submit supporting documentation to the Academic Standards Committee or to the Associate Dean for Student Affairs. For students in their final semester, extensions beyond the limits stated in section 1 above are subject to the provisions of Article III, section 7, and such extensions for other students may be authorized only by the Academic Standards Committee. The Committee may authorize such extensions only after consulting with the instructor and only if serious illness, or other compelling cause beyond the student's control, prevents or has prevented the paper's earlier submission. If illness is the asserted cause, the student must produce the documentation described in section 3 above.

5. **Failure in courses requiring papers.** No credits for a failed course, seminar, or supervised research project may count toward the 84 credits required for the JD degree. Such credits, however,

will count toward the minimum credits required to be taken during a semester or year. The failing grade will appear on the student's transcript and will be included in the student's average.

Article IX. Grades

1. Grading scale and procedures.

- a. The School of Law has a letter grading system. The minimum passing grade is D.
- b. The Faculty has established the following scale of numerical equivalents for letter grades:

A+ =	4.3	B+ =	3.3	C+ =	2.3	D =	1.0
A =	4.0	B =	3.0	C =	2.0	F =	0
A- =	3.7	B- =	2.7	C- =	1.7		

For all courses and seminars with enrollment of 26 or more, the following grade distribution is mandatory:

A+	0-5%
A+, A, A-	20-30% (A+ subject to 5% limitation above)
B+ and above	40-60% (subject to limitations on A range above)
B	10-50% (subject to limitations above and below)
B- and below	10-30% (subject to limitations below on ranges C+ and below)
C+ and below	0-10%
D, F	0-5%

For seminars and courses with enrollment of 25 or fewer, the above distributions are not mandatory, but a median of B+ is recommended.

- c. The Registrar will release final grades to students as soon as possible after the examination period. Instructors may not release final grades directly to students.
 - d. Instructors may change final grades to correct clerical or mathematical error. Final grades may not otherwise be changed except by vote of the Faculty.
2. **Transcripts and other student records.** A student's transcript and record will be made available to the student, the Dean, the Dean's representative, Faculty members, and others to the extent permitted by law. No other person may have access to a student's transcript and record without the student's written consent.
3. **Class ranks.** The Registrar will provide only the following information concerning class ranks.
- a. Students who have completed the first year: The Registrar will inform the top five students in each section of their section ranks and provide cutoffs for the top 10% of each section.
 - b. Students who have completed the second or third year: For each class, and with respect to both average earned during the most recent year and cumulative average, the Registrar will inform the top fifteen students of their ranks and provide cutoffs for the top 10% of the class.

Article X. Reinstatement

1. **Petitions for reinstatement.** A student dropped from the School may petition the Academic Standards Committee for reinstatement. The petition must address all circumstances related to the student's failure to meet the School's standards. Relevant supporting documents should accompany the petition. If a student's medical condition has been a contributing factor, an examining physician's statement must accompany the petition.

2. **Reinstatement of first- or second-year students dropped for academic deficiency.** First- or second-year students dropped for academic deficiency ordinarily will not be reinstated unless the Academic Standards Committee is satisfied that the deficiency resulted from serious illness or other compelling cause beyond the student's control.

3. **Conditions of reinstatement for first- or second-year students.** First- or second-year students who are reinstated must retake any required courses they have failed. The Academic Standards Committee may place any other conditions on reinstatement that it deems appropriate, such as (a) for a first-year student, requiring the student to retake the entire first year or specific first-year courses; (b) for a second-year student, requiring a semester additional to the usual six; or (c) for any student, requiring that the student pass all courses and seminars, maintain a specified average in future work, take specified courses, forego participation in extracurricular activities, or refrain from taking courses outside the School.

4. **Reinstatement of third-year students.** Students dropped from the School during the third year may be reinstated only by the Faculty. As required by section 1 above, petitions and supporting materials should be directed to the Academic Standards Committee. The Committee will report the matter to the Faculty. Students dropped for academic deficiency ordinarily will not be reinstated unless the Faculty is satisfied that the deficiency resulted from serious illness or other compelling cause beyond the student's control. The Faculty may attach any conditions to reinstatement that it deems appropriate.

