

# Texas Southern University



## Thurgood Marshall School of Law

### Student Rules and Regulations

2019 - 2020

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***Changes as of July 30, 2004***

*Inserted VI. Dual Degree Programs, 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*

*Changed **Constitutional Law** from required fall courses in second year to course required to be taken  
at anytime during the second year*

***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, 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 2003-04 academic year.

***Changes as of July 20, 2006***

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

***Changes as of July 10, 2007***

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

*Inserted* revised paragraph Article III, Section 4A2, Special Provisions for the disabled.

*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](http://www.ble.state.tx.us)

*Removed* out of date procedure for Special Provisions for the Disabled and replaced with current procedure.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* (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***

*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***

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

*Changed* Dual Degree Programs from 2004 and inserted Dual Degree Programs approved by the faculty, Spring 2011.

***Changes made as of July 2013***

*Added* Mock Trial to Special Activities Credit.

*Changed* second year Grade Guidelines

***Changes made as of April 2016***

*Revised* Honor Code

***Changes made as of July 2016***

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

***Changes made as of July 2017***

*Inserted Legal Analysis Writing Directive*

*Updated Required Courses approved by the faculty spring 2017*

*Inserted “without written permission of the Dean.”*

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

***Changes made as of July 2018***

*Inserted Admissions Character and Fitness Hearing Procedures*

***Changes made as of August 2019***

*p. 2 Inserted TSU/TMSL email policy.*

*p. 15 Removed the notation that a grade of C- does not apply to 1L substantive courses.*

*pp. 17-18 Updated the description of the first-year uniform exam to reflect the current first year grading curve and provided recent data on the attrition rate.*

*pp. 26-28 Updated the academic standards regrading probation and academic alert. Updated standards for continuation and graduation to reflect the adoption of the simulated multistate bar and essay exam and consequences for failing to achieve a passing score and the circumstances under which a student must attend Skills Academy.*

*p. 30 Updated the permitted number of absences section to account for the courses that meet in blocks of time longer than 50-minute blocks and include a chart with the minute conversion for each type of course (credit hours).*

*p. 33 Revised the list of second year required courses to reflect that Commercial Law may be taken anytime in the second year or the Fall Semester of the third year. Removed Federal Taxation from the list of required third year courses.*

*p. 34 Added a note that prohibits second year students from enrolling in an elective in the Fall Semester of their second year, but they may take an elective in the Spring Semester (depending on their available credit hours). Updated to state that all students must complete 6 required hours of experiential learning in order to graduate.*

*p. 66 Removed* previous Honor Code and replaced with revised Honor Code approved by the faculty spring semester 2019.

## **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](http://www.tsu.edu/academics/law) under Students Affairs. 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](http://www.ble.state.tx.us).

### **Section 5. Email as an Official Means of Communication by TMSL**

TMSL uses email as an official form of communication and sends correspondence to students’ TSU email addresses. Students should frequently check and maintain their TSU email account. Failure to read the email sent to a student’s TSU email address does not relieve the student of the responsibility to act or respond in a timely manner to messages TMSL sends via email. Students working with TMSL as a tutor, study group facilitator, teaching assistant, or in

any other similar capacity are required to send all email regarding such business using their TSU email account.

## 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.

All readmission applications must comply with Article III. Section 6.B of this Handbook regarding Procedures for Readmission. In evaluating such readmission applications from academically dismissed applicants, the Admissions Committee shall also 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**

<http://www.tsulaw.edu/academics/18SuAccommodationsInformationWeb.pdf>  
**f** 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 and 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).

The "rigorous written work" required for a Seminar Paper should at least meet the minimum requirements set out for an independent research project.

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
3. 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 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
- 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.
- 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 the office of the Dean and remains on file until one year after graduation.

### **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. 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 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

## **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 proper form, organization and structure of paper, rhetoric, style, grammar, and sentence syntax etc.

## **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
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”	<b>10-13%</b>
“B”	<b>25-34%</b>
“C”	<b>35-45%</b>
“D/F”	<b>0-08%</b>

### **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 ensure 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 a certain raw score, the attainment of which would insure any student who achieved such a score, a “B” grade. The first year attrition rate based on academic performance has been 11% for 2018.

## **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 in collaboration with an external consultant. 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 has a mean of 50 and a standard deviation of 10.

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, C'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-. 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.

## 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 bases. 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 bases. 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 15 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 opines 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**

##### **Effective for the Fall 2019 grading cycle**

#### **1. First year students who have a fall cumulative gpa below 2.0**

- Will be placed on probation for the Spring 2020 semester and required to participate in academic success.
- At the conclusion of the Spring 2020 semester, their cumulative gpa must reach the academic good standing requirement of at least 2.0. Failure to meet this academic good standing requirement will result in academic dismissal at the conclusion of the Spring 2020 semester.

##### **First year students whose Fall 2019 cumulative gpa is within the range of 2.0 - 2.6**

- Will be placed on academic alert for the Spring 2020 semester and required to complete and follow an action plan utilizing the assistance of academic success.

#### **2. Upper-class students whose cumulative gpa fall below the good standing requirement of 2.0**

- Will be placed on probation for the Spring 2020 semester and required to participate in academic success.
- At the conclusion of the Spring 2020 semester, their cumulative gpa must reach the academic good standing requirement of at least 2.0.

Failure to meet this good standing requirement will result in academic dismissal at the conclusion of the Spring 2020 semester.

**Upper-class students whose Fall 2019 cumulative gpa is within the range of 2.0 - 2.6**

- Will be placed on academic alert for the Spring 2020 semester and required to complete and follow an action plan utilizing the assistance of academic success.

**Upper-class students whose Fall 2019 cumulative gpa is within the range of 2.0 - 2.6 but who have in a prior semester had a cumulative gpa below the good standing requirement of 2.0**

- Will be warned that in the event their cumulative gpa again falls below the academic good standing requirement of 2.0, they will not obtain a probationary semester to bring up their cumulative gpa to the academic good standing of 2.0.
- Instead, they will be academically dismissed.

The grade point average of each student shall be reviewed at the conclusion of each 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 at the end of the Spring Semester.

**This rule is non-waivable.**

If a first year student does not achieve the requisite passing score on the simulated multistate bar exam that is administered at the end of the Spring Semester, the student is (1) is prohibited from enrolling in a course offered during the Turbo summer session.

**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. Notwithstanding, an upper class student may be allowed to remain in school as a continuing student when the student's cumulative average is below 2.0 but not less than 1.95 and there has been a finding by the Academic Standing Committee of exceptional circumstances.

**This rule is non-waivable.**

If a second year student does not achieve the requisite passing score on the simulated multistate bar and essay exam that is administered at the end of the Spring Semester of the second year, the student must enroll in certain bar preparation courses offered in third year of law school. These courses include, but are not limited to Advanced Bar Review, Multistate Performance Testing, and Bar Essay Writing. The Office of the Dean will make a determination of the required courses for registration.

**3. Standards for Graduation**

- A. 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. Grade 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. Removal of Incomplete Grade**

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 a penalty addressed below under “Permitted Number of Absences.” Excessive absence is defined as any absence in excess of the permitted absences. (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 for courses that **meet in 50-minute blocks** shall be determined by multiplying the number Two (2) by the course credit hours and then subtracting the number one (1) from the result. Again, this formula provides the number of permitted absences for a course based on a 50-minute class session. Some courses meet in longer blocks of time. If your course does not meet in 50-minute blocks, you must convert the number to minutes to determine the permitted number of student absences per course per semester. The chart below provides the conversion for each type of course.

For example, in the Fall Semester, Civil Procedure and Lawyering Process (both 3-credit hour courses) meet twice a week in 75-minute blocks of time. Therefore, first year students enrolled in Civil Procedure and Lawyering Process can miss no more than 250 minutes of class, which is 3 class sessions (i.e. three 75-minute class sessions). Once a student misses a fourth 75-minute class session, the student has exceeded the permitted number of student absences for that semester. Again, see the chart below, which provides the conversion for each type of course.

Based on the formula above for classes that meet in 50-minute blocks of time and the conversion to minutes for longer class periods, the following attendance penalty policy was adopted by the faculty for all courses taught at the Thurgood Marshall School of Law effective Spring Semester 2020. Any student with less than the permitted number of absences will not be affected by this rule.

Students with a number of absences equal to the number in the “1 letter grade reduction” column but less than the “2 letter grades reduction” column will have her/his final grade administratively reduced by 1 letter grade. For purpose of this rule, “letter grade reduction” is defined as a reduction taking into account “+” and “-”. As an example, a 1-letter grade reduction from B+ is a B.

Students with a number of absences equal to the number in the “2 letter grades reduction” column will have her/his grade administratively reduced by 2 letter grades. For purpose of this rule, “letter grade reduction” is defined as a reduction taking into account “+”and “-”. As an example, a 2-letter grade reduction from B+ is a B-.

