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Hoynes Code, The

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THE

HOYNES

CODE

A COMPILATION OF FACULTY RESOLUTIONS
AND ADMINISTRATIVE REGULATIONS
GOVERNING NOTRE DAME LAW SCHOOL

REVISED NOVEMBER 1, 2007

PATRICIA A. O'HARA
JOSEPH A. MATSON DEAN AND PROFESSOR OF LAW

NOTRE DAME LAW SCHOOL

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ARTICLE I

1 INTRODUCTION

- 1.1 PURPOSE. This code governs legal education at the University of Notre Dame in all programs and in all locations.
- 1.2 AMENDMENTS. The code will be amended periodically by the dean to reflect actions of the body having authority over the particular subject matter.
- 1.3 EXCEPTIONS. Exceptions to the code may be granted by the body having authority to amend the section at issue. The general authority of the dean to grant exceptions is encompassed in the dean's responsibility for the administration, well-being and development of the Law School, its faculty, courses of study and other activities. (U.A.A., Art. II, sec. 5.)
- 1.4 COPIES. The original of this revision is retained in the Dean's Office. One copy is maintained in the reserve section of the Kresge Law Library; the Associate and Assistant Deans' Offices; the Office of the Director of Admissions; the Office of the Law School Registrar; and the Office of the Director of the London Law Centre. The Law School's web site shall also have a link to the text of the current revision.
- 1.5 SOURCES. Sources indicated at the end of each section or series of sections are abbreviated as follows:

A.A.L.S. – Association of American Law Schools, Bylaws or Executive Committee Regulations (2002)

A.B.A. – Standards for Approval of Law Schools, American Bar Association (2002)

A.C.M. – Minutes of Academic Council Meetings, University of Notre Dame

A.R. – Administrative Regulations promulgated by the dean of the Law School

F.M. – Law School Faculty Minutes

U.A.A. – University of Notre Dame Academic Articles

U.A.C. – University of Notre Dame Academic Code

S.B.A. – Resolutions and other official acts of the Notre Dame Law School Student Bar Association

- 1.6 CITATION. The Hoynes Code is named in honor of Colonel William James Hoynes, first dean of the Notre Dame Law School. It is referred to here as “the code,” and may be cited as “H.C.”
- 1.7 EDITION. The code as originally compiled was as of August 1, 1971. This compilation is as of November 1, 2007.

ARTICLE II

2 FACULTY AND ADMINISTRATION

- 2.1 FACULTY. The Law School faculty is composed of those persons appointed by the provost of the University of Notre Dame upon the recommendations of the Law School dean, the Law School Committee on Appointments, and the Law School Committee on Promotions. The Law School faculty also includes those persons appointed to the law library faculty by the provost of the University of Notre Dame upon the recommendations of the Law School dean, the director of the law library, and the law library faculty. (Adapted from U.A.A., Art. III; F.M., September 6, 1996.)
- 2.2 DEAN. The dean of the Law School is appointed by the president of the University; the appointment is subject to formal review every five years. When such an appointment is to be made or a review conducted, the provost consults formally with all regular faculty of the school and reports their recommendations to the president along with the provost's recommendation. (Adapted from U.A.A., Art. II, sec. 5.)
- 2.3 ASSOCIATE AND ASSISTANT DEANS. The dean of the Law School is assisted by the associate and assistant deans of the Law School, who are appointed by the president and who perform such duties and exercise such authority as may be delegated to them by the dean. (U.A.A., Art. II, sec. 5.)
- 2.4 DIRECTOR OF THE KRESGE LAW LIBRARY. The director of the law library is appointed by the president of the University upon the recommendations of the dean of the Law School and the Law School committee as provided for in Section 3.4. If the director of the Law Library is being considered for tenure, the appointment must be reviewed by the Law School's Faculty Committee on Promotions, as provided for in Section 3.2. (F.M., November 6, 1998.)
- 2.5 FACULTY MEETINGS. The Law School faculty meets at least once each semester, at a time fixed by the dean. Additional regular or special meetings may be called at the dean's discretion. Meetings may be called or items may be placed on the agenda upon the written petition of at least 25 percent of the

law faculty. Suggestions for additions to the agenda may be made to the dean at least one week in advance of the date for a faculty meeting. The dean presides as chair at such meetings, or may appoint a chair or have the faculty elect a chair in the dean's absence. (U.A.A., Art. IV, sec. 2.)

2.5.1 Voting. The faculty admits to voting membership only those of its members who are also members of the University's teaching and research faculty, clinical faculty, and library faculty. Voting for members of the Law School Appointments Committee and the Law School Promotions Committee, and on advisory votes for prospective appointments to the teaching and research faculty is limited to teaching and research faculty and clinical faculty. Part-time and visiting members of the faculty may attend by invitation but do not vote. (A.A.L.S., Bylaws, Art. VI, sec. 6-6; U.A.A., Art. III, sec. 1(a), (c). July 16, 1971; F.M., November 21, 1988, March 20, 1995, September 6, 1996, March 30, 2007.)

2.5.2 Minutes. Minutes of faculty meetings are recorded and distributed to members of the faculty, the president, the provost and the vice president for graduate studies and research. (U.A.A., Art. IV, sec. 2.)

2.5.3 Attendance by Students. Law students are allowed to attend faculty meetings to present their positions on matters of concern, except for those meetings, or portion thereof, that are for good reason closed. The dean normally should give advance notice if a meeting, or portion thereof, is to be closed. (F.M., January 17, 1972.)

2.6 OTHER POLICIES

2.6.1 The Notre Dame Law School Honor Code. The Honor Code was adopted by the students and faculty. It is included in Appendix A. (F.M., March 20, 1995.)

2.6.2 Student Discipline. The Law School faculty reserves its right to assert jurisdiction in the first instance in disciplinary cases involving law students. (F.M., March 20, 1972; A.R., June 25, 1974.)

- 2.6.3 Student Records. The records of students at the Law School, including grades, are confidential and are not open to anyone except the student and the faculty and staff for internal administrative purposes. (F.M., September 30, 1969.)
- 2.6.4 Student Employment. Law students are discouraged from working during the first year because of the academic rigor of the required curriculum. Work is encouraged during the summer months and, if necessary, part-time during the second and third years of study. A student may not work in excess of 20 hours per week while attending law school on a full-time basis. (A.B.A. Standard 304(d).)
- 2.6.5 Law School Calendar. The Law School calendar shall be fixed by the Law School administration with the general guideline of the faculty that it conform to the University calendar as nearly as can be reasonably done to accommodate no fewer than 70 class days per semester. (F.M., March 23, 1981.)

ARTICLE III

3 COMMITTEES

3.1 FACULTY COMMITTEE ON APPOINTMENTS

3.1.1 Membership. The Law School Appointments Committee shall consist of five members: the dean, who shall serve as chair; two elected members; and two members appointed by the dean. Except for the dean, terms shall be for two years, with one member elected and one member appointed each year. Each year an alternate member shall be elected. The alternate shall fill any vacancy or serve *pro tem* whenever one of the elected or appointed members is unable to serve. All members of the committee must be tenured and must not be on leave of absence. Each member shall have an equal vote.