Article XI. Withdrawal and Leaves of Absence

1. **Withdrawal in good standing.** Withdrawal in good standing becomes effective only upon submission of an official withdrawal form to the Registrar, whatever the reason for withdrawal, and whether or not the student seeks leave to return. No student may withdraw in good standing until all obligations to the University have been paid. Tuition refunds may be sought in accordance with University regulations.

2. **Leaves of absence.** A student seeking a temporary interruption of study may request a leave of absence. The request must be a written statement of the reasons for the leave, the activities in which the student expects to be engaged during the leave, and the semester in which the student intends to return. In addition to any special conditions imposed, the following rules apply to all leaves.

a. *Length.* Leaves ordinarily will not be granted for periods longer than one academic year.

b. *Extension.* A student seeking to extend a leave must petition the Academic Standards Committee before the leave has expired. Students ordinarily may not extend a leave for more than one additional year, and the total length of a leave may not exceed two years except in exceptional circumstances.

c. *Return.* A student returning from a leave must inform the Registrar by the date specified in the letter approving the leave. A student failing to give such notice may not return for that semester without the Academic Standards Committee's permission. If a leave was granted for medical reasons, the notice of return must include medical documentation showing that the student is able to undertake full-time law study. A student may return before a leave's expiration only with advance permission.

3. **Students who withdrew without leave to return or whose leave has expired.** Such students must petition the Academic Standards Committee for readmission to the School. The petition must explain the circumstances of the withdrawal, the reasons for either not requesting leave to return or failing to return by a leave's expiration, and the events leading to the request for readmission. After considering the petition and the student's record, the Committee may grant readmission, with any

conditions the Committee deems appropriate, or it may require the student to reapply through the ordinary admissions process.

Article XII. The Academic Standards Committee

1. **Composition.** The Dean or the Dean's designate will serve as Chair, and two other members of the Faculty will serve as Committee members. Ordinarily, the terms of members who are not Chair will be fixed at three years.

2. **Authority of the Academic Standards Committee.** The Academic Standards Committee exercises the authority delegated to it by the Faculty in all matters addressed by these Regulations.

3. **Petitions to the Academic Standards Committee.** Matters are brought to the Academic Standards Committee by written petition conveyed to the Registrar's Office. Petitions should state all material facts and specify the relief sought. Appropriate supporting statements should accompany the petition.

4. **Academic Standards Committee procedure.** Petitions submitted to the Academic Standards Committee will be considered at an announced meeting unless circumstances require more expeditious action. If the petition requests reinstatement under Article X, or permission to complete degree requirements under Article III, section 7, the Committee will not deny or recommend denial of reinstatement, nor will it recommend that the student be dropped from the School, without offering the student an opportunity, reasonable under the circumstances, to appear personally before the Committee. With respect to other petitions, a student's request for personal appearance will be granted only in extraordinary circumstances. The Committee will notify the student of its decision in writing. Committee decisions are final and not subject to reconsideration absent compelling circumstances.

II. DISCIPLINARY REGULATIONS GOVERNING ALL STUDENTS IN THE SCHOOL OF LAW

NOTE: School of Law students also are subject to the Boston University Code of Student Responsibilities, available at www.bu.edu/lifebook/university-policies/policies-code.html.

Article I. School of Law Disciplinary Action

1. **Jurisdiction over disciplinary cases.** Students at the School of Law are subject both to these Disciplinary Regulations and to the Code of Student Responsibilities of Boston University. The School of Law and the University may agree under which rules and regulations any disciplinary case is to be brought. The School of Law ordinarily will not bring any separate action with respect to a charge that is the subject of disciplinary proceedings initiated by the University.

2. **Scope of disciplinary action by the School of Law.** Disciplinary action by the School of Law is governed by these Regulations. Such action extends to the following conduct:

a. *Conduct in violation of School of Law rules or regulations.* Such conduct is defined in Article II, below.

b. *Other conduct, including but not limited to conduct in violation of Boston University rules or public law, when such conduct is not commensurate with professional standards of conduct required of lawyers.* Such conduct is defined in Article III, below.

