

**THE UNIVERSITY OF MEMPHIS
CECIL C. HUMPHREYS
SCHOOL OF LAW**



ACADEMIC REGULATIONS

(As Updated on November 1, 2011)

TABLE OF CONTENTS

ACADEMIC REGULATIONS
(As Updated on November 1, 2011)

1.	DEGREES CONFERRED AND PROGRAMS OF STUDY.....	1
1.1	J.D. Degree.....	1
1.2	J.D./M.B.A. Degree Program.....	1
1.3	Programs.....	1
2.	REGISTRATION WITH BAR.....	1
3.	ENROLLMENT.....	1
4.	WITHDRAWALS AND RE-ENROLLMENT.....	2
4.1	Withdrawals and Refunds of Fees.....	2
4.2	Re-Enrollment after Withdrawal.....	3
	a. Eligibility.....	3
	b. Graduation Requirements Upon Re-Enrollment.....	3
5.	COURSE MINIMUMS AND MAXIMUMS: FULL-TIME AND PART-TIME STUDENTS.....	3
5.1	Full-Time Students.....	3
5.2	Part-Time Students.....	3
5.3	Summer Session Enrollment: Classification of Full-Time and Part-Time Students.....	3
5.4	Enrollment.....	4
6.	DROP/ADD COURSES.....	4
6.1	Adding Courses.....	4
6.2	Dropping Courses.....	4
7.	REPEATING COURSES; PASSING REQUIRED COURSES.....	4
8.	CHANGE OF PROGRAM.....	5
8.1	Part-Time to Full-Time Program.....	5
8.2	Full-Time to Part-Time Program.....	5
8.3	Students Not in Good Standing.....	5
9.	CLASS ATTENDANCE AND OUTSIDE WORK LIMITATIONS.....	5
9.1	Class Attendance.....	5

9.2	Outside Work Limitation for Full-Time Students.....	5
10.	EXAMINATION POLICIES AND PROCEDURES INCLUDING DEFERRALS OR DELAYS IN COMPLETING EXAMINATIONS OR RESEARCH PAPERS.....	5
10.1	Schedule of Examinations.....	5
10.2	Scheduled Examination Conflicting with Observance of a Religious Holiday.....	6
10.3	Examinations under Special Circumstances.....	6
10.4	Using Computers and Typewriters.....	6
10.5	Anonymous Grading System and Examination Numbers.....	6
10.6	Deferrals or Delays in Taking Scheduled Examinations; Unreasonable Hardship.....	7
10.7	Late Arrivals for Examinations.....	7
10.8	Conclusiveness of Taking an Examination.....	7
10.9	Illnesses or Emergencies Arising During an Examination.....	7
10.10	Research Papers and Work Other Than Examinations; Due Dates and Extensions.....	7
10.11	Incompletes and Effect on Grades.....	8
10.12	Computation of Grades.....	8
10.13	Enrollment when Deferrals or Delays in Taking Scheduled Examinations are Pending.....	8
11.	INCOMPLETES AND GRADE CHANGES.....	8
11.1	Incompletes.....	8
11.2	Grade Changes.....	8
12.	GRADING SYSTEM.....	9
12.1	Grades.....	9
12.2	Grading System and Factors to be Considered.....	9
12.3	Cumulative Grade Point Average.....	10
12.4	Rounding.....	10
12.5	Grading Factors.....	10
13.	CLASS RANKING.....	10
13.1	Full-Time Students.....	10

13.2	Part-Time Students.....	11
13.3	Work Considered for Ranking.....	11
13.4	Honors.....	11
14.	ACADEMIC ELIGIBILITY REQUIREMENTS.....	11
14.1	Good Standing. Retention and Academic Exclusion for Non-Transfer Students.....	11
	a. Good Standing.....	11
	b. Retention and Academic Exclusion.....	11
	c. Computation of Grade Point Average.....	12
14.2	Good Standing, Retention, and Academic Exclusion for Transfer Students.....	12
	a. Good Standing.....	12
	b. Retention and Academic Exclusion.....	12
14.3	Significance of Academic Exclusion.....	13
15.	STARTOVER.....	13
16.	REQUIREMENTS FOR GRADUATION.....	14
16.1	Course Requirements.....	14
	a. Required Courses and Course Sequencing for Full-Time Students.....	14
	b. Required Courses and Course Sequencing for Part-Time Students.....	14
	c. Other Required Courses.....	15
	d. Elective Courses and Limitations on Certain Courses for Credit Toward Graduation.....	15
16.2	Waiver of Course Requirement.....	16
16.3	Six-Year Requirement.....	16
16.4	Work at Other Schools.....	16
16.5	Grade Requirement.....	16
16.6	Completion of Work.....	16
17.	TRANSFERRED CREDIT.....	17
18.	AUDITING (NON-LAW STUDENTS); TRANSIENT STUDENTS.....	17

18.1	Auditing Courses.....	17
18.2	Transient Students.....	17
19.	REQUIREMENTS FOR STUDENT RESEARCH PAPERS OTHER THAN THOSE REQUIRED IN SEMINARS.....	17
20.	STUDENT RECORDS AND FILES: GRADE INFORMATION.....	18
20.1	Confidentiality of Student Records.....	18
20.2	Grade Information.....	18
20.3	Non-Posting of Grades Upon Request.....	18
21.	HONOR CODE.....	18
21.1	Definitions.....	18
21.2	Scope.....	19
21.3	Oath.....	20
21.4	Types of Dishonesty and Misconduct.....	20
21.5	Sanctions.....	22
21.6	Procedures.....	24
21.7	Elections.....	28
21.8	Reporting and Record Keeping.....	29
21.9	Confidentiality.....	30
21.10	Honor Code Advisory Committee.....	30
21.11	Amendments.....	31
22.	STUDENT GRADE APPEAL PROCEDURE.....	31
22.1	Grades.....	31
23.	STUDENT COMPLAINT PROCEDURE.....	33
23.1	Procedures for Submitting a Complaint.....	33
23.2	Procedures for Addressing a Complaint.....	34
23.3	Procedures for Appealing a Resolution.....	34
24.	NOTIFICATIONS.....	34
25.	UNIVERSITY POLICIES & PROCEDURES AFFECTING STUDENTS.....	35
26.	CONFORMITY WITH RULES AND REGULATIONS OF THE UNIVERSITY AND OTHER ENTITIES.....	35

27. SEVERABILITY OF PROVISIONS.....35

APPENDIX I.....36

STANDARDS FOR ATTAINMENT OF THE J.D. DEGREE.....36

ACADEMIC REGULATIONS

The provisions set forth herein and in the Standards for Attainment of the J.D. Degree attached hereto as Appendix I govern the Academic Affairs of all students enrolled at the School of Law. All references to these Academic Regulations shall be deemed to include Appendix I. It is the responsibility of each student to be familiar with the terms contained herein and each student shall be deemed to be so. For the purposes of these Academic Regulations, any place where approval of the Dean is required, it shall be taken to mean the Dean or the Dean's designate such as the Associate Dean or an Assistant Dean.

1. DEGREES CONFERRED AND PROGRAMS OF STUDY

1.1 J.D. Degree

Graduates of The University of Memphis Cecil C. Humphreys School of Law receive the Juris Doctor Degree.

1.2 J.D./M.B.A. Degree Program

A J.D./M.B.A. Degree Program is available in cooperation with the School of Business. Further information is available in the office of the Dean.

1.3 Programs

The law school offers a full-time day program and a part-time day program on the semester system. Students in the full-time program normally graduate in three years (six semesters). Summer classes may be available and some students graduate after five semesters and two summer sessions (equivalent to six semesters) as full-time students. Students in the part-time program normally graduate in nine semesters or in eight semesters and two summer sessions (equivalent to nine semesters). (See Section 5 for course maximums and minimums during each semester.)

2. REGISTRATION WITH BAR

Some states require that, for a candidate to take the bar examination in that state, the candidate shall have registered with a supervisory authority upon or shortly after enrolling in law school. Each student should ascertain the rules of the state in which he/she expects to take the bar examination in this respect. Tennessee does not have this requirement.

3. ENROLLMENT

Enrollment is subject to the general rules of the University pertaining to registration and is possible only during the scheduled registration periods of the university and School of Law as shown on the Law School and university calendars.

Newly admitted students and startovers may only enter in the fall term. Upper division law students, transfer students, and transient students may enter in any term and should preregister each semester for the succeeding term. Specific instructions on preregistering and course

schedules are ordinarily provided at least one month before the preceding examination period.

The enrollment procedure begins in the administration offices of the School of Law. Enrollment in any course or section must be approved by the Dean or the Law School Registrar. Every enrollment after the first is conditional upon the student's being eligible to re-enroll under the Academic Eligibility Requirements. (See Section 14.) Students on probation from the previous semester and those who have been on probation will be conditionally enrolled until such time as all grades are received from the previous semester. If computation of a student's grades results in the student being academically excluded, the student will receive a refund of fees. (See Section 4.1.)

