

8-1-1998

# Hoynes Code, The

David T. Link

*Notre Dame Law School*, david.t.link.1@nd.edu

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THE  
HOYNES  
CODE

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

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REVISED AUGUST 1, 1998

DAVID T. LINK  
JOSEPH A. MATSON DEAN AND PROFESSOR OF LAW

NOTRE DAME LAW SCHOOL

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# THE HOYNES CODE

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## ARTICLE I

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### 1. INTRODUCTION

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- 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 Library; the Associate Deans' Offices; the Office of the Director of Admissions; the Office of the Records Coordinator; and the Office of the Director of the London Law Centre.
- 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 (1995)
  - A.B.A. – Standards for Approval of Law Schools, American Bar Association (1994)
  - 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 August 1, 1998.

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## ARTICLE II

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### 2. FACULTY AND ADMINISTRATION

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- 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 and the Law School Committees on Appointments and 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 **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.)
- 2.4.1 **Voting.** The faculty admits to voting membership only those of its members who are also members of the University's teaching and research faculty, library faculty and special professional faculty. Voting for members of the Law School appointments committee and promotions and tenure committee, and on straw votes for prospective appointments to the teaching and research faculty is limited to teaching and research faculty and special professional 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; F.M., March 20, 1995; F.M., September 6, 1996.)

2.4.2 **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.)

2.4.3 **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.)

## 2.5 OTHER POLICIES

2.5.1 **Nondiscrimination.** The Notre Dame Law School admits students of either gender, or any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the school. It does not discriminate on the basis of gender, race, color, national or ethnic origin in the administration of its educational policies, admissions policies, placement services, fellowship and loan programs, and athletic and other school-administered programs. The Law School does not discriminate in admission to, access to, treatment of, or employment in its programs on the basis of handicap.

2.5.1.1 The services of the Law School's Career Services Office are not available to employers who discriminate because of race, color, religion, national origin or gender. "Discriminate" includes denial of equal opportunity in hiring, promotion, salary scales or assignment. (A.A.L.S., Bylaws, sec. 6-4; A.A.L.S. Exec. Comm. Reg. 6.19.)

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

2.5.3 **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.)

2.5.4 **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.)

2.5.5 **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.



2.5.5.1 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 305(c).)

2.5.6 **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.)

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## ARTICLE III

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### 3. COMMITTEES

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#### 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 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.)

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 faculty member annually and shall report its evaluation to that member. (U.A.A., Art. IV, sec. 5(a); F.M., December 16, 1981.)

3.2.3 **Mentors.** The dean, in consultation with the Promotions Committee, shall appoint a mentor for each untenured member of the faculty. (F.M., December 14, 1992.)

### 3.2.4 **Law Library Faculty Appointments, Re-Appointments and Promotions**

3.2.4.1 **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.

3.2.4.2 **Re-Appointments 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 COMMITTEES ON APPOINTMENTS AND 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 **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).)
- 3.5 **STUDENT PARTICIPATION ON LAW SCHOOL COMMITTEES**
- 3.5.1 **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.)

- 3.5.2 **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.)

### 3.6 STUDENT PARTICIPATION ON UNIVERSITY COMMITTEES

- 3.6.1 **Academic Committees and Councils.** Student participation should be encouraged on those academic committees and councils of the University where participation would benefit the total community. The appropriateness, nature and extent of such participation should be studied by the committees and councils, and recommended changes should be proposed to the appropriate authority. When the recommendation involves a change in the wording of the Faculty Manual, the change should be considered by the Academic Council. Student membership is inappropriate for, *inter alia*, committees for admissions, appointments and promotions, and for awarding fellowships and grants, but these committees may benefit from other forms of student participation, e.g., student opinions of faculty teaching.

- 3.6.2 **University Academic Council.** Student members of the Academic Council have full speaking and voting privileges. These student members will be selected annually from the following constituencies, in a manner determined by a special committee of the Academic Council appointed for this purpose by the chair:

- 3.6.2.1 Two undergraduate students, rotated among the four undergraduate colleges;
- 3.6.2.2 One student from the Graduate School or, in alternate years, from the other programs of advanced studies;
- 3.6.2.3 The Academic Commissioner of Student Government will be an *ex-officio* member. (U.A.A., Art. IV, sec. 3(a).)

