

Texas Southern University



Thurgood Marshall School of Law

Student Rules and Regulations

2018 - 2019

TABLE OF CONTENTS

I. GENERAL

Section 1.	Definitions-----	2
Section 2.	Scope-----	2
Section 3.	University Regulations-----	2
Section 4.	Declaration of Intent-----	2

II. ADMISSIONS

Section 1.	Regular Student Status-----	3
Section 2.	Admission after Dismissal-----	3
Section 3.	Transfer Students-----	4
Section 4.	Special Student Status-----	5
Section 5.	Auditing Classes-----	6
Section 6.	Disabled Students-----	6

III. SCHOLARSHIP

Section 1.	Course Load-----	6
	A. Regular Semester (Fall/Spring of Academic Year)-----	6
	1. Minimum Course Load-----	6
	2. Maximum Course Load-----	6
	3. Withdrawal-----	7
	B. Summer Session -----	7
	1. Minimum Course Load-----	7
	2. Maximum Course Load-----	7
	C. Limited Drop Offerings-----	8
Section 2.	Academic Offerings For Credit-----	8
	A. Courses-----	8
	B. Seminars and Independent Research-----	8
	1. Seminars-----	8
	2. Independent Research Project in Lieu of Seminar-----	13
	C. Clinics and Externships-----	13
	D. Special Activities Credit-----	14
	1. James M. Douglas Board of Advocates-----	14
	2. Law Review-----	14
Section 3.	Grading System -----	14
	A. Grade Definition and Structure-----	14
	B. Grade Guidelines-----	15-17
	C. Computation of Law School Averages-----	17
	D. Determination of Grades-----	18
	1. Justification and Measure of Grades-----	18
	2. Measure of Grade Standard in each Law School Course	19

E.	Procedure for Dispute of Grade and Changes of Grade-----	19
1.	Basis for Grade Change-----	19
a.	Faculty Initiated-----	19
b.	Student Initiated-----	20
2.	Procedures for Grade Change-----	20
3.	Notification by the Committee-----	21
Section 4.	Examinations	
A.	Legal –Analysis-Writing Directive-----	21
B.	Attendance-----	22
1.	Required-----	22
2.	Disabled Students-----	22
3.	Anonymous Examinations-----	23
4.	Types of Examinations-----	23
5.	Duration of Examinations -----	24
6.	Proctoring and Grading -----	24
7.	Postponed Examinations-----	24
8.	Retention of Exam Papers -----	25
C.	Final Examination Notice -----	25
D.	Examination/Evaluation Review Process -----	25
Section 5.	Academic Standards -----	25
A.	Standards of Continuation and Graduation -----	26
1.	Standards at the Conclusion of the First Year -----	26
2.	Standards Beyond the First Year -----	26
3.	Standards for Graduation -----	26
B.	Treatment of Incomplete (I) In Computing Cumulative Average-----	27
C.	Summer Grades-----	27
Section 6.	Readmission -----	27
A.	Time Period-----	27
B.	Procedures -----	27
Section 7.	Removal of Incomplete -----	27
A.	Procedures -----	27
B.	Failure to Remove -----	28
Section 8.	Repeating Courses -----	28
A.	Non-Required Courses-----	28
B.	Required Courses-----	28
Section 9.	Class Attendance -----	28
Section 10.	Registration -----	29
A.	Required-----	29
B.	Priority Enrollment-----	30

Section 11. Release of Student Information -----	30
IV. CURRICULUM	
First Year Required Courses-----	31
Second Year Required Courses-----	32
Courses Taken Anytime During the Third Year-----	32
Section 3 Courses Taken at Other Law Schools -----	33
A. Maximum Hours-----	33
B. Cumulative Average-----	34
V. REQUIREMENTS FOR DEGREE	
Section 1. Hours -----	35
Section 2. Courses -----	35
A. Sequence -----	35
B. Completion -----	35
Section 3. Time in Study -----	35
A. Maximum-----	36
B. Minimum-----	36
C. Time in Residence at TMSL -----	36
D. Leave of Absence Procedure -----	36
E. Application for Transfer Procedure-----	36
Section 4. Cumulative Average -----	36
Section 5. Application for Degree -----	37
Section 6. Honors -----	37
A. Dean’s List -----	37
B. Graduation with Honors -----	37
Section 7. Certification for Graduation -----	37
VI. DUAL DEGREE PROGRAMS	
Dual Degree Program Structure-----	39-43
VII. FITNESS AND DISCIPLINARY SANCTIONS	
Section 1. Student Honor Code -----	44
Section 2. Disciplinary Sanctions/School of Law -----	44

VIII. PRODECURES FOR ENFORCEMENT OF RULES AND APPELLATE REVIEW

Section 1.	Academic Rules-----	45
Section 2.	Fitness and Disciplinary Sanction-----	45
	A. Appellate Committee-----	45
	B. Appellate Committee Process-----	46
IX.	CHANGE IN RULES-----	46
X.	WAIVER OF RULES-----	46
	ADMISSIONS CHARACTER AND FITNESS HEARING PROCEDURES-----	47-51
	STUDENT BAR ASSOCIATION CONSTITUTION-----	52-62
	HONOR CODE-----	63-84

Changes as of July 30, 2004

Inserted VI. Dual Degree Programs, pp. 29-31, as approved by the faculty on May 4, 2004

Removed STUDENT BAR ASSOCIATION CONSTITUTION and replaced with new constitution. Submitted by the SBA President in April 2004, pp. 34-36

Changed Constitutional Law from required fall courses in second year to course required to be taken at anytime during the second year, pp. 24-25.

Changes as of July 15, 2005

Addendum. The above changes to “Constitutional Law from required fall course in second year to course required to be taken at anytime during the second year, pp. 24-25” should have read, changed **“Constitutional Law to required second year course to be taken during the fall of second year.”** This is a nunc pro tunc change to the above, based on faculty’s adopted curriculum changes, effective for the 2033-04 academic year.

Changes as of July 20, 2006

Inserted C-exclusion as applied to 1L Substantive Courses III, Sec 3A p. 10.

Changes as of July 10, 2007

Removed previous Honor Code and replaced with revised Honor Code approved by the faculty spring semester 2007.

Inserted (See p.) Inserted revised paragraph Article III, Section 4A2, Special Provisions for the disabled.

p. 4 Deleted that forms could be available at the law school.

Inserted that forms are now available at the Texas Board of Law Examiners web site,

www.ble.state.tx.us

p. 17 Removed out of date procedure for Special Provisions for the Disabled and replaced with current procedure.

Honor Code – Replaced previous Honor Code with present Code October 2007.

Changes as of July 20, 2009

Inserted, (See Pages 8-10). Inserted under Article III, Scholarship, Section 2 (B) (1), “The Law School’s Requirements for a Seminar Paper.”

Changes made as of September 15, 2009

p. 28 Changed the formula for determining the number of permitted absences from $2 \times \text{course-hours} + 1$ to $2 \times \text{course-hours} - 1$. This change is effective spring semester 2010.

Changes made as of April 27, 2011

p. 14 Changed second year curve range of 2.33 – 2.50 to 2.50 – 2.75.

pp. 34-40 Changed Dual Degree Programs from 2004 and inserted Dual Degree Programs approved by the faculty, Spring 2011.

Changes made as of July 2013

p. 14 Added Mock Trial to Special Activities Credit.

p. 15 Changed second year Grade Guidelines

Changes made as of April 2016

p. 59-74 Revised Honor Code

Changes made as of July 2016

p. 3 Changed to time period of Admission after Dismissal from two years to one year.

Changes made as of August 2016

p. 26 Changed from 2 years to 1 year

Changes made as of July 2017

p. 21 Inserted Legal Analysis Writing Directive

pp. 31-32 Updated Required Courses approved by the faculty spring 2017

p. 7 Inserted “without written permission of the Dean.”

p. 15 Omitted “R” provisions, grades for multiple semester course.

Changes made as of July 2018

p. 47 Inserted Admissions Character and Fitness Hearing Procedures

Introduction

The following student rules and regulations govern the management of the Thurgood Marshall School of Law. The rules and regulations are derived from requirements for the accreditation of the law school by the American Bar Association, the requirements of Texas Southern University and the Faculty of Thurgood Marshall School of Law. The rules were adopted by the Faculty and can only be amended by a majority vote of the faculty.

It is strongly recommended that, as students and future lawyers, each student should read carefully these rules and maintain the copy you receive for future reference during your matriculation at the law school. A copy of this document is posted on the law school's web-site at www.tsu.edu/academics/law under Students Affairs. It is also available on the flash drive distributed to 1L's during Fall Orientation. The rules will be discussed through oral presentation by an administrator.

The Thurgood Marshall School of Law is a full time day program. Students are expected to devote full time to law study. Employment is strongly discouraged for first year students. In no event may any student work in excess of 20 hours per week during the academic year.

If you should have any questions about these rules and regulations we strongly encourage you to discuss them with your professors and/or any member of the administration of the law school.

Every law student, from the date of admission to graduation, shall be charged with knowledge of all provisions of the Student Rules and Regulations. A copy shall be posted on the law school web site and shall remain throughout each Academic Year. Hard copies will be placed in the office of the Student Bar Association, the office of each currently registered student organization, the office of Assistant Dean for Student Development, the office of each administrative law school department, and to each member of the faculty.

Notice of Nondiscriminatory Policy

The Thurgood Marshall School of Law admits students without regard to their sex, disability, race, color, creed, national or ethnic origin, and entitles them to all the rights, privileges, programs and activities generally accorded to its students. The School of Law does not discriminate on the basis of race, color, national or ethnic origin, sex, or against otherwise qualified disabled students in its admission, academic and other standards, financial aid, or in the planning and administration of any of its academic programs.

I. GENERAL

Section 1. Definitions

When used herein, “Faculty” shall mean faculty of the School of Law; “Dean” shall mean Dean of the School of Law; “Office of the Dean,” shall mean Dean of the School of Law, or where proper “Assistant Dean” or “Associate Dean,” “Instructor” shall mean any member of the instructional staff of the School of Law.

Section 2. Scope

These rules cover only the subject enumerated and do not govern, or limit the existing and customary authority of the Faculty and Dean, as may be specified by the University and/or Board of Regents. These rules shall be construed in harmony with the rules and standards of the American Bar Association, and with the Rules Governing Admission to the Bar of Texas as adopted by the Supreme Court of Texas.

Section 3. University Regulations

All law students shall be subject to general regulations of the University on matters not specifically covered by the regulations of the School of Law, and to the authority of the University administration and officials.

Section 4. Declaration of Intention to Study Law

The Supreme Court of Texas, which admits candidates to the practice of law in Texas as provided by Rules of Court, requires that all such candidates must file a formal Declaration of Intention to Study Law, on forms supplied for that purpose, by October 1 of the applicant’s first year of law school.

The Declaration of Intention to Study Law provides for the certification of good moral character by a committee of the local bar association of the applicant’s home community. All persons who plan to practice in Texas are required to file such declarations. Forms are available at the Texas Board of Law Examiner’s web-site, www.ble.state.tx.us.

II. ADMISSIONS

Section 1. Regular Student Status

New entrants of the School of Law, to the first year class, are admitted only in the fall semester, which begins during the middle of August. There is no admission to the first year class in January. Students admitted to regular student status are enrolled in the degree program leading to the Juris Doctor degree (See Article V. Requirements for Degree).

Section 2. Admission After Dismissal

Only in rare and exceptional cases and for compelling reasons may an applicant who has been dismissed from the law school, or any other law school, for academic reasons be considered for readmission, and only then with the status of a beginning first year student. No application for such readmission shall be considered until at least one (1) year has elapsed since notice of the said dismissal has been issued.

In evaluating such readmission applications from academically dismissed applicants, the Admissions Committee shall consider the following factors:

1. The applicant's law school record.
2. Explanations for the applicant's previous law school performance.
3. Reports of faculty committees, the Dean, and individual faculty bearing on the applicant's past or prospective performance.
4. Recommendations of educators and other persons submitted by the applicant.
5. Educational experience, publications, employment, creative achievement, community involvement and leadership ability.
6. Motivation to study law.
7. The applicant's academic, community, and employment record subsequent to dismissal from law school.

If readmitted, the applicant's previous law school record shall be attached to his/her transcript, but shall be given no other effect.

This rule is non-waivable.

Section 3. Transfer Students

A student who has successfully completed at least one year of law study at a United States law school that is accredited by the American Bar Association (ABA) may apply for admission to Thurgood Marshall School of Law with advanced standing. Transfer applicants are accepted to the extent that vacancies exist in the second-year class and provided the applicant satisfies the following transfer admissions criteria.

Highly successful academic performance at another law school class is an important factor, but it will not in itself cause an applicant to be admitted to the law school. The law school will look at factors (character, diversity, etc.) other than academic performance in determining whether to admit a transfer applicant.

No applicant will be admitted with advanced standing until the Admissions Office has received an official transcript for all prior law school work. Also, a candidate must have received a Bachelor's degree or equivalent degree from an accredited college or university before entering the law school from which he or she seeks to transfer. Thurgood Marshall School of Law determines the amount of credit for work done elsewhere. By rule, no more than a maximum of 30 credit hours can be transferred, and only courses for which a "C" or better was received are eligible for transferred.

Applicants must submit the following directly to Thurgood Marshall School of Law.

1. A completed application form.
2. A personal statement, which should address the reasons for applying for transfer admission.
3. A letter of good standing from your current school that includes your class rank, if available.
4. Two letters of recommendation from law professors at your current law school who can comment on your academic performance, character, and potential.
5. A copy of your LSAT report which may be a photocopy of the LSAT or LSDAS report on file at your current law school.
6. Official transcripts of all undergraduate and graduate work including your current law school. Although Thurgood Marshall prefers an official transcript, it may be difficult in some cases to obtain an official law school transcript for the entire first year until late summer. Therefore, we will consider photocopies of your grade reports or some other account of your grades to reach a tentative decision to admit. However, no offer of admission can be extended to any applicant without first receiving an official transcript.

7. An application fee of \$55.00, payable to Thurgood Marshall School of Law.

Section 4. Special Student Status

A. Regular Special Student

A regular special student is a student currently enrolled as a degree candidate in another graduate program of Texas Southern University, a member of the bar, a graduate of the Thurgood Marshall School of Law or other accredited law school, or other person satisfying the requirements for admission to the School of Law as a degree candidate.

B. Transient Special Student

A transient special student is a student enrolled at another accredited law school who receives permission from that law school to enroll in a limited number of courses at Thurgood Marshall School of Law. Every applicant for transient admission must submit a letter from the Dean of the law school in which he/she is a degree candidate:

1. certifying that he/she is currently a student in good standing and eligible to re-enroll.
2. granting permission for the student to enroll for the particular semester and the particular course or courses, in this School of Law, for which transient admission is sought, and
3. agreeing to accept transfer credit for the successful completion of such courses.

C. Applicants for Special Student Status

Applicants for special student status are admitted by the Dean on a space available basis and upon evidence of satisfactory completion of course prerequisites or other evidence of ability to handle course requirements. Admission as a special student is limited to the particular semester and course or courses for which the status is expressly granted.

Persons denied admission to the Thurgood Marshall School of Law as Juris Doctor candidates are ineligible for admission as special students, except in the case of persons admitted as J.D. degree candidates to another school who seek admission to the School of Law as transient students.

Credit earned while in the Special Student Status is not applicable toward degree requirements in the event of subsequent admission to degree

candidacy. No student admitted as a Regular Special Student shall be permitted to take more than two (2) law school courses in any semester. No student admitted as a Regular Special Student shall be permitted to enroll in more than five (5) law school courses as a Special Student.

Section 5. Auditing Classes

With the consent of the Dean of the law school, a student may be admitted to take a course or courses as an auditor. No credit shall be given for courses that have been audited. Auditors shall be registered and pay the same fees as students who enroll for credit.

Section 6. Provisions for Disabled Students

Reasonable accommodations will be made if they would allow a person with disabilities to effectively participate in the law school program. Reasonable accommodations may include:

1. A change in the law school program, so long as it does not alter the program's fundamental nature;
2. Structural modifications (i.e., ramps, wide doorways, accessible bathrooms);
3. Providing modified equipment and/or
4. Providing aids such as interpreters or readers.

PLEASE REFER TO THE STUDENT ACCOMMODATIONS HANDBOOK FOR SPECIFIC PROCEDURES.

III. SCHOLARSHIP

Section 1. Course Load

A. Regular Semester (Fall, Spring of Academic Year)

1. Minimum Course Load

No student, except those eligible to graduate at the conclusion of the semester of current enrollment, shall be permitted to enroll in any regular semester for fewer than twelve (12) law school credit hours provided, however, that students shall register for all required courses in the sequence established by the law school faculty. Failure to enroll and receive grades for at least twelve (12) hours in any regular semester shall result in the student receiving no credit for any hours attempted during that semester.

2. **Maximum Course Load**

No student shall be permitted to enroll in more than sixteen (16) credit hours during any regular semester. A student receiving the J.D. degree during the May or December commencement, however, will be allowed to take a maximum of seventeen (17) hours in his/her final semester. A student who enrolls for more than sixteen hours in a regular semester, except in his or her final semester when enrollment in seventeen is permitted, will be required to complete an additional hour for every hour taken above the applicable maximum in order to graduate.