Any student with a number of absences equal to or greater than the “dismissal” level will be administratively dismissed from the respective courses(s).

Course Semester Hours	Permitted Number of Absences for Course that Meets in 50 Minute Blocks	Permitted Absences for Courses that Meets in Longer Blocks of Time	1 Letter Grade Reduction		2 Letter Grades Reduction		Dismissal	
			50 Minutes Class	Longer Class Period	50 Minutes Class	Longer Class Period	50 Minutes Class	Longer Class Period
6	11	550 Minutes	13	650 Minutes	15	750 Minutes	16	800 Minutes
5	9	450 Minutes	11	550 Minutes	13	650 Minutes	14	700 Minutes
4	7	350 Minutes	9	450 Minutes	11	550 Minutes	12	600 Minutes
3	5	250 Minutes	6	300 Minutes	7	350 Minutes	8	400 Minutes
2	3	150 Minutes	4	200 Minutes	5	250 Minutes	6	300 Minutes

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). Further, refer to Section 3 for the grading system and the definition of a letter grad. Contact the Assistant Dean of Student Development for any accommodation request or if you experience and emergency situation affecting your class attendance.

## **Section 10. Registration**

### **A. Requirements**

Students must register in person at the Law School 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 Law School 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  
8/1/2019**

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**

<b>FALL COURSES</b>	<b>HOURS</b>
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
<b>TOTAL</b>	<b>15</b>

<b>SPRING COURSES</b>	<b>HOURS</b>
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
<b>TOTAL</b>	<b>16</b>

**Second Year Required Courses—27 HOURS**

<b>FALL COURSES</b>	<b>HOURS</b>
L-600 Evidence	3
L-540 Constitutional Law I	3
<b>TOTAL</b>	<b>6</b>

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
<b>TOTAL</b>	<b>10</b>

**REQUIRED COURSES TO BE TAKEN AT ANYTIME DURING THE SECOND YEAR—  
11 HOURS**

	HOURS
I-920 Appellate Litigation	2
L-640 Business Associations	3
L-509 Wills and Trusts	4
L-930 Professional Responsibility	2
<b>TOTAL</b>	<b>11</b>

**REQUIRED COURSE TO BE TAKEN AT ANYTIME DURING THE SECOND YEAR OR  
FALL SEMESTER OF THIRD YEAR—4 HOURS**

L-610 Commercial Law	4
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**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-711 Consumer Rights	3 (Applies Only to Class of 2020)
<b>TOTAL</b>	<b>3</b>

**COURSE TO BE TAKEN AT ANYTIME DURING THE RISING 3L OR THIRD YEAR—  
4/5 HOURS**

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

**Other Courses Counted Towards the Additional 2 hours for Experiential Learning  
See Current Course Offering Schedule for Courses Offered**

**ELECTIVE COURSES NEEDED TO EARN 90 CREDIT HOURS**

66/67 required hours need 24/23 Elective Credit Hours

69/70 required hours need 21/20 Elective Credit Hours

Course	Semester/Year	Credit Hours

**Minimum credit hours per semester to retain full time status: 12**

**Maximum credit hours per semester in a given semester: 16\***

**+Exception if graduating semester, maximum hours is 17**

**90 TOTAL CREDIT HOURS, INCLUDING ELECTIVES, TO QUALIFY FOR  
GRADUATION.**

**IT IS THE STUDENT'S DUTY TO ENSURE THAT ALL REQUIRED COURSES PLUS ELECTIVES ARE EARNED. PLEASE REVIEW YOUR TRANSCRIPT EACH SEMESTER TO ENSURE THAT YOUR TRANSCRIPT BEARS ALL COURSES COMPLETED, ALL CREDIT HOURS EARNED, AND 90 HOURS NEEDED TO GRADUATE.**

**Notes**

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

Commercial Law may be taken at any time during the second year or in the Fall Semester of the third year of law school.

Second year students cannot take an elective course in the Fall Semester of their second year. All second-year students must enroll in mandatory courses in the Fall Semester of their second year.

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.

All students must enroll in and complete six (6) required hours of experiential learning. Courses include Trial Simulation (4 hours), Clinic (4 – 6 hours), Externship (6 hours).

## **Courses Taken at Other Law School**

### **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 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:

<b>Program</b>	<b>Degrees Pursued Separately</b>	<b>Degree Pursued Jointly</b>
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 matriculation 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 Ms. 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  
REVISED AND RESTATED  
THURGOOD MARSHALL SCHOOL OF LAW**

**Adopted by the Law School Faculty on May 7, 2019**

**ARTICLE ONE**

**GENERAL PROVISIONS**

**SECTION 1.0. PURPOSES AND APPLICABILITY OF THE HONOR CODE.** This **Article One** provides the statements of the purposes, applicability, definitions of terms, and construction and interpretation of this Thurgood Marshall School of Law (Law School) Honor Code.

**SECTION 1.1. PURPOSES OF THE HONOR CODE.** The purposes of this Honor Code are provided in this **Section 1.1**:

- a. **Ethical standards**--to advise Law School students of the high level of ethical standards required of students at the Law School as they pursue their preparation for the legal profession and the high ethical standards required of legal professionals;
- b. **Honesty and integrity**--to develop in students of the Law School the desire for and appreciation of the honesty and integrity required for the study and practice of law;
- c. **Honor Court System**--to provide an Honor Court System (System) embracing conduct of and procedural rules for disposition of rule violations by Law School students;
- d. **Fair procedures**--to provide strict compliance procedures for assessing and, if determined to be appropriate, penalizing any student whose conduct is found to violate the standards or rules of the Honor Code; and
- e. **Honor Court Members and Procedures**--to confirm the establishment of and procedures for the System and the election, appointment, and duties of all persons who are officers of the System.

**SECTION 1.2. APPLICABILITY OF THE HONOR CODE.**

**1.2.1. General applicability.** The Honor Code applies to all Law School students. Each student enrolled in the Law School agrees:

- a. to comply with absolute honesty and integrity in the performance of all academic and nonacademic conduct and activities related to the Law School, directly or indirectly;
- b. to respect the rights, property, and privacy of others; and
- c. to accept the applicability of the Honor Code from the date of the student's admission to the Law School through the date of the student's graduation, unless different applicability is specifically provided in the Honor Code.

**1.2.2. Exceptions.** A prospective student's conduct prior to admission or a former student's conduct subsequent to graduation is not subject to the provisions of this Honor Code. The

conduct of a student which violates the Honor Code while that student is enrolled in Law School but which either (i) is reported after graduation or (ii) because of time constraints, cannot be processed under the Honor Code prior to the student's graduation, is not be addressed under the Honor Code but may be addressed by the Dean.

### **SECTION 1.3. ACTUAL AND CONSTRUCTIVE NOTICE OF CODE PROVISIONS**

**1.3.1. Students are charged with knowledge of Code.** Every law student, from the date of admission until the student's graduation, is charged with constructive knowledge of all provisions of the Honor Code and the TSU Student Code of Conduct.

**1.3.2. Availability of copies; website posting.** A print copy of the Code is available to each student upon the student's initial registration at the Law School. Copies are available in the office of the Student Bar Association and in the office of the Dean of Student Affairs. The Code is also included in the Student Rules and Regulations and is posted on the Law School website.

**1.3.3. Failure to obtain or unavailability of Code.** The failure of a person to obtain a print copy of the Code, or the unavailability of a print copy of the Honor Code or the Student Code of Conduct in the Office of the Dean of Student Affairs or the office of the Student Bar Association, is not a defense to a charge or violation of the provisions of the Code. The failure or unavailability is also not a defense to a prosecution of an accused student who claims ignorance of the provisions of the Code or the Student Code of Conduct.

### **SECTION 1.4. FACULTY ADVISOR**

**1.4.1. Appointment of Faculty Advisor and Alternate Faculty Advisor.** The Dean shall appoint a Faculty Advisor to serve as an advisor to the Honor Court and the Honor Court Board. The Dean shall also appoint an Alternate Faculty Advisor to serve in the event the Faculty Advisor cannot advise with regard to a matter because of unavailability or conflict of interest. The Alternate Faculty Advisor has all the powers, duties, and responsibilities of the Faculty Advisor and may act as the Faculty Advisor whenever requested by the Faculty Advisor or the Dean. The Faculty Advisor and Alternate Faculty Advisor shall be tenured or tenure-track members of the Law School faculty.

**1.4.2. Role of Faculty Advisor.** The Faculty Advisor provides instruction and advice to Honor Court Justices, Prosecutors, and other Court officials about Court procedures and matters coming before the Court, and has the other duties and functions provided in this Honor Code.