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## ARTICLE IV

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### 4. DEGREE REQUIREMENTS

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- 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 I and II
    - Contracts I and II
    - Criminal Law I and II
    - Ethics I
    - Legal Research I
    - Legal Research II — Moot Court
    - Legal Writing
    - Property I
    - Torts I and II(F.M., March 5, 1971; July 1, 1976; June 30, 1983.)
  - 4.3.2 In addition to first-year courses, students must successfully complete the courses listed below prior to graduation.
    - Four-credit-hour courses:
      - Business Associations
      - Constitutional Law
      - Evidence
      - Federal Taxation
      - Trusts and Estates

Three-credit-hour courses:

Commercial Law  
Jurisprudence  
Property II

(F.M., October 4, 1978; A.R., June 30, 1983.)

The Commercial Law course requirement may be satisfied by any one of the following courses:

Commercial Law — Sales;  
Credit and Payment Devices; or  
Secured Transactions

(F.M., April 9, 1986; December 13, 1989.)

Ethics II (one hour) is also required, and may be satisfied by any one of these courses:

Ethics II;  
either of the two Clinical Ethics courses (Law 591C or 591D);  
Legal Externship Ethics (Law 592B); or  
Introduction to Law and Ethics in Business Associations  
(taught only in London)

(A.R., June 30, 1983; F.M., April 18, 1994.)

Beginning with the Class of 2000, Commercial Law, Evidence, and Trusts and Estates will not be required. (F.M., April 24, 1998.)

- 4.3.3 It is the sense of the law faculty that the required courses of section 4.3.2 be fulfilled as nearly as possible in the second year of study, except for Ethics II, which is a third-year requirement.

#### 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 **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 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.)

#### 4.4.3 Graduate School Courses

- 4.4.3.1 A student in the Law School may receive credit for courses taken in the Graduate School as follows:
- 4.4.3.1.1 Up to three hours of credit may count toward the minimum hour requirements in any semester after the first year. (F.M., January 7, 1977.)

- 4.4.3.1.2 Up to three courses, totaling up to nine semester hours of credit, may be credited toward the J.D. degree.
- 4.4.3.1.3 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.)
- 4.4.3.2 A full-time student enrolled in the Law School shall pay no additional tuition for graduate school courses.
- 4.4.3.3 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.)
- 4.4.3.4 **Graduate Law Courses in London.** The London director will assign a Notre Dame London law course number and course name for each course authorized to be taken at a London school other than Notre Dame. Prior to authorizing a student to take a course for credit, the director must be satisfied that the course work merits Notre Dame Law School credit. In the process of making this determination, the director would develop a course description and arrange for a grade report after the student satisfactorily completes the course. The director then should submit the student's name, grade and course description to the Law School records coordinator, who will report the grade to the University registrar for inclusion on the student's transcript. (A.R., November 20, 1978.)
- 4.4.4 **Academic Externships.** The dean may approve for academic credit an externship program fulfilling the following conditions:
- 4.4.4.1 Content and supervision must comply with the student practice rules of the jurisdiction in which the work is done.
- 4.4.4.2 A member of the full-time teaching and research faculty must accept full responsibility for the program.
- 4.4.4.3 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.



- 4.4.4.4 No student may earn more than four hours of 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.
- 4.4.4.5 A student may not receive compensation for work performed as part of an academic externship. (F.M., February 14, 1992; November 16, 1992.)
- 4.4.5 **Legal Externship.** One unit of cocurricular 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 associate 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.)
- 4.4.6 **London Internship Programme.** Credit shall be given for participation in the London Internship Programme in accordance with the policies and procedures set forth in Appendix B. (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 75 hours of Law School courses and 47 hours of M.B.A. courses successfully 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 College of Business Administration will accept 15 credit hours of law courses toward the M.B.A. degree requirements. (ABA standard 305, interpretation 2.)
- 4.7.2 Each student enrolled in the joint J.D./M.B.A. Program shall consult with the associate dean for academic affairs in planning a curriculum. (A.R., January 9, 1979.)