4. WITHDRAWALS AND RE-ENROLLMENT

4.1 Withdrawals and Refunds of Fees

A student may withdraw from the Law School by notifying the office of the Dean in writing, provided, however, that withdrawal is not permitted within one week of the beginning of the final examination period of a semester or summer session without permission of the Dean.

Withdrawals are recorded on the student's record at any time after a student has registered and paid fees.

The following refund percentages of enrollment fees (Maintenance, Out-Of-State Tuition and Student Activity Fees) apply to students who withdraw from the law school or who drop to an hourly load below full time:

A **full (100%) refund** of fees will be made only under the following conditions:

- a. Cancellation of a class by the University.
- b. Drop or withdrawal prior to official registration. (Example: Pre-registration of a first year student.)
- c. Death of a student certified by the Vice President for Student Educational Services or designated university official.
- d. Withdrawal of the student by the Dean's Office for reason of academic exclusion after the student has registered and paid fees.

A **75% refund** will be provided during the first day of classes and extending for a period of time noted in the term calendar of the Law School Schedule of Classes. A 90% refund of the Student Activity Fee will be provided during this period.

A **25% refund** will be provided beginning at the expiration of the 75% refund period and extending for a period of time noted in the term calendar of the Law School Schedule of Classes. A 75% refund of the Student Activity Fee will be provided during this period.

At the conclusion of the 25% refund period, there will be no refund of these fees.

4.2 Re-Enrollment after Withdrawal

a. Eligibility

To be eligible to re-enroll as a matter of right after withdrawal, the student who has withdrawn must have completed one academic year, have met the retention standards (See Sec. 14.1.b.), and be able to comply with the six year requirement. (See Section 16.3.) Students who cannot re-enroll as a matter of right must secure permission from the Dean. Denial of permission to re-enroll shall not prevent a student from competing for a position in the first year class. Re-enrollment procedures require filing a readmission application.

b. Graduation Requirements Upon Re-Enrollment

Students re-enrolling after withdrawing in good standing must comply with graduation requirements of the class with whom they are scheduled to graduate. These graduation requirements may differ from those in effect at the time of the student's original enrollment.

5. COURSE MINIMUMS AND MAXIMUMS: FULL-TIME AND PART-TIME STUDENTS

5.1 Full-Time Students

Full-time students must enroll in at least 12 credit hours toward the J.D. or J.D./M.B.A. degree in each semester. No student may be enrolled at any time in coursework that, if successfully completed, would exceed 18 credit hours. Unless permission of the Dean is obtained, no student with less than a 2.5 cumulative grade point average may enroll in more than 16 credit hours in a semester. Unless permission of the Dean is obtained, no student enrolled in an extern program may be enrolled in more than 16 credit hours, including the externship.

5.2 Part-Time Students

Unless permission of the Dean is obtained, part-time students must enroll in at least 8 credit hours, but not more than 11 credit hours, in each semester.

5.3 Summer Session Enrollment: Classification of Full-Time and Part-Time Students

Without regard to whether students are classified as full-time or part-time during the regular academic year, such students may enroll in summer session in any number of credit hours not exceeding nine (9). Students enrolling in six (6) or more credit hours will be classified as full-time students for the summer session and will be subject to all academic regulations applying to full-time students, including outside work limitations. Students enrolling in five (5) or fewer credit hours will be classified as part-time students for the summer session. Enrollment in summer session will not affect the full-time or part-time status of a student. (See Sections 8, 9, and 16.3 for related matters).

5.4 Enrollment

At the time of initial enrollment, students must enroll either as full-time or part-time students. From that time on, they will be governed by regulations applying to their initial enrollment classification unless they change status as provided in these regulations. (See Section 8.)

6. DROP/ADD COURSES

6.1 Adding Courses

With the exception of Trial Advocacy and Clinic, courses may be added to a student's schedule during the first ten (10) calendar days beginning with the first day of classes for regular semesters and during the first four (4) calendar days beginning with the first day of classes for summer sessions. Trial Advocacy and Clinic may be added to a student's schedule during the first five (5) calendar days beginning with the first day of classes for regular semesters and during the first two (2) calendar days beginning with the first day of classes for summer session. Classes missed before being added will be counted as absences for the attendance policy of the faculty teaching the course.

6.2 Dropping Courses

Elective courses may be dropped on or before the "drop date" listed in the calendar for each semester without permission of the Dean. Elective courses may be dropped after the drop date only with permission of the Dean. A full-time student may not drop below twelve (12) hours, and a part-time student (in the extended program) may not drop below eight (8) hours, without permission of the Dean. Drops occurring after the "Add Period" are recorded as "withdrawals". Required courses may not be dropped without permission of the Dean. (See Sections 5.1, 5.2 and 16.)

7. REPEATING COURSES; PASSING REQUIRED COURSES

A course may not be repeated unless it is failed -- i.e., no credit earned. Required courses must be completed and passed to meet graduation requirements. Required courses that are failed must be retaken in the next regular semester in which the course is offered unless taken in summer session prior to such next regular semester. When a course is repeated after having previously been failed, the grade for the course is averaged in the normal manner including the previous failure -- i.e., the previous grade stands and both grades become a part of the student's grade record and for computation of the student's grade point average. No grade is removed. (See Section 12.)

8. CHANGE OF PROGRAM

8.1 Part-Time to Full-Time Program

Part-time students must secure permission from the Dean to transfer to the full-time program.

8.2 Full-Time to Part-Time Program

Full-time students in good standing must secure permission from the Dean to transfer to the part-time program.

8.3 Students Not in Good Standing

Students not in good standing will not be permitted to change programs except for good cause as determined by the Dean. (See Sec. 14.)

9. CLASS ATTENDANCE AND OUTSIDE WORK LIMITATIONS

9.1 Class Attendance

Students are expected to give their scholastic obligation first priority. Prompt and regular class attendance is considered necessary for satisfactory work. It is expected that a student will regard an engagement to attend classes as he/she would any other engagement or conference with his/her instructor. The necessity of absences does not in any sense relieve the student from responsibility for the work of his/her course during his/her absence. The instructor in charge of a course determines in all instances the extent to which absences and tardiness affect the student's grade and credit. The attendance policy of the instructor shall be announced to the class and distributed to the class in writing at the time of its implementation. Generally, attendance policies will be announced at the first class meeting of the semester. A student may receive a failing grade for excessive absences and may be dropped from the course with a failing grade if excessive absences occur. Each student shall be responsible for keeping records of his/her attendance.

9.2 Outside Work Limitation for Full-Time Students

The full-time program of the School of Law is intended to promote full-time study of law. Full-time students may not engage in employment in excess of twenty (20) hours per week. (See Section 5.3.) It is the policy of the School of Law to discourage any employment of first-year full-time students.

10. EXAMINATION POLICIES AND PROCEDURES INCLUDING DEFERRALS OR DELAYS IN COMPLETING EXAMINATIONS OR RESEARCH PAPERS

10.1 Schedule of Examinations

- a. The schedule for examinations is made part of the registration materials. The schedule of examinations may be amended during a regular semester or summer session. Such amended schedules will be posted, and all students prior to

the examination period are responsible for checking the Law School Bulletin Board for an amended schedule.

- b. Unless students obtain the written permission of the Dean at the time of registration, students may not register in courses which have conflicting examination schedules -- i.e. where examinations are scheduled to be administered at the same time or on the same day. If permission is granted, one of the conflicting examinations will be scheduled on the next day in the examination period on which the student does not have an examination.
- c. Students are required to take examinations at the scheduled times. Faculty members are not authorized to grant exceptions, but the Dean may grant exceptions as set forth in Sections 10.2 and 10.3.

10.2 Scheduled Examination Conflicting with Observance of a Religious Holiday

If a scheduled examination conflicts with the observance of a religious holiday or a day on which the student may not be present because of religious practices, the student will be entitled to a deferral of the examination until the earliest time at which the student may take the examination and proctoring can be arranged. The student should notify the Dean's office of the conflict and make arrangements for the deferral no later than two weeks prior to the start of the examination period.

10.3 Examinations under Special Circumstances

Students with disabilities may be granted permission to take examinations under special circumstance. Such students must be registered with the University Office of Student Disabilities. The special circumstances (conditions) will be established on an individual basis by the Dean considering the recommendations of the University Office of Student Disabilities.

10.4 Using Computers and Typewriters

Examinations (other than take-home examinations) may not be produced on any computer except that Faculty members may authorize students, who choose to do so, to take an examination using a law school-approved examination software product.

10.5 Anonymous Grading System and Examination Numbers

All examinations are to be graded in a manner so as to protect the anonymity of students taking the examinations. To facilitate the anonymous grading system, all students are required to secure from the Law School Registrar an examination number for each semester and summer session. A student who does not use the assigned examination number will not have a grade reported to the student or to the University until such number is secured.

10.6 Deferrals or Delays in Taking Scheduled Examinations; Unreasonable Hardship

Deferral of, or a delay in taking, an examination may be permitted only by the Dean and then only when it would result, or would have resulted, in an unreasonable hardship on the student to attend the examination. Application for delay must be made to the Dean prior to the examination, if feasible. If a delay is permitted, the student shall take the examination at such time as the instructor in conjunction with Dean's office shall require. Unreasonable hardship includes illness and other matters beyond the control of the student. If for reasons beyond the student's control, deferral or delay cannot be requested in advance of the scheduled examination, such request must be made as soon as possible after the examination. (WARNING: Failure to take a scheduled examination results in a grade F or U unless the Dean permits the student to withdraw from the course.)