3.1.2 Responsibilities. The Law School Appointments Committee shall be responsible for recruiting, interviewing, soliciting faculty and student opinions, and recommending to the University candidates for faculty appointment. This committee also shall be responsible for the faculty affirmative action program. Before making recommendations to the University, the Appointments Committee shall call a meeting of the regular faculty at which meeting all candidates being considered for appointment shall be discussed and an advisory vote taken. (U.A.A., Art. IV, sec. 5(a); F.M., December 16, 1981; December 14, 1992.)

3.2 FACULTY COMMITTEE ON PROMOTIONS

3.2.1 Membership. The Law School Promotions Committee shall consist of five members: the dean, who shall serve as chair; two elected members; and two members appointed by the dean. Except for the dean, terms shall be for two years with one member elected and one member appointed each year. Each year an alternate member shall be elected. The alternate shall fill any vacancy or serve *pro tem* whenever one of the elected or appointed members is disqualified or otherwise unable to serve. All members of the committee must be tenured and must not be

on leave of absence. Each member shall have an equal vote, except that:

3.2.1.1 a member of the committee who is an associate professor is disqualified from considering the promotion of any person to the rank of professor and shall not attend, participate or vote at a committee meeting concerning the promotion of any person to the rank of professor;

3.2.1.2 a member of the committee who is serving as an officially designated mentor to a person being considered for promotion, and who was so designated prior to September 20, 2006, is disqualified from considering that person's promotion and shall not attend, participate or vote at a meeting concerning that person's promotion. (F.M., December 14, 1992, September 20, 2006.)

3.2.2 Responsibilities. The Law School Promotions Committee shall be responsible for evaluating teaching, scholarship, and service to the law, the profession and the University. The committee is also responsible for soliciting faculty, student and outside evaluations and for making recommendations to the University concerning candidates for promotion. Before making recommendations to the University, the Promotions Committee shall solicit the comments and recommendations of each member of the faculty concerning a candidate for promotion or tenure. The committee shall evaluate the performance of each untenured member of the teaching and research faculty and each associate clinical professor annually and shall report its evaluation to that faculty member. (U.A.A., Art. IV, sec. 5(a); F.M., December 16, 1981, March 30, 2007.)

3.2.2.1 [reserved] (F.M. March 30, 2007.)

3.2.2.2 Clinical Faculty Reappointment and Promotion Standards. In addition to the general requirements currently set out in Article III, Section 3, Subsection (d), of the Faculty Handbook for Special Professional Faculty, the following criteria apply to the

reappointment and promotion of clinical faculty. (F.M. March 30, 2007.)

3.2.2.2.1 Reappointment of Associate Clinical Professor. The University usually appoints an associate clinical professor to an initial three-year term. At the start of the final year of the initial appointment or any subsequent reappointment, an associate clinical professor may seek reappointment. Subject to the rule in section 3.2.2.2.4 for the reappointment of the director of the Legal Aid Clinic, reappointment for an additional three-year term requires a demonstration of outstanding ability in clinical teaching, professional activities, service, and substantial progress toward the requirements for promotion to the rank of clinical professor. Before reaching a recommendation to the dean on such requests, the Promotions Committee shall consider each of the following:

- 1) Course design and content, including selection of teaching materials and actual or simulated cases; delivery and implementation, including instruction in classroom settings and in clinical fieldwork, consideration of ethical issues in legal practice, and supervision of students' casework and writing; learning outcome evaluation and assessment; and student and client perceptions.
- 2) Professional activities, including major legal arguments, scholarly articles, or other significant efforts addressed to legal reform, a

substantive area of law, or the methods of clinical legal education. In addition to articles, published or widely used case or pedagogical studies and innovative assessment tools are tangible examples of professional accomplishments.

3) Appropriate service to clients, the University, the Law School, the Legal Aid Clinic, the law, the legal profession, and the community.

Any clinical faculty member who is not reappointed will, in the normal course, receive a one-year, terminal contract to close-out or transfer outstanding cases in an orderly fashion. (F.M. March 30, 2007.)

3.2.2.2.2 Promotion. Generally at the beginning of the final year of the second three-year appointment or at any time during a subsequent three-year reappointment period, an associate clinical professor may seek promotion to clinical professor. Before reaching a recommendation to the dean on such requests, the Promotions Committee shall consider whether the candidate for promotion has demonstrated both continued qualification for reappointment to associate clinical professor and substantial contributions to the academic or professional legal community that establish widespread recognition for excellence in the field in any of the following ways:

- 1) Successful leadership in working, preferably with and supervising students, on significant efforts to improve our laws or legal institutions;
- 2) The publication of substantial scholarly articles or their equivalent related to a substantive

area of law, clinical education, or an improvement to the system of justice or the legal profession; or

3) Comparable activities.

The University appoints a clinical professor for a presumptively renewable, five-year term. (F.M. March 30, 2007.)

3.2.2.2.3 Reappointment of Clinical Professor. During the final year of the five-year appointment as a clinical professor and subject to the rule in section 3.2.2.2.4 for the reappointment of the director of the Legal Aid Clinic, the Promotions Committee, using the criteria for promotion, shall consider another presumptively renewable, five-year term and submit a recommendation to the dean. Any clinical faculty professor who is not reappointed in the normal course should receive a one-year, terminal contract to close-out or transfer outstanding cases in an orderly fashion. (F.M. March 30, 2007)

3.2.2.2.4 Reappointment of the Director of the Legal Aid Clinic. In addition to the above requirements, the reappointment of the director of the Legal Aid Clinic is contingent upon continuing satisfactory performance as director. If the director is not reappointed as director, his or her continuing status on the clinical faculty will be considered on a case-by-case basis by the dean after consultation with the Promotions Committee. (F.M. March 30, 2007.)

3.2.3 Law Library Faculty Appointments, Reappointments and Promotions

3.2.3.1 New Appointments. The director of the law library, with the advice of the library faculty serving as a committee of the whole, will recruit, interview and recommend to the dean

candidates for new law library faculty appointments. Approved recommendations will be forwarded to the University.

3.2.3.2 Reappointments and Promotions. After reviewing the performance of law library faculty, the director of the law library will make re-appointment or promotion recommendations to the dean. Approved recommendations will be forwarded to the University. (F.M., September 6, 1996.)

3.3 PROCEDURES FOR COMMITTEE ON APPOINTMENTS AND COMMITTEE ON PROMOTIONS

3.3.1 Vice Chair. Each committee shall elect by ballot a vice chair, who shall preside in the absence of the chair, and who shall perform such other duties as may be delegated by the chair or by the committee.

3.3.2 Meetings. The chair shall call a meeting of the committee promptly upon hearing of any situation that may call for appointment to the faculty or other exercise of the powers of the committee.

3.3.2.1 The chair may call a meeting at any other time, and shall do so on the written request of the vice chair or any two or more other members.

3.3.3 Quorum. A majority of the members of the committee shall constitute a quorum.

3.3.4 Recommendations. The committee shall prepare a written report of its recommendations. The dean shall transmit this report to the provost, together with the dean's own recommendations.

3.3.5 Emergencies. In the case of an emergency requiring an appointment to the faculty before a meeting of the committee can be held, the chair shall promptly notify the vice chair, who shall ascertain the sense of the committee by contacting the members as far as is practicable and shall report to the chair. The sense shall be submitted to the provost in the same manner as for submitting the sense of the committee as

ascertained in a meeting.