This rule is non-waivable.

3. **Withdrawal**

A law student maintains the right to withdraw, within University and School of Law procedures, from any law school course, subject only to the requirement that a student maintain enrollment in twelve (12) credit hours as stated above and the requirement that no student may withdraw from a course required to be taken in sequence in a particular semester.

B. Summer Session

The summer is designed to provide enrichment courses for the students. Enrichment courses are defined as those courses not routinely offered in the regular Fall and Spring semesters. Except in an institutional emergency, courses offered in the summer may not include any course that is taught during the preceding spring semester or during the following fall semester.

It should not be viewed as a vehicle to facilitate early graduation. Students are encouraged to attend no more than one summer session. It is the view of the law school's faculty that students should use at least one of their summers to further their career development by working as interns in law related programs.

1. **Minimum Course Load**

There shall be no minimum course load for students enrolled during the summer session.

2. **Maximum Course Load**

No student shall be permitted to enroll in any summer session for more than eight (8) law school credit hours, provided, however, where a student evidences good cause, the Office of the Dean may grant permission for a maximum of nine (9) law school credit hours. A student who enrolls for more than eight hours in a summer semester without written permission of

the Dean, except in his or her final semester when enrollment in nine hours is permitted, will be required to complete an additional hour for every hour taken and completed above the eight hours in order to graduate. **This rule is non-waivable.**

C. Limited Drop Offerings

A student may drop a seminar, clinic or any other offering designated in the registration instructions as a limited enrollment offering no later than the end of the third class day in any fall or spring semester or the end of the second class day of the summer semester and with the advance approval of the Office of the Dean.

Section 2. Academic Offerings for Credit

A. Courses

Courses are offerings in which the instructor requires a written examination, which comprises at least two-thirds of the basis for the grade. All courses must be evaluated by written examination except courses involving extensive written work, such as trial practice, other simulated or practice skill courses, and courses which are principally concerned with legal writing and research. Instructors in individual courses may require prerequisites upon the posting of written notice.

B. Seminars and Independent Research

1. Seminars

Seminars are offerings normally restricted to 16 students or, at the instructor's option, 20 students, in which the instructor must require rigorous written work, which comprises at least two-thirds of the basis for the grade.

The Law School's Requirements for a Seminar Paper

At present, students must take a seminar offering "in which the instructor must require rigorous written work, which comprises at least two-thirds of the basis for the grade." The seminars that fulfill this requirement are so marked in the law school's offerings.

Neither a clinic nor a simulation course may substitute for the seminar requirement, but credit for an independent research project in lieu of a seminar is possible when the project "is equivalent in scope in quality to a seminar paper" and a copy of the student's paper is filed with the Office of the Dean.

At present, there is a registration procedure for both LAW 802 Independent Research I and LAW 803 Independent Research II. Also, the paper written for both courses "must be equivalent in scope to a Law Review article of at least 20 double spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities." In addition to an application, students must submit "an exhaustive outline for the paper." *Scholarly Writing for Law Students* is a required text. Students must also meet at least monthly with the supervising professor. (For LAW 802, see Independent Research Application, **TWEN** page and Independent Research Syllabus for the current semester).

We believe that the "rigorous written work" required for a Seminar Paper should at least meet the minimum requirements set out for an independent research project. We have completed extensive research of other law schools that have a similar requirement, and we plan to make this information available in a series of *Quick Teaching Tips*. We have also compiled a set of resources to help the faculty and students, and we will make these resources available to faculty through a series of *Quick Teaching Tips* and to students through our Learning & Assessment Lab.

Based on the educational literature, a student's Seminar Paper should show the student's mastery of the in depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper. The qualities that make a Seminar Paper different from many other law school writing projects are:

1. Original Analysis,
2. Comprehensive Research on the Topic, and
Extensive Footnotes.

Twenty double-spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities, is a minimum requirement for a seminar paper as is 12-point font (Times Roman), one-inch margins (on top, bottom, left and right), and single-spaced footnotes that follow the Blue Book for citations. Because our students need to be introduced to the process of scholarly writing and because we have found assessment to be essential to our student's mastering skills, we propose the following steps as minimum requirements for a seminar paper:

- Students select a topic that the meets the professor's requirement for the seminar.
- Students submit an initial, brief description of the topic and a research plan under the guidance of the professor; students meet with the professor to discuss progress on the seminar paper to be sure that the student is on the right track and, if necessary, students are directed to scholarly writing resources in the Learning & Assessment Lab.

- Students conduct research and develop a detailed outline, annotated with references to the key cases and other materials that the student plans to consider under the guidance of the professor
- Students submit drafts of the seminar paper and receive feedback; students meet with the professor to discuss progress on the seminar paper to be sure that the student is on the right track and, if necessary, students are directed to scholarly writing resources in the Learning & Assessment Lab.
- Students submit a final paper that is at least 20 double-spaced typewritten pages, excluding the cover, table of contents, footnotes, and Table of Authorities etc., with 12-point font (Times Roman), one-inch margins (on top, bottom, left and right), and single-spaced footnotes that follow the Blue Book for citations; students meet with professor to discuss the final paper.
- A copy of the student's submissions with faculty feedback is submitted to our data base for works in progress.

The Goals and Purpose of Faculty Supervision of Student Seminar Papers

Based on the educational literature, clearly stated goals and deadlines, faculty guidance, writing support, and assessment have been found to be essential for a student's success when writing a Seminar Paper.

The Importance of Faculty Guidance

In a seminar, the written paper is the heart of the student and faculty's work together. Because it is an opportunity to convey to the student an understanding of the faculty member's role as legal scholar, faculty members are in a special position when they are supervising a student who is writing a seminar paper. The students are in effect being asked to create a piece of legal scholarship, and the faculty member can help them achieve the scholarly goal of pushing beyond the merely descriptive to the analytical that is the essence of scholarly legal writing.

For many students, the seminar paper is their first experience with actually doing scholarly legal writing. It is therefore very important that the faculty member give the student guidance in understanding the purposes of scholarly writing and the expectations for both the interim pieces and final product.

To that end, it has been found to be helpful for the faculty member to spend part of at least one seminar session talking about what legal scholarship is and what it means to contribute incrementally to the canon in the particular substantive area of law that is being studied.

Many students need guidance in understanding the importance of presenting a clear thesis and organizing the paper around that thesis. There are several articles and texts that can aid students in that understanding; we have provided references to them in the resources at the end of the memorandum. It can be very helpful for the faculty member to assign one of these texts to the students, such as:

1. Elizabeth Fajans and Mary R. Falk, *Scholarly Writing for Law Students* (latest edition).
2. Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers* (latest edition).

The Importance of Writing Support

An additional resource that can help students write better seminar papers is the law school's Learning & Assessment Lab. Through both group workshops and one-on-one meetings, the Lab can help students better to understand both the scholarly writing process and its resulting product.

The Learning & Assessment Lab can offer ideas and techniques to assist students at any stage of the scholarly writing process: selecting a topic, deciding on research strategies, organizing notes, outlining, getting started on the first draft, rewriting, and revising.

The Learning & Assessment Lab can help students (1) approach scholarly writing as a specific genre with a defined scope, purpose, and audience as well as substance and technical concerns; (2) use legal substance to organize writing effectively and to make argumentative decisions; (3) improve legal writing by understanding it as a specific process performed under time pressure in practical and academic legal settings; (4) use computer technology to improve legal research and writing; (5) pay proper attention to legal citation form and footnotes in text; (6) connect substance to syntax; (7) master English grammar; and (8) overcome writer's block. The Lab will also have a bank of sample student scholarly papers.

The Importance of Deadlines

It also helps students for the faculty to have specific deadlines for each of the interim writing steps clearly stated in the syllabus and to include even more interim deadlines than those that are minimally required. For example, it is useful to give students (1) a date by which they must select a topic, (2) a date by which they must submit a reading list and a thesis, (3) a date by which they must submit a first draft for written comments, and (4) a final deadline by which the paper must be done.

The Importance of Organization & Structure

It also helps for faculty to give students a structure for a Seminar Paper. For

example, the student might be instructed to organize the Seminar Paper into five parts with a draft of each part due at the time the first draft is due:

Part 1. Introduction: Why the topic is an important problem or issue in the law;

Part 2. The legislative or judicial history leading up to the current status quo;

Part 3. The positions taken by other scholars in the area;

Part 4. The student's original contribution which may be a Proposal for a new legislative or judicial test or an exception to a rule or, for example, the addition of one prong of a three-part test, or a critique of the other scholars positions, e.g., "Professor X says A and Professor Y says B - both are correct as far as they go, but they should also consider C." and;

Part 5. Conclusion.

Students should be encouraged to submit a draft that contains all five parts since feedback on the merely descriptive parts does not give the faculty member the chance to make sure the student is working on an original idea (Part 4) and to give feedback. Although many students can write the descriptive part of the paper well, it is usually the original idea that needs work and that should also be included in the first draft.

The Importance of Feedback

Comments from the faculty member may come on the paper itself or through a written comment sheet that conforms to the areas on which the paper will be evaluated. These might include: (1) clarity of writing style and organization; (2) originality of thesis; (3) thesis development; (4) use of legal analysis, statutes, and case law; (5) breadth of sources; and (6) progress from first draft to final paper. Students may meet with faculty individually to discuss these written comments and/or faculty may discuss the writing process in class. And, based on the faculty's feedback, students may receive additional help with their scholarly writing in the Learning & Assessment Lab.

The Importance of Grading Standards

Students should be told the factors that are considered when the faculty member is grading their papers, such as:

1. Originality of opinions expressed - 10%;
2. Research - 30%. Includes quality of paper synopsis and bibliography, extent and thoroughness of research, and proper citation of authorities under a specified current edition of uniform system of citation;

3. Legal Analysis - 30%. Includes thesis definition, breadth and depth of analysis, development of argument and point of view etc.; and
4. Writing style - 30%. Includes organization and structure of paper, rhetoric, style, grammar, and sentence syntax etc.
5. Proper Form

The Importance of Publication

A copy of the student's submissions with faculty feedback should be submitted to our data base for works in progress. Faculty may also encourage students who have written excellent papers to submit them to law reviews for publication. In particular, second journals that specialize in a particular topic are often receptive to student work. In this way, faculty members are fostering a culture of scholarship and helping their students become legal scholars and to contribute to the scholarly canon in the area that they have chosen to research.

Conclusion

A seminar is classified as a writing seminar if the instructor requires that the student write an original Seminar Paper that embodies the results of extensive research. Through meeting the Seminar Paper requirement, the student should show his or her mastery of the in-depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper.

2. Independent Research Project in Lieu of Seminar

Students may earn 3 hours of fully graded credit for independent research under faculty supervision which results in a research paper by the student, on a topic of the student's choice that is equivalent in scope and quality to a seminar paper. Students must secure approval of a supervising faculty member and the Office of the Dean before registering for such credit. Credit will be given only for research undertaken after the student actually registers for the independent research project.

Credit for an independent research project in lieu of a seminar is subject to the filing of a copy of the student's paper with the Office of the Dean.

C. Clinics and Externships

Clinics, practice simulation courses, and externships are offerings with limited enrollments designed to expose the student to a range of professional and practical experiences. Neither a clinic nor simulation course, nor externship may serve as a substitute for the seminar requirement.

D. Special Activities Credit

Students may receive credit for certain special activities approved by the Faculty. Students with questions or problems regarding such special activities credit should consult the Office of the Dean.

No student may earn more than two credit hours **per special activity, or more than four credit** hours of special activities credit during his/her entire period of enrollment in the School of Law. Academic credit may be earned for the following special activities:

1. James M. Douglas Board of Advocates
Third-year student members of the James M. Douglas Board of Advocates may enroll and earn two (2) credit hours in the course "Moot Court."
2. Law Review
*See Law Review Manual For...Requisites.
Third-year student members of the Law Review may enroll and earn two (2) credit hours in the course "Law Review" upon the completion of 3 semesters of Law Review commencing in the first semester of the second year.
3. Mock Trial
Third-year student members of the Mock Trial Team may earn two (2) credit hours in the course "Mock Trial".

Section 3. Grading System

A. Grade Definition and Structure

Letter Grade = Honor Point: Definition

A	4.00	Excellent
A-	3.67	Intermediate
B +	3.33	Intermediate
B	3.00	Good
B-	2.67	Intermediate
C +	2.33	Intermediate
C	2.00	Satisfactory
C-	1.67	Intermediate <i>(Does Not Apply to 1L Substantive Courses)</i>
D +	1.33	Intermediate
D	1.00	Marginal
D-	0.67	Intermediate
F	0.00	Failure
I		Incomplete - A failure to demonstrate the required competence because:

- 1) Student has an excused failure to take exam, or
- 2) Student has been granted an extension of time by the professor in a seminar or other courses where the grade on the paper will constitute a significant percentage of the final grade.

NOTE: (See Article III. Sec. 4 A 7 - Postponed Examination).
See also Article III Section 7 for removal of Incomplete.

S =(Satisfactory) This grade can be given only upon the approval of the Academic Standing Committee and the Dean, and shall not be included for the purpose of measuring the cumulative average, but shall be included for the purpose of credit hour requirements.

W =(Withdrawal) An administrative decision by the professor of the course in conjunction with the Office of the Dean that the student has failed to satisfy either minimum or maximum course loads or minimum attendance requirements as specified herein at Article III Section 1 A, and B and Article III Section 4 A 1 attendance required. This grade must also be given where a student withdraws from a course in which withdrawal is permitted. Such withdrawal from a course, or courses, must comply with deadlines and procedures prescribed by law school and University Regulations.

B. Grade Guidelines

1. Second year required courses except Trial Simulation.

Each faculty member is expected to follow a grading pattern in each course by which the mean grade point average for second year required courses range from 2.50 to 2.75. Compliance is subject to review by a committee consisting of the Dean and two faculty members.

2. Lawyering Process I and Lawyering Process II.

Each Faculty member is expected to follow the following grading pattern in Lawyering Process I and Lawyering Process II.

“A”	10-13%
“B”	25-34%
“C”	35-45%

“D/F” 0-08%

3. First Year Uniform Exams and First Year Grading Curve

The First Year Uniform Exam Policy was adopted to mimic the testing format of courses tested nationally on the “multi-state” portion of bar examinations and to insure fairness to students because it prevents significant grading pattern differences by first year professors. Hence, students with the same admission credentials have the same opportunity to excel, do average work, or fail no matter which section (currently four sections) the law school assigns them. The system was based upon a distribution of letter grades that mirrored the average distribution of letter grades, actually given to the entire first year class, at the law school, for the three years prior to its adoption (A range -9%; B range – 33%; C range – 52%; D range – 5%; F range – 1%). This decision avoided controversy over establishing a new grade distribution, and the implications the change might have with regard to altering our first year attrition rate. Grading curves are commonly used in other law schools and other disciplines.

Finally, and significantly, the Faculty recognized that to avoid institutionalizing even our current pattern of failing grades, a policy should be adopted that insured, that if the quality of our student body improved, no automatic percentage of the grades must be “D” or “F”. This was done by identifying certain raw scores, attainment of which would insure any student who achieved such a score, a “C”, “B”, or “A” grade. The first year attrition rate has been 9.4% for 2007.

PROCEDURES

First year students at Thurgood Marshall School of Law (TMSL) are graded as follows in courses other than Lawyering Process. Professors assign grades to the students in their sections on the basis of students’ scores on one or more essay/multiple choice tests and possibly other criteria unique to their section (such as classroom participation).

Professors vary considerably in the scale of measurement they use to report grades; e.g., 1.0 to 4.0, 0 to 100, etc. The professor's grade counts 50 percent toward a student's final total score in a course.

The remaining 50 percent is based on the student's score on a 60-item multiple-choice test. This test is constructed by the professors who teach the courses. All the students in a course take the same multiple-choice test at the same time, regardless of their section. A student's raw score on the multiple-choice test is the total number of questions answered correctly.

The following procedures are used to create a total score for a course:

1. The raw multiple-choice scores are converted to a scale of measurement that had a mean of 50 and a standard deviation of 10.
2. The professor's grades in a section are converted to a scale of measurement that had the same mean and standard deviation as those students' scaled multiple-choice scores
3. A student's total scale score in a course is the sum of that student's scaled multiple-choice score and scaled professor grade.

The distribution of total scale scores is divided into score ranges to produce the percentage of A's, B's, C's, D's, and F's that were consistent with TMSL's policies for this course. The B's and D's are further divided into three groups to allow for the assignment of plus and minus grades. The A's are divided into 2 groups, A and A- and the C's into C+ and C. The F's are not divided.

C. Computation of Law School Averages

In computing student averages, the grade in each course will be weighted in proportion to the semester credit hours assigned to the course, with said total average rounded off to the nearest one-hundredth (1/100.00) decimal point. Grades of W, S, and I shall not be included for the purposes of computing such averages.

D. Determination of Grades

To establish fairness and uniformity with the law school grading structure, the school provides:

1. Justification and Measure of Grades

The primary goal of this law school is to provide each student with the opportunity to acquire those skills and attributes that characterize the first-class, well-educated lawyer.