10.7 Late Arrivals for Examinations

A student who arrives at an examination after the examination has started but before it is completed may sit for the examination. The Dean, in consultation with the faculty member, if available, may permit a student whose late arrival is attributable to factors that are beyond the student's reasonable control to take the entire scheduled time for the examination, either beginning immediately or as rescheduled by the Dean. Otherwise, a student shall be permitted to take the examination, but in the Professor's discretion, may be required to complete the examination at the regularly scheduled time.

10.8 Conclusiveness of Taking an Examination

A student, by taking an examination, is conclusively deemed to represent that no unreasonable hardship existed and the student was able to take the examination. The grade earned will be recorded and will not be expunged for any reason. A student may not withdraw from a course after taking the examination.

10.9 Illnesses or Emergencies Arising During an Examination

If during an examination, an illness or emergency arises which would result in an unreasonable hardship on such student or the student being unable to complete the examination, the student, if capable of so doing, must notify the faculty member or person proctoring the examination immediately upon such occurrence. After such notification and/or occurrence, the Dean's office shall be notified, and, thereafter, the Dean's office will, in conjunction with the faculty member involved, schedule the examination as circumstances permit.

10.10 Research Papers and Work Other Than Examinations; Due Dates and Extensions

The research paper in final form, whether written in connection with a seminar or as independent research, must be submitted to the faculty research advisor no later than the last day of the examination period of the semester or summer session in which the student is registered for the seminar or independent research, and may be required earlier by the faculty research advisor. A schedule for the submission of outlines, drafts, lists, and paper will be prepared in writing by the faculty

research advisor and given to the student. Failure to comply with the schedule may result in failure in the course for which the paper is required to be written. The faculty research advisor may permit additional time, in which case the conditions and limitations of any such extension must be met; provided, however, no extension of time shall be beyond the last day of the examination period in which the student is registered unless requested in writing and approved by the faculty research advisor and by the Dean and filed with the Law School Registrar prior to the last day of the examination period. The Law School Registrar will provide a form by which this may be done. It is the responsibility of the student to procure the execution of the form by the faculty research advisor and by the Dean and to file it with the Law School Registrar.

10.11 Incompletes and Effect on Grades

If a deferral or delay of the due date on an examination or research paper extends beyond the end of the semester, a grade of Incomplete will be given in the course or seminar, and a notation will be made in the student's records of the time and method by which completion is required. Any grade of Incomplete not removed in accordance with the requirements of a permitted deferral or delay will result in a grade of F or U in the course. (See Sections 10.3 & 11.)

10.12 Computation of Grades

For all purposes for which grade point averages are computed (i.e. - standing, retention, rank, etc.), an Incomplete will not be counted in the semester in which it is received. When the grade is reported, it will be included for computation of grade point average at the end of the semester in which it is reported. (See Section 12.3.)

10.13 Enrollment when Deferrals or Delays in Taking Scheduled Examinations Are Pending

The permission of the Dean is required to permit a student to enroll in a semester or summer session when scheduled examinations for any prior semester or summer session have not been completed including deferred or delayed examinations. A student seeking to enroll under such circumstances must submit a written request to the Dean.

11. INCOMPLETES AND GRADE CHANGES

11.1 Incompletes

An Incomplete may be recorded by faculty members when there is a legitimate reason for a student not completing course work during the regular period (i.e., a semester or summer session). Any grade of Incomplete not removed in accordance with the requirements of the Instructor or approval by the Dean shall result in a grade of F in the course.

11.2 Grade Changes

Upon reporting grades to the Law School Registrar, a professor is required to sign the grade sheet as certification that the grades are correct. After submission of grades to the Law School Registrar, grades

may be changed by a professor only for computational or objective errors of the professor. Grade changes for any other reason may be made only with approval of the Academic Affairs Committee. Any such grade change must be made by the end of the semester, excluding summer session, after the semester in which the grade was received.

12. GRADING SYSTEM

12.1 Grades

Grades are represented by the following letter grades: A+, A, A-, B+, B, B-, C+, C, C-, D+, D, and F, and in certain courses the letters E (Excellent), S (Satisfactory), and U (Unsatisfactory) (See Section 12.2) A grade of D or better is passing, and less than a D is failing. While a grade of D, D+ or C- is passing and credit is earned, such grade indicates less than satisfactory performance. (See Section 12.5 for grading factors in seminar courses.)

For purposes of determining grade point averages, letter grades have the following number equivalents:

A+	4.0	C+	2.33
A	4.0	C	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D	1.0
B-	2.67	F	0

Grades of E, S, and U will not be assigned number equivalents and will not be used in determining grade point averages.

12.2 Grading Systems and Factors to be Considered

- a. Subject to exceptions set forth in the following subsections, all courses will be graded on a letter grade basis as set forth in Subsection 12.1 supra. (See Subsection 12.5. regarding factors to be considered.)
- b. Courses identified as simulation courses shall be graded on a letter grade basis.
- c. All courses identified as clinic courses will be graded on a letter basis and will not include as a component the grade on a final examination.
- d. Externships, Law Review and Moot Court shall be graded according to standards of Excellent (E), Satisfactory (S) and Unsatisfactory (U). Excellent shall represent achievement substantially above the minimum requirement for a grade of Satisfactory.
- e. The use of E, S, and U may be appropriate for courses in which, as taught and tested, the achievement of students cannot be closely compared. The use of these grades shall only be by faculty approval following an initial study and recommendation by the Curriculum Committee. Such grading

policy will be noted on the course schedule for each semester and summer session to which it applies.

12.3 Cumulative Grade Point Average

A student's cumulative grade point average is computed by first converting letter grades to number equivalents pursuant to Section 12.1. The number equivalents are then multiplied by the number of hours of credit assigned to each course. The products are added, and the sum divided by the total number of hours of courses whose products are included in the sum. Courses graded E, S and U are excluded from the grade point computation.

12.4 Rounding

Averages are computed and recorded to two decimal places, e.g., 2.65, with no rounding.

12.5 Grading Factors

- a. A written examination is usually given at the end of each course, and the grade for the course will be the grade shown on the examination. An instructor, at his/her discretion and to the extent he/she desires, may, however, consider class attendance, participation in classroom instruction, other examinations and the performance of required work in determining the grade. These additional factors will be announced at the beginning of the course, or at such time as to provide adequate notice to the students.
- b. In a seminar course that fulfills the Law School's writing requirement, between 65% and 80% of the grade must be based on the research paper. The balance of the course grade must be based on participation that demonstrates the student's knowledge, comprehension, and analysis of assigned readings or research. A student may not satisfy the research requirement unless a grade of C or better is received, both in the seminar and on the research paper. A student may receive a grade of C or better in a seminar by receiving points based on additional grading factors, even though the research paper is not satisfactory to satisfy the Law School's research requirement for graduation. (See Section 16.1c.)

13. CLASS RANKING

13.1 Full-Time Students

Full-time students will be ranked at the following intervals:

1st year: fall and spring semesters

2nd year: fall and spring semesters

3rd year: fall and spring semesters

Final: as a group, following summer session

13.2 Part-Time Students

Part-time students will be ranked at the following intervals with the designated class:

1st year fall and spring semester with admission class

2nd year spring semester with admission class

3rd year fall and spring semester with the second year full-time students after the fall and spring of their third year

4th year fall semester and spring semester with the third year full-time students

5th year (if applicable) fall semester and spring semester with third year full-time students

Final: as a group, following summer session

13.3 Work Considered for Ranking

Only the work completed at the University of Memphis will be considered in computing class rank. (See Section 16.)

13.4 Honors

Students with high cumulative grade point averages are awarded the J.D. degree with honors. The categories are:

Summa Cum Laude -- 3.75 and up

Magna Cum Laude -- 3.50 to 3.74

Cum Laude -- 3.25 to 3.49

Diplomas awarded to such students will reflect the distinction.

14. ACADEMIC ELIGIBILITY REQUIREMENTS

14.1 Good Standing. Retention and Academic Exclusion for Non-Transfer Students

a. Good Standing

A student is in good standing only if the student's cumulative grade point average, as computed pursuant to Section 12, is 2.00 or better.

b. Retention and Academic Exclusion

A student not in good standing will be academically excluded unless one of the following exceptions applies:

1. The student has received grades in fewer than 24 credit hours.

2. The student has received grades in 24 to 38 credit hours and either has a cumulative grade point average of 1.80 or has earned a semester grade point average of 2.10 in the most recent semester.
3. The student has received grades in 39 to 53 credit hours and either has a cumulative grade point average of 1.90 or has earned a semester grade point average of 2.10 in the most recent semester.
4. The student has had a cumulative grade point average of 2.00 at the end of every previous semester. Such a student will receive one semester of probation. Following the semester of probation, the student will be subject to the requirements of Section 14.1.