3.3.6 Structure. The structure of either the Promotions Committee or the Appointments Committee may be amended by adopting a new organization plan approved by the dean and by a majority vote of the Law School faculty at a meeting called for that purpose. (F.M., December 16, 1981.)

3.3.7 Common Membership. Except for the dean, no faculty member shall serve simultaneously on both the Appointments Committee and the Promotions Committee. (F.M., December 16, 1981.)

3.4 COMMITTEE TO SELECT THE DIRECTOR OF THE KRESGE LAW LIBRARY. When an appointment to director of the law library is to be made, the dean convenes and chairs a committee composed of four other members: one member of the library faculty and one other faculty member appointed by the dean; one member elected by and from the library faculty; and one other faculty member elected by and from other Law School faculty. The committee shall be responsible for recruiting, interviewing, soliciting faculty and student opinions, and recommending to the University a director of the law library. Before making a recommendation to the University, the committee shall call a meeting of the faculty at which meeting any candidate being considered for appointment shall be discussed and an advisory vote taken. Library faculty may participate in this advisory vote. (F.M., November 6, 1998.)

3.5 OTHER COMMITTEES. Other committees may be created by the dean or by a majority of the faculty, permanently or temporarily, as the dean or the faculty determines. (U.A.A., Art. IV, sec. 5(b).)

3.6 STUDENT PARTICIPATION ON LAW SCHOOL COMMITTEES

3.6.1 Voting. The faculty authorizes student voting membership on each committee other than the Faculty Committees on Promotions and Appointments. The faculty members of the committee shall decide, by majority vote, whether and on what business a student member may vote, and no more than one student member may vote. (F.M., September 28, 1968; October 4, 1971.)

3.6.2 Attendance. The faculty members of a committee shall decide, by majority vote, whether and on what business to invite one or more student members. (F.M., September 28, 1968; October 4, 1971.)

ARTICLE IV

4 DEGREE REQUIREMENTS

4.1 JURIS DOCTOR DEGREE. To earn a J.D. degree, students must:

4.1.1 Successfully complete a minimum of 90 credit hours. See also section 4.2. (F.M., March 3, 1977.)

4.1.2 Successfully complete all required courses, as listed in section 4.3.

4.1.3 Engage in full-time law study for six semesters in residence, as described in section 4.5.

4.1.4 Achieve a minimum cumulative GPA of 2.000. See also section 4.6.

4.2 CREDIT HOURS. Degree requirements for the Juris Doctor degree include the successful completion in residence of at least 90 full weeks of work consisting of at least 1,120 class hours of at least 50 minutes each. (A.B.A. standard 305.)

4.3 REQUIRED COURSES

4.3.1 All courses in the first year are required:

Civil Procedure (4 hours)
Constitutional Law (4 hours)
Contracts (4 hours)
Criminal Law (4 hours)
Ethics (1 hour)
Legal Research (1 hour)
Legal Writing (4 hours)
Property (4 hours)
Torts (4 hours)

(F.M., March 5, 1971; July 1, 1976; June 30, 1983; May 4, 1999, March 4, 2006.)

4.3.2 In addition to first-year courses, students must successfully complete the courses listed below prior to graduation:

Business Associations (4 hours)

Federal Taxation (4 hours)

Jurisprudence (3 hours)

A second course in Ethics is also required, and may be satisfied by any one of these courses:

Ethics II;

Legal Aid I and Ethics;

Legal Externship Ethics

Professional Responsibility

Students who enter in the fall of 2003 and thereafter must also complete the Upper-Level Writing Requirement (*see* section 4.3.3) before enrolling for their final semester.

Students who enter in the fall of 2007 and thereafter must also complete at least one upper-level skills course during either their second or third year of law school. Before the start of registration for any semester, the appropriate associate dean shall publish a list that identifies all of the courses that will be offered during that semester that will satisfy this requirement.

(A.R., June 30, 1983; F.M., April 18, 1994; May 4, 1999; March 25, 2003; April 27, 2005, May 2, 2007.)

4.3.3 In order to satisfy the Upper-Level Writing Requirement (*see* Section 4.3.2), a student must complete a substantial research paper. Ordinarily a paper of that sort will contain at least 10,000 words (including text and footnotes), but in exceptional circumstances a shorter paper could suffice. This Requirement is designed to increase the student's proficiency in legal research, analytic reasoning, and writing in a single field of concentration. Accordingly, the research paper should be well-researched with all sources cited accurately and properly (in "Blue Book" or similar form), and should make appropriate and critical use of primary and secondary sources. (Appellate briefs, including briefs

produced in a course of a student's participation in Moot Court, do not satisfy this Requirement). The paper must be completed for curricular credit, co-curricular credit, or in the context of a student's involvement with the NOTRE DAME LAW REVIEW, the JOURNAL OF LEGISLATION, the NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY, or the JOURNAL OF COLLEGE AND UNIVERSITY LAW; on a graded or ungraded basis; in conjunction with a course, or as a Directed Reading. In all instances, however, the Associate Dean for Academic Affairs, or designated delegate, must certify that the paper satisfies this Requirement.

(F.M., March 25, 2003.)

4.4 ELECTIVE COURSES

4.4.1 Electives Defined. All second- and third-year courses not listed in section 4.3.2 are elective.

4.4.2 Academic Credit. Academic credit is awarded for both curricular and cocurricular coursework.

4.4.2.1 Curricular Academic Credit will be granted to elective courses based on the following guidelines: (1) significant classroom component (normally consisting of 14 classroom hours per hour of academic credit) or significant individual sessions, with substantive content; and (2) student evaluation, by an individual appointed to the faculty, based on an examination, a substantive research or analysis paper(s), or student performance. (F.M., April 12, 2002.)

4.4.2.2 Cocurricular Academic Credit on a "satisfactory/unsatisfactory" basis may be awarded to students participating in cocurricular activities that comply with plans approved by the faculty prior to the commencement of the activity for which credit is awarded. In determining whether to approve plans pursuant to which credit will be awarded for cocurricular activities, the faculty shall consider: (1) the educational value of the activity;

(2) the extent and type of supervision and the director of the activity; (3) the extent and manner of periodic evaluation and review of the performance of students participating in the activity; and (4) the amount of time required to earn the credit. (F.M., April 3, 1970; F.M., February 25, 1971; F.M., May 8, 1972.)

4.4.2.2.1 No more than four cocurricular credit hours may be applied toward the minimum credit hours required for graduation as provided in section 4.1.1.

4.4.2.2.2 No more than two cocurricular credit hours per semester may be applied to the minimum semester-hour requirement as provided in section 4.5.

4.4.2.3 Determination of whether an elective course satisfies the requirements for curricular or cocurricular academic credit will be made by the faculty. (F.M., April 12, 2002.)

4.4.2.4 The following courses have been approved for cocurricular academic credit:

- Law Review
- Journal of Legislation
- Journal of College and University Law
- Journal of Law, Ethics and Public Policy
- Moot Court Appellate
- Moot Court International
- Moot Court Trial
- Moot Court Barristers
- Legal Aid Asylum Clinic
- Legal Aid Cocurricular
- Legal Aid Immigration Cocurricular
- Legal Externship - Summer
- Legal Externship - Public Defender

Legal Externship - Prosecutor
Legal Writing Teaching Seminar
GALILEE
Street Law

(F.M., April 12, 2002.)