The law student's primary task is to acquire those skills and attributes. A well-defined and structured grading system is necessary to determine if both parties are achieving their mutual primary goal.

Among the skills and attributes basic to competent lawyering that the law school seeks to instill, the student seeks to acquire, and the grade structure attempts to measure are the following: *

*The above statement of skills is from "New Directions in Legal Education" by H. Packer and T. Ehrlich, pp. 22-23.

- (a) Analytic Ability - is that especially observable capacity of the good lawyer to distinguish A from B, to separate the relevant from the irrelevant, to stay on the subject, to sort out a tangle into manageable sub-components, to keep separate the verbal symbol and its referent, to examine a problem from close range or long distance, to detect an answer smuggled into a premise of a supposed fact, to frame the same problem in many different ways, to be ever skeptical as to what is "fact," to know the place of - and limitations upon - logic in decision-making, to be able to surround a problem perceiving it from many different angles at once. In acquiring these skills, the lawyer must come to understand the process of generalization and abstraction; he/she must learn to move easily back and forth between the abstract and the concrete, to synthesize and to particularize with equal ease and to recognize when the solution to a problem calls for more data and when it calls for a choice among competing values.
- (b) Substantive Legal Orientation - Measured against the entire legal universe, no lawyer ever knows much substantive law outside a single field or sub-field or specialization. But every good lawyer has a familiarity with the dominant features of the legal terrain; every good lawyer is able to locate a client's problem on the general map of substantive law.

- (c) **Basic Working Skills** - A good lawyer has a full command on a set of lawyer's basic skills. The work involves intellectual design, assembling and organizing information, and skillfully using means of communication. The first-class lawyer knows how to write, how to use a library, how to be an effective advocate, how to listen, how to draft, how to interrogate and to find out what he or she needs to know.

2. **Measure of Grade Standards in Each Law School Course**

The following items may be taken into account in measuring student performance:

- (a) Examinations
- (b) Clinical Experience
- (c) Research Papers
- (d) Class Assignments and Projects
- (e) Class Participation
- (f) Class Attendance - provided, however, that a faculty member cannot place a relative weight of more than five (5) percent of the final grade as based on class attendance.

However, in the case of courses required to be taken in sequence - where a student may not be withdrawn from a class (See Article IV Sections 1 & 2) the faculty member may lower the grade by assigning a value in excess of five percent to class attendance up to two letter grades where the number of absences exceed the maximum permitted within these rules. See Article III, Section 9.

E. **Procedure for Dispute of Grade and Changes of Grade**

Once a faculty member submits a grade to the Office of Student Affairs, neither he/she nor the student may change that grade without having the following basis and following the procedure outlined below:

1. **Basis for Grade Changes**

a. **Faculty Initiated:**

A faculty member may seek to change a grade on two basis. First, the faculty member may seek to change a grade on the ground that he or she made a computational and/or clerical error.

The faculty member should document in writing the alleged error, and why he or she is characterizing it as a computational and/or clerical error.

Second, the faculty member may seek to change a grade on the basis that he or she made a gross substantive error in evaluating the work of the student in question such that the student was treated substantially different than other students in the class. The faculty member should document, in writing, the alleged error, why he or she is characterizing it as a substantive error, and describe how the error in question resulted in the student being treated substantially different than other students in the class.

b. Student Initiated:

A student may seek to change a grade on two basis. First, a student may seek to change a grade on the basis that the faculty member made a computational and/or clerical error that the faculty member refuses to correct. The student should document, in writing, the alleged error, and why he or she is characterizing it as a computational and/or clerical error.

Second, the student may seek to change a grade on the basis that a faculty member discriminated against the specific student in question through the use of a grossly inconsistent standard as compared to the professor's other students in the particular class. The student should document, in writing, the alleged grossly inconsistent grading.

2. **Procedures for Grade Change**

- a. All grade change requests should be made to the Academic Standards Committee.
- b. Due diligence should be demonstrated in applying for grade changes. All grade change requests must be made for all courses taken and all grades received in the fall semester by the later of the two dates: March 15 or 30 days after the grades have been posted. For all courses taken and grades received in the spring semester or summer session by the later of October 1 or 30 days after the grades have been posted. Grade change requests for fall semester grades in any first year continuing course must be made by the deadline listed above for fall semester grades. Neither the Office of the Dean nor the

Academic Standards Committee shall have authority to act on a petition after the time limitations have passed.

- c. The committee must find clear and convincing evidence that the faculty member or student has proven the basis for the grade change. A grade change request must be approved by a majority of the members of the Academic Standards Committee.
- d. A grade change approved by the Academic Standards Committee must be reviewed by the Dean of the School of Law, and only becomes effective if he or she also approves it.
- e. When the basis of the grade change is computational and/or clerical error, or substantive error based grade change initiated by a faculty member, the committee will forward a report to the Dean in which the committee will identify the letter grade the student should receive. When the basis of the grade change, however, is discrimination, the committee report will recommend that the grade of “S” (Satisfactory) be entered.
- f. The Office of the Dean shall provide written notice to the petitioning person and/or the student of the final disposition of the grade change request.

3. Notification by the Committee

The Academic Standards Committee has the authority to notify students, if it so chooses, when the committee feels such students have been negatively impacted by a given grading method or policy.

Section 4. Examinations

A. Legal –Analysis-Writing Directive

Effective in the 2017-2018 academic year and every year thereafter, every professor teaching a doctrinal/substantive course shall administer at least one graded writing assessment examination under timed restraints and provide meaningful feedback on that examination every semester.

Definitions

A “writing assessment examination” is defined as an examination that: (1) provides students with a factual hypothetical that presents a legal issue; and (2) requires students to identify that issue, describe the governing law, and apply that law to the facts in a well-reasoned and cohesive legal analysis under timed restraints. Additionally, an examination that requires students to identify a legal issue. Recognize the applicable law and produce a written document such as a will or contract in response to a client’s legal problem under timed conditions also qualifies as a “writing assessment examination.” Other examples of “writing assessment examinations” include, but are not limited to, traditional essay examinations and exams that mimic the Bar Exam’s multistate performance test. Professors teaching bar subjects that are tested in an essay format on the Texas Bar must administer at least one essay exam; however, this need not be the only testing format employed.

“Graded” means that all the students’ work product is primarily assessed based upon how well they legally analyzed the issue(s). Scores or graded for merely completing an examination without regard to the quality of the work is not a “graded” examination.

“Meaningful feedback” includes group feedback by way of a class discussion, individual feedback written on exam papers, or feedback provided orally in one-on-one student conferences.

At the end of every semester after the professors have finished grading their exams, they shall submit the essay exam that they administered to the Associate Dean of Academic Affairs, along with some evidence of the type of feedback that they provided until directed otherwise.

B. Attendance

1. Required

A student is required to be present for all scheduled examinations at the time and place prescribed. Any student who has not withdrawn from a course (See Article III, Section 1A 3, for requisite procedures), or has not received an excused absence (See Article III, section 4, A 7, below for requisite procedures, and Article III, Section 3, A, for definition of Incomplete (I) evaluation), and who fails either to attend an examination or fails to submit an answer shall receive the grade of F.

2. Special Provisions for the Disabled (See Student Accommodations Handbook for Specific Procedures)

If a Student is disabled, the student must apply for accommodations at the beginning of the semester and provide proper documentations for review and approval. Any student, whether temporarily or permanently disabled, must follow the specific procedures in the Student Accommodations Handbook. If necessary, the student and the professor through the Office of the Dean shall make suitable

arrangements for the taking of the examination. To the extent possible, such an examination is to commence at the same time as the scheduled examination. Under all circumstances, the School of Law must provide reasonable accommodations for the student with a disability.

3. Anonymous Examinations

Examination numbers shall be employed for all examinations; and different numbers shall be employed for each examination. Examination papers shall be graded anonymously and tentative grades submitted to the Office of Student Affairs in the first instance. Instructors may thereafter learn the identity of students before finally submitting grades in order that factors other than the final examination scores may, at the instructor's discretion, be included in the final determinations.

4. Types of Examinations

- a. Standard Examination - A standard examination is one conducted in the School of Law at a time and place regularly scheduled by the Office of the Dean. All students enrolled in the offering, must take the examination at the same time and place. Students wishing to type the examination shall take the examination in a location arranged by the Office of the Dean.
- b. Take Home Examination - A take home examination is written at any location not prohibited by the instructor. The student picks up the examination and returns it at a specific time fixed by the instructor and the Office of the Dean that falls within the regular examination period, subject to limitations of paragraph 5, below.
- c. Floating Examination - A floating examination is written at any location not prohibited by the instructor. Each student enrolled in the offering can pick up the examination at any time within the reading or examination period. The student returns the examination within the time period allotted by the instructor, subject to the limitations of paragraph 5, below.

5 Duration of Examinations

Take home and floating examinations may not require a period of more than 24 hours to complete. In no event shall the time period allotted for completion be such as to require the student to return the examination at an hour when the School of Law's administrative offices are not regularly open.

6. Proctoring and Grading

Examinations may be given pursuant to such proctored or honor system as the faculty may determine. All course examinations, including take home and floating examinations are to be graded anonymously.

7. Postponed Examination

- a. General. A student will be permitted to postpone an examination only after securing approval from the Office of the Dean and, whenever possible, from the course instructor. Such approval will be granted only on the basis of extremely compelling justification.
- b. Illness. Extremely compelling justification includes serious illness. When a student wishes to postpone an examination for medical reasons, he/she shall be required to provide the Office of the Dean with certification of serious illness by a medical doctor. A student who becomes seriously ill during the examination period and is for that reason unable to take a scheduled examination must make all reasonable efforts to inform the Office of the Dean and, whenever possible, the course instructor before the examination.
- c. Completing Postponed Examinations. Normally, the student shall be required to take the postponed examination as soon as possible, as determined by the Office of the Dean in consultation with the course instructor. If the examination is not taken and graded before the deadline for submitting grades, the student shall receive a grade of "incomplete."
- d. Unauthorized Postponement. Any student who has not received permission to postpone a scheduled final examination, or who fails to appear without giving adequate justification, shall receive a grade of "F."

8. Retention of Examination Papers

All examination papers must be deposited with the Office of the Dean within two (2) weeks of the date final grades are submitted to the Registrar. Once deposited, the Office of the Dean shall retain examination papers for one year, or until the examined law student graduates, whichever occurs later.

C. Final Examination Notice

The Office of the Dean shall be responsible for publishing a schedule of all final examinations detailing the courses, by name and number, instructor, room assignment, date, and time allotted for the examination. The Office of the Dean must make every effort to post the final examination schedule for the next regular semester, or summer session, on the first day of student registration for that semester or summer session.

D. Examination/Evaluation Review Process

A student may request a review and consultation regarding his/her evaluation and performance with his/her instructor. The student must request a grade change within the period set forth in Article III Sec. 3 E.

Section 5.

Academic Standards

One of the major responsibilities the law school owes to each student is to provide timely and accurate information concerning that student's progress towards acquiring the skills necessary for competent lawyering. The grading process is the means that the school primarily employs to discharge this responsibility. The law school, pursuant to discharging this responsibility, must establish standards for determining when a student's performance as measured by the grading system indicates that the student will not be able to acquire the skills necessary for competent lawyering within the maximum time of law school matriculation.

The establishment of such minimum performance standards also provides students, who are performing competently, with a basis for evaluating the degree to which their performance is exceeding the law school's determination of minimal competence.

Where the line of minimal competence, as measured by cumulative grade performance should be drawn, is always a difficult determination to make. It is facilitated, however, by the degree to which the grading structure and definitions are rationally and fairly applied by the law faculty in the process of grading. One of the major basis for determining where that line should be

drawn must be the past collective experience of the law faculty and administration with respect to when a given level of cumulative grade performance clearly indicates that the student has not acquired, and is not likely to acquire, the skills necessary for competent lawyering.

Despite the difficulty of this determination of the law school's responsibility to the student, as well as its larger responsibility to the communities it serves, requires that it make the best efforts to establish and fairly administer such standards. The following standards are drafted with the hope that they competently discharge this responsibility.

A. Standards for Continuation and Graduation

The grade point average of each student shall be reviewed at the conclusion of each Spring Semester and each student must satisfy the following academic requirements in order to remain in good standing.

1. Standards at the Conclusion of the First Year

A first year student must achieve a cumulative law school grade point average of 2.0 or above.

This rule is non-waivable.

2. Standards Beyond The First Year

Beyond the first year any student who has failed to maintain a cumulative law school average of 2.0 or above will be ineligible to continue in the School of Law. However, an upper class student may be allowed to remain in school as a continuing student when the student's cumulative average is 1.95 or greater and there has been a finding by the Academic Standing Committee of exceptional circumstances.

This rule is non-waivable.

3. Standards for Graduation

A student must achieve a cumulative grade point average of 2.0 or above in order to graduate from the School of Law.

This rule is non-waivable.

B. Treatment of Incomplete (I) In Computing Cumulative Average

All law students should be on notice that an Incomplete (I) grade will not be used in determining a student's cumulative average. The law school may, however, declare a student ineligible to continue in the School of Law if said student has received one or more incomplete (I) grades, and whose cumulative average falls below the minimum standards. (See III, Section 5, A above)

C. Summer Grades

No grades earned by an academically deficient student during the summer session following the semester in which his/her grade point average fell below standards shall be considered in determining whether the student should be dismissed.

Section 6. Readmission

A. Time Period

Any law student who has been declared academically ineligible to continue in the School of Law under the standards set forth in Section 5 above, may apply to the Admissions Committee for readmission after a period of one (1) year has elapsed from the time the student has been declared ineligible.

This rule is non-waivable.

B. Procedures

In addition to complying with the general admission requirements, a student applying for readmission must make an affirmative showing in writing to the Admissions Committee of facts demonstrating that his/her prior disqualification does not indicate a lack of capacity to complete law school in good standing and that the nature of his/her work activities or studies during the interim indicate a stronger potential for law study. A student may be readmitted hereunder as a new student only.

Section 7. Removal of Incomplete

A. Procedures

All incomplete (I) grades must be removed from a student's record within six (6) weeks of the commencement of the next Spring, Fall or Summer session which follows the receipt of such a grade. In extraordinary circumstances, the Office of the Dean, upon written petition by the student, and/or professor may grant a reasonable further extension of time.

B. Failure to Remove

Incomplete (I) grades not changed to an earned grade within the time constraints specified above will automatically be recorded as an “F” by the law school administration.

Section 8. Repeating Courses

A student may only repeat a course for credit if the student has failed the course. Further, a student’s right to repeat any course shall be contingent upon the student’s right to enroll in the School of Law for the semester or summer session (See Academic Standards Article III, Section 5) when such a request to repeat is made. The grade received in a repeated course shall be entered into the student’s record in addition to the original grade; both the first grade and the subsequent grade or grades are counted in the cumulative average. The cumulative law school academic average of any student shall include all law school grades in all courses taken while a student is a candidate for a degree.

A. Non-Required Courses

In a non-required course (not required for graduation), any student who receives a grade of “F” (failing grade) has the right to repeat the said course once during the period in which the student is a candidate for a degree, though no student can exercise this right with respect to more than two (2) different courses.

B. Required Courses

Any student who receives a grade of “F” (failing grade) in a required course (a course whose successful completion is a requisite for graduation) must repeat said course and successfully complete it (earning a grade of D- or above) prior to graduation. If a student fails or for any reason does not complete a course required to be taken in sequence (Article IV, Sections 1 and 2) the student must complete the course the next time it is offered. The following courses are deemed to be in sequence: all first year courses and second year courses not offered in both semesters of the second year.

Section 9. Class Attendance

Class attendance is required of all students. Excessive absence from classes may result in the following: (a) administrative withdrawal from the course; or (b) grade reduction of up to two letter grades in courses required to be taken in sequence (where a student may not be withdrawn from a class). Excessive absence is defined as any absence in excess of the permitted absence. (See below) “Absence” shall be defined as either a failure to attend class, or a failure to be present at the commencement of class.

Permitted Number of Absences

Effective spring semester 2010, the rule governing the permitted number of student absences per course per semester shall be determined by multiplying the number Two (2) by the course credit hours and then subtracting the number one (1) from the result. Based on this formula, the following number of absences shall be adopted by faculty for all courses taught at the Thurgood Marshall School of Law effective spring semester, 2010.

<u>Type of Course</u>	<u>Permitted Number of Absences</u>
Six semester hour course	11
Five semester hour course	9
Four semester hour course	7
Three semester hour course	5
Two semester hour course	3

This rule does not relieve the student of the responsibility to drop any course the student decides not to complete after registering for the course. (See Article III, Section 1, A (3) and Article III, Section 4, A (1).

Section 10. Registration

A. Requirements

Students must register in person at the School of Law or online. Those who register on days later than those designated in the official calendar are charged a late registration fee. Attendance, assignments, and preparations shall be deemed to commence on the first regularly scheduled class regardless of when a student officially registers for a course. Upon sufficient showing to the Dean, late registration fees and penalties for absences or missed assignments caused by late registration can be waived.