### **SECTION 1.5. DEFINITIONS OF TERMS**

In this Code, the following terms, whether or not capitalized when used, have the definitions assigned in this **Section 1.5** unless the context clearly specifies a different definition.

**1.5.1. "Accused"** means the person against whom a complaint of an Honor Code violation is filed.

**1.5.2. "Admission"** means the date a law student receives the student's letter of admission to the Law School.

**1.5.3. “Academic Misconduct”** means any act of academic misconduct described in **Section 2.1**.

**1.5.4. “Affirmative Defenses”** means the defenses an accused student may assert in defense as described in **Section 2.6**.

**1.5.5. “Agreement Regarding Charges”** means an agreement to suspend the trial of an accused, as provided in **Section 7.3**.

**1.5.6. “Alternate Justice”** means an alternate Honor Court Justice, selected as described in **Subsection 4.1.3**, to serve on the Honor Court in the event a Justice is unavailable.

**1.5.7. “Appellant”** means a person found guilty by the Honor Court who appeals the verdict to the Review Board.

**1.5.8. “Bailiff”** means the qualified law student appointed by the Chief Justice to keep order during Honor Court proceedings and to assist with any other Court activities as described in **Section 4.5**.

**1.5.9. “Bill of Complaint”** means the formal Bill of Complaint prepared by the Chief Prosecutor, after reasonable grounds have been determined, setting out the Honor Code violations of an accused.

**1.5.10. “Cheating”** means any act described in **Subsection 2.1.2**.

**1.5.11. “Chief Justice”** means the Honor Court Justice selected to serve as Chief Justice, or any other Justice who may temporarily serve in the capacity of Chief Justice, selected under and having the duties described in **Section 4.2** and in other applicable provisions of this Code.

**1.5.12. “Chief Prosecutor”** means the Honor Court Chief Prosecutor selected under and having the duties described in **Section 4.3** and in other applicable provisions of this Code.

**1.5.13. “Clerk” or “Court Clerk”** means a qualified law school student appointed by the Chief Justice to perform the duties related to the written notices, delivery of notices, and filing of any materials related to Honor Court activities, as provided in **Section 4.5**.

**1.5.14. “Code”** means this Honor Code, as it may be amended from time to time.

**1.5.15. “Code of Conduct”** means the Texas Southern University Student Code of Conduct, as it may be amended from time to time.

**1.5.16. “Complainant”** means the person who submits a completed Complaint Form describing a suspected Honor Code violation by one or more students in accordance with the procedures stated in this Honor Code.

**1.5.17. “Complaint”** means a Complainant’s description of a suspected Honor Code violation by one or more students stated on a **Complaint Form** provided by the Assistant Dean for Student Affairs, as provided in **Section 6.1**.

**1.5.18. “Contempt Citation”** means a citation issued by an Officer for noncompliance by an accused, attorney, or other person with Court rules or requirements. A penalty may be imposed by the Honor Court Board for the issuance of a Contempt Citation.

**1.5.18. “Counsel”** means the counsel representing an accused person in any of the Code proceedings selected pursuant to **Subsection 4.2.6, paragraph c.**

**1.5.19. “Court”** means the Honor Court.

**1.5.20. Court Coordinator” or “Coordinator” or “Assistant Court Coordinator”** means a qualified law school student appointed by the Chief Justice to perform the administrative duties provided in **Section 4.6.** If the Chief Justice appoints an Assistant Court Coordinator to assist with the duties of the Coordinator’s position, the Assistant shall have the same qualifications as the Coordinator.

**1.5.21. “Day”** means a calendar day, regardless of whether the day is a weekend day or any day Law School or University classes are not in regular session. Any period of time measured by a number of days, and the last day of the period of time is either a weekend day or any other day the Law School or University is not in regular session, is automatically extended so that the last day of the period of time, as extended, is the next following Monday-through-Friday which is a day of a regular Law School session.

**1.5.22. “Dean”** means the Dean of the Law School, including any Acting Dean or Interim Dean authorized by the University to serve in the capacity of Dean. At the sole option of the Dean, the Dean may delegate any of the Dean’s duties in this Honor Code to an Associate Dean, Assistant Dean, or any other specifically designated member of the Law School administration or Faculty. The Dean will inform the Faculty Advisor, who will further inform the SBA President and the Chief Justice, of any such delegation and the duration of the delegation.

**1.5.23. “Duress”** means the type of affirmative defense described in **Section 2.6, paragraph b.**

**1.5.24. “Duty”** means the requirement of each student to comply with the Code and, with respect to each Justice, Alternate Justice, Prosecutor, and other Honor Court Officer, whether permanent or temporary, the obligation to perform honorably the functions related to the respective office held.

**1.5.25. “Entrapment”** means the type of affirmative defense described in **Subsection 2.6.1, paragraph c.**

**1.5.26. “Faculty”** means all members of the faculty of the Law School, including all faculty members with tenure rank or on track for tenure award, and all instructor, adjunct, or clinical members of the faculty, whether full time or part time.

**1.5.27. “Faculty Advisor”** means the faculty member, and the faculty member’s alternate, appointed by the Dean and having the duties and responsibilities provided in **Section 1.4.**

**1.5.28. “Files”** means the Honor Court Files.

**1.5.29. “Fine”** means the assessment of a monetary charge along with requirement that the charge be paid to the Honor Court Coordinator by a specified date. A Written Notice of the amount and due date of any fine shall be delivered to the obligated student. Amounts collected as Fines shall be maintained in a special account of the Law School and may be used to defray Honor Court expenses.

**1.5.30. “Governing Law”** means all applicable local, state, and federal law, all applicable University regulations, and the provisions of this Code.

**1.5.31. “Graduation”** means the date of graduation of a student from Law School as recognized by the posting of the degree to the student’s record in the Registrar’s Office.

**1.5.32. “Honor Code”** means this Law School Honor Code, as it may be amended from time to time under the provisions of **Article Ten**. The Honor Code hereby specifically incorporates all provisions of the Code of Conduct and, in the event of an inconsistency between the provisions of the Code of Conduct and this Law School Honor Code, the terms of this Honor Code shall prevail.

**1.5.33. “Honor Court”** means the Law School Honor Court, which has the authority, functions, and procedures provided under the Code.

**1.5.34. “Honor Court Board”** means the students who are current sitting members of the Honor Court: the Justices and Alternate Justices, the Prosecutor and Assistant Prosecutors, the Coordinator, the Clerk, and the Bailiff. The Chief Justice is the Chair of the Honor Court Board, and the Chair may appoint a Board member to serve as secretary. The Honor Court Board may establish penalties for Contempt Citations.

**1.5.35. “Honor Court Files”** means the electronic and written files of all matters relating to the Honor Code and Honor Court retained by, and under the control of, the Office of the Dean. Copies of all Notices, Complaints, dispositions of Complaints, correspondence related to the Court, including the Dean’s correspondence; Trial Records; Appeals; Election Candidacies and Results; and other matters related to the Court or the Code or the Honor Court are retained in the Honor Court Files for at least ten years from the date of the respective creation of the original record. Materials retained in the Files may be accessed only with the express authorization and supervision of the Dean of Students.

**1.5.36. “Insanity”** means the type of affirmative defense described in **Subsection 2.6.1, paragraph d**.

**1.5.37. “Justice”** means a Justice of the Honor Court selected under and having the duties described in **Section 4.1** and in other applicable provisions of this Code. The term “Justice” includes any Alternate Justice.

**1.5.38. “Law School”** means Thurgood Marshall School of Law at Texas Southern University.

**1.5.39. “Law School Community”** means all or any portion of the current Law School Student body, faculty, and staff.

**1.5.40. “Mistake of fact”** means the type of affirmative defense described in **Subsection 2.6.1, paragraph a.**

**1.5.41. “Nonacademic Misconduct”** means any act of nonacademic misconduct described in **Section 2.2.**

**1.5.42. “Notice”** means both (i) actual notice by delivery of a writing of an event, due date, appearance date, submission date, or other information relating to this Code or any Law School course, activity, or information, and (ii) constructive notice construed to be given as a result of the general availability to students of course or assignment information or any Code provision; provided that any Notice required to be given to an accused student shall be a written notice mailed or delivered as provided in **Subsection 6.4.1.**

**1.5.43. “Notification”** means an advice, oral or written, to a person, including but not limited to, a student or Officer, of information or of a duty to appear for an investigation, meeting, hearing, trial, or other event; or of any due date or submission date provided for in this Code. A notification may be delivered orally directly to the recipient and acknowledged by the recipient; by email to the recipient at the email address on file with the Law School; by personal delivery of a writing, receipt acknowledged; or by mail addressed to the recipient at the current local residential address the recipient has provided to the Law School.