4.4.3 Directed-Readings Programs. It is administrative practice to deny approval of more than one directed-readings program per semester for each student. Directed-readings programs carry one or two semester hours of curricular credit, at the discretion of the member of the faculty offering the program. (A.R., August 30, 1972.) In the London all-year program, students are limited to two directed readings for a maximum of two hours each in the course of the three-term academic year. (A.R., June 30, 1983; F.M., April 12, 2002.)

4.4.4 Graduate School Courses

4.4.4.1 A student in the Law School may receive curricular academic credit for courses taken in the Graduate School as follows:

4.4.4.1.1 Up to three hours of curricular academic credit may count toward the minimum hour requirements in any semester after the first year. (F.M., January 7, 1977; April 12, 2002.)

4.4.4.1.2 Up to three courses, totaling up to nine semester hours of curricular academic credit, may be credited toward the J.D. degree. (F.M., April 12, 2002.)

4.4.4.1.3 The determination of what constitutes a graduate-level course for purposes of this rule rests within the dean's discretion. (A.R., November 22, 1971; F.M., January 1, 1977.)

4.4.4.2 A full-time student enrolled in the Law School shall pay no

additional tuition for graduate school courses.

4.4.4.3 In accord with University and Graduate School regulations, a law student seeking a degree in the Graduate School (that is, a degree other than the J.D.) must apply for admission to the Graduate School and be accepted by the appropriate department. (U.A.C., sec. 3.3.)

4.4.5 Academic Externships. The dean may approve for curricular academic credit an externship program fulfilling the following conditions:

4.4.5.1 Content and supervision must comply with the student practice rules of the jurisdiction in which the work is done.

4.4.5.2 A member of the full-time teaching and research faculty must accept full responsibility for the program.

4.4.5.3 The program must include a substantial component of classroom work under the direction of the responsible faculty member. The classroom component normally should consist of 15 classroom hours per hour of academic credit.

4.4.5.4 No student may earn more than four hours of curricular academic credit in such programs. Such credit is without prejudice to a student's ability to earn cocurricular credit under the provisions of the Hoynes Code. (F.M., April 12, 2002.)

4.4.5.5 A student may not receive compensation for work performed as part of an academic externship. (F.M., February 14, 1992; November 16, 1992.)

4.4.6 Legal Externships. One unit of cocurricular academic externship credit may be awarded for student volunteer legal work of six weeks or more undertaken during the summer months in any court, agency, or public or private law office. Externship work must be conducted under faculty supervision, conform to the approved standards of the faculty, and have the advance approval of the assistant dean for academic

affairs. This one unit of cocurricular credit may count toward graduation requirements as one of the four maximum allowable cocurricular credits, but cannot count toward the minimum hours required during any semester for residency. The credit will be reflected on a student's transcript. (F.M., March 25, 1991; April 12, 2002; A.R., August 1, 2004.)

4.4.7 London Internship Programme. Credit shall be given for participation in the London Internship Programme in accordance with the policies and procedures developed and maintained by the Director of the London Law Programme. (A.R., September 13, 1982.)

4.5 RESIDENCY. Each student shall be required to take at least 14 hours in every semester in order to qualify for status as a full-time student. (F.M., March 3, 1977).

4.5.1 Credit Hours

4.5.1.1 Students who earn credits in the Notre Dame London Summer Programme may, in subsequent semesters, reduce their total semester hours by the number of London summer credits earned, provided that students take at least 12 credit hours each semester.

4.5.1.2 Students in the all-year London Programme shall be required to take at least 28 hours over the course of the three-term academic year. (A.R., June 30, 1983.) The three-term, all-year London Programme is the equivalent of two semesters in residence.

4.5.2 Semesters

4.5.2.1 The required six semesters in residence must be pursued on a Notre Dame campus, except in the case of students who transfer from another law school, in which case four semesters must be pursued on a Notre Dame campus.

4.5.2.2 The dean may waive the Notre Dame residency requirement in section 4.5.2.1, but only for extraordinarily compelling reasons. (F.M., September 18, 1995.)

4.6 GRADES REQUIRED FOR GRADUATION

4.6.1 All students must achieve a minimum cumulative GPA of 2.000.

4.6.2 The dean may waive the requirement of a minimum cumulative GPA of 2.000 if:

4.6.2.1 the student has achieved six semesters of good standing; or

4.6.2.2 the student has achieved a minimum semester GPA of 2.000 in each of five semesters.

4.6.3 A student who fails to meet these eligibility criteria may petition the dean to continue for one additional semester in order to meet the minimum standards for graduation. Approval will be at the dean's discretion. (F.M., November 23, 1981.)

4.7 JOINT J.D./M.B.A. PROGRAM

4.7.1 A student in the joint J.D./M.B.A. Program will be required to complete successfully 75 hours of Law School courses and 49.5 hours of M.B.A. courses to receive the respective degrees. The Law School will accept 15 credit hours of M.B.A. courses toward completion of the J.D. degree. Concurrently, the Mendoza College of Business will accept 15 credit hours of law courses toward the M.B.A. degree requirements. (ABA standard 304, interpretation 304-2.)

4.7.2 Each student enrolled in the joint J.D./M.B.A. Program shall consult with the assistant dean for academic affairs in planning a curriculum. (A.R., January 9, 1979; A.R., August 1, 2004.)

4.8 LL.M. PROGRAM IN LONDON (see Article IX)

4.9 SPECIAL STUDENTS. While regular J.D. degree-seeking students are required to comply with the other provisions of this article, a student with a particular need or interest may be authorized to enroll for selected courses as a special student in a nondegree status. (ABA standard 508; A.R., July 10, 1984.)

ARTICLE V

5 ENROLLMENT AND WITHDRAWAL

5.1 ENROLLMENT

5.1.1 All students must enroll on the appointed day each semester. A fee will be imposed for late enrollment. (U.A.C., sec. 4.1; A.R., November 15, 1987; A.R. August 1, 2004.)

5.1.2 A student's failure to enroll on time may result in the loss of the student's seat in a closed class to a student who has enrolled on time. (A.R., November 15, 1987; A.R. August 1, 2004.)

5.1.3 A student who fails to enroll before the end of the first week of classes is considered not to be a Notre Dame law student. If such person desires to continue at the school, an application for readmission in accordance with Article VIII is required. (A.R., November 15, 1987; A.R. August 1, 2004.)

5.2 DROP-ADD. Any course may be dropped or added routinely during the first five class days of the semester.

5.3 COURSE WITHDRAWALS. After the first five days of a semester, but during the first five full weeks of the semester, a student may withdraw from a class without penalty only with the permission of the dean, provided that:

5.3.1 the student's course load does not fall below 14 hours; or

5.3.2 the minimum-hour requirement is relaxed by the dean for good cause shown.

Upon withdrawal the student is to receive a grade of "W" (withdrawal). (F.M., August 12, 1970.)

5.3.3 After the first five full weeks of the semester, a student may withdraw from a course only with the permission of the dean, who shall

determine the manner in which the drop shall be treated.

- 5.3.4 After the first five days of a semester, discontinuance of a course without the dean's permission will result in the grade of "F." (A.R., June 30, 1984.)