The registration of any person in any course given by the School of Law shall not be final until approved by the Dean or authorized representative of the law school and such registration may be canceled at any time such approval is thereafter withdrawn.

Students who have not completed all phases of registration on or before the last official day of late law school registration will not be approved for registration by the Office of the Dean.

The Law School policy for dropping a class is to withdraw on or before the last class day of the semester. Attendance, assignments, and preparations shall be deemed to commence on the first day of regularly scheduled class regardless of when a student officially registers for a course.

B. Priority Enrollment

Students who are eligible for graduation at the conclusion of any semester or summer session must be granted priority enrollment for any course that, (1) is a course whose successful completion is required by the School of Law for graduation, (2) and upon sufficient showing to the Office of the Dean, any other law school course that the student must enroll (subject to maximum load requirements) in order to graduate.

Section 11. Release of Student Information

The Family Educational Rights and Privacy Act of 1974 apply to institutional policies governing access to and release of student educational records maintained by educational institutions that are recipients of federal funds. The law school complies with this statute that states in part, that such institutions must:

- A. Afford students access to education records directly related to them;
- B. Offer students an opportunity for a hearing to challenge such records as inaccurate, misleading or otherwise inappropriate;
- C. Receive the student's written consent before releasing information from his or her education records to persons outside the University, except for directory information as indicated below. Information may be furnished to a student's parents without any such written consent only upon certification of the student's financial dependency; and
- D. Comply with a judicial order or lawfully issued subpoena to release a student's record, notifying the student of this action.

The law school may release the following directory information upon request: address, telephone number, dates of attendance, field of study, credit hours earned, degrees earned, and honors received. A student who does not wish such directory information released must file written notice with the Office of the Dean and the Office of the University Registrar.

**IV. CURRICULUM—REQUIRED COURSES TOWARDS 90 HOURS
FOR J.D. DEGREE (SUBJECT TO CHANGE)
8/7/2017**

The School of Law has designated the successful completion (earning a grade of D- or above) of specific courses as required for graduation. These required courses must be taken in the sequence provided by the School of Law.

If a student fails a course or for any reason does not complete a course required to be taken in sequence (See Sections 1 and 2 below), the student must complete the course the next time it is offered. The following courses are deemed to be in sequence: all first year courses and second year courses not offered in both semesters of the second year. All other courses should be taken in sequence with the stipulation that certain courses may be deemed as prerequisites for admission into other non-required courses.

First Year Required Courses—31 HOURS

FALL COURSES	HOURS
L-504 Contracts I	3
L-506 Property I	3
L-508 Torts I	3
L-900 Lawyering Process I	3
L-510 Civil Procedure I	3
TOTAL	15

SPRING COURSES	HOURS
L-505 Contracts II	3
L-507 Property II	3
L-509 Torts II*	3
L-930 Lawyering Process II	2
L-511 Civil Procedure II	2
L-530 Criminal Law	3
TOTAL	16

Second Year Required Courses—31 HOURS

FALL COURSES	HOURS
L-600 Evidence	3
L-540 Constitutional Law I	3
TOTAL	6

SPRING COURSES	HOURS
L-601 Criminal Procedure	3
L-514 Trial Simulation*	4 (satisfies part of the six hour requirement of experiential learning effective for those entering in fall 2016 and thereafter)
L-513 Constitutional Law II	3
TOTAL	10

COURSES TO BE TAKEN AT ANYTIME DURING THE SECOND YEAR

	HOURS
I-920 Appellate Litigation	2
L-640 Business Associations	3
L-610 Commercial Law	4
L-509 Wills and Trusts	4
L-930 Professional Responsibility	2
TOTAL	15

**COURSES TO BE TAKEN AT ANYTIME DURING THE THIRD YEAR
BY STUDENTS WITH A GPA BELOW 3.0
AT THE END OF SPRING SEMESTER OF THEIR FIRST YEAR**

	HOURS
L-740 Basic Federal Taxation	3 (All Members of Class of 2018 Only; Does not apply to Class of 2019 and Beyond)
L-711 Consumer Rights	3
TOTAL	6/3

COURSE TO BE TAKEN AT ANYTIME DURING THE RISING 3L OR THIRD YEAR

	HOURS
Writing Seminar or Independent. Research	2 or 3
Minimum Additional 2 hours of Experiential Learning Requirement for Graduation	2 or More: Effective for all students entering fall 2016 and thereafter.

Notes

Texas Practice and Federal Jurisdiction are no longer required, but students may enroll in them as electives.

All students are still required to complete a writing requirement, either a 2 or 3 hour seminar that meets the writing requirement, or Independent Research, 3 hours.

Class of 2019 Everyone must enroll in a total of 31 required hours in the fall and spring semesters, no electives. Additionally, everyone must enroll in six (6) required hours of experiential learning. Courses include Trial Simulation 4 hours, Clinic 4 – 6 hours, Externship 6 hours.

A. **Maximum Hours**

Students currently enrolled at the School of Law may receive no more than 9 hours of credit for courses taken at another ABA accredited law school. (See Paragraph 1 below). However, six (6) of the nine (9) hours may be taken as interdisciplinary courses at Texas Southern University. (See Paragraph 3 below).

1. Courses Taken At Other Law Schools - Students enrolled at the School of Law may be permitted to receive credit for courses taken at other ABA accredited law schools. To transfer credit earned at another law school after enrolling in this law school, advance permission of the Dean of the School of Law is required.
2. Provided that, (1) a student enrolled at this law school cannot transfer more than nine (9) credit hours earned at another ABA accredited law school, and (2) that a student may not transfer credit to this law school for any course that is designated as “Required.”

It shall be considered good policy for the Dean, in the exercise of his/her discretion, to grant permission for a student to take a law school course outside the School of Law only if the subject matter in regard to said course will not be available to the student at the Thurgood Marshall School of Law for either the annual fall and/or spring regular semester at the time of such request.

3. Interdisciplinary Courses - Students enrolled in the School of Law may be permitted to receive credit for interdisciplinary courses taken at Texas Southern University. To transfer earned credit to this law school, advance permission of the Dean of the School of Law is required provided (1) such interdisciplinary courses must be “law related,” (2) must also be designated as “graduate level”

courses, and (3) that a student enrolled at this law school cannot transfer more than six (6) credit hours of interdisciplinary courses.

B. Cumulative Average

All courses, both law and interdisciplinary, taken outside the School of Law, up to the maximum dictated in Section A above, shall be counted as credit hours towards the graduation requirement, but shall not be counted for purposes of determining a student's law school cumulative average.

V. REQUIREMENTS FOR DEGREE

The degree of Juris Doctor shall be conferred upon students who have successfully met the following requirements.

Section 1. Hours

All students must successfully complete (grade D- or above) ninety (90) hours of credit in the study of law. See § 4 (Cumulative Average)

This rule is non-waivable.

Section 2. Courses

A. Sequence

All courses shall be taken in the order prescribed in the law school Curriculum Plan. (See Section IV, *Infra*).

B. Completion

A student must successfully complete (grade D- or above) all courses designated as “required.”

Section 3. Time in Study

A. Maximum

A student must complete all requirements for graduation within four (4) years from the date of matriculation*. Any law student granted permission to withdraw from the School of Law under subsection D below shall have those course credit hours and grades previously earned and recorded before withdrawal counted in determining his/her academic status, hours credited, and cumulative average. The Dean of the School of Law, with the concurrence of the Academic Standards Committee, may, upon presentation of a written petition by a student, grant a special leave of absence that shall be considered outside for four-year (4) requirement. Normally such leave will only be granted for serious emergencies, such as prolonged illness, or for circumstances beyond the student’s control, such as commitments to the Armed Services, and will not be extended beyond five (5) years.

- *This four-year period shall neither include nor date from any prior matriculation that resulted in administrative withdrawal of the student for failure to maintain required academic standards.*

B. Minimum

A law student is required to attend law school a minimum of ninety-six (96) weeks to be eligible for the Juris Doctor degree. For purposes of calculating this requirement, a semester is fifteen (15) weeks of classes plus one week of credit for the examination period, and a summer session is equivalent to eight (8) weeks.

C. Time In Residence At The School of Law

The last thirty (30) semester hours in the study of law must be completed in residence at Thurgood Marshall School of Law. In exceptional circumstances, this requirement may be waived by submission of a written petition to the Dean of the School of Law requesting such. The Dean, with the concurrence of the Academic Standards Committee, may then grant such a waiver.

D. Leave of Absence Procedure

A student who wishes to voluntarily withdraw from the School of Law pursuant to the above rules must petition the Office of the Dean to obtain permission for such leave. The petition should state the reasons for such leave and the semester the student intends to return to school. The Office of the Dean should acknowledge in writing receipt of the request and grant or deny permission in writing for the requested leave of absence.

Any student who fails to follow the above procedures does not have an automatic right of readmission: First year students must reapply through the Admissions Committee and Upper Class students must petition the Academic Standards Committee.

E. Application for Transfer Procedure

A student who wishes to transfer from the School of Law must petition the Office of the Dean before a letter of good standing is issued for such a transfer. The petitioner should state the reasons for the petition. Forms are available on TMSL website under Student Affairs.

Section 4. Cumulative Average

No student will be eligible for graduation with an overall cumulative law school (academic) average of less than 2.00 for all law courses.

This rule is non-waivable.

Section 5. Application for Degree

All students must file a formal application for the Juris Doctor degree as required by Texas Southern University.

Section 6. Honors

A. Dean's List

A Dean's List that includes all students who achieve a 3.00 average or above, will be compiled at the end of the each Fall and Spring semester.

B. Graduation with Honors

The following law school honors may, or will be awarded to candidates for graduation who have completed 60 or more hours in residence at the School of Law:

1. **Summa Cum Laude - weighted law school cumulative average of 3.50 - 4.00**
2. **Magna Cum Laude - weighted law school cumulative average of 3.25 - 3.49**
3. **Cum Laude - weighted law school cumulative average of 3.00 - 3.24**
4. **Final Semester Grades**

Honors for May commencement graduates shall be awarded on the basis of all grades through the preceding Fall Semester; honors for August commencement graduates shall be awarded on the basis of all grades through the preceding Spring Semester; provided, however, graduates whose grade point averages are raised on the basis of their final semesters grades shall be graduated with the honors specified for such grade point averages.

Section 7. Certification for Graduation

The faculty of the School of Law must meet and certify each candidate for graduation. Such certification shall be made subject to the candidate's successful fulfillment of the requirements for the Juris Doctor Degree detailed above. As soon as the grades are submitted, the Dean of the School of Law and the

Academic Standards Committee will meet to recommend candidates for certification. The names of those students recommended will be submitted to the Faculty of the School of Law for approval, and any student not recommended shall immediately receive written notification.

Procedures for appeal of denial of certification based upon degree requirements are noted at Article VII, herein.

VI. THURGOOD MARSHALL SCHOOL OF LAW DUAL DEGREE PROGRAMS

In cooperation and coordination with other Schools at Texas Southern University, Thurgood Marshall School of Law has established two dual degree programs. The purpose of this document is to set out the policies and procedures related to those programs, and to define the policies and procedures for establishing additional programs. Dual degree programs exist in public administration in coordination and partnership with the Barbara Jordan-Mickey Leland School of Public Affairs, and in business administration with the Jesse H. Jones School of Business.

DUAL DEGREE PROGRAM STRUCTURE

A dual degree program allows a student to obtain a J.D. and a master's degree at the same time. Dual degree programs save students time and money due to credit transfer agreements between the law school and the other TSU school participant. For example, the program allows students to complete the requirements for the two degrees in four (4) years instead of five (5) if pursued separately. In the event students attend summer sessions, this timeline may be reduced even further.

The table below summarizes how this works from the Law School's perspective:

Program	Degrees Pursued Separately	Degree Pursued Jointly
Juris Doctor	90	81+9 hours PA
Master of Public Administration	48	33+15hours law
Dual Course Credit	<u>0</u>	<u>9</u>
Total	138	123
Juris Doctor	90	81+9 hours Bus
Master of Business Administration	36	21+6 hours Law
Dual Course Credit	<u>0</u>	<u>9</u>
Total	126	111

Dual Degree Students must earn a minimum of 81 credit hours required for the J.D. at the School of law. This includes the law school hours earned in the first year prior to formal admittance into the dual degree program. The law school will accept for credit towards the Juris Doctorate Degree, nine (9) successfully completed hours from the other school participating in the dual degree program towards the total of a minimum of ninety (90) hours required to receive the JD degree.

JD/MPA Dual Program Curriculum

The Dual JD/MPA Program requires the completion of 123 credit hours of public administration and law courses. Students enrolled in the Dual Degree Program must successfully complete the substantive twenty-four (24) hours Core MPA curriculum and nine (9) hours in one of the three Specialization Areas. Fifteen (15) credit hours of successfully completed course work from the law school will be accepted for application towards completion of the MPA Degree.

JD/MBA Dual Program Curriculum

The Dual JD/MBA Program requires the completion of one-hundred and eleven (111) credit hours of business and law courses. Students enrolled in the Dual Degree Program must successfully complete the twenty-one (21) hours of Core MBA curriculum. Six (6) credit hours of successfully completed course work from the law school will be accepted for application towards completion of the MBA Degree.

Courses from the Schools of Business and Public Administration acceptable for credit towards the JD degree are listed in Appendices A and B respectively. Courses from the School of Law acceptable for credit towards the MPA and MBA degrees will be listed in Appendices C and D respectively.

Completion of the dual degree program shall be dependent upon submission of a written work product evidencing the synthesis of disciplines in original research. The written work product requirement may be satisfied by a paper which meets the law school's writing requirement or a master's thesis or another product of comparable scholarship. At the option of the student, a timely oral defense of the written work may be required in which the student must demonstrate the capacity to relate the doctrine and discipline of the two fields of the joint degree to each other. The oral defense will carry one unit of credit, may not be taken on a Pass/Fail basis, but may be retaken in the event of an unsatisfactory performance.

POLICIES AND PROCEDURES – CURRENT PROGRAMS

To pursue a joint degree, a student must have been admitted and completed the first year of study in the School of Law. Students, however, may apply and be accepted to either Master's program before enrolling in law school. A student must be formally admitted to both programs separately before becoming eligible for the dual program. During the first year of enrollment at the School of Law, a student must formally apply to both schools to become a Dual Degree Program student. Upon review of that application, a student will receive notice from both schools that they have been accepted or not accepted into the Dual Program. Upon acceptance, and at all times thereafter, a student must remain in good academic standing at both schools, to continue as a Dual Degree Program Student. The Office of the Dean will monitor Dual Degree Student progress in their law school courses, and counsel with any such student who fails to maintain a law school GPA of at least 2.5 at the end of any Fall or Spring Semester.

Admission evaluations at the law school are done by the Office of the Dean, and specifically by the Assistant Dean for Student Affairs. The Assistant Dean for Student Affairs shall coordinate with the advisor of the participating school to ensure that a firm degree plan is in place. Upon academic dismissal of a dual degree student from the law school, notice of that dismissal will be sent to the other school participating in that dual degree program. It is good practice for the other

school participating in the program to review the status of that student and inform them of the hours earned, if any, from law school courses which will be credited to the earning of that school's graduate degree.

Additional Dual Degree Programs

All additional dual degree program proposals must be submitted in writing to the respective Offices of The Dean of the proposed participating schools. The school of law will develop procedures and policies for evaluating such proposals which will be modeled after the procedures and policies announced herein for the current Dual Degree Programs. Upon completion of the initial evaluation by the Office of the Dean and the appropriate law school committee; the proposal with recommendations will be forwarded to the law school faculty for final approval.

Appendices

Appendix A

The Barbara Jordan – Mickey Leland School of Public Affairs
Juris Doctorate/ MASTER OF PUBLIC ADMINISTRATION (MPA) DUAL DEGREE PROGRAM

MPA Courses Eligible to Receive Credit towards JD Degree – 9 Hours Maximum

Course Requirements

Core Courses (24 Hours) + nine (9) hours in one of the three Specialization Areas

PAD 500	Public Administration Theories and Practice
PAD 502	Research Methods in Public Administration
PAD 503	Quantitative Methods I
PAD 504	Quantitative Methods II
PAD 507	Seminars in Organizational Theory
PAD 509	Computer Applications in Public Administration
PAD 631	Government Budgeting and Financial Management
PAD 640	Public Personnel Administration: Theory and Practice

Appendix B**JESSE H. JONES SCHOOL OF BUSINESS****Juris Doctor/Master of Business Administration Dual Degree Program**

MBA Courses Eligible to Receive Credit towards JD Degree – 9 Hours Maximum

MASTER OF BUSINESS ADMINISTRATION (MBA) COURSES

ACCT 631 Seminar in Managerial Accounting	3 SCH
FIN 621 Financial and Economic Analysis	3 SCH
FIN 652 Managerial Finance	3 SCH
MGMT 636 Organizational and Management Theory	3 SCH
MGMT 670 Global Strategic Management	3 SCH
MGSC 624 Statistical Analysis	3 SCH
MGSC 671 Information Technology	3 SCH
MKTG 650 Strategic Marketing Management	3 SCH
BADM 655 Entrepreneurship	3 SCH

VII. FITNESS AND DISCIPLINARY SANCTIONS

The law school has the responsibility to certify to the proper authorities, where admission to the Bar is sought, that the applicant/graduate is emotionally stable and of good moral character. To this end, it is important that the student's conduct be in conformity with the standards of conduct as prescribed by the School of Law. In addition, a student is bound by the Student Code of Conduct as prescribed by the University's Board of Regents. It is the student's responsibility to have knowledge of the rules and regulations contained within the Law School bulletin, the University bulletins, and all other official publications.