An individual shall assume student status, for purposes of these Regulations, upon his or her formal enrollment in the School, and such status shall continue until his or her permanent severance from the School by graduation, expulsion, completed withdrawal, or other like event. Misconduct in connection with an application for admission, however, shall be deemed to continue in effect through enrollment. An individual whose student status has terminated for any reason other than graduation shall remain subject to discipline under these Regulations with respect to his or her conduct while in student status. In any case, the disciplinary sanctions of expulsion and suspension shall be deemed respectively to effect permanent or temporary disqualification for readmission to the School. The Faculty retains its inherent power to take appropriate action, after such reasonable process as it may prescribe, with respect to a graduate's conduct while in student status.

Article II. Violations of School of Law Rules and Regulations

1. **General rule.** Any student who violates the School's rules may be subject to disciplinary action. The examples contained in section 2 below are not intended to be exhaustive.

2. **Specific examples.** The following are examples of School rules, the violation of which may be subject to disciplinary action.

a. *School of Law Academic Regulations and rules and procedures of the Law Library.* Students are expected to comply with the School of Law Academic Regulations, with any academic regulations adopted by an applicable LL.M. program, and with the rules and procedures established for the use of the Law Library. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

b. *Classroom rules.* Students are required to comply with the rules established by members of the Faculty and other instructors at the School of Law for the conduct of their classes. An

example of a rule that has been adopted and promulgated by some Faculty members for the conduct of their classes is the exclusion from class of students who arrive late or are unprepared. Should an instructor announce such a rule to students in the instructor's classes, willful or repeated failure by a student in such a class to comply with the instructor's rule may be subject to disciplinary action.

c. *Disruption of School of Law activities or operations.* Conduct that disrupts or impairs School of Law activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

d. *Damage to or abuse of School of Law property, facilities or services.* Students are expected to make responsible and appropriate use of School of Law property and facilities, and of the services provided by the School of Law. Conduct that damages or abuses School of Law property, facilities, or services, including, for example willful damage to Law Library materials, or to furniture, classrooms, or offices, and unauthorized use of photo-copying or secretarial services, may be subject to disciplinary action.

e. *Plagiarism.* Plagiarism is the use, without adequate attribution, of the ideas, expressions, or work, of another. All written work, whether in preliminary or final form, submitted by a student in the course of law study, in the course of employment, or in the course of other activities, including but not limited to moot court and law journal work, whether or not related to the study or profession of law, is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed. The use of the exact language of another without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action, including suspension or expulsion. Use of the work of another without proper attribution constitutes plagiarism whether or not the writer acts with an intent to mislead or deceive. However, such intent, or the lack of it, may be considered in determining the proper sanction if a violation is established.

f. *Multiple submission of written work without prior permission.* Students may not submit the same paper, or a substantial part of any paper, to more than one BU Law course without prior written permission from each instructor and the Associate Dean for Academic Affairs. Further, students must obtain the instructor's permission, after full disclosure, to submit written work if a substantial part of that work was produced either at another academic unit or in the course of employment.

g. *Examinations.* Students must comply with all rules established for examinations, whether established by the School of Law or by the instructor giving the examination. School of Law rules for the conduct of JD students' examinations are set out in Article VII, section 5, of the Academic Regulations. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action.

h. *Sales or purchase of class notes.* The sale, offering for sale, or purchase, directly or indirectly, of lecture notes, class notes, case abstracts, or similar material, acquired through attendance at the School of Law, by any student or group of students or their agents, is prohibited and may be subject to disciplinary action.

i. *Recording devices.* Recording devices are prohibited in the classroom except with the permission of the Dean and of the instructor. The use of such devices in the classroom without such permission may be subject to disciplinary action.

j. *Rules of the Career Development Office.* Students are required to comply with the rules established by the School of Law Career Development Office. In particular, no student who has accepted an offer of employment shall use the facilities of the Office to secure interviews for employment to a conflicting position. No student who has accepted an offer of employment in a law-related position shall rescind that acceptance or accept an offer for employment to a conflicting position without first notifying the Office and discussing the matter with a representative of that Office. Willful or repeated violation of the requirements of this paragraph may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. **General rule.** Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to Boston University, may be subject to disciplinary action pursuant to these Regulations.

2. **Definition.** Unprofessional conduct includes:

a. illegal conduct involving moral turpitude;

b. conduct that involves dishonesty, fraud, or deceit; or

c. conduct that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar.