ARTICLE VI

6 ATTENDANCE AND EXAMINATIONS

6.1 ATTENDANCE REQUIREMENTS. To be eligible to receive course credit, a student must attend classes and any required activities regularly and punctually. The student's performance must be satisfactory. (A.B.A. Standard 304(e); U.A.C., sec. 13.1; F.M., April 30, 1986.)

6.2 ATTENDANCE POLICY

6.2.1 Each professor teaching a course is required to adopt a policy concerning attendance and other course activities. Each professor shall communicate this policy to the class reasonably early in the semester in a manner calculated to inform the students of its provisions. Oral announcement at a regular class is sufficient notice. No penalty shall be assessed under this rule for events prior to communication of the policy. (U.A.C., sec. 13.2.)

6.2.2 The policy may provide for the raising or lowering of grades, or both, for attendance or performance in class or at required activities. It may provide for exclusion from further participation in the course or from the examination, and for failure in the course. Professors may excuse absences from their class or required activities. (F.M., April 30, 1986.)

6.2.3 The attendance policy applies to required Trial Advocacy exercises for students enrolled in the Trial Advocacy spectrum of courses; to required events and commitments in the clinical courses of the Law School for students enrolled therein; to the required Moot Court exercises for those enrolled in the Moot Court courses; and to cocurriculars undertaken for academic credit, even though these activities may occur at a time outside the regularly scheduled classroom period. (F.M., April 30, 1986.)

6.2.4 An absence certified in advance by the faculty advisor of the Legal Aid Program as necessary to the proper operation of the program will not be treated as an absence under the attendance policy. (F.M., January

24, 1978.)

6.3 EXAMINATIONS

6.3.1 When a written examination is given in a Law School course, it should be administered and graded anonymously. Numbers will be assigned to individual students by the Law School administration. No indication of a student's identity by name or class status shall be on the examination paper. (F.M., April 15, 1991.)

6.3.2 The Law School Registrar is responsible for supervising the assignment of exam numbers. In London, the key will be kept by the London Director, who will supervise the number assignment system. Numbers may be assigned during the semester to accommodate special examination schedules. The Law School Registrar and the London Director are responsible for the security of the numbers to ensure strict anonymity until the grades are deposited officially with the University Registrar.

6.3.3 No examinations are to be scheduled on Sundays. (F.M., November 12, 1976.)

6.3.4 No examination or test may be given during the final five class days of the class portion of each semester, nor may examinations or tests be given during the study period following the end of the semester. This provision shall not apply to papers assigned at least two weeks prior to the end of the semester; neither shall it apply to take-home examinations if the examination is distributed during the study period or during the officially scheduled examination time. (F.M., February 8, 1988.)

6.4 REQUIRED PAPERS. It is the declared policy of the faculty that in courses requiring submission of a paper, the paper must be specially prepared by the student for that course. Incorporation of any material prepared by the student earlier shall be approved in advance by the professor. (F.M., October 11, 1971.)

- 6.5 TRIAL ADVOCACY JURORS. First-year students are required to serve, when summoned, as jurors in the Trial Advocacy Comprehensive and Trial Practice courses. Failure to respond to a summons renders the student ineligible to enroll in the Trial Advocacy Comprehensive and Trial Practice programs. (A.R., March 16, 1972.)

ARTICLE VII

7 GRADING, ACADEMIC GOOD STANDING, HONORS, PROBATION AND DISMISSAL

7.1 GRADING. Grading in the Law School is governed by the Hoynes Code. (A.C.M., spring 1987.)

7.1.1 Grades and Numerical Values. Grades are not calculated on a numerical basis, but are assigned values for calculating grade-point average, according to the following grading system, effective fall semester 1987. (University Registrar, June 26, 1987.)

Letter Grade	Value	Letter Grade	Value
A	4.000	C+	2.333
A-	3.667	C	2.000
B+	3.333	C-	1.667
B	3.000	D	1.000
B-	2.667	F	0.000

(F.M., April 9, 1986.)

7.1.2 Interpretation of Grades. Within the grading system described in section 7.1.1, "A" is superior, "B" is good, "C" is satisfactory, "D" is unsatisfactory with credit, "F" is failure. (F.M., February 14, 1992.)

7.1.3 Other Grades

7.1.3.1 Incomplete. The grade of incomplete ("I") is a temporary grade indicating failure to complete work in a course. The course work must be completed and the incomplete changed prior to the end of the next semester's final examination period; otherwise the incomplete will be changed to an "F." (F.M., May 14, 1981.)

7.1.3.2 Satisfactory/Unsatisfactory. The Law School will use a grade of

satisfactory or unsatisfactory for selected courses. (F.M., May 7, 1976.) (See also section 7.1.5.)

7.1.3.3 Pass/Fail. The pass/fail option is limited to two elective courses, and only with the permission of the professor teaching the particular course. These two courses may not be taken in the same semester. (F.M., March 3, 1977.)

7.1.4 Audits. Law students may audit courses in the Law School without administrative permission. Auditors must obtain the permission of the instructor in the course being audited. No record of audited courses will be kept by the Law School, and audited courses will not appear on transcripts. (F.M., March 20, 1973.)

7.1.5 Reporting and Finality of Grades

7.1.5.1 Faculty members are expected to report all grades within two weeks of the last day of the examination period. This duty normally takes precedence over all other University duties. In the spring semester, an earlier deadline will be required for the grades of graduating students. (A.R., July 13, 1971.)

7.1.5.2 Each faculty member, upon finishing grading, will submit a grade report to the Law School Registrar or to the London director. No grades shall be posted publicly except as provided by section 7.1.6.6. (F.M., February 4, 2002.)

7.1.5.3 All grades will be final when filed with the Law School Registrar or with the London director, and may not be changed thereafter except for clerical or administrative error. The review of a grade for clerical or administrative error shall be made by the faculty member who assigned the grade. Except as stated in section 7.1.5.4 there shall be no right of appeal from the faculty member's decision on a grade. (F.M., April 15, 1991.)

7.1.5.4 In the event that a student believes that the grade received in a

course resulted in whole or in part from a faculty member's lack of personal integrity or professional competence, the matter shall be called to the attention of the dean or an associate dean or an assistant dean. Should the dean determine that a claim of lack of integrity or competence is not frivolous, the dean shall refer the matter to the entire voting faculty. The faculty as a whole then shall determine whether a lack of personal integrity or professional competence influenced the grade. If the faculty so finds, it shall make appropriate provision for review of the grade. (F.M., April 15, 1991.)

7.1.6 Grade Reports

7.1.6.1 Only the University will provide individual grade reports to students, via IrishLink. The Law School will not make grade reports directly available to the students, except in cases of probation or dismissal for academic deficiency.

7.1.6.2 An official grade-point average will be computed for each student's record. (F.M., March 23, 1981.)

7.1.6.3 The Law School will not publish an individual's grade-point average or rank in class. (F.M., May 14, 1981.)

7.1.6.4 The Law School does not rank students, either internally or externally. (F.M., March 24, 1969.)

7.1.6.5 The Law School will publish the mean grade-point average for each class on a semester basis and on a cumulative basis. (F.M., November 20, 1991.)

7.1.6.6 The Law School will publish a grade distribution for each course and section on a semester basis, except for Directed Readings or courses with five or fewer students. (F.M., February 4, 2002.)