**1.5.44. “Notify”** means to provide a Notification.

**1.5.45. “Obligation”** means the obligation or duty of each student to comply with the Code including, but not limited to, the duty to report a violation or suspected violation as provided in **Section 2.4.**

**1.5.46. “Officer” or “Official”** means any student or Law School faculty or administration member who is assigned or elected to perform duties, for a defined period of time or in connection with the member’s temporary or permanent status at the Law School, which are directly or indirectly associated with the Honor Code or the Honor Court. The term “Officer” includes, but is not limited to, Dean, any member of the Dean’s administrative staff, Chief Justice, Justice, Alternate Justice, Chief Prosecutor, Prosecutor, Court Coordinator, Bailiff, Court Clerk.

**1.5.47. “Penalty”** means the penalty assessed under the Code for a violation.

**1.5.48. “Plagiarism”** means any act described in **Subsection 2.1.1.**

**1.5.49. “Probable Cause”** means evidence against an accused likely to be sufficient to support a conviction.

**1.5.50. “Probable Cause Hearing”** means a hearing to determine whether there is probable cause to proceed to a trial of an accused, held as described in **Section 6.5.**

**1.5.51. “Probation”** means the limited status of a Student, as described in **Subsection 3.1.3.**

**1.5.52. “Prosecutor”** means the Honor Court Prosecutor selected under and having the duties described in **Section 4.3** and in other applicable provisions of this Code, and any Assistant Prosecutor specifically assigned by the Chief Prosecutor to act on behalf of the

Chief Prosecutor. Any Assistant Prosecutor acting on behalf of the Chief Prosecutor has all the powers of the Chief Prosecutor while so acting.

**1.5.53. “Reasonable Grounds”** means the existence and availability of evidence against an accused stated in a Complaint which, if verified, supports a violation of the Honor Code.

**1.5.54. “Report”** means the Honor Code Report annually prepared and submitted to the Dean, as described in **Article Nine**.

**1.5.55. “Reprimand”** means the oral or written reprimand delivered by the Dean to a student found to have committed an Honor Code violation, as provided in **Section 3.1**.

**1.5.56. “SBA”** means the Student Bar Association, a student government association of Thurgood Marshall School of Law authorized by the Dean and the University to perform certain governance and procedural functions on behalf of the Law School.

**1.5.57. “Student”** is any person enrolled as a student of the Law School.

**1.5.58. “Student Code of Conduct”** or “University Code of Conduct” or “TSU Code of Conduct” means the Code of Conduct.

**1.5.59. “Suspension”** means the status of a student described in **Subsection 3.1.2**.

**1.5.60. “Trial”** means a trial of an accused conducting under the procedures of this Code.

**1.5.61. “Trial Record”** means the Notice of the decision of the Honor Court Justices, the tape recording or written record of the trial and any Court deliberations on the imposition of sanctions applicable to a person found guilty, and any tangible evidence admitted at the trial.

**1.5.62. “TSU”** means Texas Southern University.

**1.5.63. “University”** means Texas Southern University.

**1.5.64. “Violation”** means any act performed by a student which act is suspected or determined to be a violation of the Honor Code. Violations are described in **Article Two**.

## **SECTION 1.6. CONSTRUCTION AND INTERPRETATION.**

**1.6.1. Construction.** In this Honor Code,

- a. Pronouns.** As the context may require, any use of a masculine pronoun or term is intended to include the feminine, and vice versa; and any use of a singular pronoun or term is intended to include the plural, and vice versa.
- b. Tense.** Any use of a present or future or past tense verb is intended to apply reasonably to any event or action, whenever it may occur, may have occurred, or may be required to occur, as the context may indicate.
- c. Captions.** Captions preceding Code provisions and captions following article headings are included for convenience only and are not intended to modify or affect in

any way the interpretation or application of any provision.

**1.6.2. Interpretation.** The Honor Code is intended to provide maximum fairness for all Law School students and others who may be affected, directly or indirectly, by its provisions, and consequently each term or provision should be construed and interpreted consistently with the intent of fairness and with the purposes of the Honor Code stated in **Section 1.1**.

## ARTICLE TWO

### VIOLATIONS OF THE HONOR CODE

**SECTION 2.0.** This **Article Two** provides the descriptions of the academic and nonacademic conduct by Law Students which constitute violations of this Honor Code.

**SECTION 2.1. ACADEMIC CODE VIOLATIONS.** **Section 2.1** describes the academic misconduct, whether performed alone or in concert with one or more other students or persons, which is a violation of the Honor Code.

**2.1.1. Plagiarism.** Plagiarism is the deliberate usage of the language, ideas, or other original material of another person or source without acknowledging the person or source. Such acts include, but are not limited to:

- a. Improper paraphrasing**--paraphrasing text without properly citing the original source;
- b. No acknowledgement**--failure to properly acknowledge the work, words, or phrases of another person or source;
- c. Submission of another's work**--submitting work for academic credit or publishing written material that has been prepared in whole or in part by another person.

**2.1.2. Cheating.** Cheating is purposely or knowingly obtaining an unfair advantage on any examination or in any other academic, scholastic, co-curricular or extracurricular work. Cheating includes, but is not limited to, performance of any of the following acts, or abetting another student in the performance of any of the following acts:

- a. Unauthorized copying**--consulting or copying from any books, papers, notes, or other material of any kind during an examination, except as authorized by the examining professor;
- b. Unauthorized consulting**--consulting with any other person in a course examination or assignment, except as authorized by the course instructor
- c. Exceeding allowed time**--taking more time for completing an examination or for submission of a written requirement than is permitted, except as expressly authorized by the examining professor or the Dean of Student Affairs;
- d. Advance knowledge**--unauthorized acquisition of advance knowledge of the contents of an examination or assignment.

**2.1.3. Other Academic Violations.** Other Academic Misconduct, in addition to plagiarism and cheating, is prohibited and a Code violation. Prohibited Academic Misconduct includes any conduct that gives a student or students an unfair advantage over other students. Such misconduct includes, but is not limited to, any of the following acts:

- a. **Theft of materials**--theft of or hiding library books or materials, or damaging any law library materials or premises;
- b. **Unauthorized use of materials**--using University or Law School services, equipment, library, computers, copiers, books, email, or web addresses for unauthorized or illegal purposes; and
- c. **Unauthorized dual submission**--submitting to an instructor a written assignment that was also submitted in whole or in part in another course or courses without the express written permission of the instructors of both or all courses.

**SECTION 2.2. NONACADEMIC CODE VIOLATIONS.** This **Section 2.2** describes the nonacademic misconduct, whether performed alone or in concert with one or more other students or persons, which is a violation of the Honor Code.

**2.2.1. Nonacademic Violations.** A Nonacademic Code violation is any student misconduct which may directly or indirectly affect the University, the Law School, or their communities. Nonacademic Code violations include, but are not limited to, any intentional disruption or obstruction by one or more students of Law School teaching, disciplinary proceedings, or other activities. Nonacademic Code violations also include, but are not limited to, any of the acts described in this **Subsection. 2.2.1.**

- a. **Abuse**--physical or mental abuse or threat of abuse, initiated against a student, faculty, or staff member of the Law School or the University at any location, or against any person on the premises of the Law School or the University;
- b. **Title IX violation**--any conduct which violates the University's sexual harassment policy or the University's Title IX grievance procedure, or both, including, but not limited to, engaging or attempting to engage in sexual assault, sexual exploitation, sexual intimidation, sexual harassment, dating violence, domestic violence, or stalking. All complaints of violations or reports of suspected violations of this subsection shall also be referred to the University Title IX Coordinator;
- c. **Conduct causing fear**--any course of conduct directed at another that would cause a reasonable person to be fearful of serious harm or suspect danger to himself or herself or to individuals close to himself or herself;
- d. **Threatening or harassing conduct**--subjecting or threatening to subject another person to striking, kicking, shoving, or offensive touching; stalking another person, including following or pursuing the other person, waiting or arriving at locations visited by the other person or spying on another person; trespassing on or vandalizing another person's property; sending insulting, ridiculing, or inappropriate email or text messages or photos or other forms of electronic communication; or gathering personal information about a person from others which the person reasonably, because of safety, privacy, or other considerations, does not want to be shared;

- e. **Revealing private information**--revealing or threatening to reveal personal and private information about a person, without the person's express consent, through media or other forms of communication;
- f. **Theft of University or Law School property**--theft of or from, or damage to, University or Law School real or personal property;
- g. **Theft from persons**--theft of or from, or damage to, the real or personal property of any member of the University or Law School community;
- h. **Misappropriation or embezzlement**--any misappropriation of funds or embezzlement in connection with any University or Law School activity;
- i. **Media harassment**--the use of electronic media, other than use 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 University or Law School community; and
- j. **Disruptive speech**--speech, other than speech protected by the First Amendment, distributed in writing, broadcast, or posted online about the Law School, the University, or any of their community members which causes or incites a substantial on-campus disruption.