A student who is not in good standing but entitled to retention under provisions 1-4 above must complete the student's next semester after no more than two semesters of non-enrollment. Non-enrollment includes withdrawal during a semester. (See Sec. 4.2.a.)

c. Computation of Grade Point Average

For the purposes of determining good standing or retention status, the student's grade point average will be determined at the end of each fall semester and at the end of each spring semester. Summer term grades will be computed as if taken during the fall semester. Enrollment in a succeeding academic term prior to computation of the student's grade point average will be at the student's risk. (See Section 3).

14.2 Good Standing, Retention, and Academic Exclusion for Transfer Students

a. Good Standing

Any transfer student whose cumulative grade point average for work taken at The University of Memphis, as computed pursuant to Section 12, is 2.00 or better is in good standing.

b. Retention and Academic Exclusion

A transfer student not in good standing will be academically excluded unless one of the following exceptions applies:

1. The student has received grades in fewer than 17 credit hours at this law school.
2. The student transferred to this law school with fewer than 17 transfer credits, has received grades in 17 to 32 credit hours at this law school and has a cumulative grade point average of 1.9 for work at this law school, or has earned a semester grade point average of 2.3 in the most recent semester.
3. The student transferred to this law school with 17 or more transfer credits, has received grades in 17 to 32

credit hours at this law school and has earned a semester grade point average of 2.5 in the most recent semester.

14.3 Significance of Academic Exclusion

A student who is academically excluded may:

- a. Challenge a grade pursuant to the Grade Appeals procedures outlined in Section 22. In the event that the appeal results in a grade change that raises the student's grade point average over the threshold for exclusion, the student will be readmitted.
- b. File a petition with the Academic Affairs Committee seeking a change in the Academic Regulations. If the Committee recommends, and the faculty approves, a change in the Regulations that would result in the student being able to remain in school, the student will be readmitted. There is no appeal from the decision of the Academic Affairs Committee or the faculty.

Subject to the above, academic exclusion is final and there is no appeal. A student who is academically excluded may seek startover admission pursuant to the provisions of Section 15.

15. STARTOVER

- a. An applicant for admission to the first year entering class who was academically excluded from any law school may be admitted to the class for which he or she has applied, provided:
 1. The applicant was academically excluded from this law school or is a Tennessee resident for fee and tuition purposes at the time of application, residency determination, and enrollment.
 2. The applicant has been out of law school for a period of at least two (2) regular academic semesters (excluding the Summer Session) on the date of enrollment; or, if the applicant has completed three (3) semesters of law school, he or she is required to have been out of law school for only one regular academic semester (excluding the Summer session) on the date of enrollment.
 3. The applicant has satisfied, on the dates of admission and enrollment, all absolute admission requirements applicable to all other applicants who are admitted and enrolled in the entering class for which application is made, except that the LSAT exam must have been taken within five years prior to the date of admission unless waived by the Admissions Committee;
 4. The applicant, before admission, has been approved for admission by a majority of this law school's Admission Committee and the Dean after consideration of the applicant's situation in light of ABA Standard 505;

5. The applicant has not been allowed to startover and actually enrolled after academic exclusion from a law school; and
 6. The startover application is complete by April 1st.
- b. Each applicant described above, who has been admitted and enrolled will not be counted in the total number of enrollments needed to fill the first year entering class. In no event will more than five (5) such applicants be admitted and enrolled in any one entering class. In the event that more than five (5) such applicants are approved as eligible for admission, the Admissions Committee together with the Dean will select the five (5) to be admitted. Selections will be based upon the applicant's admission index and other factors reflecting the likelihood for success at this law school.

16. REQUIREMENTS FOR GRADUATION

16.1 Course Requirements

a. Required Courses and Course Sequencing for Full-Time Students

Students enrolled in the full-time program must satisfactorily complete the following courses in the sequence indicated, unless an exception is granted by the Dean: (Credit hours are in parenthesis.)

First Year

<u>Fall Semester</u>		<u>Spring Semester</u>	
111 Contracts I	(4)	121 Contracts II	(2)
112 Torts I	(3)	122 Torts II	(3)
115 Property I	(3)	125 Property II	(3)
114 Civil Procedure I	(3)	124 Civil Procedure II	(3)
113 Legal Method I	(2)	126 Criminal Law	(3)
		123 Legal Method II	(2)

Second Year

<u>Fall Semester</u>		<u>Spring Semester</u>	
212 Constitutional Law	(4)	223 Crim. Procedure I	(3)
211 Bus. Orgs I	(3)	221 Evidence	(4)
213 Decedents Estates	(3)	222 Secured Trans.	(3)
214 Income Taxation	(4)		

b. Required Courses and Course Sequencing for Part-Time Students

Students enrolled in the part-time program* must satisfactorily complete the following courses in the indicated sequence unless an exception is granted by the Dean.

* Requirements for students enrolling after July 1, 2007.

First Year

Fall Semester

113 Legal Method I (2)
112 Torts I (3)
114 Civil Procedure I (3)

Spring Semester

123 Legal Method II (2)
122 Torts II (3)
124 Civil Procedure II (3)
126 Criminal Law (3)

Second Year

Fall Semester

212 Constitutional Law (4)
115 Property I (3)
111 Contracts I (4)

Spring Semester

121 Contracts II (2)
125 Property II (3)
223 Criminal Procedure (3)

Third Year

Fall Semester

214 Income Tax (4)
211 Bus. Orgs I (3)
213 Decedents' Estates (3)

Spring Semester

222 Secured Trans. (3)
221 Evidence (4)

c. Other Required Courses

In addition to the above listed courses, each student must successfully complete Professional Responsibility (2) and must satisfy the advanced research and skills requirements. Professional Responsibility may be scheduled at the option of the student.

To be eligible to complete the research requirement, full-time students must have completed three regular semesters of studies prior to enrolling in the course to satisfy the research requirement. Part-time students must have completed a total of 45 semester hours prior to enrollment in a course to satisfy the research requirement, unless a waiver is granted by the Academic Affairs Committee. The advanced research requirement may be met by satisfactorily completing Law 912 Law Review or certain designated seminar courses. (See Sections 12.5 and 19.)

A student may satisfy the skills requirement by completing a clinic, an externship, trial advocacy, or other enumerated skills course. A student may also satisfy the skills requirement by enrolling in Advanced Appellate Advocacy (2-hours) and competing in an inter-school moot court competition or by receiving two hours credit in Advanced Trial Advocacy by competing in two inter-school mock trial competitions. A list of courses satisfying the skills requirement is available from the Law School Registrar, the Associate Dean for Academic Affairs, or on the law school web site.

d. Elective Courses and Limitations on Certain Courses for Credit toward Graduation

1. Students must satisfactorily complete additional course work for a total of at least 90 credit hours for all courses.

2. Not more than a total of eight (8) credit hours may be utilized toward satisfying graduation requirements by satisfactorily completing the following courses:

Any externship, Law Review, Moot Court (including credit for participation on travel teams), and independent research.

3. For satisfying graduation requirements, a student is permitted a total of two (2) externships or two (2) clinic courses or combination thereof, but may not repeat the same clinic or externship. A student may not enroll in both a clinic and externship in the same semester or summer session, and may not enroll in more than one clinic or externship in any semester or summer session. For enrollment purposes in these limited enrollment courses, students having taken one clinic will not receive priority for a second clinic and students who have taken one externship will not receive priority for a second externship.

16.2 Waiver of Course Requirement

For good cause shown and to avoid hardship, waiver of completion of any required course may be permitted only with the approval of the Academic Affairs Committee and on conditions set by the Committee.

16.3 Six-Year Requirement

A student must complete all of such student's graduation requirements within six (6) calendar years from the date of the student's initial enrollment in law school or forfeit all hours earned during this period. The student will, however, be allowed to reapply for admission as an entering student and compete with other applicants for a position in the entering class, with no credit allowed for prior work. The Academic Affairs Committee may make an exception to the foregoing rule if the student submits a proposed course of study for approval, but in no event may a student extend study so that the J.D. degree is not completed within 84 months of the time the student commenced law study.

16.4 Work at Other Schools

Any work to be taken at another law school on a transient basis must be approved by the Dean prior to the student's attendance at such other law school. Once approved, a student may not utilize more than 30 semester hours toward the student's degree at this law school, unless an exception is granted by the Academic Affairs Committee.

16.5 Grade Requirement

A student must have a grade point average of 2.00 or better in all work undertaken at the University of Memphis to graduate.

16.6 Completion of Work

All required courses must be completed. Completion of a course consists of sufficient attendance in class, performance of all required work, the taking of all examinations, making a passing grade (D or above or, in

the case of non-graded course, a grade of E or S), with the exception of the research requirement which requires a grade of C or above. (See Section 12.5.) Failure to complete work in any course as it is required, or to take an examination when required, will result in a grade of F in the course. Delay in completing the work in a course may be permitted, as outlined under Delay in Completing Required Work. (See Section 10.)