3. **Specific examples.** Subject to the standard defined in section 2 above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations:

a. *Failure to comply with University rules relating to student conduct and discipline.* Students are required to comply with the rules established by Boston University relating to student conduct and discipline. For example, students are expected to comply with the University Policy on Sexual Harassment. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.

b. *Violations of public law.* Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to criminal or other sanctions.

c. *False statement.* Making a false statement in any document or record related to the study or practice of law may be the basis for disciplinary action, whether the statement is made on a document submitted to the School of Law, Boston University, or to a third party. Included within this category would be any false statement on an application for admission to the School of Law or other academic institution, on an application or other document submitted for financial aid, or on a resume submitted to a potential employer or agent for a potential employer.

d. *Other conduct.* Conduct defined as unprofessional conduct under section 2, above, may be subject to disciplinary action pursuant to these Regulations whether or not such conduct is related to the academic process at Boston University, and whether or not such conduct is also

subject to other sanctions. These examples of unprofessional conduct are not intended to be exhaustive.

Article IV. Investigation and Presentation of Charges

- 1. Investigation of reported student misconduct.** All reports and all complaints of student misconduct, including reports and complaints involving LL.M. students, shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, an Associate Dean or other delegate of the Dean shall offer the student the opportunity to discuss the matter at the earliest opportunity and in the case of students in an LL.M. program consult with the appropriate Director. If the student elects to have such a meeting, the student shall be informed of the right to counsel and the right to remain silent, and shall be warned that anything the student may say may be used against the student. The student shall be requested to sign a statement to the effect that he or she has been informed of the above rights and has received the above warning.
- 2. Informal disposition.** If, in the judgment of the Dean, the report or complaint is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's permanent record or upon the student's transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.
- 3. Presentation of charges.** If, in the judgment of the Dean, the report or complaint appears to warrant disciplinary action, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to a Judicial Committee. An Associate Dean or other delegate of the Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Judicial Committee convened to hear the charges pursuant to Article V, below. Charges may be amended in writing at any time prior to completion of the hearing by the Judicial Committee, but any amendment must be made within a reasonable time after the discovery of evidence supporting the amendment. Any such amendment shall be allowed if it refers to the same or a similar transaction that was the subject of the initial charge. The student shall have a reasonable time to prepare to respond to any amendment.
- 4. Interim Sanction.** The Dean may withhold credit for a course or seminar, withhold the award of any honors or other academic privileges, delay the award of a degree, or suspend the student involved pending completion of an investigation and hearing of alleged student misconduct. In determining whether to withhold, delay, or suspend, the Dean shall consider the gravity of the charge and the apparent strength of the case against the student, and the feasibility of avoiding interim sanctions by expediting the disciplinary proceedings.

Article V. The Judicial Committee

- 1. Convening the Judicial Committee.** When the Dean determines that charges against any student shall be referred to a Judicial Committee, the Dean shall convene the Committee in accordance with the provisions of this Article. Except in the case of joint hearings as provided in section 2, below, a separate Judicial Committee shall be convened to hear the case of each student against whom charges are brought.
- 2. Joint hearings.** Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Judicial Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged

in a joint hearing elect to have the Committee consist solely of Faculty members as provided in section 4, below, the Faculty members of the single Committee constituted pursuant to this section shall constitute the Judicial Committee in the case of such student or students and shall hold a separate hearing or hearings as required.

3. **Composition of the Judicial Committee.** Except as provided in section 4, below, each Judicial Committee convened to hear charges brought against a student or students pursuant to these Regulations shall consist of one student and two members of the Faculty of the School of Law selected as provided in this Article. If the Chair of the Faculty Judicial Panel does not serve on a Judicial Committee, [t]he Faculty members selected for the Committee shall elect one of their numbers to serve as Chair of the Committee.

4. **Election of a Judicial Committee consisting solely of Faculty members.** Any student against whom charges are brought pursuant to these Regulations may elect to have the Judicial Committee convened to hear the student's case consist solely of three members of the Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges.

5. **Selection of Faculty members of a Judicial Committee.** Except as provided in section 6 below, the Faculty members of each Judicial Committee shall be two members of the Faculty Judicial Panel selected by lot or, should a student elect a Judicial Committee consisting solely of faculty members pursuant to section 4 above, the three members of the Faculty Judicial Panel.