**SECTION 2.3. ADDITIONAL CODE VIOLATIONS.** This **Section 2.3** describes the additional student misconduct which is also a violation of the Honor Code. The misconduct described in this subsection includes actions that may be performed independently of or performed in connection with one or more of the express academic and nonacademic violations described in other provisions of this **Article Two**.

**2.3.1. Intentionally false accusation**--the presentation of an intentionally false accusation or any other intentionally false information to the Honor Court, including perjured testimony, at any Honor Court proceeding;

**2.3.2. Soliciting another**--solicitation, with the intent that a violation be committed, by request, command, or other attempt to induce another to engage in a specific conduct that would constitute a violation;

**2.3.3. Aiding another**--aiding, abetting, or conspiring with another person to commit any violation of this Code; and

**2.3.4. Other violations**--violations of the TSU Student Code of Conduct or other University policies and procedures not expressly covered by the Honor Code.

**SECTION 2.4. DUTIES OF STUDENTS TO REPORT VIOLATIONS; FAILURE TO APPEAR.**

**2.4.1. Duties of Students.** To maintain absolute fairness at the Law School for all students, students have the duty and obligation to report to Law School authorities any violations of the Code of which they are aware or which they reasonably suspect. Students also have the

duty to appear, upon the duly notified request of the Court Coordinator, for any investigation, hearing, trial, or other event scheduled in connection with the provisions of the Code.

**2.4.2. Failure to report.** The failure of any Law School student to report a suspected violation of the Code to the appropriate Law School authority is a Code violation.

**2.4.3. Failure to appear.** The failure of an accused student or any other person subject to the Code to appear and testify before the Honor Court regarding a suspected Code violation, after being duly notified by the Court Coordinator of the request to appear, is a Code violation and, unless the failure is excused, may result in a Contempt Citation subject to a penalty imposed by the Honor Court Board.. A student who is unable to appear at a specified time may seek to set a different time reasonably close to the originally requested time.

**2.4.4. Further failure to appear.** Upon the receipt by a student of a notice of a Contempt Citation for nonappearance, the student's further failure to appear, without first timely providing a written excuse in form acceptable to the Court, is a Code violation and will result in the Court's enhancement of the nonappearance violation to a full Contempt Citation. The student will be subject to all penalties established under **Article Three**.

**2.4.5. If act is investigated by other authorities.** The investigation under the provisions of the Code of any act as a suspected violation of the Code may proceed notwithstanding the fact that the act is also being addressed as an alleged criminal violation by TSU police or any other public law enforcement authorities.

## **SECTION 2.5. CULPABILITY OF A STUDENT FOR A CODE VIOLATION.**

**2.5.1. Notice of violations.** Without exception, all students have notice of and are aware of the complete list of violations described in **Article Two** of the Code.

**2.5.2. Violation.** A student commits a violation of the Code whenever the student intentionally or knowingly engages in conduct falling within the definition of the violation.

## **SECTION 2.6. STUDENTS' AFFIRMATIVE DEFENSES.**

**2.6.1. Acceptance of affirmative defenses.** Certain affirmative defenses to an accusation of a violation will be recognized or accepted by the Honor Court, provided the affirmative defense is described and satisfies the definition provided in this **Section 2.6.1**.

- a. Mistake of Fact.** A mistake of fact is 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.
- b. Duress.** Duress is a 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.
- c. Entrapment.** Entrapment is an inducement to engage in conduct proscribed by this Code using persuasion or other means likely to cause the commission of a violation. Conduct merely affording a student an opportunity to commit a violation does not constitute entrapment.

- d. Insanity.** Insanity is a mental disease or defect at the time of the conduct charged which renders the accused unable to know that the accused's conduct was wrong or unable to conform to the requirement allegedly violated.

## ARTICLE THREE

### PENALTIES FOR VIOLATIONS

**SECTION 3.0. ARTICLE THREE PROVISIONS.** This **Article Three** provides the penalties that may be imposed by the Honor Court on a student who is found to have committed one or more violations of the Honor Code.

**SECTION 3.1. PENALTIES FOR VIOLATIONS OF THE HONOR CODE.** In all cases, the imposition of any penalty on a student is subject to written final approval by the Dean at least two days prior to the date of commencement of the penalty.

**3.1.1. Permanent expulsion.** A student may be permanently expelled from the Law School upon a decision recommending expulsion by the Court. Any expulsion will be stated in a confidential Notice of Expulsion from the Dean and delivered to the student.

**3.1.2. Suspension.** A student may be suspended from attendance at the Law School for a stated period of time determined by the Court. The duration of the suspension will not be less than one full academic semester nor longer than six consecutive Fall and Spring academic semesters. Upon reentry, a suspended student who was in good standing with the Law School at the commencement of the suspension, except with regard to the matter which resulted in the suspension, remains in good standing; provided that limitations on extra-curricular activities may be imposed on the student. The terms of any suspension will be stated in a confidential Notice of Suspension from the Dean and delivered to the student. The Notice of Suspension will state:

- a. Duration.** The duration of the suspension;
- b. Limitations.** Any limitations on the student's participation in Law School extra-curricular activities upon termination of the period of probation.
- c. Warning.** A warning that any further violation of the Code may result in the imposition of more severe sanctions as provided by this Code.

**3.1.3. Probation and Probation Notice.** A student may be placed on probation for a period of time determined by the Court. The duration of the probation will not be less than one full academic semester nor longer than the period until the student's graduation. A student who receives a probation penalty will be sent a Notice of Probation in a confidential written Notice of Probation from the Dean. The Notice of Probation will state:

- a. Duration.** The duration of the probation;
- b. Limitations.** Any limitations on the student's participation in Law School extra-curricular activities for a period commensurate with the period of probation; and
- c. Warning.** A warning that any further violation of the Code may result in the

imposition of more severe sanctions as provided by this Code.

**3.1.4. Written Reprimand.** A student may receive a confidential written Notice of Reprimand from the Dean and delivered to the student. The Notice of Reprimand may state that the student is prohibited from participating in Law School extracurricular activities for a stated period of time, not to exceed two consecutive Fall and Spring academic semesters.

**3.1.5. Private Oral Reprimand.** A student may receive a confidential oral reprimand from the Dean. The Dean will formally notify the student that he or she has been found to have committed a Code violation and will schedule a private meeting at which the oral reprimand will be delivered to the student in person.

**3.1.6. Private Conditional Reprimand.** A student may receive a confidential conditional reprimand from the Dean. The student will receive a formal written notice stating:

- a. **Violation of Code** - that the student's conduct has been determined by the Honor Court to constitute a violation of the Code;
- b. **Reprimand approved** - that the Honor Court has approved, as a warning to the student, the imposition of a private oral reprimand from an Official and certain stated conditions, which conditions will be delivered in a meeting between the student and the Official; and
- c. **Report not permanent if conditions complied with** - that a report of the conditional reprimand is retained in the Honor Court files but does not become part of the subject student's permanent Law School record unless the student fails to timely comply with the stated conditions.

**3.1.7. Concurrent Penalties.** Penalties imposed for more than one offence may, at the discretion of the Honor Court and with the advice of the Faculty Advisor and the approval of the Dean, run concurrently.

**SECTION 3.2. PENALTIES IN PERMANENT RECORD.** The imposition of the penalties of permanent expulsion, suspension, and probation shall be included in the affected student's permanent record maintained by the Law School Administration and in the record of the case in the Honor Court Files. No other penalties shall be recorded on the affected student's permanent record, except as provided in this Code. All penalties imposed on a law student are, however, subject to disclosure to the Board of Law Examiners to the extent such disclosure is required.

## ARTICLE FOUR

### COMPOSITION OF THE HONOR COURT

**SECTION 4.0. COMPOSITION OF COURT AND SELECTION OF OFFICERS; TERMS OF OFFICE.** This **Article Four** provides for the structure, composition, and responsibilities of the Honor Court officers and for the election and selection procedures for the Justices, Chief Justice, Alternate Justices, Prosecutor, Clerk, Court Coordinator, and other Officers.

**4.0.1. Terms of Office of Honor Court Officers.** The terms of office of Honor Court Officers will begin on the day following the election or appointment of each officer and end,

except in cases of resignation or disqualification, upon the election or appointment of the successor or replacement of the Officer. The office of an Officer who resigns or is no longer eligible will remain vacant until a replacement officer is elected or appointed.

## **SECTION 4.1. THE HONOR COURT JUSTICES.**

**4.1.1. Election of Honor Court Justices.** The Honor Court Justices are elected by the Law School student body. Three Justices and two Alternate Justices are elected from qualified rising second-year candidates each year for two-year terms, so that the total Justices serving include six Justices and four Alternate Justices. Three of the Justices, including the Chief Justice, and two of the Alternate Justices are third-year students serving the second year of their two-year terms or are elected to fill a vacancy in any such position. Three of the Justices and two of the Alternate Justices are second-year students serving the first year of their two-year terms or are elected to fill a vacancy in any such position.