7.2 GOOD STANDING

- 7.2.1 Determination of academic good standing will be based on grade-point average. (F.M., May 14, 1981.)
- 7.2.1.1 In calculations for standing, honor roll, and graduation honors, only Notre Dame Law School grades and credit hours are considered. Transfer credits from other law schools and course credits and grades from other colleges at Notre Dame do not enter into the calculation.
- 7.2.1.2 Grades of satisfactory (“S”) and pass (“P”) are not included in the computation of grade-point average; however, grades of unsatisfactory (“U”) and fail (“F”) are included. (F.M., November 21, 1988.)
- 7.2.1.3 For determining standing, the grade of incomplete (“I”) does not enter into the calculation. If a student is on probation during the term in which an “I” is entered, a later makeup of the “I” cannot be used retroactively to eliminate the probation. Further, the grade in the made-up course will not enter into the calculation for the following semester. If a second semester of probation follows a probation semester in which an “I” was entered and the “I” is later made up, the dean in the exercise of discretion may consider whether the “I” should be treated as “NR” (not reported) and in this case may find that the first semester of probation has been eliminated. (A.R., February 1984.)
- 7.2.2 To maintain academic good standing:
- 7.2.2.1 First-year students must achieve a minimum GPA of 1.500 for the first semester and 1.750 for the second semester.
- 7.2.2.2 Second- and third-year students must achieve a minimum semester GPA of 2.000. (F.M., November 23, 1981.)
- 7.2.3 Failure to maintain academic good standing will result in academic probation or academic dismissal, as follows:

7.2.3.1 Probation will result:

- 7.2.3.1.1 from failing to maintain academic good standing (as defined in sections 7.2.2.1 and 7.2.2.2) but maintaining better than dismissal semester GPA (as defined in section 7.2.3.2); or
- 7.2.3.1.2 in a restricted academic program or remedial work, at the discretion of the dean.

7.2.3.2 Dismissal will result from:

- 7.2.3.2.1 two consecutive semesters of probation.
- 7.2.3.2.2 three nonconsecutive semesters of probation.
- 7.2.3.2.3 failure to achieve a minimum semester average of:
 - (i) 1.000 for the first semester of the first year.
 - (ii) 1.250 for the second semester of the first year.
 - (iii) 1.500 for each semester of the second and third years.
- 7.2.3.2.4 grades of "F" in two or more courses totaling six or more semester hours in any one semester after the first semester of the first year. (F.M., November 23, 1981.)

7.2.3.3 A student may be dismissed for academic reasons at the end of the first semester. (F.M., May 14, 1981.)

7.2.3.4 A student dismissed for academic reasons at the end of the student's first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14,

1981.)

7.3 HONORS

7.3.1 Dean's Honor Roll. A Dean's Honor Roll for J.D. students, based on semester gradepoint average, will be published each semester. To be eligible for the Dean's Honor Roll:

7.3.1.1 a student must carry a full semester course schedule (minimum 14 semester hours).

7.3.1.2 a student must achieve a semester GPA of at least 3.600. (F.M., November 23, 1981.)

7.3.1.3 a student must enroll in at least 10 semester hours of graded Law School courses. (A.R., January 24, 1994.)

7.3.1.4 London J.D. students are eligible for inclusion on the Dean's Honor Roll only at the end of the full year based on the full year's grade-point average and enrollment in at least 20 graded credits.

7.3.2 Graduation Honors. Graduation honors are based on grade-point average, which is computed by including all courses taken in the Law School. (F.M., May 14, 1981; A.R. May 23, 1995.)

7.3.2.1 *Cum laude*: cumulative GPA of at least 3.400.

7.3.2.2 *Magna cum laude*: cumulative GPA of at least 3.600.

7.3.2.3 *Summa cum laude*: cumulative GPA of at least 3.800. (F.M., November 23, 1981.)

7.3.3 For determining eligibility for graduation and also graduation honors in the case of students dismissed and readmitted, the grade-point average will be figured only on the basis of courses taken following readmission and those earlier courses for which degree credit is given. (A.R.,

September 1983.)

7.4 COURSE FAILURES

- 7.4.1 A student who fails a required course must retake the course and obtain a passing grade, unless for good cause shown the faculty votes to relax that requirement in a particular case. (F.M., March 25, 1969.)
- 7.4.2 A failure in any required first-year course shall require retaking the course, although the professor shall have the discretion to waive the requirement if the student passes the second semester of the course. This waiver shall not change the student's record and shall not give any credit hours toward graduation.
- 7.4.3 A student who fails an elective course need not retake it; however, the student earns no credit for graduation from any failed elective course. (F.M., March 25, 1969.)
- 7.4.4 If a student fails a course, whether or not it is a required course, the student, if otherwise eligible to continue, may retake the course. The grade upon retaking the course shall be recorded along with the original grade in the course. If a student retakes a course, the professor teaching that course shall have the option of requiring that the retaking be by means of repeating the course, taking directed readings, or re-testing, or any combination of these options. Nothing herein shall be interpreted as affecting the rule that all required courses must be passed. (F.M., November 22, 1971.)
- 7.4.5 A retaken course shall be registered for by the proper name of the course and for its regularly assigned credit hours. (A.R., May 23, 1972.)
- 7.4.6 With the permission of the dean, a retaken course may be counted toward compliance with the minimum semester course load requirements under section 4.5. (A.R., June 30, 1984.)
- 7.4.7 Failure in a course taken on a "pass/fail" basis or in an ungraded course shall be computed in the grade-point average like failure in a graded

course. (F.M., November 21, 1988.)

7.5 LONDON

- 7.5.1 No student is eligible to participate in the full-year London Programme without having successfully completed all first-year courses. (F.M., September 29, 1970.)
- 7.5.2 The dean may waive one first-semester failure for purposes of eligibility for the full-year London Programme. (F.M., March 20, 1972.)
- 7.5.3 The London Summer Programme, while using the same grading system, shall not be subject to the rules for dismissal, probation or Dean's Honor Roll. (A.R., February 8, 1983.)
- 7.5.4 The entire year in London, in both the J.D. and the LL.M. programs, will be treated as a unit. That means that the entire year will be treated as one semester under the grading system for purposes of dismissal, probation and Dean's Honor Roll. (A.R., February 16, 1983.)

ARTICLE VIII

8 READMISSION AND TRANSFER ADMISSION

8.1 STANDARDS AND PROCEDURE FOR READMISSION

8.1.1 Readmission to the Law School after dismissal for academic failure will be allowed only when that failure was caused by unavoidable and nonrecurrent circumstances of an extraordinary nature. (See A.B.A. standard 505.)

8.1.2 The standards for readmission after dismissal for academic deficiency provide that no student may recommence studies until one full academic year after the end of the semester in which the student was dismissed. (F.M., May 10, 1977.) A student dismissed for academic reasons at the end of the first semester will not be eligible for readmission until the first semester of the next academic year. (F.M., May 14, 1981.)

The dean has the authority to waive section 8.1.2 of the Hoynes Code. (F.M., April 5, 1979.)

8.1.3 The dean will decide all questions of readmission, guided by the following policy of allowing readmission only if:

8.1.3.1 the circumstances set out in section 8.1.1 are applicable, and

8.1.3.2 a faculty member agrees to act as the sponsor for the readmission candidate.