6. **Composition of the Faculty Judicial Panel.** The Faculty Judicial Panel consists of three members of the Faculty of the School of Law appointed by the Dean to serve for staggered terms of three years. At the beginning of each academic year, the Dean shall appoint one member of the Faculty Judicial Panel to serve as Chair and shall appoint ten alternate members of the Faculty Judicial Panel. Should it be necessary to convene more than one Judicial Committee at any given time, the Chair of the Faculty Judicial Panel may request the Dean to select one or more alternate members to serve on a Judicial Committee. If the Dean determines that the selection of alternate members is warranted, alternates shall be selected by lot from the full list of alternates. Every Judicial Committee, however, shall have at least one member who is a full member of the Faculty Judicial Panel. Faculty members then serving as Associate Dean or Assistant Dean shall not be eligible for appointment to the Faculty Judicial Panel as full members or alternates. Vacancies shall be filled as they occur by the Dean from among the eligible members of the Faculty.

7. **Selection of the student member of a Judicial Committee.** The student member of each Judicial Committee shall be selected by lot from among the eligible members of the Student Judicial Panel established pursuant to section 8, below. A student who is then serving or has served on a Judicial Committee shall not be selected for service on a second Judicial Committee in the same academic year unless there is no other eligible student who has not also served on a Judicial Committee in that academic year.

8. **Composition of the Student Judicial Panel.** The Student Judicial Panel shall consist of twenty-five students selected by lot from among the eligible members of the second-year class during the spring semester of each year to serve for one year beginning on Commencement Day immediately following their selection and ending on Commencement Day the following year. Students who have been in good academic standing throughout their course of study at the School of Law shall be eligible to serve on the Student Judicial Panel, except that students who have been found to have violated a rule of the School of Law or to have engaged in unprofessional conduct, and students who have been in residence at the School of Law for less than one full academic year, shall not be eligible to serve on the Panel. Students selected to serve on the Panel shall have a period of one week within which to accept appointment to the Student Judicial Panel in writing. Vacancies occurring as a result of failures to accept appointments, or otherwise, shall be filled as they occur by

selection by lot from among the eligible members of the third-year class in the same manner as provided for the initial establishment of the Panel.

9. **Resignation and replacement of Judicial Committee members.** The student whose case is to be heard by a Judicial Committee may bring to the attention of the Committee any facts or circumstances that would compromise or would appear to compromise the impartiality of a member of the Committee. Any member of a Judicial Committee, who knows of any such facts or circumstances, whether or not presented by the student, shall resign from the Committee. Vacancies on a Judicial Committee resulting from resignations, or from failure to serve, or otherwise, shall be filled as they occur in the same manner as provided for the initial establishment of the Committee, if such vacancies occur prior to the day set for the hearing in accordance with Article VI, section 2, below. Vacancies occurring after such date may be filled in said manner at the discretion of the Dean, provided, however, that the failure to fill such vacancies shall not prevent the Committee from taking action as provided for in these Regulations.

Article VI. Judicial Committee Procedure and the Rights of the Student

1. **Hearing date.** Upon presentation of charges against a student as provided in Article IV, above, the Judicial Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation by the student of the student's defense to the charges brought before the Committee.

2. **Notice to the student.** The Judicial Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:

- a. a copy of the charges made and referred to the Committee,
- b. copies of all supporting documents submitted to the Committee, and
- c. a copy of these Regulations.

3. **Presentation of the case.** An Associate Dean, or other delegate of the Dean, shall prepare the case and present the facts in the proceeding before the Judicial Committee. The person presenting the case shall have the right to be assisted by counsel.

4. **Student's right to counsel.** The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Judicial Committee. Members of the Faculty or Staff of the School of Law may agree in their discretion to serve as such advisors at the request of the student. The student, however, shall sign all papers and pleadings that are introduced on his or her behalf and that assert facts within the student's knowledge.

5. **Witnesses and evidence at the hearing.** Both the student and the person presenting the case have the right to call witnesses and to introduce evidence at the hearing. Each party has the right to cross-examine any witness who testifies against that party at the hearing. The student and the person presenting the case have the right to cross-examine witnesses who testify at the hearing.

6. **The right to remain silent.** The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.