17. TRANSFERRED CREDIT

Credit for law school work completed at law schools other than at The University of Memphis Cecil C. Humphreys School of Law will be credited toward fulfilling graduation requirements only after individual consideration by the Dean. No credit, however, will be given for work completed in a United States Law School which is not ABA approved. Advanced standing will be granted only for work done after the student has completed a Baccalaureate degree.

To be eligible for transfer, credit earned in each course considered for transfer credit must be at least equal to the overall grade point average required for graduation at the University of Memphis, Cecil C. Humphreys School of Law.

18. AUDITING (NON-LAW STUDENTS); TRANSIENT STUDENTS

18.1 Auditing Courses

Subject to limited exceptions, all students enrolled in any course must be a J.D. degree candidate at this law school or have been admitted to the School of Law as a transient student. Exceptions are made for practicing attorneys, members of the faculty of the University, students pursuing a graduate degree program of the University, and students pursuing graduate degree programs at other accredited universities or colleges. These individuals should contact the office of the Dean for additional information.

18.2 Transient Students

A transient student is a student currently in good standing at another ABA accredited law school and enrolled in this law school for the purpose of transferring the credits earned to the law school in which the student is enrolled as a degree candidate.

19. REQUIREMENTS FOR STUDENT RESEARCH PAPERS OTHER THAN THOSE REQUIRED IN SEMINARS

Requirements for student research papers other than those required in seminars are available from the Law School Registrar. Students must secure permission from the supervising faculty member prior to enrolling in Research I. No more than one hour credit may be obtained in this way. (See Section 16.I.d.)

20. STUDENT RECORDS AND FILES: GRADE INFORMATION

20.1 Confidentiality of Student Records

In compliance with provisions of the "Family Educational Rights and Privacy Act of 1974," the School of Law abides by the rules and regulations of the University pertaining to the confidentiality of student records, the release of that information, and the rights of students and others to have access to such records as set forth in the University Student Handbook, University Bulletins and Schedules of Classes. Copies of these publications are available at the office of the Dean.

20.2 Grade Information

Individual grades will not be divulged over the telephone. Grades for seminar papers are accepted and may be furnished to students individually by the faculty member or the office of the Dean. All grades will be posted by the office of the Dean when received by that office from the instructor, but no earlier than three (3) weeks after the end of the examination period. Thereafter, grades will be posted as received. (See 20.3 for students' rights to not to have their grades posted.) Except for circumstances beyond the control of a faculty member, all grades should be reported by the faculty within three (3) weeks of the end of any examination period. Individual grade reports will be mailed by the University Registrar to each student.

20.3 Non-Posting of Grades Upon Request

Pursuant to the Family Educational Rights and Privacy Act of 1974, students may request that their grades not be posted in any manner. Students so requesting will receive their grades individually from the office of the Dean.

21. HONOR CODE

21.1 Definitions

- a. "Accused" refers to a student accused of a violation of the Honor Code.
- b. "Appellate Board" refers to the three-person appellate board consisting of the Dean, the Associate Dean for Academic Affairs, and one member of the full-time faculty. The Dean shall select the faculty member on the Appellate Board.
- c. "Associate Chief Justice" refers to the Student Justice who shall act as the Chief Justice if the Chief Justice is unable to preside over any meeting, hearing, or function involving the Honor Council.
- d. "Chief Justice" refers to the Student Justice who shall act as the head and the voice of the Honor Council and is vested with the authority to run the Council and hearing processes.
- e. "Class" and "Course" refer to any academic enterprise that awards credit toward a degree or any law school-sanctioned, co-curricular

activity including but not limited to Moot Court and Law Review.

- f. For the purpose of determining deadlines, "day" means any regular business day of the School of Law, and does not include weekends, holidays observed by the School of Law, or any day on which the School of Law is not open to conduct regular business.
- g. "Dean" refers to the Dean of the Cecil C. Humphreys School of Law at the University of Memphis, or that person's designee.
- h. "Elections" are the mechanism by which the student body will elect student justices.
- i. "Honor Council" refers to the group of Student Justices that has plenary authority to review alleged violations under the Honor Code and to impose those sanctions it deems appropriate. The Honor Council consists of eleven members: five from the 2L class, and six from the 3L class.
- j. "Investigators" refer to the two Honor Council members, appointed by the Chief Justice on a case-by-case basis, who will serve as fact gatherers for the preliminary hearings, and who will also serve as presenters of information in all preliminary and main hearings. The Investigators will not have a vote on matters to which they are appointed.
- k. "Notice" means written notice and includes e-mail messages.
- l. "Secretary" refers to the Student Justice who is responsible for keeping an adequate record of proceedings, as set forth herein.
- m. "Student Counsel" refers to a current member of the student body requested by the Accused to be his or her counsel. The Student Counsel may act on behalf of the Accused in an Honor Council hearing. The Student Counsel shall keep confidential any information learned in the course of his or her representation. Current Honor Council members may not serve as Student Counsel.
- n. "Student Justice" refers to an individual member of the Honor Council. Any student who has been convicted of a violation of the Honor Code may not serve as a Student Justice.
- o. "Writing" includes a letter, memorandum, or e-mail message sent to a student's School of Law e-mail account.

21.2 Scope

- a. This Code applies to all students admitted to the School of Law. The Code covers conduct that occurs from the time a law student applies for admission through graduation and that occurs:
 - 1. at the University of Memphis Cecil C. Humphreys School of Law;
 - 2. at an off-site event sponsored by the University of Memphis Cecil C. Humphreys School of Law; or
 - 3. in connection with a Course.

- b. The Code also applies to students enrolled in courses or programs sponsored or co-sponsored by the School of Law. The Code covers conduct that occurs from the time the student is admitted to the course or program and that occurs under the scope of (b) (1) (A-C) of this Code.
- c. Investigations may be initiated or continued after a student has graduated, but no later than the time that student is admitted to a state bar. If an Honor Code matter is pending when a student is scheduled to graduate, the student's degree may be withheld at least until the matter is resolved, or for 90 days, whichever is less.

21.3 Oath

A degree-seeking student who registers at the School of Law will take the following oath before beginning classes:

"I [state name], as a student at The Cecil C. Humphreys School of Law at The University of Memphis, understand that I am joining an academic community and am embarking on a professional career. The law school community and the legal profession share important values that are reflected in the Cecil C. Humphreys School of Law Academic Honor Code and in its Code of Conduct. I have read this Code, and will conduct my academic, professional, and personal life to honor the values reflected therein."

Each student shall sign a statement attesting that the student has read and understands the provisions of the Honor Code.

21.4 Types of Dishonesty and Misconduct

Misconduct can be defined generally as all acts of dishonesty in an academic or other matter enumerated in this Code. Misconduct includes, but is not limited to, the following categories of behavior:

- a. Cheating. Using or attempting to use unauthorized materials or sources in connection with any assignment, examination, or other academic exercise, or having someone else do work for the student when forbidden by the professor.
- b. Unauthorized assistance or collaboration. Giving or receiving aid on an assignment, examination, or other academic exercise when not permitted by the professor.
- c. Plagiarism and inappropriate use of others' work. Using the words, thoughts, or ideas of another without attribution so that they seem as if they are the student's own.
 - 1. Plagiarism includes, but is not limited to, copying another's work word-for-word, turning in a paper written by another, rewriting another's work with only minor changes, and summarizing another's work or taking another person's ideas without acknowledging the source through proper attribution and citation.

2. An accidental omission of a citation(s) will not be considered an act of academic misconduct, unless other facts determine otherwise.
 3. The faculty member responsible for grading the academic work in question has plenary authority either to make a referral of plagiarism to the Honor Council, if that faculty member is unclear if there is a violation, or to reduce the student's grade based on the academic merits of the academic work. The faculty member may not make a determination of a violation, because that is within the sole authority of the Honor Council.
- d. Misappropriation of and damage to academic and personal materials. Damaging, misappropriating, or disabling academic resources so that others cannot use them is considered misconduct. This includes but is not limited to removing pages from books, stealing books or articles, hiding or misplacing books or articles intentionally, deleting or damaging computer files intended for others' use, or the taking of any personal property on school grounds.
 - e. Compromising examination security. Invading the security maintained for preparing or storing examinations, tampering with exam-making or exam-taking software, or discussing any part of a test or examination with a student who has not yet taken that examination but is scheduled to do so.
 - f. Deception and misrepresentation. Lying about or misrepresenting a student's own work, academic records, credentials, or other academic matters or information. Examples of deception and misrepresentation include but are not limited to: forging signatures, signing another student's name or initials on a roll sheet, forging letters of recommendation, falsifying internship, externship, or clinic documentation, falsifying pro bono records, or falsifying information in an application or on a résumé.
 - g. Electronic dishonesty. Using network or computer access in a way that inappropriately affects a class or other students' academic work. Non-exhaustive examples of electronic dishonesty include tampering with another student's account so that the student cannot complete or submit an assignment, stealing a student's work through electronic means, or knowingly spreading a computer virus.
 - h. Facilitating academic dishonesty. Aiding someone else to commit an act of academic dishonesty. This includes but is not limited to giving someone work product to copy or allowing someone to cheat from a student's own examination or assignment.
 - i. Writing past the end of an examination. Continuing to respond to a test or examination question when the time allotted has elapsed.
 - j. Failing to disclose charges, arrests, and convictions. A matriculated student or a student who is accepted to law school but has not yet enrolled must report all admonitory incidents as described in the law school application to the Associate Dean for Academic Affairs. The student must provide all corroborating documentation. For criminal incidents, the student must provide

all corroborating documentation, including but not limited to, the criminal charge, an arrest record, and the final disposition record.