8.1.3.2.1 Being a sponsor of a readmission candidate means that the faculty member agrees to meet with the candidate on a weekly basis for the entire academic year following readmission. The weekly sessions will be of sufficient length to review the readmitted student's work and current status.

8.1.3.2.2 It ordinarily will be the responsibility of a readmission candidate to obtain a faculty sponsor, although the administration may, if requested, offer assistance in this regard. It is the candidate's responsibility to work out a program with such a sponsor.

8.1.3.2.3 The faculty should feel no obligation to volunteer as a sponsor. Faculty should act as readmission sponsors only where they have strong feelings about the chances of the candidate performing well upon readmission. No faculty member will be permitted to act as a sponsor for more than one student per year. (A.R., April 26, 1982.)

8.1.4 A readmitted student ordinarily will have to repeat the entire semester for which the student was dismissed. A student who fails in the first year, whether in the first or second semester, ordinarily will be expected to repeat the entire first year. In any event, a readmitted student will be given no credit hours for courses with a grade of "D" or lower prior to readmission, and will receive no residency credit for the semester in which the failure occurred.

8.2 TRANSFER ADMISSION. Applicants seeking transfer from other law schools must make a written statement of previous attendance in law school. Transfers usually will be accepted only in accord with standards adopted by the American Bar Association and the Association of American Law Schools. Exceptions may be made in extraordinary cases. (A.B.A. Standards 506, 507; A.A.L.S. Exec. Comm. Reg., sec. 1.5; F.M., September 17, 1974.)

ARTICLE IX

9 DEGREE REQUIREMENTS FOR THE LL.M. PROGRAM IN LONDON

9.1 ACCREDITATION. The LL.M. Program in London was approved by the Section on Legal Education of the American Bar Association on August 9, 1986. It was approved by the University of Notre Dame Academic Council on October 15, 1986.

9.2 CREDIT HOURS

9.2.1 The minimum total credit hours required for the LL.M. degree is 24. Up to four credits of this total may be awarded for completion of a written work of substantial quality done under the supervision of a member of the Notre Dame law faculty. (A.R., January 11, 1988.)

9.2.2 The credits must be earned on the basis of the J.D. grading system (see Article VII). The “pass/fail” option (see section 7.1.3.3) and “satisfactory/ unsatisfactory” grading (see section 7.1.3.2) do not apply to LL.M. students; neither do the cocurricular activity credit provisions of section 4.4.2.2. Audits are permitted as stated in section 7.1.4. (A.R., January 11, 1988.)

9.3 GRADE-POINT AVERAGE. To graduate, an LL.M. student must achieve a minimum cumulative GPA of 2.000. (A.R., January 11, 1988.)

9.4 SEMESTER AND COURSE REQUIREMENTS

9.4.1 The academic calendar in London consists of three terms and a five-week summer term, each of which is followed by an examination period of approximately one week. (A.R., January 11, 1988.)

9.4.2 To qualify for the LL.M. degree, a student must engage in study for a minimum of three terms. A maximum of eight credits may be earned in the summer term. (A.R., January 11, 1988.)

9.4.3 All courses must be taken at the Notre Dame program in London,

except that, with the special permission of the dean, some credits may be earned at the home campus. No credit may be earned by taking courses at another institution.

- 9.4.4 Because of the option to earn credits through a thesis (see section 9.2.1) the Directed-Readings Program described in section 4.4.3 does not apply to LL.M. students.
- 9.4.5 The London Internship Programme (see section 4.4.7) is for J.D. students only and is not available for LL.M. students. (A.R., January 11, 1988.)
- 9.4.6 No particular courses are required for the LL.M. degree, except that every student who does not have an American J.D. degree is required to take the course "Introduction to the American Legal System". Students with an American J.D. degree may not receive credit toward the LL.M. for courses that duplicate similar courses taken as part of the student's J.D. curriculum. For other students, the director shall determine whether a particular course duplicates previous work. (A.R., January 11, 1988.)
- 9.4.7 Any course may be dropped or added routinely during the first five class days of the term. During the first five full weeks of a term, a course may be dropped without penalty only with the director's permission; and under this circumstance, the student is to receive the grade of "W" (withdrawal). After the first five full weeks of a term, a course may be dropped only with the director's permission; and under this circumstance, the director shall determine the manner in which the drop shall be treated for grading purposes. Discontinuance of a course after the first five class days of a term without the director's permission will result in the grade of "F" (fail). (A.R., January 11, 1988.)

9.5 APPLICABILITY OF PRECEDING ARTICLES

- 9.5.1 The provisions of Article VI regarding Attendance, Honor Code, Examinations and Grading are applicable to the LL.M. program unless

otherwise stated or unless clearly inapplicable (see, e.g., section 6.5).
(A.R., January 11, 1988.)

- 9.5.2 The provisions of Article VII generally do not apply to the LL.M. program but sections 7.4.1, 7.4.3, 7.4.4 and 7.4.5 shall apply with respect to course failures and section 7.3.2 shall apply with respect to graduation honors. (A.R., January 11, 1988.)
- 9.5.3 The provisions of Article VIII with respect to Readmission and Transfer Admission do not apply to the LL.M. program. (A.R., January 11, 1988.)

ARTICLE X

10 APPENDICES

Appendix A. The Notre Dame Law School Honor Code

APPENDIX A

THE NOTRE DAME LAW SCHOOL HONOR CODE

1 STATEMENT OF PURPOSE

This Honor Code is based upon the assumption that students at the Notre Dame Law School do not lie, cheat, or steal; that they aspire to enter an honored profession; and that their character and conduct while attending this Law School at all times will reflect favorably upon their future profession, this school and themselves.

2 AFFIRMATIVE DUTIES AND PROHIBITED CONDUCT

2.1 All law students and law faculty have the duty to report promptly either to the dean or to the president of the Student Bar Association all circumstances that they believe to constitute a clear violation of the code. Intentional breach of this duty shall be a violation of the Honor Code.

2.2 It is the duty of every law student and law faculty member to give testimony or evidence relevant to any alleged violation of the Honor Code if requested by the student facing disciplinary charges, the person appointed to present evidence in support of the charge, or the Honor Council Board. A person may refuse to testify to avoid incrimination in a violation of the Honor Code or of a public penal law. The Honor Council Board may excuse anyone from testifying for just cause.

2.3 It shall be a violation of the Honor Code to engage in any of the following:

2.3.1 To use materials or to consult with any other person:

2.3.1.1 in an exam, except as expressly authorized by the instructor;

2.3.1.2 in research, class preparation, or other assignment, in any manner expressly forbidden by an instructor.

2.3.2 To submit as one's own work the work of another.

2.3.3 To submit written work in satisfaction of a course requirement or for publication in a journal, if that work reflects, in whole or substantial part, work previously prepared for some other purpose, unless the instructor or in the case of a journal, the editor, has approved the use of the previously prepared work.

2.3.4 Intentionally to make any material misrepresentation in connection with any Law School class, program or activity.

2.3.5 To misappropriate another law student's, the Law School's, the University's, or any faculty member's notes, papers, books, tapes or other materials.