Section 1. Student Honor Code

Academic work and campus conduct are also subject to the provisions of the Honor Code adopted by the Student Bar Association and approved by the School of Law. Copies of the Honor Code shall be furnished to newly admitted students prior to the admission date, and are posted in the law school, and on the law school's web site.

Section 2. Disciplinary Sanction/School of Law

The School of Law reserves the right to dismiss, suspend up to a period of one (1) year, and/or place a reprimand in the student's law school record, for any student already enrolled any time his or her conduct within or outside the School of Law would warrant disciplinary action. The student must be notified in writing of said charge by the Dean of the School of Law and have been found to be in violation of the following standards of conduct prescribed by the American Bar Association in "The Code of Professional Responsibility":

1. Commission of any felony; or a misdemeanor involving theft or fraudulent appropriation of property; or moral turpitude.
2. Engaged in conduct that constitutes the unauthorized practice of law.
3. While advising an actual client, through participation in one of the programs authorized by the School of Law, engaged in conduct that constitutes a violation of one of the disciplinary rules of the Code of Professional Responsibility that prescribes minimum requirements for lawyers in their relationship with their clients.
4. Has been found to have been engaged in cheating or plagiarism in law school examinations, research papers, or assignments.
5. Deliberately gives assistance to another whose conduct the student knows constitutes a violation of any of the above.

6. Giving false information on any law school or University form.

VIII. PROCEDURE FOR ENFORCEMENT OF RULES AND APPELLATE REVIEW

Any law student who is sanctioned by the enforcement of a rule or regulation prescribed herein maintains the right, subject to satisfaction of the procedural requirements stated below, to appellate review. The law school faculty has delegated its final decision making authority in regard to appellate review to the committees designated in Sections 1 and 2.

Section 1. Academic Rules

Students are expected to comply with the academic rules of the School of Law. A student may appeal by petition to the Academic Standards Committee the administrative decisions made pursuant to the rules. The Committee shall consider each petition individually. The goal of the Committee is to fairly apply the rules to particular cases affording due process to the petitioner. Following completion of the appellate process provided in these rules a student shall have no further right to appeal action taken with respect to enforcement of an academic rule.

When a final decision is reached, the Academic Standards Committee shall provide a written report of its findings to the Office of the Dean. The Office of the Dean shall provide a written decision to the student.

A student may not, however, receive more than one waiver of the minimum grade point average requirement during enrollment in the School of Law.

**(Appellate procedure for any disciplinary action is set forth in Article VIII. Sec. 2). Please also see Admissions Character and Fitness Hearing Procedures (separate document.)*

Section 2. Fitness and Disciplinary Sanction

Any student sanctioned by a rule of Fitness and Discipline (Section VIII, herein) shall maintain the automatic right to both appellate review and a due process hearing. The requisite procedures for such an appeal shall be as follows:

A. Appellate Committee

The appellate committee for fitness or disciplinary matters shall consist of the Dean of Student Development and two members, one of who must be a law student of the Academic Standards Committee. The chairperson of the Academic Standards Committee shall appoint the committee members.

B. Appellate Committee Process

Appeals based upon fitness or disciplinary sanctions require a due process hearing which shall include (1) the right of confrontation of evidence, (2) right for counsel to be present, and (3) all other procedural rights deemed necessary for a fair disposition. The Appellate Committee must notify a petitioning student of time, date, and procedures for such a hearing ten (10) days prior to its commencement. Upon reaching a final decision, the Appellate Committee must provide a written report of its finding to both the student affected and the Office of the Dean.

IX. CHANGE IN RULES

The School of Law may modify the requirement of rules stated herein. Every student shall be subject to any change, including any change relating to requirements for degree, which may be imposed after his/her original admission to the School of Law, unless such change is waived by the law school faculty on the ground of hardship. Such changes will go into force whenever the law school faculty shall so determine. The student rules may be amended in accordance with the rules of the law school faculty.

X. WAIVER OF RULES

In extraordinary circumstances, and for good cause shown, the Academic Standards Committee may waive any of the academic rules that the administration or faculty has the authority to waive or amend except those rules expressly made non-waivable. Such waiver requires approval of 2/3 of the members of the committee and approval by the Dean of the law school.

ADMISSIONS CHARACTER AND FITNESS HEARING PROCEDURES

*(May 2006)

Purpose

Thurgood Marshall School of Law seeks to admit applicants who will adhere to the highest standards of ethical conduct in their academic, professional, and personal lives. Thurgood Marshall School of Law takes the matter of student character and fitness very seriously. Accordingly, all applicants to the Thurgood Marshall School of Law are required to divulge any matter requested on the admissions application, even if the information is adverse to the applicant.

Applicant and Student Disclosure Requirement

Applicants are required to disclose any adverse information regarding activities that occurred (1) prior to admissions and (2) after the admissions application was filed, but prior to acceptance as a law student at Thurgood Marshall School of Law. Adverse information that must be disclosed includes, but is not limited to the following:

- All arrests, citations, tickets, and charges either as an adult or juvenile, irrespective of the final disposition.
- All traffic or other offenses involving alcohol, drugs, or a controlled substance, or any offenses in which there was an attempt, whether successful or not, to suspend or revoke your driver's license.
- All minor traffic violations that resulted in a Failure to Appear charge or warrant.

Failure to disclose required information will result in an Admissions Character and Fitness Hearing and the possibility of the imposition of sanctions against the applicant, law student, former student or law school graduate. The *failure* to disclose information may have a consequence more adverse than any presumed consequence resulting from forthright disclosure of the required information. The longer it takes to discover the omission (i.e. one year versus two years), the greater the sanction for violating the required disclosure.

Applicants and law students should be aware that each state's Board of Law Examiners (Board) investigates the character and fitness of each applicant for the Bar. The failure to disclose required information during the application process could endanger an individual's ability to obtain and/or retain a license to practice law. The Board also notifies the law school when an individual applicant for the bar discloses information to the Bar but failed to disclose the same information to the law school during the application process.

Definitions/Terms

(1) Admissions Character or Fitness Issues

An admissions character or fitness issue is defined as the failure, by an individual, to disclose an omission, misrepresentation, and/or misstatement regarding required information on the application prior to admittance.

(2) An Individual

An “individual” is: (1) an applicant, (2) a Thurgood Marshall law student (3) former student, or (4) a graduate of Thurgood Marshall School of Law.

(3) Confidentiality

Any information regarding an Admissions Character and Fitness Hearing is confidential, except as provided herein. Under appropriate and limited circumstances, the Office of the Dean may disclose to the law faculty, Texas Southern University officials, Law School Admissions Council, Board of Law Examiners, law enforcement agencies, and/or the courts.

(4) Police and/or Court Documents

Prior to an individual submitting a petition for a character or fitness hearing, the individual must provide copies of all pertinent police and/or court documents pertaining to any of the circumstances referenced in **APPLICANT AND STUDENT DISCLOSURE REQUIREMENT**, above. At the time the said request is made, the individual must deliver a copy of the request for documentation to the Office of the Assistant Dean for Admissions. The Assistant Dean for Admissions will allow a reasonable period of time for receipt of a response from the police and/or courts to the requisition. The hearing with the Admissions Committee will not commence until after a reasonable period of time has passed. If the custodian of the police and/or court records is unable to provide the requested documents, the individual must provide the Office of the Assistant Dean of Admissions with a copy of the document that verifies the unavailability of this information.

(5) Disclosure of Admissions Character or Fitness Issue(s)

A disclosure is voluntary when an individual petitions the Office of the Dean (Dean, Associate Deans, or Dean of Admissions) for his/her own Admissions Character or Fitness Hearing, prior to the Office of the Dean receiving any notification of the individual’s character or fitness issue from another source. **Although the voluntary disclosure of an issue will not affect the Committee’s determination that an infraction of an admissions character or fitness issue has occurred, the voluntarism of disclosure may be considered when sanctions are imposed.**

(6) *Petition for a Character or Fitness Hearing

A petition for an Admissions Character or Fitness Hearing is an official request by an individual and/or by the Office of the Dean for the Committee to conduct a hearing with respect to an individual’s compliance with the admissions requirements of the School of Law. **Once the hearing has been conducted, the Committee will make its recommendation to the Dean. The Dean will make final disposition of the matter and determine whether final sanctions, if any, will be imposed upon an individual.**

An individual’s petition is submitted to the Office of the Dean. Upon review of the disclosure(s), the Dean of Admissions and the Chair of the Admissions Committee will determine whether or not the request for a hearing is granted. If a hearing is granted, the

individual shall have the maximum latitude to present his/her information to the Committee.

(7) Sanctions

An admissions character or fitness infraction may subject an individual to sanctions. The imposition of sanctions may affect the ability of the individual to: (1) enroll in the School of Law, (2) matriculate through the School of Law, (3) retain law school credits or degree, and/or (4) be certified to take the Bar examination in any State. The School of Law may be required to report any sanctions to a state's Board of Law Examiners. The Texas Board of Law Examiners may suspend or revoke an individual's law license.

When sanctions are imposed upon an individual, the Admissions Committee may take into consideration (1) voluntariness of the disclosure(s), (2) who disclosed the omission(s), misrepresentation(s), and/or misstatement(s) to the school of Law, and/or (3) the timing of disclosure(s) to the School of Law.

***Character and Fitness Hearing**

Notification of Character and Fitness Hearing

The Office of the Dean is charged with the responsibility of providing written notification to an individual that an Admissions Character and Fitness Hearing is scheduled. Notification shall be sent by certified mail, return receipt requested, to the applicant's current law school address and permanent home address. The Office of the Dean may also use personal service with appropriate certification.

The correspondence must contain:

1. who requested the character and fitness hearing;
2. who disclosed the issue(s);
3. the alleged omission(s), misrepresentation(s), and/or misstatement(s);
4. the time and place of the character and fitness hearing;
5. the necessity to submit copies of (or requests for) official police and/or court documents with the petition;
6. the right of the individual to present before the Admissions Committee in writing and/or in person;
7. any applicable response time that the individual must meet, in terms of notifying the Admissions Committee of a written petition and/or notification that he/she will present, in person, before the Admissions Committee;
8. the range of potential sanctions;
9. who will notify the individual of the results of the character and fitness hearing;
10. how the individual will be notified of the results of the character and fitness hearing;
11. the procedures for rehearing and appeal; and
12. the dean's (or representative's) final determination of any sanctions.

Findings

The Admissions Committee must reach a finding on each issue. The finding may include one of the following:

1. No infraction occurred.
2. A failure to disclose occurred, but it was deemed to be an insubstantial or inadvertent infraction of the admission requirements.
3. A failure to disclose occurred and it was deemed to be an intermediate infraction of the admissions requirements.
4. A failure to disclose occurred and it was deemed to be a substantial infraction of the admissions requirement. [The nondisclosure of a felony conviction, within the past ten years, prior to admissions, including a felony drug related conviction, is a substantial infraction.]

Based upon its findings, the Admissions Committee may recommend a range of sanctions to the Dean. The sanctions may include:

Sanctions

1. No sanctions are recommended because no infraction occurred.
2. An insubstantial infraction occurred; however, no sanctions are recommended, because (1) the individual voluntarily disclosed the infraction, and (2) the nature and time of the infraction does not warrant sanctions.
3. An insubstantial infraction occurred and sanctions may be recommended. An individual may receive a recommendation for an informal (verbal) or formal (written) reprimand or warning.
4. An intermediate infraction occurred. The following sanctions may be imposed: (1) If the individual meets the criteria for admissions to the law school and he/she is not already enrolled, he/she may not be considered for admissions until the following year. (2) If the individual is a law student, the range of sanctions may include nonacademic probation and/or deferral of certification to take the bar.
5. A substantial infraction occurred. The following sanctions may be imposed: (1) If the individual meets the criteria for admissions to the law school, but he/she has not already enrolled, admissions will be revoked and permanently denied. (2) If the individual is a law student, he/she will be permanently suspended from law school and all of his/her credits revoked. The law student will not be eligible for any tuition/fee/financial aid refunds. (3) If the individual is a former student, he/she will be permanently denied readmission and the individual's credits will be revoked. (4) If the individual has graduated from law school, the individual's credits and degree will be revoked.

Notification to Individuals

The Admissions Committee will provide a report of its findings to the Office of the Dean who will then notify the individual of the Dean's final decision by certified mail, returned receipt requested, or by personal service, with appropriate certification.

Records

The ex-officio officer(s) to the Admissions Committee will maintain a record of each Admissions Character and Fitness Hearing, which will include the Committee's report of its findings made to the Dean. A copy of the hearing, the Committee's report, and the Dean's final decision and sanctions, if any, will be included in the applicant's permanent admissions file.

Notice Requirements

All first year law students must receive a copy of the Character and Fitness Hearing Procedures within 30 days of enrollment. The Dean's Office must maintain written verification that each student has received a copy of the above procedures for a minimum of 5 years.

***NEW:** The procedures for character and fitness hearings have been modified to provide procedural safeguards. The need for a character and fitness hearing may arise because a student petitioned for a hearing, or it may occur as the result of the Board of Law Examiners bringing an admission defect to the attention of the law school. Once the Admissions Office has received a petition from a student regarding an application defect, the office will (1) acknowledge receipt of the petition, (2) notify the student if the file is complete or incomplete, and (3) request information needed to complete the file. The Admissions Office will coordinate the date of the hearing with the Admissions Committee and the student. Generally, hearings will be conducted during the spring semester. Rarely are hearings conducted during the summer months. If the Board of Law Examiners shares that a particular student needs to amend his/her application, the Admissions Office will acknowledge receipt of the letter and advise the student of the need to amend his/her application. It will be the student's responsibility to petition the Admissions Committee via the Admissions Office. The Board of Law Examiners will be notified of the results of each law school's character and fitness hearing. (**Committee adoption-April 2010**)

**THE CONSTITUTION OF THE TEXAS SOUTHERN UNIERSTY
THURGOOD MARSHALL SCHOOL OF LAW (TMSL)**

**STUDENT BAR ASSOCIATION
CONSTITUTION**

ARTICLE ONE – NAME

1.1 Name. The name of this organization shall be the Student Bar Association, hereinafter referred to as the SBA, of Thurgood Marshall School of Law.

ARTICLE TWO – PURPOSE

2.1 General Purpose. The SBA is the governing body for all law students at Thurgood Marshall School of Law. The Board of Directors for the SBA shall be comprised of elected officers and duly appointed persons. Its purpose is to promote a community among the members of the law school (students, faculty, staff, alumni, and administration). The SBA also promulgates rules and exercises rulemaking authority over groups, organizations, offices, property, and effects under its jurisdiction. Finally, the SBA may sponsor a number of events for the law school community.

2.2 Organizations and Groups. The SBA is responsible for overseeing every student organization established and residing at Thurgood Marshall School of Law. The SBA shall award funding to organizations upon request to enhance the brand and mission of Thurgood Marshall School of Law, aid in the interest of the SBA, promote diversity, provide for the community, and further the educational attainment of our law students. Funding request must be submitted in accordance with the rules established within this document and as provided by the Board of Directors.

ARTICLE THREE – MEMBERSHIP

3.1 Qualifications for Membership. All students who are enrolled and in good standing with Texas Southern University, by and through, Thurgood Marshall School of Law, who is a candidate for a Juris Doctorate or Masters of Law shall be a member of the SBA. The student activity fee for all law students contributes to the budget of the SBA. There shall be no additional membership fee.

3.1 Rights of Members. All members of the SBA shall have the right to vote for the Board of Directors of the SBA.

ARTICLE FOUR – BOARD OF DIRECTORS

4.1 Powers. The Board of Directors for the Student Bar Association shall preside over the affairs for the law students at Thurgood Marshall School of Law. They shall have the right to enforce the contents of this document and shall exercise the power entrusted to it by the university or law school administration as deemed necessary. The Board of Directors shall have the right to discipline or remove an officer, oversee the property controlled by the association, and conduct the affairs of the association as it deems in the best interest of the student body. However, the

Board of Directors shall not create a charitable trust or foundation and shall not borrow money to effectuate its goals or mission.

4.2 Eligibility for Office. .All members are eligible to serve as a member of the Board of Directors as long as they have not been found guilty of an Honor Code violation. Each member who seeks office must be capable of serving in the sought capacity for a full academic year. In addition, each member who seeks office must participate in at least three community service events during the academic year in which they submit their candidacy for office. All candidates for office must have a minimum GPA of 2.5 to hold a position on the Board.

4.3 Terms of Office. .The regular term of office for each director shall be one year, unless sooner terminated by death, incapacity, resignation, or removal. The Board of Directors shall be elected by the membership of the SBA. There shall be no term limits for office.