- k. Failing to amend admissions application. A student has a continuing responsibility to ensure the completeness and correctness of his or her admissions application to the School of Law by disclosing to the Associate Dean for Academic Affairs any factual irregularities or discrepancies in the application.

A student or graduate violates this Code when he or she supplies false information on the Admissions Application or the LSAT application, or submits forged or altered documents in aid of admission, or submits as his/her LSAT score the score of another person.

A student who fails to disclose an admonitory action as described in the law school application or who provides false or misleading information on the law school application is in violation of this Code. The disclosure must include a statement of the reasons for failing to report the information or for providing misleading information on the application. The student must provide all corroborating documentation. For criminal incidents, corroborating documentation includes, but is not limited to, the criminal charge, an arrest record, and the final disposition record.

- l. Knowingly referring false allegation(s). It is a violation of this Code to knowingly make a false allegation or referral pursuant to this Code or to assist another in doing so.
- m. Failing to report a known violation of the Honor Code. A student who intentionally fails to report a known violation of the Honor Code is in violation of the Code. Any student having original or direct knowledge of an Honor Code violation is obligated to report it to a member of the Honor Council. If a student fails to report a violation under this Code, but acts with a good faith belief that the matter has already been reported or that the matter is not an Honor Code violation, the student will not be in violation of this Code.
- n. Illegal activity on school grounds or at school-sponsored events. A student who is accused of, charged with, or arrested while on School of Law grounds or at a School of Law sponsored event will be investigated by the Honor Council and subject to sanctions under this Code.

21.5 Sanctions

- a. Types of sanctions: This Code does not require any particular sanction or range of sanctions. The appropriate sanction(s) in a particular case will depend on the circumstances as determined by the Honor Council. Multiple sanctions may be imposed in connection with any violation. Below is a non-exhaustive list of sanctions that may be imposed under this Code, upon recommendation of the Honor Council with approval by the Dean.

- 1. Written warning;

2. Community or law school service;
 3. Counseling or referral to a student support service;
 4. Letter of apology or explanation of conduct;
 5. Academic penalty, such as a research paper, a lower or failing grade, or no credit for an assignment or course; this penalty may be imposed only by the Honor Council after the Chief Justice consults with and receives the recommendation of the course professor;
 6. Exclusion or suspension from one or more activities, events, functions, benefits, or privileges of the School of Law;
 7. Disciplinary probation for a set period of time, determined by the Honor Council, during which the student must fulfill any requirements imposed by the Honor Council due to a violation; if the student fails to fulfill the conditions during the disciplinary probation period, the Honor Council may determine that the student has violated the probation and may impose new or additional sanctions; the Honor Council must give the student notice and a reasonable opportunity to respond before making such a determination;
 8. Suspension from the School of Law;
 9. Expulsion from the School of Law;
 10. Revocation of admission from the School of Law;
 11. Denial of a dean's certificate (diploma);
 12. Suspension or revocation of a degree, certification, or other award conferred by the School of Law; or
 13. Any combination thereof.
- b. Effective date of sanctions: All sanctions are effective immediately, unless stayed by the Chief Justice or Dean. The Accused may request that the Chief Justice stay the sanction during the review process.
1. The Chief Justice will stay the sanction at the request of the Accused if the matter has been appealed by the Accused or accepted for review by the Appellate Board.
 2. The sanction will take immediate effect once the Appellate Board denies the appeal or otherwise renders a final judgment upon review.
- c. Mitigating and aggravating factors: In determining the sanction, the Honor Council may consider mitigating and aggravating factors. A non-exhaustive list of factors that may be considered include the following:
1. Pre-referral admission,

2. Other admissions,
 3. Cooperation,
 4. Intent,
 5. Degree of harm or seriousness of offense,
 6. Prior violations,
 7. Nexus to professional standards,
 8. Willingness to make restitution.
- d. Authority of faculty: This Code does not diminish or modify a faculty member's authority to assess students or to formulate grades in the normal course of teaching for academic reasons unrelated to an Honor Code violation. If a faculty member wishes to reduce or modify a grade as a penalty for an instance of dishonesty such as those covered by section (d) of this Code, the faculty member must do so by referring the matter to the Honor Council. The faculty member may not impose a grade penalty for an alleged Honor Code violation if the Honor Council finds the student not guilty of the relevant dishonesty. If the Honor Council finds that the student is guilty, the Honor Council shall consult with the faculty member regarding the nature of the grade penalty. Faculty members are encouraged to publish their policy on the Honor Code in the course syllabus.

21.6 Procedures

- a. Referrals
 1. Method of referral: A member of the law school community should notify the Honor Council of potential violations of this Code by contacting one of the student members of the Honor Council directly or utilizing other notification mechanisms made available by the Honor Council. Notifications may not be anonymous and do not have to be in writing; a member of the law school community who makes a referral may be required to repeat any information he/she gives to an Honor Council member to other Honor Council members or at a hearing.
 2. Sua Sponte Referrals: If the Honor Council becomes aware of information that suggests that a student subject to this Code may have violated a provision of the Code, the Honor Council may treat this information as a referral for purposes of this Code.
- b. Investigation and decision
 1. After receiving a referral, the Chief Justice will appoint Investigators and instruct the Investigators to gather the relevant facts.
 2. The Investigators:

- i. shall determine whether the referral primarily reflects academic or nonacademic misconduct;
 - ii. shall make a preliminary determination as to whether the referral reflects conduct that falls within the scope of this Honor Code by an individual subject to this Honor Code;
 - iii. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral and shall instruct all interviewees of the confidential nature of the investigation;
 - iv. shall meet with the Accused;
 - v. may consider any probative information, including hearsay and other evidence not normally allowed in an Article III setting, taking into consideration the credibility of such information when reaching a decision;
 - vi. shall present to the Chief Justice, Associate Chief Justice, and the Secretary all findings so that the three have sufficient information upon which to determine that a sufficient basis exists to believe that the Honor Code has been violated;
3. At the meeting with the Investigator, the Accused will be provided with:
 - i. an explanation of any Honor Code section at issue and the nature of the conduct that is the basis for invoking that Code section(s);
 - ii. all information gathered during the investigation;
 - iii. a reasonable opportunity to respond; and
 - iv. an explanation of the applicable disciplinary procedures.
4. The referral will be considered an allegation under this Code only after the Chief Justice, Associate Chief Justice, and the Secretary determine, by a majority vote, that a sufficient basis exists to believe that the Accused violated the Honor Code. A sufficient basis will exist if the referral relates to an allegation of fact, which, if true, would constitute a violation of the Honor Code. The Chief Justice, Associate Chief Justice, and the Secretary may consider any probative information, including hearsay and other evidence not normally allowed in an Article III setting, taking into consideration the credibility of such information when reaching a decision. If no substantive basis exists, the referral will be dismissed.
5. If the Chief Justice, Associate Chief Justice, and the

Secretary decide that there is sufficient basis upon which to proceed with an allegation, the Chief Justice will have the Investigators present their findings to three non-officers of the Honor Council. These non-officers will make a probable cause determination, and will decide, by a majority vote, whether to dismiss the claim(s) or proceed to a hearing.

6. A student who fails to attend a scheduled meeting with the Investigator or Honor Council risks a decision being rendered in absentia, for a negative inference will be drawn, unless excused by the Investigator(s) or Chief Justice.

c. Hearing Process

1. Upon determination that a hearing is necessary, the Accused will be notified in writing and in person by the Chief Justice that a referral to the Honor Council has been deemed sufficient, based on probable cause, to warrant a hearing, and the Accused will be informed of the dates and procedures for such a hearing. The hearing will take place within a reasonable amount of time from the time of notification.
2. After carefully considering the information gathered, the Investigators will present their findings to the Honor Council.
3. At a reasonable time before the hearing, so as to allow the Accused to prepare for the hearing, the Investigators shall disclose to the Accused all relevant facts, all witnesses to be used by the Investigators, and the individual who made the referral.
4. In addition to the Honor Council, the following individuals shall be present at the hearing:
 - i. The Investigators,
 - ii. The Accused and his or her Student Counsel.
5. Witnesses will be permitted at the hearing to give testimony at the request of either the Investigator(s) or the Accused, and the Chief Justice may allow said witnesses to remain at the hearing upon his or her discretion.
6. The Honor Council shall conduct the hearing in the following manner:
 - i. The process must include, but is not limited to, examination of the Accused, if the Accused chooses to testify, and any other substantiating witness(es);
 - ii. A substantiating witness does not necessarily have to be the initial referring student;
 - iii. The Accused or his or her Student Counsel will have the right to cross-examine any witness(es) during a

hearing after the Investigator's direct examination. The Investigators will also have the right to cross-examine any witness(es) the Accused or Student Counsel puts forth. The Investigators and Accused or Student Counsel will have the opportunity to redirect a witness upon request which may be granted by the Chief Justice;