#### 4.8 LL.M. PROGRAM IN LONDON (SEE ARTICLE X)

- 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 506; A.R., July 10, 1984.)

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## ARTICLE V

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### 5. REGISTRATION AND WITHDRAWAL

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#### 5.1 REGISTRATION

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

5.1.2 A student's failure to register on time may result in the loss of the student's seat in a closed class to a student who has registered on time. (A.R., November 15, 1987.)

5.1.3 A student who fails to register 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 IX is required. (A.R., November 15, 1987.)

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.)

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## ARTICLE VI

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### 6. ATTENDANCE AND EXAMINATIONS

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- 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 305(c); 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 A locked box will be used for examination numbers. The box will be locked before any numbers are put in it. The only key to the box will be kept by the records coordinator. In London, the key will be kept by the director, who will supervise the number assignment system. Numbers may be assigned during the semester to accommodate special examination schedules.
- 6.3.3 The boxes will remain locked and in the custody of the person holding the key before and during the examination period. The box custodians are responsible for the security of the numbers to ensure strict anonymity until the grades are deposited officially with the University registrar.
- 6.3.4 Examinations may be either handwritten or typed. Computers or typewriters with more than one line of memory cannot be used on Law School examinations. (F.M., February 14, 1992.) Examinations must be typed if a student's handwriting is (1) illegible or (2) so distinctive as to betray the student's identity.
- 6.3.5 No examinations are to be scheduled on Sundays. (F.M., November 12, 1976.)
- 6.3.6 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 **Cocurricular Credit.** 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.)
- 7.1.5.1 No more than four cocurricular credit hours may be applied toward the minimum credit hours required for graduation as provided in section 4.2.
- 7.1.5.2 No more than two cocurricular credit hours per semester may be applied to the minimum semester-hour requirement as provided in section 4.5.
- 7.1.5.3 Additional regulations relating to section 7.1.5 are in Appendix A of this code. (A.R., February 1973).
- 7.1.6 **Reporting and Finality of Grades**
- 7.1.6.1 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.)
- 7.1.6.2 Each faculty member, upon finishing grading, will submit a grade report (by examination numbers) to the records coordinator or to the London director, who will immediately make a photocopy of the report and post it.
- 7.1.6.3 All grades will be final when filed with the records coordinator 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 7.1.6.4, there shall be no right of appeal from the faculty member's decision on a grade. (F.M., April 15, 1991.)

- 7.1.6.4 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.)

### 7.1.7 Grade Reports

- 7.1.7.1 Only the University will provide individual grade reports to students. The Law School will not make grade reports directly to the students, except in cases of probation or dismissal for academic deficiency.
- 7.1.7.2 An official grade-point average will be computed for each student's record. (F.M., March 23, 1981.)
- 7.1.7.3 The Law School will not publish an individual's grade-point average or rank in class. (F.M., May 14, 1981.)
- 7.1.7.4 The Law School does not rank students, either internally or externally. (F.M., March 24, 1969.)
- 7.1.7.5 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.)

## 7.2 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, graduation 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 "S" and "P" are not included in the computation of grade-point average; however, grades of "U" and "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, based on semester grade-point 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.)