4.4 Executive Committee. .The officers which shall comprise the Executive Committee shall be the President, Vice-President, Secretary, Treasurer, and one member of the Board of Directors who the president shall appoint. These members shall convene at the will of the President in order to make an emergency determination on behalf of the organization when deemed necessary. There shall be no notice requirement for an emergency meeting. However, at least four members must be present to establish quorum.

4.5 Board of Directors. .The Board of Directors for the SBA shall be the following elected and duly appointed persons: President, Vice-President, Secretary, Treasurer, Parliamentarian, Historian, Sergeant-of-Arms, Senator for the Texas Southern University Student Government Association, and each Class President. Each member of the Board shall have all voting privileges and rights associated with their office.

4.6 President. .The President shall convene and preside over all meetings, and supervise and direct all Student Bar Association activities. The President shall represent the concerns of the Student Bar Association and student body to the administration of the Thurgood Marshall School of Law, Texas Southern University, and the external community. The President may have such other duties and responsibilities and shall exercise such other powers as are usually required of the office or as from time to time may be assigned by these Bylaws or the Board of Directors. The President shall have the power to appoint students to (1) the position of Chair of a standing committee, (2) a faculty committee which students are eligible to serve as a member, and (3) the Board of Directors as established within these rules. Additionally, the President shall have the ability to create a committee or SBA position which does not serve as a voting member on the Board and determine who the committee or person shall report to in order to effectuate the goals of a given bar year. The President shall also have the ability to create ad hoc or working committee with a supermajority vote of the Board of Directors. The President shall only vote on a motion that is properly before the body in the event of a tie.

4.6.1 Eligibility of President. .To ensure the best interest of the Student Bar Association and student body, the following may not be eligible for the candidacy of President: (1) Law Review Editor-In-Chief, (2) Chief Justice for the Board of Advocates, (3) Chief Justice of the Honor

Court, or (4) President of any other student organization established at Thurgood Marshall School of Law.

4.6.2 Commitment to Bar Associations. In the interest of strengthening relationships with the practicing bar, the President or their designee shall attend the annual conference for the American Bar Association, National Bar Association, and Hispanic National Bar Association. The President shall encourage student engagement with each of the aforementioned bar associations. In addition, the President should work to promote Thurgood Marshall School of Law among all bar associations in Houston, and shall make recommendations to the any bar association in Houston which allows for a member of the student bar association to serve on their Board of Directors, including but not limited to the Houston Young Lawyers Association.

4.7 Vice-President. The Vice-President shall preside over meetings when the President is unable to perform his or her duties. The Vice President shall serve as the Election Commissioner and appoint members to assist him or her with the election process. The Election Commissioner shall follow the Elections Code—established in Article V of the Bylaws, as well as Article VI of this Constitution, in fulfilling his or her duties. The Vice-President shall serve as ex-officio member of the Governance Committee.

4.8 Secretary. The Secretary shall support the President and keep accurate records of all SBA meetings and activities. The Secretary shall ensure the location and time of the meetings and communicate them with the entire SBA board. The Secretary shall establish a deadline for adding items to the agenda of a scheduled meeting. The Secretary shall ensure that the SBA provides appropriate comment on its activities to the student body. The Secretary is responsible for the maintenance of the SBA webpage, TWEN page, and shall ensure that information which is submitted to the student body is current and accurate. In addition, the Secretary shall work closely with student organizations to ensure that their events are communicated to the Thurgood Marshall School of Law community. The Secretary shall serve as an ex-officio member of the Career Services Advisory Board.

4.9 Treasurer. The Treasurer shall support the President and account for all SBA funds, providing accounting reports to the board at regular scheduled meeting of the Board of Directors. The Treasurer shall have custody of all funds; keep full and accurate accounts of all receipts and disbursements, an inventory of assets, and a record of the liabilities. The Treasurer and the President shall finalize the distribution of the award funding. The Treasurer shall make proposals to the Board of Directors regarding the awarding of funding. The Treasurer shall ensure that all Treasurers which receive funding from the SBA have an understanding of the obligations and responsibilities of awarded funding. The Treasurer shall serve as a member of the Budget Committee.

4.10 Parliamentarian. The Parliamentarian shall report directly to the President. The Parliamentarian shall advise the President regarding parliamentary procedure before, during, and after an executive and regularly scheduled meeting. The Parliamentarian shall track the motions and other actions to ensure that the business meeting is conducted in an orderly fashion.

4.11 Historian. The Historian shall maintain and keep the SBA social media account for the SBA and work with the Secretary to ensure that the correct information is provided on the SBA website. The Historian shall ensure an up to date copy of the SBA Constitution is available online. In addition, the Historian shall maintain a pictorial account of the SBA, work with the TSU yearbook to ensure that the SBA is mentioned in the annual publication, and work with the President, or his or her designee, to update the Thurgood Today published by the Office of External Affairs.

4.12 Sergeant-at-Arms. The Sergeant-at-Arms shall be in charge of maintaining the integrity of SBA meetings. The Sergeant-at-Arms shall, upon direction of the President or Presiding officer, remove any member from the SBA meeting who is being disruptive or otherwise ordered to leave.

4.13 Senator for Texas Southern University Student Government Association. The Senator shall serve as the law student liaison to the Student Government Association, the Senator shall report to the President after every Texas Southern University Student Government Association meeting and give a report to members of the Board on actions which pertain to the law school at the regularly scheduled meeting following a Texas Southern University Student Government Association's Senate Meeting.

4.14 Class Officers. Each class, determined by year of graduation, at Thurgood Marshall School of Law shall elect a Board of Directors comprised of a President, Vice-President, Secretary, Treasurer, Parliamentarian, Historian, Sergeant-of-Arms. The Class Presidents, one from each class, or the President's designee shall serve as a voting member of the Board of Directors. The elections for Class Officers shall be conducted and supervised by the SBA and the Elections Code. Class Representatives shall actively seek out and determine the concerns of the students in their class and convey those concerns to the SBA for resolution.

4.14 Incapacity of Board of Director. Should the President for any reason become unable to fulfill his or her duties, the Vice President shall succeed to the position of President and serve the President's remaining term. The President shall then appoint as Vice President, one of the officers or class representatives with a supermajority approval of the Board of Directors. Should an Officer for any reason become unable to fulfill his/her duties, the President shall appoint one of the Board of Directors to fulfill the vacancy. If the appointment is the President of a Class, the Class President must vacate their office, and the Vice-President of the Class shall become President and a member of the Board of Directors for the SBA. The Class President shall then appoint a new Vice-President to the Board of Directors for that Class; the Vice-President must have been a member of the Board for the Class. Then, the Class President shall appoint any member to serve in the vacant position created by this succession. Should any class representative become unable to fulfill his or her duties for any reason, the President for the SBA shall appoint a student from that same class with supermajority approval of the SBA Board.

4.15 Removal of Board of Director. An officer or Board member may be removed for failure to perform his or her duties, or a showing of "good cause" for removal, coupled with the failure to perform their duty, upon a motion by a voting Board member and supermajority vote of the Board of Directors. Appointees may be removed by the President for substantial non-performance.

Appointees may also be removed by a supermajority vote of the Board of Directors. For any removal, following a motion and second, the Secretary shall within twenty-four hours give notice to the individual and the student body. The vote for removal shall occur no sooner than seven days following delivery of notice. An officer or representative shall not vote in an action regarding his or her removal, and has the right to challenge the accusation before the vote for removal is held. When a member of the Board is found to not be in good standing as determined by the university or is found guilty of an Honor Code violation through appropriate Honor Council proceedings, the member shall be automatically removed. The President shall notify the Board of Directors of his/her removal, and direct the Secretary to log the removal in the minutes. The President shall then make the necessary appointments to ensure that there is no vacancy on the Board of Directors; the appointments shall be conferred by a supermajority vote of the Board of Directors.

ARTICLE FIVE – OTHER ELECTED POSITIONS AND APPOINTED OFFICIALS

5.1 Mr. and Miss TMSL. In the spring, when elections are held for the Board of Directors for the SBA and the classes, the elections committee shall also hold an election for the positions of Mr. and Miss TMSL. The Board of Directors may elect to hold a pageant for both positions instead of an election. Mr. and Miss TMSL shall assist the President in representing Thurgood Marshall School of Law to the alumni and the legal community as non-voting members of the SBA.

5.1.1 Responsibilities and Duties of Mr. and Miss TMSL. Mr. and Miss TMSL shall attend and represent Thurgood Marshall School of Law at Homecoming and Law Week activities, conduct one community service project in the fall and spring semester, participate in campus-wide initiatives as well as the annual coronation of Miss TSU. Mr. and Miss TMSL may submit a request for funding to effectuate their purposes.

5.2 Appointed Officials. The President shall have the authority to create positions and make appointments to positions to effectuate the vision outlined for the Student Bar Association. The President shall have the ability to make a direct appointment for a Chief of Staff, General Counsel, and Press Secretary. The President may also have the ability to create additional positions within his or her cabinet. These appointments shall report directly to the President and require no confirmation from the Board of Directors. The President shall determine the scope of duties and responsibilities of these officials. However, the duties as defined by the President shall not contradict or undermine the authority of a board member.

ARTICLE SIX – COMMITTEES

6.1 Standing Committees. The standing committees of the SBA shall be the: (1) Athletic; (2) Budget; (3) Career Services Advisory; (4) Elections; (4) Governance; and (5) Social Committee. The President shall appoint the chairpersons to these committees and the members unless otherwise prescribed.

6.1.1 Athletic Committee. The Athletic Committee shall be no greater than seven. The committee will convene in the fall semester for the purpose of the powder puff game and in the spring semester

for the students v. faculty/alumni sporting event. And any other events deemed appropriate by the chair. All events purposed by the committee are contingent upon being adopted by the Board.

6.1.2 Budget Committee. The Budget Committee shall be comprised of the President, Vice-President, and Treasurer. The President shall serve as the Chair of the Budget Committee. The Budget Committee shall decide the proper allocation of funds each year that will be distributed for various purposes. A budget must be presented to the Board of Directors for its approval no later than September 30 of the academic year. The President may appoint additional individuals to the Budget Committee as he or she may deem necessary; however, the composition of the Committee shall be an odd number and the committee shall only be comprised of the Board of Directors.

6.1.3 Career Services Advisory Committee. The Career Services Advisory Committee shall work closely with the Assistant Dean for Career Services, or whoever conducts the day-to-day activities for career development, to advise the administrator of concerns on behalf of the SBA. The President shall appoint a 2L or 3L Class Representative to serve as Chair of the Career Services Advisory Committee. The Committee shall meet with the CSO staff once per month to discuss topics affecting students in the employment process. The Committee shall advise the President or their designee regularly about the actions of the committee and the Chair shall report monthly to the Board regarding its efforts to promote career development. The Committee shall be comprised of at least one member from each class. The Committee shall be eligible for funds to effectuate its purpose.

6.1.4 Elections Committee. The Vice-President shall serve as the Elections Commissioner and Chair of the Elections Committee. The Elections Committee shall develop policies and procedures for elections and rights of candidates. The Vice-President shall appoint members to serve on the committee. The Parliamentarian, Historian, and General Counsel shall serve as members on the committee. The President shall be an ex-officio member of the committee.

6.1.5 Governance Committee. The Parliamentarian shall serve as the Chair of the Governance Committee. The Governance committee shall be responsible for addressing complaints made against the Board of Directors, accepting nominations for the Board of Directors, and adhering to the obligations of the Board of Directors. In addition, the Committee shall work with the Elections Commission to ensure the eligibility of officers and protect the integrity of elections. The President, Vice-President, and Secretary shall serve as members of the Governance Committee.

6.1.6 Social Committee. The President shall appoint a Social Committee that will convene in the fall semester for the purpose of Homecoming and in the spring semester for Law Week and the Barrister's Ball. The events purposed by the committee are to be approved by the Board of Directors. The Board of Directors shall have the final determination regarding event theme, activity, location, etc. for any event initiated by the Social Committee. There shall be no limit to the committee.

6.2 Non-Standing Committees. The President shall have the power to create a non-standing committee to effectuate the goals of his or her bar year. The President must notify the Board of Directors of the purpose of the committee and its direct report prior to the committee working on a particular initiative.

ARTICLE SEVEN – SUPREME LAW

7.1 Supreme Law. The Constitution shall be the Supreme Law empowering the officers of the SBA to effectuate the business of the organization and shall be the Supreme Law of the student body of Thurgood Marshall School of Law.

ARTICLE EIGHT – HONOR CODE

8.1 Honor Code. The SBA, alongside the Thurgood Marshall School of Law Administration shall establish an Honor Code. The enforcement of the Honor Code shall rest with the Honor Court.

ARTICLE NINE – AMENDMENTS

9.1 Amendments. Amendments to this Constitution may be proposed by any member of the Student Bar Association. Proposed Amendments shall be submitted to the Executive Committee by and through the Secretary for review. The Secretary shall present the deadlines and requirements for making amendments to the Constitution in the first month of every new year to the membership. The Executive Committee shall make a recommendation on proposed changes to the Constitution to the Board of Directors, to which the Board of Directors shall accept or deny by a simple majority vote. Those amendments which are accepted are to be presented to the student body for approval. Changes to the Constitution shall require a super majority vote of the votes cast. Students shall express any opposition to amendments through their elected representatives. Any proposal which is not approved by the Board of Directors may be revived with ten percent written support of the student body. If the author of the amendment receives the necessary support, the Board of Directors shall, within a reasonable time, bring a vote to the student body.

STUDENT BAR ASSOCIATION BYLAWS

CHAPTER ONE – PURPOSE

1.1 Purpose. These By-Laws are created to establish the official rules of the Student Bar Association, hereinafter referred to as SBA. This document shall bind the SBA Board of Directors and its members.

CHAPTER TWO – OFFICE

2.1 Office. The office of the SBA shall be located in Thurgood Marshall School of Law. The SBA shall also appropriate facilities, including mail, offices, etc., for other student organizations. The offices which are provided to other student organizations shall be allocated by the Board of Directors for SBA.

CHAPTER THREE – MEMBERSHIP DUES

3.1 Membership Dues. The administration of the law school shall have the power to set the dues, also referred to as student fees, for the student body.

3.2 Changes to the Dues. The administration of the law school shall not change the dues for membership without consultation of the SBA.

3.3 Members. All students who are enrolled and taking courses, regardless of course load, shall pay dues for membership in the SBA and shall have all the rights and privileges afforded to the members.

3.4 Distribution of Funds. The funds provided throughout membership shall be available for the benefit of the student body through student organization award distributions. These distributions, including but not limited to, the process and amount award, shall be determined by the Board of Directors. The Budget Committee, in accordance with the SBA Constitution, shall present a budget to the Board of Directors for approval. The distribution of funds, procurement, and contracting shall be in accord with the policies and procedures of Texas Southern University.

CHAPTER FOUR – MEETINGS

4.1 General Meeting. The SBA Board of Directors shall hold a general meeting every month. This meeting shall be open to all active members of the SBA. Only members of the SBA shall be allowed to address the Board of Directors during the appropriate time in the agenda. Non-members shall be allowed to address the body at the pleasure of the presiding officer. The date and time for the meeting shall be determined by the Board of Directors. The Secretary of the SBA shall communicate to the membership when and where these meetings shall occur. The Board of Directors shall convene the first month of each semester to determine the time and location of the

meetings. Non-Board members shall not be allowed to vote on issues before the Board. However, they may, as approved by the presiding officer, make presentations, distribute materials to the Board of Directors for discussion, and answer questions posed by the members of the Board. No meeting shall begin before 7:00AM or after 6:00PM. The meeting shall not be held electronic or telephonically.

4.2 Executive Meeting. The SBA Board of Directors shall hold an executive meeting every month prior to the general meeting. The purpose of this meeting is to consider items for the general meeting and approve any items for consent agenda. The meeting shall be closed to the membership, unless otherwise deemed open, fully or limited, by the presiding officer. The Secretary shall record the minutes of the meeting to be distributed to the membership. The date and time for the meeting shall be determined by the Executive Committee. The meeting may be held electronic or telephonically.

4.3 Special Meeting. The President shall have the power to call a special meeting whenever he or she deems necessary to effectuate business during an emergency. The Board of Directors shall have the power to call a special meeting upon written request of at least seven members sent to the President and Secretary. In either situation, the Secretary shall inform the Board of Directors of the time and location of the Special Meeting. The Secretary shall provide twenty-four notice to the members of the Board of Directors. If the special meeting is called to review the membership of a board member or the conduct of a member, the member shall not be allowed admittance to the meeting until determined necessary by the presiding officer. A special meeting shall be closed to the public. A special meeting may be held by any means deemed to be efficient.

4.4 Voting. The each member of the Board of Directors shall have one vote. The President shall vote only in order to break a tie. A simple majority vote shall be required to pass a motion unless otherwise stated in the SBA Constitution.

4.4.1 Proxy. Any board member, except the President, may send a proxy or empower another member to vote in their favor. The proxy shall be presented to presiding officer at the time of roll call or upon the late entrance of a board member. Class Presidents shall only empower their Vice-President to vote in their absence; the Vice-President shall not have the ability to make a motion, however, he or she may engage in discussion on a motion.