- iv. All questioning, cross-examination, and redirection will be strictly limited to the scope of the hearing regarding an Honor Code violation. The Chief Justice will have the plenary discretion to determine if a question is within the scope of the hearing.
 - v. The Investigators and the Accused may put forth any probative information, including hearsay and other evidence not normally allowed in an Article III setting, but the Honor Council may take into consideration the credibility of such information when reaching a decision.
- 7. After all the facts have been considered and the Accused has been given a sufficient opportunity to respond, the Honor Council shall decide, by a majority vote of those present and voting, whether a violation of the Honor Code has been established by clear and convincing evidence. If a Student Justice is unable to vote impartially based on any bias at any point before, during, or after the hearing has commenced, he or she may be excused from the hearing, which includes relinquishment of voting responsibilities. In the event of an even number of justices at the end of a hearing, the Chief Justice will not cast a vote. If the Honor Council decides that a violation of the Honor Code has been established by clear and convincing evidence, the Honor Council must determine the appropriate sanction by a majority vote. At all times, the sanction(s) imposed by the Honor Council shall be reasonably warranted by the facts and subject to approval by the Dean.
 - 8. The Decision of the Honor Council is final, pending approval by the Dean, and pending a request for review by the Accused.
 - 9. The Chief Justice will notify the Dean of the Honor Council's decision at the conclusion of the hearing so that the Dean may approve or reject the Honor Council's decision.
 - 10. Within five days of receiving approval from the Dean, the Honor Council will provide the Accused with written notice of its decision. Such notice must describe the alleged violation, the determination of the Honor Council regarding whether a violation occurred, and, if so, the sanction(s) imposed.
- d. Review
 - 1. An Accused who has been sanctioned for a violation of the

Honor Code by the Honor Council may petition for review by the Appellate Board.

2. The request for review should be in writing and should be delivered to the Chief Justice within five days of the Honor Council issuing its decision. The Chief Justice must deliver the request for review to the Appellate Board, and the Chief Justice, in his or her discretion, may grant an extension of time to the Accused for the filing of the request for review.
3. After receiving the request for review, the Honor Council will compile the referring document, if any, any written response from the Accused, all relevant materials submitted to the Honor Council, and the Honor Council's decision. The request for review and accompanying documents shall be submitted to the Appellate Board in a timely manner.
4. The Appellate Board shall review any and all information submitted by the Honor Council. The Appellate Board will review the record de novo and may review determinations of fact made by the Honor Council, but that review is limited to the record. The Appellate Board may affirm, modify, remand, or overturn the decision of the Honor Council, but the Appellate Board cannot overturn an acquittal.

21.7 Elections

- a. The ballot for elections to the Honor Council will be determined by anonymous nominations from the student body, submitted to the Dean or assignee.
 1. Once the nomination process is complete, the Dean shall email each nominee and explain that he will apply the standard in part (a)(2) and allow the nominee to withdraw, submit a brief statement in support of his or her nomination, or do nothing.
 2. The Dean shall review the nomination list and may remove nominees from the list if the Dean or designee determines that a nominee is ineligible based on past admonitions in the student's admissions record pertaining to illegal or unethical conduct, a precarious academic status, or other competent information.
 3. After nominees have been notified and accepted their nominations, a final list of nominees will be put on a ballot. Elections will be held at the end of the semester, coinciding with SBA elections.
- b. Each student casting a vote for his or her respective class will indicate, on the ballot, which nominees he or she selects based on the number of available positions for that class.
- c. If, at any time, a Student Justice is unable to be a member of the Honor Council due to death, transfer, Honor Code

violation, or the like, the position will be vacant until the next election, except under exceptional circumstances as determined by the Chief Justice.

- d. The SBA will be responsible for administering the election and will have authority to promulgate reasonable rules governing it.
 1. A student in the 2L class will cast five votes, and a student in the 3L class will cast three votes.
 2. The five nominees from the 2L class who receive the most votes will be seated.
 - i. The three nominees from the 2L class who receive the most votes will be seated for a two-year term on the Honor Council.
 - ii. The remaining two nominees will serve a one-year term on the Honor Council.
 - iii. The nominee who receives the most votes from the 2L class will serve as Secretary in his or her first year and Chief Justice in his or her second year on the Honor Council.
 - iv. The nominee who receives the second most votes will serve as Associate Chief Justice in his or her second year on the Honor Council.
 - v. The nominee who receives the third most votes will serve Student Justice in his or her third year on the Honor Council.
 3. The three nominees from the 3L class who receive the most votes will be seated.
 4. A student is only permitted to vote for nominees in his or her class.

21.8 Reporting and Record-keeping

- a. The Honor Council's written decision and all other documentation will be placed in the student's file in the Registrar's Office.
- b. A finding that the Accused has violated the Honor Code will be reported by the Dean to any board of bar examiners or similar organization for any bar to which the Accused applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that the School of Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.
- c. Approximately two weeks before the last day of classes, the Honor Council must provide a report to the faculty and the SBA providing

the following information:

1. For referrals, the number of referrals considered by the Honor Council's Investigators, the Honor Code provisions implicated by the referrals, and the number of referrals dismissed without further proceedings;
2. For allegations submitted to probable cause hearings, the number of allegations submitted to probable cause hearings, the Honor Code provisions implicated by those allegations, and the number of allegations dismissed without further proceedings;
3. For each allegation submitted to a final hearing, state the Honor Code provisions implicated by the allegation, the determination regarding whether a violation occurred as to each implicated Honor Code provision, and the sanction(s) imposed, if any. Additionally, for each allegation submitted to a final hearing, the report shall indicate the status of the decision in terms of review by the Appellate Board (e.g., "The time for review has expired without a request for review."). If a decision was reviewed by the Appellate Board, the report should state the outcome of the review or indicate that the review is pending.

21.9 Confidentiality

- a. The School of Law considers referrals and hearings under the Honor Code to be confidential. All participants should respect the confidentiality of this information and disclose it only to those who have authority to know.
- b. A violation of the confidentiality of any proceeding, other than by the Accused or with the express consent of the Accused, will be considered an Honor Code violation.

21.10 Honor Code Advisory Committee

- a. The Dean, on a periodic basis, may appoint a committee to review all decisions rendered for the purposes of amending these procedures under the Honor Code since the last review.
- b. The committee will be determined by appointment by the Dean from the full-time faculty members, but also may include students, staff, alumni, attorneys, national experts, and others the Dean considers appropriate.
- c. Information provided to the committee should not contain names of any persons involved with the matter.
- d. The committee should prepare a written report that privately advises the Dean about whether, overall, the sanctions issued under the Code were appropriate. No individual result can be changed as a result of this review and report.
- e. The committee also may make recommendations to the Dean about possible amendments to the Honor Code. These recommendations will

be published to the faculty and the Honor Council.

21.11 Amendments

Amendments to the Honor Code may be proposed by any member of the faculty, by the Honor Council through a majority vote, or member of the student body accompanied by a written petition with twenty-five signatures supporting the amendment, and the amendment must be approved by a majority of the full-time voting faculty, only after consulting with the Honor Council.

- a. Any amendment must be published on the announcement bulletin board and emailed to every member of the law school.
- b. Any amendments to the Honor Code are not effective until the next full academic semester following the vote to amend the Code.

22. STUDENT GRADE APPEAL PROCEDURE

22.1 Grades

- a. It will be the obligation of the student to arrange a conference with the faculty member involved in sufficient time to meet the time limit set out in 22.1c, below.
- b. It will be the obligation of the faculty member to meet with the student to discuss the complaint and try in good faith to reconcile the differences.
- c. If the faculty member and the student are unable to resolve the complaint, the student may file a written complaint in duplicate with the Dean of the Law School not more than sixty (60) days after the last examination was given in the term in which the complaint relates, or fifteen (15) days after the grade is posted, whichever is later. The complaint will specifically allege the grounds on which the complaint is based and the cause for action by the committee. The grounds will be supported by a narrative statement of fact.
- d. If the faculty member is not available for conference with the student, after the student has made a good faith effort to initiate such conference, the student may omit the procedure in 22.1c. However, in no event will this paragraph become operative until fifty-five (55) days have elapsed since the last examination was given in the term to which the complaint relates.
- e. Upon receipt of the WRITTEN COMPLAINT (in compliance with the provisions of paragraph 22.1c) the Dean will attempt to resolve the complaint by consultations with the student and the faculty member. If the complaint is not resolved within fifteen (15) days after the written complaint is filed or if the complaint is resolved adversely to the student, the student may appeal to the Academic Affairs Committee, sitting as the Grade Appeals Committee by requesting that the Dean forward the complaint together with all documents considered in any prior proceedings. Provided, however, that all appeals must be made no later than twenty (20) days after the written complaint is filed with the Dean of the Law School, or five (5) days after the conference with the Dean,

whichever is later. The Committee upon receipt of the complaint from the Dean will determine whether or not a prima facie case has been alleged and whether the matter should be heard. Failure to allege a cause of action will result in a dismissal of the petition forthwith.