**4.1.2. Duties of the Justices and Alternate Justices.** Each Justice serves as requested by the Chief Justice to adjudicate cases brought before the Court as provided in this Code. Each Alternate Justice serves only when one of the Justices (i) is unavailable for service because of conflict or other temporary unavailability, or (ii) has resigned or been removed from office. The Chief Justice selects an Alternate Justice from the same class as the unavailable, resigned, or removed Justice to serve temporarily until the time the absent Justice is again able to serve, or until the election of a qualified replacement Justice for a Justice who has resigned or been removed.

**4.1.3. Election of Justices and Alternate Justices.** Three first-year students will be elected as Justices and two first-year students will be elected as Alternate Justices at an election held each Spring semester. Each elected Justice or Alternate Justice will serve a two-year term on the Honor Court. A replacement for a Justice or Alternate Justice will serve for the remaining portion of the two-year term of any replaced Justice or Alternate Justice.

**4.1.4. Conduct of elections.** Except as otherwise provided in the Code, elections of Justices and Alternate Justices are conducted by the SBA during each Spring semester. Prior to the announcement of any election, the Court Coordinator, in consultation with the Honor Court Board, and the Faculty Advisor will confer with SBA elections officers on the election schedule and the qualifications of candidates for election. In order to allow for greater candidacy opportunities for interested students, each election for Justices is held at a time separate from the time of any other student election.

**4.1.5. Justice candidate qualifications: grade point, interview, and personal statement.** Students having grade point averages at or above 2.6 at the end of their first semesters in Law School may run for election to the two-year term as a Justice or Alternate Justice of the Honor Court. A qualified person serving as an Alternate Justice may be a candidate for a vacant position for rising third-year Justice, and if that person is elected a Justice, another student will be elected to serve in the vacant Alternate Justice position.

Not later than 48 hours prior to the time of the election, each candidate must make available to the SBA for dissemination to the student body print copies of the following:

- a. the candidate's resume; and

- b. the candidate's personal statement stating why the candidate desires the position and why voters should vote for the candidate.

Each resume and personal statement will be available to all voting students either in hard copies or in an online platform accessible to all Law Students. The Coordinator will schedule and announce times for the Chief Justice, Chief Prosecutor, and Faculty Advisor, acting individually or in groups of two or three, to interview persons interested in applying to be a candidate for a Justice or Alternate Justice position. Participation in at least one interview is required of each candidate.

**4.1.6. Voting procedures.** All Law Students are eligible to vote on candidates for the Justice and Alternative Justice positions. Candidates are elected in a single ballot. Students may vote for up to five candidates on each ballot. The three rising second-year candidates who receive the most votes will be designated Honor Court Justices for two-year terms, and the candidates who receive the fourth and fifth most votes will be designated Honor Court Alternate Justices for two-year terms. Candidates who receive the most votes for a vacant position will serve the remainder of the vacated term.

**4.1.7. Restrictions on Justice activities.** During their terms of office, Justices and Alternate Justices are not eligible to serve on the Executive Committee of the SBA.

**4.1.8. Qualifications for continuing as Justice.** A Justice or Alternate Justice who, after election as Justice, does not maintain a 2.6 grade point is no longer eligible to continue to serve as a Justice or Alternate Justice, except with the permission of the Dean, who shall issue a decision on eligibility after consulting with the Faculty Advisor. The position of the ineligible Justice or Alternate Justice shall be filled as a vacancy pursuant to **Section 4.7**.

## **SECTION 4.2. THE HONOR COURT CHIEF JUSTICE**

**4.2.1. Annual selection of Chief Justice.** The Chief Justice of the Court is elected by the other Justices and Alternate Justices annually before the end of each spring semester as provided in **Subsection 4.2.2**. In order to assure that the person selected for the position of Chief Justice has requisite Honor Court experience, the person selected to serve as Chief Justice must be a rising third-year student who has served on the Honor Court as a Justice for at least one full academic year preceding candidacy for selection.

**4.2.2. Selection of Chief Justice.** The selection of Chief Justice is made by vote at a meeting of all, or as many as possible, of the Justices and Alternate Justices held not later than seven days after the election of rising second-year students as Justices, or as soon thereafter as possible. In respect of the importance of the Chief Justice position, the meeting set for the vote must be noticed, convened, and chaired by the outgoing Chief Justice and attended by the Faculty Advisor. The new Chief Justice shall be elected by open majority vote of all the qualified electors described in **Subsection 4.2.3**, not just by majority vote of those present at the meeting at which the election is held. Secret ballots are not allowed.

**4.2.3. Qualified electors of Chief Justice.** The qualified electors include the following:

- a. **Graduating third-year Justices.** The graduating third-year Justices and Alternate Justices whose terms are expiring;

- b. Rising third-year Justices.** The rising third-year students who have already served on the Honor Court as Justices and Alternate Justices for all or a portion of one academic year; and
- c. Rising second-year Justices.** The rising second-year students recently elected to two academic year terms as Justices and Alternate Justices.

**4.2.4. Responsibilities of the Chief Justice.** The Chief Justice has the following responsibilities:

- a. Office.** Conducting the Office of the Chief Justice according to reasonable procedures and upon a schedule so that all students suspected or accused of violating the Code may be timely heard;
- b. Convening Court.** Convening the Honor Court and officers appointed by the Chief Justice for instruction by the Faculty Advisor on, and for considering, each case brought before the Honor Court;
- c. Chairing Board.** Chairing the Honor Court Board and convening the Board from time to time to consider and approve matters related to the scheduling of elections and other Honor Court events and to review the responsibilities and performance of the Honor Court members; and
- d. Other Responsibilities.** Undertaking, with the advice of the Faculty Advisor, other responsibilities consistent with the office of Chief Justice.

**4.2.5. Appointments by Chief Justice.** The Chief Justice, in consultation with the Faculty Advisor, will appoint, and may replace in the event of vacancies, qualified persons to the following Honor Court positions. The appointments will be for one academic year or for the remainder of the academic year in which the appointment occurs. Appointees are eligible to be reappointed for a subsequent academic year. Each student appointed to these positions must meet the qualification standards provided in **Subsections 4.1.5 and 4.1.7.**

- a. Clerk and Assistant Clerks.** The Chief Justice will appoint the Clerk, and one or more Assistant Clerks as needed, of the Honor Court;
- b. Coordinator and Assistant Coordinator.** The Chief Justice will appoint the Coordinator, and one or more Assistant Coordinators as needed, of the Honor Court; and
- c. Bailiff and Assistant Bailiff.** The Chief Justice will appoint the Bailiff, and one or more Assistant Bailiffs, as needed for the Honor Court.

**4.2.6. Personnel designations for each Hearing or Trial.** For each Honor Court hearing or trial, the Chief Justice will designate:

- a. Presiding Justice.** The Chief Justice will designate a Justice, who may be the Chief Justice, to serve as the Presiding Justice for the hearing or trial;
- b. Additional Justices.** The Chief Justice will designate two or more additional

Justices to sit for the hearing or trial, provided that the total number of the Presiding Justice and Additional Justices sitting for the hearing or trial is an odd number; and

- c. Counsel for accused.** An accused may designate his or her own counsel. If requested by the accused, the Chief Justice, with the advice of the Faculty Advisor, may designate counsel for the accused. The accused's counsel must be a member in good standing of the State Bar of Texas, or, if the Faculty Advisor approves, a competent third-year law student who has taken appropriate course work to adequately represent the accused. The Coordinator shall be notified of the name and contact information for the counsel not later than ten (10) days after the accused has been served Notice, as provided in **Section 6.4**. Counsel retained or selected by the accused must demonstrate respect for the jurisdiction, courtroom environment, justices, and prosecutors pursuant to the provisions of this Code as well as the standards of the Code of Legal Ethics.

**4.2.7. Additional or Replacement of Justices.** The Chief Justice may, for good cause, increase the number of Justices on the Court, or replace one or more Justices who are temporarily unavailable, by appointing one or more of the Alternate Justices to serve as an additional or replacement Justice for a hearing or trial. The Chief Justice will consult with the Faculty Advisor, who must approve any proposed increase or replacement before the increase or replacement takes effect and assure that the total number of Justices, including the Presiding Justice and additional Justices, is an odd number.

**4.2.8. Replacement of Chief Justice.** In the event that the Chief Justice is temporarily unavailable to serve, or resigns or is removed from office, the other Justices and Alternate Justices will promptly elect a new Chief Justice to serve until the Chief Justice is available to serve or to complete the term of the resigned or removed Chief Justice. The replacement Chief Justice must meet the eligibility standards provided in **Subsection 4.2.1**. In the event of the resignation or removal of the Chief Justice, the replacing Justice's position is treated as vacant and filled by an election as provided in **Section 4.7**.