4.5 Quorum. A quorum shall be established only where the President or Vice-President is present and a simple majority of the board members is present.

4.6 Resolutions. Any board member may make a motion for a resolution. A resolution shall require a majority of officers and representatives present to pass. The President shall have the power to veto any resolution of the board of directors within 48 hours after the conclusion of the meeting in which it passed. The President's veto may be overruled by a three-fourths vote of the board members present at a duly called meeting; the President shall not vote on the motion to overturn his or her veto. If a tie exists, the President's veto shall stand.

4.7 Robert's Rules of Order. The meetings of the Board of Directors shall be governed by Robert Rules of Order. The Parliamentarian shall have a copy of the rules on their person at all meetings.

CHAPTER FIVE – NOMINATIONS AND ELECTIONS

5.1 Election Code. This chapter shall be considered the Elections Code, hereinafter referred to as the Code, of the SBA.

5.2 Enforcement of the Code. The Elections Committee shall hear all considerations of violations and shall make initial determinations regarding violations of the Code. Candidates shall have the right to appeal a decision by the committee to the Board of Directors. The Board of Directors determination shall be ultimate and final.

5.3 Intent to Seek Office. Candidates intending to become an Officer, Board Member for the SBA, Class Representative, or Mr. and Miss TMSL shall submit a letter of intent to the Elections Committee. The committee shall accept the letters of intent for 1L Class officers no later than September 30 and for all other positions no later than Friday before Spring Break. The application shall include a statement of purpose for candidacy, contact information, and biographical resume limited to 750 words or less, including but not limited to qualifications for office, prior experience, and vision for one's position. All members in good standing who have not been convicted of an Honor Code violation and will be a member throughout the succeeding academic year shall be eligible for office.

5.4 Nominations. The Elections Committee shall hold a candidate forum at least two weeks prior to elections. The Chair of the Elections Committee shall report to the student body the results all candidates for office. At that time, any candidate for office may be nominated from the floor upon a motion properly seconded by a member. The Elections Committee shall at that time provide the rules for candidacy which have been approved by the Board of Directors.

5.5 Time of Elections. The SBA shall hold elections for one week. The Elections Committee shall determine the frequency, method, and time of day which voting is to be held. Voting shall not be conducted on Saturday or Sunday. Additionally, voting shall not be conducted any time before 9:00AM or after 4:00PM.

5.6 Right to Vote. All members in good standing with the SBA shall have the right to vote the Officers of the Board of Directors and Mr. and Miss TMSL. Each member shall have one vote. Proxies shall not be allowed.

5.6 Right to Vote for Class Representatives. Only members of a particular class, as determined by the Registrar of the Law School, shall be allowed to vote for class representatives. Graduating 3L shall not be allowed to vote for class representatives.

5.7 Calculating Results. The Elections Committee shall determine the election procedures and make tally of the votes of each candidate on the ballot, including candidates from the floor. The candidates on the ballot receiving a majority vote of the votes cast shall be elected.

5.8 Run-Off Elections. In the event that no candidate receives a majority of the votes cast for such office, a run-off election between the candidates receiving the highest number of votes shall be held.

5.9 Certification of Election Results. The Chairperson of the Elections Committee shall certify to the Secretary of the SBA the candidates elected. The results of the elections shall be announced to the members by the Secretary during the Barrister's Ball.

5.10 Challenge of Election Results. Candidates may challenge the elections results. Challenges and grounds for the challenge, with supporting documentation, shall be submitted to the Elections Committee no later than 5:00PM on the Monday following the Barrister's Ball. If there is a challenge of the results, the Elections Committee shall make a determination, and provide the determination in writing with explanation to the candidate, no later than 12:00PM on the Tuesday following the challenge submission. A candidate has the right to appeal the decision of the Elections Committee. The appeal shall be submitted to the Board of Directors no later than 5:00PM on the Tuesday following the challenge submission. The decision of the Board of Directors shall be governing and final. The Board of Directors shall make a determination no later than 11:59PM on the same Tuesday. If the Board deems that a special election is to be held, the Secretary shall communicate the determination to the student body by all means deemed appropriate by the Board of Directors. The Elections Committee shall meet with the candidates before 10:00AM Wednesday and elaborate the rules of the election. The Special Election shall take place on Thursday unless the classes have ended on Thursday; if this is the case, the Special Election shall be held on Wednesday after the Elections Committee has met with the candidates—the times, locations, and methods for the special election shall be determined by the Elections Committee.

5.11 Installation of Officers. The SBA shall install the Officers-Elect no later than the Sunday following the challenge deadline.

CHAPTER SIX – AMENDMENT OF BYLAWS

6.1 Amendments. The SBA Board of Directors shall have the authority to amend the By-Laws upon a proper motion and super-majority vote of the Directors. The changes to the By-Laws shall be immediate upon adoption unless some other time is stated in the amendment.

HONOR CODE
THURGOOD MARSHALL SCHOOL OF LAW
REVISED AND ADOPTED BY THE FACULTY ON APRIL 7, 2016

ARTICLE I
GENERAL PROVISIONS

SECTION 1: PURPOSE

1. The purpose of the Honor Code is to develop in the students of Thurgood Marshall School of Law the desire to attain and maintain a high degree of honor and integrity and to strive for excellence in the study and eventual practice of law. To this end, each student entering the law school shall accept a standard that requires absolute honesty and respect for the rights and property of others.
2. This Code will establish the rules that shall govern student conduct with respect to the University at large and the law school. This Code places on the student the responsibility for his/her own discipline, as does that of the profession to which we aspire.
3. This Code establishes the Honor Court, its rules and regulations, as well as those of its members. This Code also establishes ethical standards that shall govern all persons involved in the court system.

SECTION 2: DURATION

1. This Code governs the conduct of law students commencing with the date of admission to Thurgood Marshall School of Law through the date of graduation unless otherwise provided in this Code.
2. Conduct prior to admission in gaining admission or subsequent to graduation is not covered by the Code. Conduct in violation of the Honor Code that occurs while a student is enrolled in law school, and that is either reported after graduation or cannot be processed under the Honor Code prior to the student's graduation, shall be handled by the law school administration.
3. "Admission" shall be defined as the time when the student receives his/her letter of admission. "Graduation" shall be defined as the posting of the degree to the student's record in the Registrar's Office.

SECTION 3: CONSTRUCTIVE NOTICE

1. Every law student, from the date of admission to graduation, shall be charged with knowledge of all provisions of this Code.
2. A copy of this Code shall be made available to every student upon his/her initial registration at the law school. A copy shall also be placed in the office of the Student Bar Association as well as the office of Dean of Student Affairs and a copy shall be available on the school's website.
3. Lack of such placement or failure of a person to obtain this Code does not constitute a

defense to a charge or violation of the provisions of this Code. It is also no defense to prosecution that the accused was ignorant of the provisions of this Code.

SECTION 4: ANNUAL REPORT

The Chief Justice and Chief Prosecutor shall prepare and submit to the Dean of the law school an annual report detailing the actions taken and outcome of all matters coming before the Honor Court during that year.

SECTION 5: FACULTY ADVISOR

1. The Dean shall appoint a Faculty Advisor to the Honor Court.
2. The Chief Prosecutor shall promptly advise the Faculty Advisor of complaints of Honor Code violations, and shall consult with the Faculty Advisor throughout the proceedings.
3. The Faculty Advisor shall participate in the decision of whether to proceed with or dismiss a complaint as prescribed in Article VI.3. Following the decision to proceed with a complaint, the Faculty Advisor's role shall be to provide advice to the prosecutor of a complaint as to the proper handling of the case, and the prosecutor shall consult with the Faculty Advisor throughout the proceedings.
4. In preparing the Annual Report the Chief Justice and Chief Prosecutor shall consult with the Faculty Advisor, who shall review and make recommendations regarding the report prior to its submission to the Dean.

ARTICLE II VIOLATIONS OF THE HONOR CODE

SECTION 1: VIOLATIONS

1. Cheating
 - a. "Cheating" means the act of a student enrolled in or attending classes at Thurgood Marshall School of Law who purposely or knowingly obtains an unfair advantage on examination or in any other academic, scholastic, co-curricular or extracurricular work.
 - b. Such acts include, but are not limited to, performance of any of the following acts, or abetting a fellow student in the performance of any of the following acts:
 - i. Consulting or copying from any books, papers, notes, or other material of any kind during an examination except as authorized by the examining professor;
 - ii. Consulting with any other person in an exam and/or assignment, except as authorized by an instructor;
 - iii. Taking more time for completing an examination than is permitted except as authorized by the examining professor or Dean of Student Affairs;

- iv. Disregarding instructions provided relating to an examination; and/or
- v. Unauthorized acquisition of advance knowledge of the contents of an exam or assignment.

2. Plagiarism

- a. “Plagiarism” means the deliberate usage of the language, ideas, or other original material of someone else without acknowledging the source.
- b. Such acts include, but are not limited to:
 - i. Paraphrasing text without properly citing the original source;
 - ii. Not properly acknowledging the work, words, or phrases of another;
 - iii. Submitting work for academic credit or publication paper that have been prepared in whole or in part by another person.

3. Academic Misconduct

- a. Theft or hiding library books or materials, or damage to any law library materials or premises.
- b. Using Texas Southern or Thurgood Marshall services, equipment, library, computers, books, email, or web addresses for unauthorized or illegal purposes.
- c. Turning in to an instructor a writing assignment that was used in whole or in part in another course without the express permission of both instructors.

4. Non-Academic Misconduct

- a. Intentional disruption or obstruction of teaching, research, disciplinary proceedings, or other law school activities.
- b. Physical or mental abuse or threat of abuse initiated against a student, faculty member, or staff member of Thurgood Marshall School of Law and/or Texas Southern University. Such acts include but are not limited to:
 - i. any course of conduct directed at another that would cause a reasonable person to be fearful of serious harm or danger to himself or herself or to individuals close to him or her;
 - ii. subjecting or threatening to subject another person to striking, kicking, shoving, or offensive touching;
 - iii. stalking another person, including following or pursuing the other person, waiting or showing up at locations visited by the other person, spying on another person,

trespassing on or vandalizing a person's property, gathering personal information about a person from others,

- iv. revealing or threatening to reveal personal and private information about a person through media or other forms of communication;
 - c. Violation of the University's sexual harassment policy and/or the University's Title IX grievance procedure, including but not limited to engaging or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, sexual harassment, dating violence, domestic violence and/or stalking (All violations of this policy shall also be referred to the University Title IX Coordinator);
 - d. Theft from or damage to Texas Southern and/or Thurgood Marshall premises.
 - e. Theft or damages to property of a member of the Thurgood Marshall/Texas Southern community.
 - f. Any misappropriation of funds or embezzlement in connection with any law school activity.
 - g. The use of electronic media, that is not protected by the First Amendment, to intimidate, harass, threaten, or cause physical or mental harm or reasonable apprehension of such harm to any member of the law school or university community.
 - h. Violations of other University policies and procedures not covered by this Honor Code.
5. Additional Misconduct
- a. The presentation of an intentionally false accusation or information to the Honor Court, including perjured testimony at any Honor Court proceeding.
 - b. Solicitation, with the intent that a violation be committed, by request, command, or attempt to induce another to engage in a specific conduct that would constitute a violation.
 - c. Aiding, abetting or conspiring with another person to commit a violation of this Code.

SECTION 2: CODE OF OBLIGATIONS

1. Failure to report a violation of the Code to the appropriate or authority.
2. Failure of an accused or any other person subject to the Code to appear and testify after notification before the Honor Court shall result in a contempt of court citation. Such contempt shall carry a \$25.00 fine and all fines shall be used to defray court costs.
3. After notification of a contempt citation, further failure to appear without a formal written excuse acceptable to the Court will result in an enhancement of such a violation

to full penalty status and will be subject to all penalties established under Article III.

SECTION 3: CULPABILITY

1. A person does not commit a violation of the Code unless he/she intentionally or knowingly engages in conduct falling within the definition of the violation.
2. A person is considered to be on notice of all violations of Article II, Sections 1 and 2.
3. Notice is defined as actual or constructive notice.

SECTION 4: AFFIRMATIVE DEFENSES

1. ***Mistake of Fact***, defined as a reasonable, though mistaken, belief concerning a matter of fact under circumstances in which the mistaken belief negates the culpability required for commission of the violation.
2. ***Duress***, defined as compulsion to engage in proscribed conduct by force or threat of force under circumstances, which would render a person of reasonable firmness incapable of resisting the pressure.
3. ***Entrapment***, defined as inducement to engage in proscribed conduct by a member of the faculty of the law school using persuasion or other means likely to cause the commission of a violation. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.
4. ***Insanity***, defined as a mental disease or defect at the time of the conduct charged rendering the accused unable to know that his/her conduct was wrong or of conforming his/her conduct to the requirement of the Honor Code allegedly violated.

This is to be an exhaustive list of affirmative defenses that will be recognized by the Honor Court.

ARTICLE III PENALTIES FOR VIOLATIONS

1. The following penalties may be imposed for violations, and must have final approval of and action of the Dean:
 - a. Permanent expulsion.
 - b. Suspension for a stated period of time, not to exceed three years nor to be less than one semester. Upon reentry, a suspended student who was in good standing at the time of suspension shall remain in good standing.
 - c. Probation with a duration to be determined by the Court.
 - i. A student shall be put on notice by letter from the Dean that states the student is put on probation for the minimum of one semester up to the maximum of

matriculation.

- ii. The conditions of probation shall include any further violation of the Code may result in the most severe sanction that is provided by this Code.
- d. Official reprimand by the Dean of the law school.
 - e. Exclusion from extracurricular activities for a stated period of time not to exceed one year.
 - f. Private Oral Reprimand, which shall consist of notification to subject student of a finding that he/she has committed Academic Misconduct.
 - g. Private Conditional Oral Reprimand, which shall consist of notification to subject student of a finding that he/she has committed Academic Misconduct and of imposition of such conditions as Honor Court member(s) shall determine, a record of which reprimand shall not become part of subject student's permanent college record unless subject student fails to comply with the conditions within a timely manner.
- 2. The penalties of permanent expulsion, suspension and probation shall be recorded on the student's permanent record. The remaining penalties shall not be recorded on the student's permanent record, except as set forth therein. All penalties are subject to disclosure to the Board of Law Examiners to the extent so required.

ARTICLE IV COMPOSITION OF THE HONOR COURT

SECTION 1: STRUCTURE OF THE COURT

- 1. The Court shall be composed as follows: a total of six Justices, three of whom (including the Chief Justice) shall be third year students and three of whom shall be second year students elected by his/her classmates each year to serve for two year terms.
- 2. In addition, two at-large second year student Justices shall be elected each year by the second year class for two year terms. At-large Justices shall sit only when one of the other Justices is temporarily unavailable for service. The Chief Justice shall select the at-large Justice to serve from the same class as the unavailable Justice.
- 3. During their term of office Student Justices may not serve on the Executive Committee of the Student Bar Association.
- 4. When necessary and a benefit to the Court, the Chief Justice may change the number of members that compose the Court by adding one or more of the at-large Justices as permanent members of the Court. The Chief Justice must adequately justify such changes to the Faculty Advisor.

5. Elections for the Honor Court shall be held separately from all other elections, including SBA elections.
6. Any student with a 2.5 GPA or higher may run for election as a Justice to the Honor Court. Any rising 2L's running must have a 2.5 GPA or higher at the end of their first semester.
7. During the election process, students running for the office of Justice must make available to the student body a resume and an essay stating why they want and are the best person for the position.

SECTION 2: CHIEF JUSTICE

1. The Chief Justice of the Court shall be a third year student who has served on the Honor Court at least one year preceding election and shall be elected by the outgoing and newly elected Justices within one week after the student members have been elected.
2. The Chief Justice shall conduct his/her office in a manner reasonably designed to adjudicate all violations of the Code.
3. To that end, the Chief Justice may designate the presiding judge for each hearing and designate three (3) of the total Justices to sit for each hearing, appoint a student or faculty counsel to represent the accused, if required.
4. The Chief Justice must also appoint a Clerk of the Honor Court, an Honor Court Coordinator, and any position not filled after the election process has taken place.

SECTION 3: THE TERM OF HONOR COURT JUSTICES

Each Student Justice shall serve a two-year term, except any Justice elected only in his/her third year.

SECTION 4: PROSECUTOR

1. The office of the prosecutor shall consist of four (4) students of which one shall be the Chief Prosecutor.
2. Two members of the second year class shall be elected as prosecutors each year by the second year class, and shall serve for two-year terms. The requirements of Article IV, Sections 1.6 and 1.7 shall apply to candidates for prosecutor.
3. The Chief Prosecutor shall be a third year student who has served on the Honor Court at least one year preceding election and shall be elected by the outgoing and newly elected prosecutors within one week after the student members have been elected.
4. The Chief Prosecutor shall conduct his/her office in a manner reasonably designed to prosecute all violations of the Code.
5. The Chief Prosecutor may assign to the assistant prosecutors responsibility for handling particular cases that come before the Honor Court.