- f. It shall be the obligation of the student to present evidence and a prima facie case as set out below.
- g. The Committee shall hear such evidence as is relevant that the faculty member used factors extraneous to academic performance to determine, at least in part, the student's grade. The grading factors listed in 12.5 shall not be deemed to be factors extraneous to academic performance on the grounds that adequate notice of the instructor's use of such factors was not given.
- h. The faculty member at whom the appeal is directed may be present if the complaint specifically alleges prejudice, bias or discrimination because of race, color, religion, national origin, age, handicap or disability, sexual orientation or gender. The faculty member will not have the right to attend other hearings in which the student presents his/her evidence set out in 22.1g above, although the Committee in its discretion may request or allow him/her to attend. In the event that the faculty member is permitted to attend under any circumstances he/she may do so without comment or examination of any parties to the hearing. The faculty member may not under any circumstances participate or sit in on any deliberation or voting. The Committee upon request will provide the faculty member with a copy of all written statements or documents utilized by the student in making his/her prima facie case. Neither the faculty member nor the student may be represented by counsel or next friend.
- i. After the presentment of the student's evidence the Committee will determine whether the student has presented a prima facie case.
- j. If the Committee determines that a prima facie case has not been made, the appeal will be dismissed by the Committee. The Committee will notify the Dean of the Committee's decision and the Dean will then notify the student.
- k. If the Committee determines that a prima facie case has been made, it will then determine whether bias, prejudice or other factors extraneous to academic performance did in fact adversely affect the student's grade.
- l. In making the determination in 22.1k, above, the Committee shall with the faculty member present, if he/she desires to be, review the written work submitted by the student in the course and review the method by which the final grade was determined.
- m. In connection with the review in 22.1, above, the Committee may request a written statement from the faculty member containing any outline of his/her answers to any examination questions and a statement of how the grade was determined.
- n. In connection with the review in 22.1, above, the Committee may, in its discretion, request written work turned in by other

students to be used for comparison purposes. The material and information requested in 22.1, m. and n above will be used only to determine whether factors extraneous to academic performance were used in determining the grade. No evaluation for rank, policy, or substantive determinations will be considered.

- o. Should any member of the Committee (a) be unavailable, or (b) excuse himself/herself because of a conflict of interest, the Dean will appoint a substitute member to serve on the Committee for all matters involving the case in question.
- p. Any determinations by the Committee as to the grade of the appealing student shall be final within the School of Law. The Dean, faculty member and student will be given notification of the decision of the Committee.
- q. The Committee may request the assistance of other members of the law faculty in reviewing the written work submitted by the student and written work of other students used for comparison purposes. The request of assistance of other members of the law faculty will be for the purpose of determination of the use of factors extraneous to the course work in determining the student's grade.

23. STUDENT COMPLAINT PROCEDURE

The Cecil C. Humphreys School of Law at the University of Memphis is subject to the ABA Standards for Approval of Law schools. The Standards may be found at

http://www.americanbar.org/groups/legal_education/resources/standards.html. Under ABA Standard 512(a), a law school "shall establish, publish, and comply with policies with respect to addressing student complaints." Under ABA standard 512(c), a "complaint" is a communication in writing that seeks to bring to the attention of the law school a significant problem that directly implicates the school's program of legal education and its compliance with the Standards."

23.1 Procedures for Submitting a Complaint

To bring a complaint, a student at the Law School must take the following steps:

- a. A student must hand deliver the complaint in writing to a member of the Student Complaint Review Committee ("Review Committee"). The Review Committee is composed of the Associate Dean for Academic Affairs, the Assistant Dean for Administration, and the Assistant Dean for Student Affairs.
- b. The complaint must describe in detail the behavior, program, or process complained of, and demonstrate how it implicates the Law School's program of legal education and the school's compliance with a particular ABA Standard.
- c. The complaint must provide the name of the student submitting the complaint, the student's University of Memphis email address, an address where the student receives U.S. mail, and a phone number where the student can be reached.

23.2 Procedures for Addressing a Complaint

- a. Once a complaint is delivered, a member of the Review Committee will acknowledge the receipt of the complaint in writing to the mailing address provided in the complaint within seven business days.
- b. A member of the Review Committee must either meet with the student to discuss the resolution of the complaint or mail a written response to the substance of the complaint to the mailing address provided in the complaint within thirty business days.

The written response must either state a decision regarding the substance of the complaint with an explanation for that decision, or explain steps that the Law School will take to resolve or further investigate the complaint.

- a. Absent exceptional circumstances, the Review Committee shall endeavor to fully investigate and resolve all complaints within ninety business days from the date of the complaint.

23.3 Procedures for Appealing a Resolution

- a. A student may appeal the Review Committee's resolution to the Dean.
- b. The student must hand deliver the appeal to the Dean or Dean's designee in writing within seven business days of the date of resolution.
- c. The appeal must describe in detail the grounds for appeal. The appeal may not include complaints not covered in the original complaint.
- d. The Dean shall endeavor to respond to the appeal in writing to the mailing address provided in the complaint within thirty business days from the date the appeal was submitted.
- e. The Dean's decision is final.

23.4 Maintenance of Records of Student Complaints

The Assistant Dean for Administration shall maintain a record of the student complaints, resolutions, and appeals for a period of eight years.

24. NOTIFICATIONS

Notifications to students concerning class assignments, attendance, and all other matters pertaining to the Law School and its activities may be given by faculty or the Law School administration as follows:

- a. by posting in the mails for delivery by regular mail to the address of a student set forth in the records maintained by the Law School's Registrar; or

- b. by posting on the bulletin boards on the second floor of the Law School; or
- c. by delivery to a student's mail folder at the Law School.

Any notification so given shall be deemed received by the student.

25. UNIVERSITY POLICIES & PROCEDURES AFFECTING STUDENTS

In addition to the Academic Regulations as set forth herein governing the rights and responsibilities of law students, the policies and procedures of the university as set forth in the most recent edition of the Student Handbook of The University of Memphis apply to law students. Such policies and procedures include, but are not limited to:

- I. Privacy Rights of Parents & Students -- Notice to Students
- II. Harassment Policy
- III. Student Appeal Procedure for Discrimination
- IV. Withdrawal or Temporary Suspension due to Severe Psychological Disturbance
- V. Students with Disabilities

26. CONFORMITY WITH RULES AND REGULATIONS OF THE UNIVERSITY AND OTHER ENTITIES

These academic regulations shall be interpreted and construed in such a way as to be consistent with the rules and regulations of The University of Memphis, the Tennessee Board of Regents, the Supreme Court of Tennessee, the American Bar Association or other accrediting entity, and the laws of the State of Tennessee and of the United States.

27. SEVERABILITY OF PROVISIONS

If any provision in these Academic Regulations shall be held invalid or in contravention of the rules and regulations of the University, or of the laws of the State of Tennessee or the United States, then the remainder of these Academic Regulations shall not be affected thereby.

APPENDIX I

Standards for Attainment of the J.D. Degree

Attainment of the J.D. degree awarded by the Cecil C. Humphreys School of Law at the University of Memphis means that the student has, in the judgment of the faculty, acquired an acceptable level of mastery of essential skills that the faculty has determined to be prerequisite to entering the practice of law. The purpose of the curriculum of the School of Law is to enable students to acquire these skills. All candidates for the J.D. degree must be capable of acquiring, and ultimately demonstrating, mastery of these skills. The requisite level of mastery includes the ability to perform these skills under circumstances, including time constraints and other performance requirements, that reflect the realities of the practice of law.

In acquiring these skills, it is essential that the candidate behave honestly, responsibly, fairly and professionally. It is also essential that the candidate regularly and punctually be prepared for and attend scheduled obligations and that the candidate meet deadlines.

To the extent that resources permit, the Law School curriculum is intended to enable students to acquire skills other than those essential skills listed below, but the curriculum, taken as a whole, is intended to insure that students master these essential skills:

1. Intellectual Skills:

1. Knowledge. Ability to identify, define and describe a core body of American legal terminology and classifications, literature (i.e. sources of law), principles and concepts, and judicial and administrative systems.
2. Comprehension. Ability to paraphrase, explain, compare, organize, and interpret legal knowledge.
3. Application. Ability to apply legal knowledge in performing legal research and in identifying legal issues in factual situations that differ from those in which the knowledge was first encountered.
4. Analysis. Ability to formulate legitimate arguments and responses for resolution of legal issues in new factual situations, and to support those arguments and responses, both directly and by analogy, with sources of law.
5. Evaluation. Ability to evaluate and criticize the quality of legal analysis in terms of both reasoning and support in sources of law.
6. Synthesis. Ability to apply skills of analysis and evaluation to a complex body of legal knowledge to create an organized and original intellectual product.

2. Communication Skills:

1. Ability to acquire and preserve information from both oral and written sources.
2. Ability to communicate effectively the candidate's knowledge, comprehension, application, analysis, evaluation, and synthesis skills.
3. Ability to communicate effectively and responsively in a public forum.