**4.2.9. Removal of Chief Justice.** The other Justices and Alternate Justices may, by majority vote and with the approval of the Faculty Advisor, remove the Chief Justice from office for good cause and appoint a replacement Chief Justice to serve for the balance of the removed Chief Justice's term. If so removed, the Chief Justice unless disqualified to serve pursuant to other provisions of the Honor Code, will be entitled to serve as a Justice for the remainder of his or her term. The replacement Chief Justice must meet the eligibility requirements provided in **Subsection 4.2.1**.

### **SECTION 4.3. THE HONOR COURT OFFICE OF PROSECUTOR**

**4.3.1. Chief Prosecutor and Assistant Prosecutors.** The Office of the Prosecutor consists of six student Prosecutors. One such student will serve as the Chief Prosecutor and the other five will serve as Assistant Prosecutors.

**4.3.2. Election of Prosecutors.** The election of Prosecutors is conducted by the SBA during the Spring semester period, but on dates separate from the dates of the election of Justices, as provided in **Subsection 4.1.3**. Three rising second-year class members are elected as Prosecutors each year, and upon election serve for two academic-year terms. All Law Students are eligible to vote on candidates for Prosecutors. Candidates are

elected in a single ballot. Students eligible to vote may vote for up to three candidates on the ballot on which they are entitled to vote. The three candidates who receive the most votes will be designated as Prosecutors.

**4.3.3. Qualifications of Candidates for Election to Serve and Continuing to Serve as Prosecutors.** The requirements of **Subsection 4.1.6** for candidates for election as Justices apply to candidates for Prosecutors. The restrictions provided in **Subsection 4.1.7** and the requirements provided in **Subsection 4.1.8** for continuing service as Justices apply to persons holding the position of Prosecutor. The Coordinator shall schedule and announce times for the Chief Justice, Chief Prosecutor, and Faculty Advisor, acting individually or in groups of two or three, to interview any person interested in applying to be a candidate for a Prosecutor position. Participation in at least one interview is required of each candidate.

**4.3.4. Annual Selection of Chief Prosecutor.** The Chief Prosecutor is a rising third-year student who has served on the Honor Court as an Assistant Prosecutor for at least one full academic year preceding selection as Chief Prosecutor. The Chief Prosecutor is elected openly from among the eligible rising third-year Assistant Prosecutors at a meeting of all, or as many as possible, qualified electors held not later than seven days after the election of rising second-year students as Assistant Prosecutors, or as soon thereafter as possible. In respect of the importance of the Chief Prosecutor position, the meeting set for the vote shall be convened and chaired by the outgoing Chief Prosecutor and attended by the Faculty Advisor. The new Chief Prosecutor shall be elected by majority vote of all the qualified electors described in **Subsection 4.3.5**, not just by majority vote of the qualified electors present at the election meeting. Secret ballots are not allowed.

**4.3.5. Qualified electors of Chief Prosecutor.** The qualified electors of the Chief Prosecutor include the following:

- a. **Graduating third-year Chief Prosecutor and Assistant Prosecutors.** The graduating third-year and Chief Prosecutor and Assistant Prosecutors whose terms are expiring;
- b. **Rising third-year Assistant Prosecutors.** The rising third-year students who have already served on the Honor Court as Assistant Prosecutors for all or a portion of one academic year; and
- c. **Rising second-year Assistant Prosecutors.** The rising second-year students recently elected to two academic year terms as Assistant Prosecutors.

**4.3.6. Office Procedures.** The Chief Prosecutor conducts the Office of the Prosecutor upon a schedule and according to procedures that reasonably assure that all students suspected or accused of violating the Code are timely prosecuted. The Chief Prosecutor assures that the Files relating to any complaint or prosecution are maintained timely and orderly.

**4.3.7. Assignments to Assistant Prosecutors.** The Chief Prosecutor may assign to the Assistant Prosecutors responsibility for handling specific cases that come before the Honor Court. All references to the Chief Prosecutor in this Code likewise apply to any Assistant Prosecutor so assigned.

**4.3.8. Removal of Chief Prosecutor.** The Assistant Prosecutors may, by majority vote and with the approval of the Faculty Advisor, remove the Chief Prosecutor from office for good cause and appoint a replacement Chief Prosecutor to serve for the remainder of the removed Chief Prosecutor's term. If so removed, the Chief Prosecutor will be entitled to serve as an Assistant Prosecutor for the remainder of his or her term, unless disqualified to serve pursuant to other provisions of the Honor Code. The replacement Chief Prosecutor must meet the eligibility standards provided in **Subsection 4.3.4.**

#### **SECTION 4.4. DUTIES OF THE HONOR COURT CLERK.**

As soon as reasonable after the selection of the Chief Justice, the Chief Justice shall appoint the Court Clerk, who shall have the duties provided in this **Section 4.4** in addition to any duties imposed by other provisions of this Code or specifically requested by the Chief Justice, Chief Prosecutor, or Faculty Advisor.

**4.4.1. Records and arrangements.** The Clerk causes to be transcribed the records of the Court subject to the instructions of the Chief Justice and Faculty Advisor, and exercises due diligence in making arrangements for all hearings and trials to be recorded either mechanically or by a stenographer;

**4.4.2. Minutes.** If making verbatim record of any Court proceeding is not possible, the Clerk takes or causes to be taken summary minutes of the proceedings, which will be submitted to the Court and the accused or the accused's representative for correction and approval;

**4.4.3. Forms and schedules.** The Clerk is responsible for processing subpoena forms, setting all hearing and trial dates, and notifying parties of hearing and trial dates; and

**4.4.4. Record and File keeping.** The Clerk assures that the Honor Court Files with the pertinent records relating to all Honor Court matters are maintained timely and orderly. The Clerk will consult with the Faculty Advisor on proper maintenance of Honor Court Files.

#### **SECTION 4.5. DUTIES OF THE BAILIFF.**

As soon as reasonable after the selection of the Chief Justice, the Chief Justice shall appoint the Court Bailiff, who has the duties provided in this **Section 4.5** in addition to any duties imposed by other provisions of this Code or specifically requested by the Chief Justice, Chief Prosecutor, or Faculty Advisor.

**4.5.1. Maintain order.** The Bailiff is responsible for maintaining order among and safety for all Court participants during Court proceedings and deliberations.

**4.5.2. Coordinate proceedings.** The Bailiff coordinates with the Faculty Advisor and Law School administrators to assure that the Court proceedings are held in a suitable and secure location.

#### **SECTION 4.6. DUTIES OF THE HONOR COURT COORDINATOR.**

As soon as reasonable after the selection of the Chief Justice, the Chief Justice shall appoint the Court Coordinator and, if required at any time during the academic year, the Chief Justice may

appoint an Assistant Coordinator to assist with the Coordinator's responsibilities. The Coordinator and Assistant Coordinator has the duties provided in this Section 4.6 and any other duties imposed by other provisions of the Code or specifically requested by the Chief Justice, Chief Prosecutor, or Faculty Advisor. The Coordinator, and any Assistant Coordinator, if an assistant is appointed, have the following duties:

**4.6.1. Coordinator is Liaison.** The Coordinator serves as a liaison between the Honor Court, law students, and Law School administration, and disseminates information regarding the Honor Court to the law students and Administration.

**4.6.2. Confer with leadership.** Prior to the conduct of any Court election, and in consultation with the Chair of the Honor Court Board, the Coordinator will confer with the leadership of the SBA to schedule Court elections and to review the qualifications of candidates for Court positions. Following the election, the Coordinator will confer with the leadership of the SBA to certify the results of the Court election.

**4.6.3. Administrative meetings.** The Coordinator will organize administrative meetings of Honor Court staff and distribute all required notifications to the accused, the Complainant, and other affected students.

**4.6.4. Other functions.** When required for the effective functioning of the Honor Court, the Coordinator performs any other administrative duties assigned by the Chief Justice or the Faculty Advisor.

## **SECTION 4.7. VACANCIES.**

Vacancies in elected and appointed Honor Court positions are filled as provided in this **Section 4.7.**

**4.7.1. Vacancy in elected positions.** In the event a vacancy arises in any of the elected positions provided for in this Code, a special election to fill the vacancy shall be held within fourteen (14) days of the occurrence of the vacancy. All elections to fill a vacancy are conducted by the SBA, in consultation with the Court Coordinator and Faculty Advisor, under the same procedures applicable to the election of the holder who vacated the position. Each person elected to fill a vacant position serves for the remainder of the term of the position. The qualifications for the initial holder of any vacated position apply to candidates for the vacant position.