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## ARTICLE VIII

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### 8. FINANCIAL AID

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- 8.1 NEED. No fellowship will be granted to students who cannot demonstrate need. (F.M., March 10, 1970.) The exception will be for those fellowships for which need is not one of the established criteria (e.g., Lardy Fellowship, White Fellowships). (A.R., July 31, 1984.)
- 8.2 TUITION GRANTS. The purpose of tuition grants is to provide an opportunity for the educationally disadvantaged. The retention of such a grant is based on the student's ability to maintain a minimum passing average.
- 8.2.1 Each year, the faculty will determine the number of tuition grants that are to be awarded for the following year.
- 8.2.2 Approximately one-third of all individual allocations of aid shall be given as tuition grants, but not to exceed one-half of such allocations. (F.M., March 10, 1970.)
- 8.3 RETENTION
- 8.3.1 The fellowship retention GPA standard shall be a mid-point between B and C, determined cumulatively at the end of each academic year. (F.M., April 10, 1972.)
- 8.3.2 The tuition grant retention GPA standard shall be acceptable progress toward the J.D. degree. (A.R., February 13, 1992.)
- 8.4 DURATION OF FELLOWSHIP OR GRANT
- 8.4.1 Fellowships and tuition grants normally will be awarded for a one-year period with renewal for succeeding years subject to review for satisfactory progress toward the law degree, considering sections 8.2 and 8.3, and also subject to the availability of funds.
- 8.4.2 Renewal of the fellowship award or tuition grant normally will be limited to cover a maximum of six semesters of law-school study. (A.R., July 31, 1984.)
- 8.5 SIZE OF FELLOWSHIP OR GRANT. In determining the amount of a fellowship or tuition grant, any other fellowships or tuition grants received by the student will be taken into account. Fellowship awards and tuition grants normally will not exceed full tuition. The exception is for those fellowships and grants that carry a subsistence stipend in addition to and separate from the tuition award. (A.R., July 31, 1984.)

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## ARTICLE IX

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### 9. READMISSION AND TRANSFER ADMISSION

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#### 9.1 STANDARDS AND PROCEDURE FOR READMISSION

- 9.1.1 Readmission to the Law School after dismissal for academic failure will be allowed only when that failure was caused by unavoidable and non-recurrent circumstances of an extraordinary nature. (See A.B.A. standard 305.)
- 9.1.2 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.)
- 9.1.2.1 The dean has the authority to waive section 9.1.2 of the Hoynes Code. (F.M., April 5, 1979.)
- 9.1.3 The dean will decide all questions of readmission, guided by the following policy of allowing readmission only if:
- 9.1.3.1 the circumstances set out in section 9.1.1 are applicable, and
- 9.1.3.2 a faculty member agrees to act as the sponsor for the readmission candidate.
- 9.1.3.2.1 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.
- 9.1.3.2.2 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.

9.1.3.2.3 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.)

9.1.4 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 for the semester in which the failure occurred.

9.2 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 from schools that are accredited by the American Bar Association or that are members of the American Association of Law Schools. Exceptions may be made in extraordinary cases. (A.A.L.S. Exec. Comm. Reg., sec. 1.5; F.M., September 17, 1974.)

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## ARTICLE X

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### 10. DEGREE REQUIREMENTS FOR THE LL.M. PROGRAM IN LONDON

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10.1 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.

#### 10.2 CREDIT HOURS

10.2.1 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.)

10.2.2 The credits must be earned on the basis of the J.D. grading system (see Article VI). 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 7.1.5. Audits are permitted as stated in section 7.1.4. (A.R., January 11, 1988.)

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

#### 10.4 SEMESTER AND COURSE REQUIREMENTS

10.4.1 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.)

10.4.2 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.)

10.4.3 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.



- 10.4.4 Because of the option to earn credits through a thesis (see section 10.2.1) the Directed-Readings Program described in section 4.4.2 does not apply to LL.M. students.
- 10.4.5 The London Internship Programme (see section 4.4.6) is for J.D. students only and is not available for LL.M. students. (A.R., January 11, 1988.)
- 10.4.6 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" (LAW 574). 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.)
- 10.4.7 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." (A.R., January 11, 1988.)

#### 10.5 APPLICABILITY OF PRECEDING ARTICLES

- 10.5.1 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.)
- 10.5.2 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.)
- 10.5.3 The provisions of Article VIII with respect to Financial Aid and of Article IX with respect to Readmission and Transfer Admission do not apply to the LL.M. program. (A.R., January 11, 1988.)

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## ARTICLE XI

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### 11. APPENDICES

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- Appendix A. Regulations for Awarding Academic Credit for Cocurricular Activities Approved by the Faculty
- Appendix B. London Internship Programme
- Appendix C. Notre Dame Law School Honor Code
- Appendix D. Alcoholic Beverage Policy

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## APPENDIX A

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### REGULATIONS FOR AWARDING ACADEMIC CREDIT FOR COCURRICULAR ACTIVITIES APPROVED BY THE FACULTY

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#### **Legislative Research**

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Up to two hours of credit per semester may be given for satisfactory participation in legislative research. The faculty advisor shall certify at the close of each semester the names of students entitled to credit and the amount of credit to which each is entitled. A student desiring to be considered for credit for legislative research work in a particular semester shall submit to the faculty advisor actual research, draft statutes, specific memoranda or other work products that demonstrate a significant intellectual and professional accomplishment of that student acting alone or actively with others.