6. All references in the Code to the Chief Prosecutor shall likewise apply to the assistant prosecutor so assigned.

SECTION 5: COURT CLERK

1. The Clerk of the Honor Court, and one or more assistant clerks as needed, shall be appointed by the Chief Justice of the Honor Court.
2. The Clerk, in addition to duties imposed by other provisions of this Code, shall transcribe the records of the Court subject to the instructions of the Chief Justice, and use due diligence in making arrangements for all hearings to be recorded either mechanically or by a stenographer. If such verbatim records are not possible, then he/she shall be responsible for taking summary minutes of the proceedings, which will be submitted to the Court and the accused or his/her representative for correction and approval.
3. The Clerk shall be responsible for processing subpoena forms, setting all hearing dates and notifying parties of hearing dates.

SECTION 6: HONOR COURT COORDINATOR

1. The Honor Court Coordinator serves as a liaison between the law students and the Honor Court, to disseminate information regarding Honor Court to the law students, to coordinate and/or chair administrative meetings for Honor Court staff.
2. The Honor Court Coordinator may also serve as a liaison between the Honor Court and the Law School administrators.
3. Where needs arise regarding the administrative functions of the Honor Court, the Honor Court Coordinator may be assigned such duties by the faculty advisor.

SECTION 7: ELECTIONS AND VACANCIES

All general elections under this Article shall be held in the spring semester proceeding the year in which the individuals are to serve. In the event a vacancy arises in any of the elected positions provided for herein, a special election to fill the vacancy shall be held within two weeks thereafter. All such elections shall be conducted by the Chief Justice and Associate Justices, who may appoint a temporary replacement to any such vacant position.

SECTION 8: ETHICAL STANDARDS

It is the responsibility of all the Honor Court members to abide by and observe the following ethical standards:

1. Information regarding any student's disciplinary status, pending cases, potential cases, closed cases, or an opinion on the outcome of a case is not to be discussed with anyone outside the court or closed session.
2. When talking with an accused or witness in the preliminary procedures, Honor Court Justices will refrain from getting into an independent fact finding discussion or making

accusations.

3. At his/her own initiative or upon being challenged by an accused party, any member of the Honor Court who has a personal involvement in the action or will be called as a witness in the proceedings must step down from his/her position during the proceeding. This also refers to any biases in relation to any of the parties to the action. Failure of such a Court member to do so may be used as a basis of an appeal to the Review Board upon sufficient proof of such involvement or bias.
4. The vote of each Justice shall be confidential. However, the vote of the entire court must be shared with the accused and placed on record.
5. The Court may issue a member a warning upon ample proof of a violation of this subsection. Upon a second violation the member will be judicially removed from the Court without the right to obtain a court position during his/her enrollment at the School of Law.
6. Any Court member who fails to appear for any court proceeding three consecutive times will automatically forfeit his/her position for the remainder of the term in office.

SECTION 9: VIOLATION OF ETHICAL STANDARDS

Where it has been determined that any Honor Court member has violated any of the ethical standards, the Dean (or his/her designee) shall have absolute authority to remove or impeach said member and appoint a substitute for the completion of the school term.

ARTICLE V REVIEW

SECTION 1: REVIEW BOARD

The Review Board shall consist of the Dean of the law school, the Student Bar Association President, two other students to be selected by the SBA Executive Committee, and one faculty member to be selected by the Dean. Current members of the Honor Court may not serve on the Review Board. The Review Board shall be sworn to confidentiality.

SECTION 2: PROCEDURES

Review of any decision of the Court may be had through procedures described in Article VI, Section 10.

ARTICLE VI PROCEDURES

SECTION 1: COMPLAINT

Any student or member of the instructional staff who has reason to believe that a violation of the Honor Code has occurred shall, within fifteen (15) school days after becoming aware of the

occurrence, file a signed complaint with the Dean of the law school (or his/her designee) and with the Chief Prosecutor. For violations occurring during the summer session, the deadline for filing a complaint shall be fifteen school days after the first day of the Fall semester.

SECTION 2: CONTENT OF COMPLAINT

1. A complaint shall set forth the following:
 - a. The facts alleged to constitute a violation of the Code including the date, time and place of the observed violation;
 - b. The conduct observed which is believed to constitute the violation;
 - c. The name of the persons (if known) who were committing such acts; and
 - d. Witnesses (if any) who are able to verify the facts stated in the complaint.
2. If the name of the party complained of is unknown to the complainant, the complaint shall describe the person with all possible specificity so that his/her identification can later be established.
3. The complainant must identify his or herself to the court so that a proper investigation may be conducted.

SECTION 3: FORMAL BILL OF COMPLAINT

1. Factual Inquiry.

Following the filing of a complaint, the Chief Prosecutor and/or the Assistant Prosecutor assigned the case shall make personal and discreet inquiry into the facts set forth in the complaint. The inquiry shall include, without limitation:

- a. Contacting and interviewing the complainant in person;
 - b. Contacting the accused and according him/her the opportunity to tell the Chief and/or Assistant Prosecutor his/her version of the facts and circumstances; and
 - c. Contacting, or making a reasonable attempt to contact, and interviewing all witnesses or other persons believed to have information relevant to the complaint.
2. Reasonable Cause
 - a. Following the factual inquiry, the Chief Prosecutor and the Assistant Prosecutor assigned to the case shall meet with the Faculty Advisor to determine if there is reasonable cause to proceed with a formal bill of complaint. If the Chief Prosecutor and Faculty Advisor agree that there is reasonable cause to do so, the Chief Prosecutor shall cause to be prepared a Formal Bill of Complaint. If the Chief Prosecutor and Faculty Advisor are unable to agree as to the existence of reasonable cause, they shall consult with the Dean and the decision to proceed with or dismiss a complaint shall be by majority rule of the three parties.

- b. If both the Chief Prosecutor and Faculty Advisor are not satisfied that reasonable cause exists, the Chief Prosecutor shall notify both the Dean of the law school and the Chief Justice of that fact and of the reasons why in writing, and shall attach a copy of the complaint to the notification.
 - c. If, based on the information set forth in the notification and complaint, both the Dean and the Chief Justice determine that reasonable cause does appear to exist, they shall so notify the Chief Prosecutor and Faculty Advisor by a joint communication in writing. In such event, the Chief Prosecutor shall proceed to prepare a Formal Bill of Complaint and to prosecute the case.
 - d. The Chief Prosecutor shall report to the Dean the determination regarding reasonable cause within ten (10) school days of the receipt of a complaint. If the Chief Prosecutor fails to do so, the Dean and the Chief Justice may proceed to make such determination.
3. Bill of Complaint
- a. The Formal Bill of Complaint shall set forth the facts as witnessed by the complainant and enumerate the specific Code provision allegedly violated. The complainant shall state that the facts therein are true and correct to the best of his/her knowledge and certify such by affixing his/her signature below an appropriate certification clause.
 - b. The Formal Bill of Complaint shall be filed with the Clerk of the Honor Court who shall record the date and the time of filing on the complaint and forward a copy to the Chief Justice and Dean of the law school (or his/her designee).

SECTION 4: SERVICE OF NOTICE

1. The accused shall be given service of notice and a copy of the Formal Bill of Complaint within a reasonable time not to exceed fifteen (15) school days after the formal Bill of Complaint has been filed with the Clerk of the Honor Court.
2. The Service of Notice shall consist of the specific charges alleged, the person or persons making the charges, the time and place of the probable cause hearing, and the sanctions permissible under this Code.
3. Service of Notice shall be made by the Clerk of the Honor Court or the Office of the Dean by service to the accused by certified or registered mail, postage prepaid, return receipt requested, and addressed to the accused at the address shown by the records of this school, or by personally delivering it to the accused. An immediate copy will be sent via email to the email address of the accused on file with Thurgood Marshall School of Law.
4. The Notice and Formal Bill of Complaint shall be served together. A copy of the Service of Notice shall be returned to the Chief Justice with the date and time of service noted thereon by the Clerk as soon as possible after service. A copy shall also be forwarded to the Chief Prosecutor.

SECTION 5: PROBABLE CAUSE HEARING

1. Composition and Purpose

- a. Three (3) of the six (6) justices, to be designated by the Chief Justice, shall sit to decide whether there is enough probable cause to believe there has been a violation of the Code. All three must be students, and the Chief Justice shall designate one of the three to be presiding judge.
- b. After presentation of the evidence the Justices shall deliberate in private. If any two Justices believe that there is enough probable cause to substantiate the complaint, the case shall proceed before the Honor Court in full, otherwise the complaint shall be dismissed.
- c. An opinion by the Justices sitting at the probable cause hearing may at their discretion be issued.

2. Procedures

- a. Within twenty-one (21) days from filing of a Formal Bill of Complaint, but no sooner than ten (10) days from the date shown on the return of service of the accused, the presiding judge shall cause to be convened a probable cause hearing at the law school. Probable cause hearings falling within two weeks of final exams shall be deferred until the first week of the succeeding semester.
- b. The presiding judge may adopt any reasonable procedure not inconsistent with specific provisions of the Honor Code for the conduct of the probable cause hearing.
- c. In keeping with the purpose of the probable cause hearing, the accused's ability to be heard is limited to a Motion to Dismiss. This motion will only be heard if it puts forth new evidence, which was not discovered by the prosecutors; or where there is clear and convincing evidence that a hearing is no longer necessary or appropriate. Such evidence may be presented orally or in writing. Any writing must be submitted to the court two (2) school days prior to the probable cause hearing.
- d. The accused may be represented by counsel of his/her choice or alternatively have student or faculty counsel to present his/her defense. The name, telephone number, and address of the student's chosen counsel must be provided to the Honor Court within ten days after the student has hired the counsel. Counsel for the student must respect the jurisdiction, courtroom environment, justices, and prosecutors pursuant to the standard of the Code of Legal Ethics. Failure of the legal counsel for the student to abide by the court rules after a verbal warning from the Justices shall result in a "contempt of the court" citation. Such contempt shall carry a \$50.00 fine and all fines shall be used to defray court cost. All fines assessed shall be paid to the Honor Court Coordinator.
- e. Any statement made to the Chief Prosecutor by the accused or witnesses may be used in evidence in a Probable Cause Hearing or Trial. Prosecutors have no duty to notify an alleged violator that statements can be used for that purpose, but may not

misrepresent that fact or the student's right not to testify.

3. The probable cause hearing shall be a private hearing, unless the accused waives the right to a private hearing and requests that it be open to the law school community.
4. The accused may at any time waive the right to a probable cause hearing, in which event the matter shall proceed before the full Honor Court for a trial on the merits.

SECTION 6: TRIAL PROCEDURES

1. Preliminary Procedures

- a. Within fourteen (14) days after the final adjournment of a probable cause hearing at which probable cause has been found (or of the waiver thereof pursuant to Article VI, Section 5.3), the Chief Justice shall cause a trial hearing to be convened at the law school for the purpose of determining the guilt or innocence of the accused. Trial hearings falling within two weeks of final exams shall be deferred until the first week of the succeeding semester.
- b. At least seven (7) days advance written notice of the date, time, and place of the trial hearing shall be given the accused in the manner set forth in Article VI, Section 4.3. A copy of the notice shall be forwarded to the Chief Prosecutor.
- c. Within five (5) days before the trial hearing, the Prosecutor and the accused shall submit to the Clerk a list of the names of all persons having information pertinent to the accusation. The Clerk shall forthwith summon all such persons to appear at the trial.
- d. In a trial involving more than one student, severance may be allowed upon the request of an accused and at the Court's discretion.

2. Trial Procedure

- a. The trial hearing shall be a private hearing, unless the accused waives the right to a private hearing and requests that it be open to the law school community.
- b. The Chief Justice shall preside, and may adopt such rules as he/she deems necessary to conduct the proceedings in the interest of substantial justice and in accordance with the specific provisions of this section.
- c. The accused student shall have the right to be present at the trial hearing and to testify, and shall also have the right not to testify nor incriminate himself/herself.
- d. The accused shall have the right to be represented by counsel of his/her choosing, or alternatively, have student or faculty counsel appointed by the Chief Justice to present his/her defense. Such appointed counsel must be requested by the accused in advance of trial hearing, and must be acceptable to the accused.
- e. The accused shall have a right to be confronted by and to question his/her accuser(s) and other adverse witnesses.

- f. The accused or his/her representative shall have the right to call and question witnesses and to present any evidence he/she may wish to present which is within the guidelines provided by the Code and is relevant to the proceedings.
 - g. The testimony of witnesses who are employees of the Law School or University, or the production of records and other real evidence by them, may be obtained on the request of either party. Such request shall be made to the Chief Justice a reasonable time prior to the trial. The Chief Justice will determine whether such evidence is material and whether required production is necessary; and if so, will request that the Dean of the law school require such testimony or production be provided in the name of the law school. The Dean shall use all best efforts to comply with such request.
 - h. The Court shall hear all relevant evidence, including mitigating evidence.
 - i. Whenever possible and affordable, a complete tape recording of the proceeding shall be made. The recording shall be kept permanently under lock and key in some location on the law school premises not generally accessible to the law school community.
3. Agreement Regarding Charges
- a. At any time prior to trial, the Chief Prosecutor and the accused may enter into an agreement regarding the charges.
 - b. The agreement may be to drop the charges, or to accept the imposition of any of the penalties provided in Article III or any alternative sanctions without proceeding to trial.
 - c. The agreement must be approved by the Faculty Advisor, the Chief Justice and the Dean. Prior to such action, the complaining party shall be given the opportunity to express his/her opinion of the agreement orally or in writing as the complaining party chooses.
 - d. The agreement shall be in writing and executed by all the above parties. Following the execution of the agreement, the trial shall be immediately suspended.

SECTION 7: VERDICT

1. After the presentation of evidence the Justices shall deliberate in private and each shall vote guilty or not guilty. A Justice shall vote guilty only if convinced beyond a reasonable doubt of an accused's guilt. At least four Justices must participate in the trial, and at least three Justices must concur in a vote of guilty; otherwise the accused shall be found not guilty.
2. Upon a finding of guilty, or if the accused should plead guilty to the offense or offenses charged, the Court shall hear evidence going to the question of the sanctions to be recommended pursuant to Article VI, Section 8 including matters in extenuation and mitigation.

SECTION 8: SANCTIONS

Upon determining that an accused is guilty and hearing evidence as delineated in Article VI, Section 6 B, the Justices shall deliberate further and then recommend by a simple majority vote the sanctions to be imposed pursuant to those specified in Article III of the Honor Code.

SECTION 9: OPINIONS OF THE HONOR COURT

In every case before the Honor Court the Justices must prepare a written opinion. Where there has been a finding of guilty, that opinion must include the recommended sanction. This opinion shall be provided within twelve (12) days after the notification of a decision and a copy forwarded to the accused and the Dean of the law school. A copy shall also be retained in the file of the Court.

SECTION 10: REVIEW OF A DECISION OF THE HONOR COURT

1. The decision of the Honor Court shall be appealable to the Review Board designated in Article V, Section 1. The notice of appeal shall be submitted in writing to the Dean of the law school within fifteen (15) calendar days after the student is notified of the decision of the Court. Unless so appealed, the decision of the Honor Court shall be final after the count of fifteen (15) calendar days.
2. A finding of not guilty shall be final and not subject to review.
3. Upon the filing of an appeal by the accused, the Dean or his designee shall notify the Chief Justice who shall forthwith deliver to the Dean or his designee the decision, tape recording or written record, and any tangible evidence admitted at the trial within five calendar days of said notification.
4. The Dean or his designee shall forward the written decision, tape recordings, or written record to the Review Board. The Dean or his designee shall schedule a Review Board hearing within ten (10) days of the delivery of the court records. After notice to the appellant that there will be a Review Board hearing, the appellant or his/her representative shall be given five (5) days prior to the hearing the opportunity to prepare a written or oral argument.
5. If based on its reevaluation, the Review Board determines that substantial justice has not been done, it shall have the authority to reverse the Honor Court's finding of guilty, to reduce the sanction imposed, or to remand the matter to the Honor Court for further proceedings which shall also be appealable. In no event may the Review Board increase the sanction imposed by the Honor Court.
6. The Review Board shall notify the appellant and the Chief Justice of its actions on appeal. In the event the Review Board makes any change in the Honor Court's decision, it shall issue an opinion detailing its reasons for failing to affirm.
7. Once a decision has become final because it was not appealed or affirmed or changed on appeal, the Dean shall take whatever action is required by the sanction.

SECTION 11: TIMELINESS OF PROCEEDINGS

It is most important that violations of the Honor Code not be mooted as a result of the failure to file a complaint or of the Honor Court to proceed with a complaint. In the event of such failure the Dean may remove the matter from the jurisdiction of the Honor Court and refer it to the Academic Standards Committee for resolution pursuant to procedures to be developed by the Committee and approved by the faculty. The Dean may not exercise this authority following a final decision not to proceed with a formal complaint on grounds of lack of reasonable cause, nor following the dismissal of a complaint as a result of a negative finding at a probable cause hearing, nor following a finding of not guilty at an Honor Court trial.

**ARTICLE VII
AMENDMENT**

This Honor Code may be amended by majority vote of the law school Faculty.