7. **Rules of evidence and procedure.** The rules of evidence and procedure applicable to criminal and civil trials do not govern hearings before a Judicial Committee. Except as otherwise provided in this Article, and subject to disapproval by vote of the Committee, the Chair of the Judicial

Committee may make such rulings as to procedure and the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.

8. **Judicial Committee hearings.** The place of the hearing before a Judicial Committee shall be determined by the Committee. Hearings are normally closed to all but the parties and their advisors and counsel. When requested by the student, the student's hearing shall be opened to students and members of the Faculty at the School of Law in numbers consistent with the maintenance of a suitable atmosphere for the hearing. The Committee may make such exceptions to this rule as in their judgments are necessary to maintain order and to ensure due process.

9. **Tape recordings.** Judicial Committee hearings shall be recorded in full on tape, which shall be held in the Files of the School of Law and made available to the student, or the student's authorized representatives, for review or copying as required.

10. **Rules of procedure.** Except as otherwise provided in this Article, the Judicial Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.

11. **Dean's recommendation.** The Dean or Associate Dean or other Dean's designate may recommend a sanction in the event the Judicial Committee finds that disciplinary action is warranted. The Judicial Committee may consider such recommendation in deciding which sanction, if any, to impose. No recommendation from the Dean or Associate Dean or other Dean's designate, however, shall bind the Judicial Committee. If the student and the Dean or Associate Dean or other Dean's designate propose to the Committee a resolution of the matter that involves a stipulation or admission by the student, and the Committee does not adopt the recommended resolution, the student shall be permitted to withdraw the stipulation or admission and proceed to a hearing of the matter. In such a case, the Committee, in conducting the hearing, shall draw no inference from the fact that a stipulation or admission was offered by the student.

12. **Effect of procedural error.** If, in the judgment of the Judicial Committee, any representative of the Dean's Office has failed to comply with the obligations of the Dean's Office under this Code or has otherwise acted in a manner that unduly prejudices the student, appropriate corrective measures may be directed at any stage of the proceedings. Corrective measures shall be within the discretion of the Committee, but procedural error need not require exclusion of evidence or otherwise invalidate the proceeding or disposition of the case. The proceedings of the Judicial Committee shall not ordinarily be invalid by reason of a defective mechanical recording of the proceeding.

13. **Petition for reconsideration.** A student who has been found to have violated a disciplinary regulation may, on the discovery of new evidence, petition the Dean's Office for a rehearing based on such evidence. The petition shall set forth the nature of the new evidence and the circumstances under which it was discovered. On receipt of a petition for reconsideration, the Dean may either order a new Judicial Committee to hear the case or may deny the petition. The decision of the Dean on a petition for reconsideration shall be final.

VII. Judicial Committee Decisions

1. **Judicial Committee deliberations private.** After the hearing's close, the Judicial Committee will deliberate in private.

2. **Majority vote required.** The Judicial Committee's decisions shall be reached by majority vote of the Committee members present and voting.

3. **Acquittal.** If a majority of the Judicial Committee does not decide that a rule violation or unprofessional conduct has been established (see section 4 below), then the student shall be deemed

acquitted. The charges shall be dismissed, and no record shall be made of the matter in the student's permanent record or upon the student's transcript.

4. **Rule violation or unprofessional conduct established.** If the Judicial Committee decides that by clear and convincing evidence a rule violation or unprofessional conduct has been established as charged, then the Committee shall determine whether disciplinary action is warranted. If the Committee determines that no such action is warranted, then no action shall be taken, and no record shall be made of the matter in the student's permanent record or upon the student's transcript.

5. **Disciplinary action found warranted.** If the Judicial Committee decides that disciplinary action is warranted, then it shall prescribe the specific disciplinary consequences, setting forth its decision promptly in a written confidential report to the Dean. The report shall include the Committee's findings of fact as well as its disciplinary conclusions. The student shall be given a copy of the Judicial Committee's report promptly, with notice of the right to review by a Disciplinary Review Panel.

6. **Forms of disciplinary action.** Subject to review by a Disciplinary Review Panel convened under Article VIII, the following forms of disciplinary action may be taken pursuant to a Judicial Committee's decision:

a. *Reprimand.* The student may receive a reprimand. The reprimand will be part of the student's permanent record but will not be recorded upon the student's transcript.

b. *Censure.* The student may receive a censure. The censure will be part of the student's permanent record and will be recorded upon the student's transcript.

c. *Suspension.* The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension will be part of the student's permanent record and will be recorded upon the student's transcript. A suspension may be stayed subject to the proviso that the stay shall terminate if, during such stay, the student is found to have violated these Regulations.

d. *Expulsion.* The student may be expelled. Expulsion terminates the student's studies at the School of Law. The expulsion will be part of the student's permanent record and will be recorded upon the student's transcript.