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#### **Legal Aid Clinic**

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Students who have completed two semesters of participation in the Legal Aid Clinic and have completed Legal Aid I (LAW 591A) and Legal Aid II (LAW 591B) for academic credit are eligible to register for the Legal Aid Clinic as a cocurricular activity.

To earn one hour of cocurricular credit, a Legal Aid Clinic intern will be required to work an average of three hours per week over the semester. To earn two hours of cocurricular credit, an intern will be required to work an average of six hours per week over the semester. Students may not register for more than two credits per semester.

Work, as used in the preceding paragraph, includes attendance at any clinic seminars required by the faculty directors and carrying out all responsibilities required to represent effectively the clients assigned to the student intern.

The time spent by the student intern in actual clinical work and attendance at seminars will be recorded weekly by the intern and submitted to the faculty directors. The awarding of credit to the student intern at the conclusion of a semester, when the student has elected to participate for credit, will be determined by the faculty directors of the clinic.

Each intern will report to one or more supervising attorneys who shall be kept apprised of the work being done by the students on a weekly basis. If, after reasonable notification and warning, the supervising attorney considers that the intern has not fulfilled the requirements, the student intern may not be awarded credit. It shall be the ultimate responsibility of the supervising attorney to monitor the work of the student interns and to report to the associate dean for academic affairs at the conclusion of each semester the

names of the participants who are entitled to cocurricular credit and the amount of credit to which each is entitled.

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### **Notre Dame Law Review**

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A second-year member of the *Notre Dame Law Review* staff may earn up to four hours of academic credit for satisfactory participation during the second year. The student may allocate these credits to either semester of the year in which they are earned, or to either semester of the following year if satisfactory participation continues during that year.

A third-year member of the *Notre Dame Law Review* may earn up to two hours of academic credit applicable to either semester for satisfactory participation during the third year — provided that not more than two credits may be allocated to any one semester and not more than four may be used to fulfill graduation requirements.

Satisfactory participation shall consist of one of the following:

- (a) writing one case comment and one note, or the equivalent, plus performing research, proofreading, etc., as assigned;
- (b) writing one note and performing substantial editorial work, or the equivalent; or
- (c) performing the duties of the editor-in-chief of or one of the four principal assistants.

The editor-in-chief shall determine and report in a manner acceptable to the faculty advisor which members of the staff are participating satisfactorily. The faculty advisor shall report to the Law School records coordinator which members are entitled to academic credit, and the amount of credit to which each is entitled.

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### **Thomas J. White Center on Law and Government**

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Students selected as White Scholars may earn three units of graded academic credit (two in the fall semester and one in the spring semester of their second year) by:

- (a) satisfactory completion of a student article of publishable quality for the *Journal of Law, Ethics and Public Policy*;
- (b) the performance of satisfactory staff work for the *Journal*; and
- (c) regular and satisfactory attendance, participation, and preparation for White Center seminars, lectures and other events.

The director of the White Center shall determine whether a student's performance has been satisfactory, and shall assign the student's grade.

Those White Scholars who satisfactorily complete the requirements listed above will be invited to participate in the White Center in their third year to serve as editors of the *Journal*, for which they may earn one unit of "satisfactory/unsatisfactory" cocurricular credit during each of the fall and spring semesters.

At the end of each semester, the director shall submit in writing to the Law School records coordinator the names of those students eligible for academic or cocurricular credit under the foregoing criteria.

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***Journal of College and University Law***

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A law student who is a member of the staff of the *Journal of College and University Law* may earn up to four hours of academic credit per year for satisfactory participation in the work of the *Journal*. No more than two credits may be allocated to any one semester and no more than four credits may be used to fulfill graduation requirements.