2.4 The dean retains jurisdiction over all matters not explicitly covered by this code.

3 ADMINISTRATION OF THE CODE

3.1 There shall be an Honor Council composed of three members elected from each class. The members shall be chosen as follows:

3.1.1 Nomination and election shall be in accord with procedures established by the Student Bar Association.

3.1.2 Each ballot shall contain the following statement only: If officially charged with a violation of the Notre Dame Law School Honor Code, I would choose the following members of my class to (1) hear the evidence for and against me; (2) render a fair impartial decision concerning my guilt or innocence; and (3) determine sanction.

First Choice _____

Second Choice _____

Third Choice _____

3.1.3 The three law students in each class receiving the highest number of votes shall be Honor Council representatives.

3.2 London Academic-Year Programme

3.2.1 Students in the London academic-year programme shall elect three students from among the students enrolled in the program. These three students shall perform the functions of the Honor Council for any matter that arises during the London academic year.

3.2.2 Students also shall elect an investigator. For any matter that arises during the London academic year, this student shall perform the functions assigned by this Honor Code to the S.B.A. president.

3.2.3 For any matter arising during the London academic year, the director of the London Programme shall perform the functions assigned by this Honor Code to the dean of the Law School.

3.3 The Honor Council shall elect a chair from among its members.

3.4 Term

The term of the council begins the day after graduation in the spring; the term ends on graduation day the following spring. The outgoing council shall have continuing jurisdiction over any matter that occurred before the end of its term.

3.5 Prehearing Procedures

3.5.1 Any allegations of violations reported to the dean shall be referred to the S.B.A. president.

3.5.2 At the beginning of each academic year, the S.B.A. president shall appoint a prosecutor from among the student body to investigate and prosecute any allegations of Honor Code violations made during that academic year. This student shall not currently hold an elected position within the Law School. This appointed student shall investigate the allegation(s) in any manner he or she sees fit.

- 3.5.3 If the appointed prosecutor determines that an allegation is without merit, the matter is closed.
- 3.5.4 If the appointed prosecutor determines that an allegation has merit, the president shall deliver to the accused and to the chair of the Honor Council a written notice of the specific section(s) of the Honor Code allegedly violated and a written statement of the specific act(s) constituting the alleged violation(s).
- 3.5.5 After receiving notice from the S.B.A. president, the chair of the Honor Council shall:
 - 3.5.5.1 Appoint three students from the Honor Council and notify the dean to appoint three faculty members. These six people comprise the Honor Council Board for the particular hearing. Members of the board shall disqualify themselves from a hearing if, in their opinion, they are unable to make an impartial decision;
 - 3.5.5.2 Meet with the accused and the appointed prosecutor to compile a list of the names of all persons having information pertinent to the charge, and submit this list of prospective witnesses to the board for service of summons under section 3.6.3; and
 - 3.5.5.3 Set a date, time and place for the hearing. The hearing must occur within two weeks of the date the chair receives notice of the charges from the S.B.A. president. At least 96 hours before the time set, the chair shall give written notice of the schedule for the hearing to the accused, the appointed prosecutor, members of the board and the student presenting evidence in support of the charge.

3.6 Hearing Procedures

- 3.6.1 The accused student shall select two students and two faculty members from the Honor Code Board to sit in deliberation of the charge. These four people shall constitute the panel to conduct the hearing.

- 3.6.2 During the course of the hearing, the accused shall have the following rights:
- 3.6.2.1 To select a member of the Law School student body to gather and present evidence in support of the accused;
 - 3.6.2.2 To be present in person during any hearing, provided, however, if the accused refuses to appear or fails to appear without just cause, the board may proceed to hear and determine the matter;
 - 3.6.2.3 To testify or to decline to testify, but if the accused declines to testify, that fact shall not be considered as evidence in support of the charge;
 - 3.6.2.4 To confront and cross-examine witnesses;
 - 3.6.2.5 To present evidence and witnesses;
 - 3.6.2.6 To elect either a closed hearing or an open hearing not subject to closure by the council.
- 3.6.3 At least 48 hours before the hearing, the panel shall issue a written summons to all persons identified under section 3.5.5.2 as potential witnesses. After receiving a summons, failure to appear as a witness without just cause shall be a violation of this Honor Code, as defined in section 2.2.
- 3.6.4 All panel members must be present at the hearing. The chair of the Honor Council shall have the power to appoint an alternate if a panel member cannot attend for just cause.
- 3.6.5 The hearing shall proceed in this order:
- 3.6.5.1 Evidence in support of the charge;
 - 3.6.5.2 Evidence in rebuttal;

- 3.6.5.3 Arguments;
- 3.6.5.4 Decision on whether the accused student has committed the violation charged;
- 3.6.5.5 If the accused student is found innocent, the matter is closed;
- 3.6.5.6 If the accused student is found guilty, the panel shall hear evidence in mitigation and aggravation;
- 3.6.5.7 Arguments on sanction;
- 3.6.5.8 Decision on sanction, which may be selected from among the following options:
 - 3.6.5.8.1 Oral admonition — an oral statement from the panel that the student has violated the Honor Code;
 - 3.6.5.8.2 Written warning — a written statement from the panel that the student has violated the Honor Code;
 - 3.6.5.8.3 Academic Reprimand — a written statement from the panel that the student has violated the Honor Code, with the statement becoming part of the student's permanent record at the Law School;
 - 3.6.5.8.4 Probation — exclusion from participating in the activities of the Law School or University;
 - 3.6.5.8.5 Restitution — a requirement that the student reimburse for injury caused;
 - 3.6.5.8.6 Fine — a monetary fine, which shall become an

obligation to the Law School that must be satisfied in order to receive a degree;

- 3.6.5.8.7 Work sanctions — service to the Law School community, which must be completed within the time set by the panel;
- 3.6.5.8.8 Suspension — exclusion from classes for a semester or more; or
- 3.6.5.8.9 Expulsion — permanent exclusion from the Law School, though the sanction may include provision for readmission under specified circumstances.

3.6.5.9 The chair of the Honor Council shall provide written notice to the accused and to the dean of the outcome.

- 3.6.6 All decisions of the panel shall be made in private deliberations by unanimous vote based upon a standard of reasonable doubt. Decisions shall be based only upon evidence received at the hearing.
- 3.6.7 The dean shall review the decision of the panel. Absent unusual circumstances, the dean will act within 14 days to approve or modify the decision.
- 3.6.8 The panel shall make an audio record of the hearing, which shall be the property of the Law School. A copy of the tape may be made for the accused student.

4 PUBLIC NOTICE OF PROCEEDINGS

- 4.1 All proceedings under the code shall be confidential.
- 4.2 Once an accusation is resolved finally, the chair of the Honor Council shall post in appropriate public places in the law building a notice containing only the following information:

- 4.2.1 the specific section of the code alleged to have been violated;
 - 4.2.2 the decision of the panel or of the S.B.A. president; and
 - 4.2.3 the final disposition.
- 4.3 No names of any person involved in any way in a proceeding shall be disclosed.

5 RATIFICATION AND AMENDMENT

- 5.1 This Honor Code shall be in force after approval by the students and faculty of the Law School. Approval by the students shall be in accord with current voting procedures of the S.B.A. Approval by the faculty shall be in accord with current voting procedures of the faculty.
- 5.2 Amendments to this code may be proposed by the Honor Council. Amendments shall be approved in the same manner as the code itself, under section 5.1.
- 5.3 The code, and any subsequent amendments, shall not become effective until the academic year following any vote.

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