The Judicial Committee may impose such other conditions as it deems appropriate. These may include, but are not limited to, notification of disciplinary action to third parties and restitution to the School of Law or other parties.

7. **Disqualification from honors.** If the Judicial Committee determines that disciplinary action is warranted, it shall determine also whether the student should be disqualified from consideration for honors upon graduation. Such determination shall be made a part of its report.

8. **Notification to student.** The Judicial Committee shall transmit its decision to the office of the Dean. The Dean shall transmit the decision to the student and, in the event that the Judicial Committee has determined that disciplinary action is warranted, the Dean shall inform the student of the right to submit a statement to the Disciplinary Review Panel.

9. **Notification to faculty member.** If the Judicial Committee determines that disciplinary action is warranted for misconduct related to any work in a course or seminar, and if that determination is not set aside by a Disciplinary Review Panel, then any faculty member responsible for grading such course or seminar will be notified and will receive a copy of the relevant disciplinary decisions. The faculty member may alter the grade of the student to take account of the disciplinary violation.

10. **Summary of decisions published.** If a Judicial Committee has determined that a student is guilty of a rule violation or unprofessional conduct, and if that determination has not been set aside by a Disciplinary Review Panel, then a brief summary of the disciplinary action shall be published within the School of Law unless the Dean determines otherwise. The summary shall not identify the student.

Article VIII. Review of Judicial Committee Decisions

1. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel consists of three members and an alternate, appointed by the Dean, all of whom must be full-time members of the Faculty. On the Dean's appointment, one of the Panel members will serve as Chair. Faculty members serving on the Judicial Committee, or as Associate Dean, may not be Panel members.

2. **Procedure before the Disciplinary Review Panel.** A student found guilty of a disciplinary violation may appeal to the Disciplinary Review Panel, provided that the student notifies the Dean's Office no later than 10 calendar days after the Judicial Committee's decision. A student who chooses to appeal must submit a written statement to the Dean's Office, setting forth grounds for relief from the Judicial Committee's decision. The statement must be submitted within 30 days after the student has filed notice of intent to appeal; otherwise, the appeal will be deemed to have been abandoned. If the student files a statement, the Dean may direct a response.

3. **Standard of review for the Disciplinary Review Panel.** The Panel will review the student's statement and any response, together with the record of the Judicial Committee's proceedings. The Panel's review is not limited to issues raised by the student, but absent exceptional circumstances, the Panel may not consider evidence that the student failed to present to the Judicial Committee. The Disciplinary Review Panel shall affirm the Judicial Committee's decision unless it finds the decision either clearly erroneous or fundamentally unfair.

4. **Challenges to the composition of the Disciplinary Review Panel.** Before determination of the appeal, the student should bring to the Panel's attention, with notice to the Dean, any facts or circumstances that would compromise or appear to compromise the impartiality of a Panel member. Any Panel member who knows of any such facts or circumstances, whether or not presented by the student, should refuse himself or herself from the Panel's deliberations. If any Panel member is disqualified, then the alternate member of the Panel will serve.

5. **Disciplinary Review Panel procedure.** The Panel will deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.

6. **Disciplinary Review Panel action.** Taking into account the standard of review described in section 3 above, the Disciplinary Review Panel may:

- a. Adopt both the Judicial Committee's finding of a violation and the disciplinary action it imposed.
- b. Adopt the Committee's finding of a violation, but determine that a lesser disciplinary action should be imposed.
- c. Set aside, in whole or in part, the Committee's decision, either (1) dismissing all charges or (2) remanding to the Committee for rehearing as to the charges that should not be dismissed. On rehearing, the Judicial Committee may not impose more severe disciplinary action than it imposed.

7. **Finality.** The Panel's decision is final and not subject to further review.

8. **Notification to student.** The Disciplinary Review Panel shall transmit its decision to the Dean's Office. That Office will notify the student.