Satisfactory participation consists of one of the following:

- (a) writing one case comment and participating in the writing of one note, or the equivalent, plus performing research, proofreading, etc., as assigned;
- (b) participating in the writing of one note and performing substantial editorial work, or the equivalent; or
- (c) performing the duties of student editor-in-chief or those of a principal assistant to the student editor-in-chief.

The faculty editor shall determine which members of the staff have participated satisfactorily and report to the Law School records coordinator which members are entitled to academic credit, and the number of credits to which each is entitled. (F.M., June 30, 1986)

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***Journal of Legislation***

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A law student who is a member of the staff of the *Journal of Legislation* must register for academic credit in each semester for which that law student is a member of the *Journal*. No more than two credits may be allocated to any one semester and no more than four credits may be used to fulfill graduation requirements.

Academic credit for satisfactory participation will be awarded on a "satisfactory/unsatisfactory" basis to *Journal* members. Satisfactory participation consists of one of the following:

- (a) for first-semester, second-year students, making substantial progress (as defined by the executive notes editor) toward completion of one note, or

- the equivalent, plus performing research, proofreading, editing, etc., as assigned;
- (b) for second-semester, second-year students, completing one note, or the equivalent, plus performing research, proofreading, editing, etc., as assigned;
  - (c) for first-semester, third-year students, making substantial progress (as defined by the executive notes editor) toward completion of a second note and performing substantial editorial work, or the equivalent;
  - (d) for second-semester, third-year students, completing a second note and performing substantial editorial work, or the equivalent; or
  - (e) performing the duties of editor-in-chief, executive articles editor, executive notes editor, or a member of the editorial board.

The editor-in-chief shall determine which members have participated satisfactorily and report to the faculty advisor which members are entitled to academic credit. The faculty advisor shall report to the Law School records coordinator which members are entitled to academic credit, and the number of credits to which each is entitled.

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### **Moot Court-Trial**

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Moot Court-Trial is a cocurricular program designed to provide students interested in litigation with greater exposure to all aspects of courtroom trial practice. It is available to all third-year students who desire to acquaint themselves more fully with the subtleties of trial practice. It is offered as a cocurricular activity for one or two credit hours per semester. (F.M., April 4, 1978.)

Moot Court-Trial builds on the Moot Court-Appellate program for first- and second-year students by allowing third-year students to participate in a comprehensive and integrated courtroom advocacy program, and is designed to complement the advocacy skills developed in the Moot Court-Appellate program.

The Moot Court-Trial approach uses all available learning tools. It emphasizes “learning by doing,” using simulated courtroom sessions as the most effective learning tool. However, students also “learn by observing” through organizing and monitoring practice court trials.

Moot Court-Trial complements the classroom segment of the Trial Advocacy comprehensive program for those students who have an interest in litigation. In the fall semester, the student members of the program have direct responsibility for the administration of the practice court trials and serve in an advisory capacity for one trial. It is incumbent upon the student advisor to monitor the four student-attorneys in their litigation preparation. This provides an excellent vantage point from which to oversee the development

of trial strategy, which necessarily must be the pervasive concern in litigation preparation. In addition, the student advisor, in conjunction with the faculty advisor, has full administrative responsibility for the development of the record and the materials for the actual trial, for the revision and implementation of the Practice Court Rules, for the resolution of any controversies among counsel, and for contact with the presiding judge. This enables students to participate in a trial and to review trial strategy in addition to presenting a case. It allows students to critique trial performance and then to implement the analysis and learning in the presentation of a case, thereby using the informational process and its practical application in a setting other than the classroom.

Finally, students participate in a series of “mini-trials” that provide the determinative basis for the selection of the Regional Mock Trial teams. This competition involves the basic preparation for a trial, concentrating on direct and cross examination, impeachment, exhibits, opening statement and closing argument. The mini-trials are judged by members of the South Bend Bench and Bar, who evaluate critically the performance of trial counsel. These evaluations are meant to be an educational benefit to the students serving as trial counsel and also form the basis for the selection of the Regional Mock Trial teams for the National Mock Trial Competition.

In the spring semester, those students selected to represent the Notre Dame Law School continue to prepare for the National Mock Trial competition, while the remaining students assist in the organization and operation of the practice court trials. In addition to this primary responsibility, participants in Moot Court-Trial have the opportunity to work with raw case files to develop future practice court cases. Students have the chance to evaluate the actual trial transcript as well as all pleadings to review the performance and strategy of the practicing attorney who handled the case. The primary focus of this effort is to enable students to develop a better appreciation for trial preparation and to analyze trial preparation methods with other students and the faculty advisors.

To best use the valuable experience of those members of the trial bar who generously contribute their time, the program has an active policy of presenting trial-related movies and inviting outside speakers to provide insights into the trial practice. Through this aspect of the program, speakers relate personal techniques for examination and provide students with the opportunity to inquire into various approaches to trial strategy.

The structure of Moot Court-Trial consists of a director and executive committee, along with faculty advisors. The director is responsible for the smooth functioning of the program and for the operation of the participation levels in the cocurricular activity. The executive committee is responsible for such areas as selecting judges, witnesses, attorneys, jurors and speakers. The faculty advisors provide overall direction and supervision for the program.

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## APPENDIX B

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### THE NOTRE DAME LONDON LAW CENTRE INTERNSHIP PROGRAMME

- 1 The internship program is administered by the director of the London Law Centre with the assistance of the student placement director. Credit for an internship may be obtained only by following the interview procedures set up by the placement director. The director may waive this rule in exceptional circumstances. Internships may be served only with a firm or an organization that has been recognized as a part of the internship program by the director.
- 2 The internship program is a cooperative effort between the Law Centre and legal employers that allows students to do meaningful work for the employers in exchange for academic credit. The director will recognize as participants in the program only those legal employers who have signified their willingness to abide by the obligations set forth below with respect to student services and employer supervision.
- 3 It is central to the concept of this program that the students perform work with a recognized educational benefit. Such work may include all the tasks a lawyer normally performs, such as research, interviewing clients, taking notes in court, etc. Firms are given great flexibility in deciding what sort of work students are to perform. Students should not be used as mere runners, and should not be given work that continually lacks substantial educational value.
- 4 The student may, with the approval of the employer, choose to work for either one or two credits. For each credit, the student must work a total of 60 hours. The student and the employer are allowed flexibility in tailoring the number of hours the student works per week. The number of hours the student works may include hours worked at home or in a library. There is no requirement that the student work in the employer's office for a certain number of hours.
- 5 The employer will designate an attorney as a supervisor for the student's internship.
  - 5.1 At the beginning of the internship, the intern and the supervising attorney together will produce a statement describing the work the intern will be doing. The director will review this statement and indicate whether it is satisfactory.



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- 5.2 At the end of the internship, the supervising attorney will certify whether the student has worked to a satisfactory level.
  - 6 Neither the employer nor the student is required to keep a precise record of every minute the student spends on the internship. Students should, however, keep a log of work done each week along with the approximate time involved.
    - 6.1 The student placement director shall review this log with each intern at least once a week to make sure that a sufficient quality and quantity of work is being performed, and that the student intern is referred promptly to the director if there are any problems.
    - 6.2 The director shall meet with each intern separately once a month to review the intern's log and experiences. The director shall make informal contact from time to time with each supervising attorney to be assured that all is well or that any problems are dealt with promptly and prudently. Each supervising attorney shall be encouraged to bring any problems promptly to the director's attention.
  - 7 Employers should keep in mind the number of hours per credit mentioned in paragraph 4 above when deciding how much work to assign the student. Students should not feel that they may not be assigned more than the absolute minimum number of hours; but firms should remember that the student has other commitments, and should not expect many more hours than the minimum.
  - 8 Internships will be graded by the director of the Law Centre on a "satisfactory/unsatisfactory" basis. A student may receive a maximum of two credits for internships during the academic year. These credits shall not reduce the number of cocurricular credits a student may earn.
  - 9 The interns shall meet with the London Programme director and the student placement director for orientation and explanation of the rules and standards of this program at the beginning of each term in which they participate, and shall meet twice more each term for the purpose of comparing clinical experiences and receiving instruction regarding points of law and practice relevant to their common clinical experiences.
  - 10 The supervising attorney has the authority to terminate any internship that is unsatisfactory. The director also shall have the power to terminate any unsatisfactory internship, whether it is unsatisfactory from the point of view of the experience provided, the effort of the intern, or otherwise. The director has such other lesser and included disciplinary powers over the internship as are necessary and proper.

- 11 No internship shall be approved nor academic credit given for intern positions that are in their general character merely mechanical and repetitive. To be approved and receive academic credit, the internship position must require intellectual work calling for the exercise and strengthening of the intellectual, academic, analytical and practical skills of the intern. The director shall make this determination in approving internship and certifying credit.

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## APPENDIX C

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### 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
- 3.4.1 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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## APPENDIX D

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### ALCOHOLIC BEVERAGE POLICY

The laws, rules and regulations of the State of Indiana, the University and the Law School with regard to alcoholic beverages are summarized as follows:

- 1 INDIANA LAW
  - a. It is unlawful for a person under the age of 21 to purchase or consume alcoholic beverages.
  - b. Alcoholic beverages cannot be sold without a license. (The Law School does not have such a license.)
- 2 UNIVERSITY REGULATIONS. (The complete policy is contained in *du Lac: A Guide to Student Life, University of Notre Dame*. The policy is supplemented by a letter from Professor Patricia O'Hara, vice president for student affairs, dated January 29, 1992.)
  - a. No alcoholic beverages may be in the possession of a student inside the Stadium, the Joyce Center, or in any nonresidence building on campus, including LaFortune Student Center, all academic buildings, and the dining halls, or on the campus grounds. Any exception must be approved by the assistant vice president for residence life or the vice president for student affairs.
  - b. When a student is transporting containers of alcoholic beverages on campus, such containers must be closed and in suitable packaging, e.g., a bag or box.
  - c. Kegs are not allowed on campus except in places that are duly licensed by the State of Indiana.
  - d. The serving of alcoholic beverages in academic buildings is prohibited.
  - e. At all events where the University serves as a host, alcohol may be provided only when it is possible to ensure moderation of consumption through reasonable measures as follows:
    - i. alcohol is dispensed by licensed bartenders;
    - ii. all participants are of majority age;

- iii. at events where admission is charged, the cost of the alcoholic drinks shall be borne by individual consumers and will not be included in the admission fee;
- iv. the bar will be open for a limited time (brief) and either before or after a meal; and
- v. those who are hosting will provide nonalcoholic beverages as an alternative to alcohol.

- 3 LAW SCHOOL RULES (A.R., August 31, 1984) (adopted with the approval of the University vice president for student affairs.)
- a. The dean (or an authorized representative) must approve in advance any function where alcoholic beverages are dispensed.
  - b. Approval will be limited to beer and wine and will not extend to hard liquor. Nonalcoholic beverages and something in the way of food must be served as well.
  - c. Functions where alcoholic beverages are dispensed will be held in the student lounge only.
  - d. The request for approval shall be on a form provided by the dean, with a copy of these rules attached. It shall be signed by a representative of the organization sponsoring the function and shall state: (1) the times of beginning and termination of the function; (2) that these rules are understood by the sponsoring organization; and (3) that the members of the sponsoring organization undertake the obligation to comply with these rules.
  - e. The sponsoring organization will display signs for the duration of the event that advise that alcoholic beverages are confined to the lounge, and may be consumed only by those at least 21 years old. The signs shall also caution on the dangers of drinking and driving.
  - f. Alcoholic beverages brought into the Law School for an approved function will be kept under lock and key. The storerooms in the S.B.A. office are available for that purpose.
  - g. The group arranging the function has full responsibility for compliance with State, University and Law School regulations, and shall supervise the dispensing of the alcoholic beverages.

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- h. The Law School is authorized to request a flat-rate donation for entry into the lounge. There can be no charge by the drink (either cash or ticket).
  - i. Alcoholic beverages will not be taken into the classrooms or outside the building. They must remain within the lounge.
  - j. Posters indicating availability of alcoholic beverages will not be posted outside the Law School.

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