**4.7.2. Vacancies in appointed positions.** In the event a vacancy arises in any of the appointed positions provided for in this Code, the Chief Justice, or other authorized appointing officer, acting with the advice of the Faculty Advisor, shall promptly appoint a qualified student to fill the position.

## **SECTION 4.8. ETHICAL STANDARDS OF OFFICERS.**

Each Honor Court Justice, Alternate Justice, Prosecutor, Assistant Prosecutor, Faculty Advisor, and other Officer must abide by and observe the ethical standards provided in this **Section 4.8.**

**4.8.1. Confidentiality.** Information regarding any student's disciplinary status, pending cases, potential cases, closed cases, or an opinion on the outcome of a case is confidential, and such information may not be discussed with anyone outside the Court, except in a closed

session with the approval of the Faculty Advisor.

**4.8.2. No discussion or independent fact-finding.** When discussing extra-judicially with an accused student or a witness in an Honor Court proceeding, Honor Court Justices may not engage in any independent fact finding discussion or make any accusations.

**4.8.3. Conflicts of Officers.** The conflicts described in this subsection are cause for recusal of an Honor Court Officer from participating in an Honor Court activity:

- a. Personal Conflict.** At the Officer's own initiative, or upon the reasonable challenge of an accused person or other person, any Officer of the Honor Court who has a personal conflict or any involvement in an action which is the subject of a proceeding, or who will be called as a witness in the proceeding, must decline to serve in the Officer's position during the proceeding;
- b. Stepping aside.** The requirement for a conflicted Officer to step aside and decline to serve also applies to any bias the member may have in relation to any of the parties to the action; and
- c. Failure to Remove.** The failure of a conflicted Officer to decline to serve may serve as the basis of an appeal to the Review Board upon sufficient proof of the conflict, involvement, or bias.

**4.8.4. Voting.** The votes of the entire Justices on any matter voted upon is shared with the accused and recorded in the records of the Court.

**4.8.5. Warning.** The Court may issue an Officer a warning upon sufficient evidence of a violation of this **Section 4.8**. Upon a second violation, the Officer will be removed from the Court and may not obtain any other Court position during the member's enrollment at the Law School.

**4.8.6. Officer's forfeiture for failing to appear; Removal for violation of ethical standards.** Any Honor Court Officer will automatically forfeit the Officer's position if (i) the Officer fails to appear for any Court proceeding for three consecutive settings; or (ii) the Dean determines, upon consultation with the Faculty Advisor and other Honor Court Officers, that the Officer has violated any of the ethical standards of the Court.

## ARTICLE FIVE

### HONOR COURT REVIEW BOARD

**SECTION 5.0. REVIEW BOARD.** The Honor Court procedures and decisions are subject to review by a Review Board constituted and operated as provided in this **Article Five**.

**SECTION 5.1. MEMBERS OF THE REVIEW BOARD.** The Honor Court Review Board consists of five members: the Dean; the Student Bar Association President; two other students selected by the SBA Executive Committee who may be, but do not need to be, sitting members of the Executive Committee; and one faculty member, other than a Faculty Advisor, selected by the

Dean. Members of the Honor Court Board actively serving may not simultaneously serve on the Review Board.

## **SECTION 5.2. PROCEDURES OF THE REVIEW BOARD.**

**5.2.1. Confidentiality.** The members of the Review Board shall be sworn to confidentiality and shall comply with the same ethical standards as regular Honor Court Officers.

**5.2.2. Meetings of the Review Board.** The Dean shall call and convene meetings of the Review Board as required and shall chair the meetings. The Dean shall appoint a member of the Review Board to serve as secretary for the meeting. The secretary shall prepare a report of the disposition of appeals and other matters considered at each called meeting.

**5.2.3. Decisions of the Review Board.** The Review Board's consideration of an appeal of a decision of the Court must comply with the procedures described in **Section 7.7** and in other applicable provisions of this Code. Any decision by the Review Board shall be by majority vote of the entire then current membership of the Review Board, not just by the majority of those in attendance at a meeting of the Review Board. The person appealing a decision of the Honor Court shall be notified of the disposition of the appeal in a writing from the Dean.

## **ARTICLE SIX**

### **HONOR CODE PROCEDURES**

**SECTION 6.0. COMPLAINT, NOTICE, AND PROBABLE CAUSE HEARING.** The Honor Court procedures for filing a Complaint, the contents of a Complaint, service of Notice, and the Probable Cause Hearing are stated in this **Article Six**.

#### **SECTION 6.1. TIME FOR FILING COMPLAINT.**

Any Law School student or faculty member who has reason to believe that a violation of the Honor Code has occurred shall, not later than within fifteen (15) school days after becoming aware of the occurrence, file a completed and signed Complaint with the Chief Prosecutor and the Assistant Dean of Student Affairs. For suspected violations occurring during the Law School summer session, the deadline for filing a Complaint is fifteen (15) days after the first day of the next Fall semester.

**6.1.1. Form of Complaint.** The Complainant shall file a complaint on a completed Complaint Form provided by the Office of the Assistant Dean of Student Affairs.

**6.1.2. Content of Complaint.** A Complaint shall provide the following information:

**a. Name of Complainant.** The name and contact information of the Complainant;

- b. Facts.** The facts alleged to constitute a violation of the Code, including the date, time, and place of the observed violation;
- c. Conduct.** The observed conduct which is suspected to constitute the Code violation;
- d. Suspect or suspects.** The name of the suspect or suspects who committed such acts; provided that if the name of any suspect is unknown to the Complainant, the Complainant shall describe the person with reasonable specificity so that the suspect's identification can later be established; and
- e. Witnesses.** The names of any witnesses who are able to verify the facts stated in the Complaint.

**6.1.3. Filing Completed Complaint with Dean.** The Assistant Dean of Student Affairs will forward a copy of the completed Complaint to the Dean.

## **SECTION 6.2. NOTICE OF RECEIPT OF COMPLAINT.**

**6.2.1. Consultation with Faculty Advisor.** The Chief Prosecutor shall promptly advise the Faculty Advisor when the Prosecutor receives a completed Complaint describing, or any information related to, an alleged Honor Code violation, and shall consult with the Faculty Advisor throughout the proceedings related to the allegation Complaint.

**6.2.2. Role of Faculty Advisor.** The Faculty Advisor shall participate in the decision of whether to proceed with or dismiss a Complaint as prescribed in Section 6.3. Following the decision to proceed with a Complaint, the Faculty Advisor's role is 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.

## **SECTION 6.3. PREPARATION OF THE FORMAL BILL OF COMPLAINT**

**6.3.1. Investigation.** Following the filing of a completed Complaint Form, the Chief Prosecutor shall promptly investigate the allegations provided in the Complaint. The investigation shall include, but not be limited to, the following:

- a. Contacting complainant.** Contacting and interviewing the Complainant in person;
- b. Contacting accused.** Contacting the accused in person to obtain the accused's version of the facts and circumstances; and
- c. Contacting witnesses.** Contacting, or making a reasonable attempt to contact, and interviewing in person all witnesses or other persons believed to have information relevant to the Complaint.

**6.3.2. Determination if there are Reasonable Grounds to proceed.** Within ten (10) days of the receipt of a Complaint, the Chief Prosecutor shall complete the investigation and shall consult with the Faculty Advisor to determine if they find there are reasonable grounds to proceed with a formal Bill of Complaint;

- a. Reasonable Grounds agreed.** If the Chief Prosecutor and Faculty Advisor agree

that the Complaint is administratively complete and that there are reasonable grounds to proceed, the Chief Prosecutor shall report to the Dean the finding of reasonable grounds and proceed to prepare a formal Bill of Complaint and to prosecute the case.

- b. Consultation with Dean if no agreement.** If the Chief Prosecutor and Faculty Advisor are unable to agree whether reasonable grounds exist, they shall consult with the Dean. The decision to proceed with or dismiss a Complaint shall be made by majority vote of the Dean, the Chief Prosecutor, and the Faculty Advisor.
- c. Notification of Dean and Chief Justice that Reasonable Grounds not found.** If the Chief Prosecutor and Faculty Advisor jointly determine that there are not reasonable grounds to support the Complaint, the Chief Prosecutor shall notify in writing both the Dean and the Chief Justice of their determination and of the reasons for their determination. The Chief Prosecutor shall attach to the Notification a copy of the Complaint.
- d. If the Dean and Chief Justice do find Reasonable Grounds.** If, based on the information stated in the Notification and Complaint, as described in paragraph c above, both the Dean and the Chief Justice, after reviewing the Complaint and investigation, do find reasonable grounds, they shall notify the Chief Prosecutor and Faculty Advisor in a joint written statement of their findings, and the Chief Prosecutor shall proceed to prepare a Formal Bill of Complaint and to prosecute the case.
- e. Action by Dean and Chief Justice if the Chief Prosecutor and Faculty Advisor fail to act; control by Dean.** If the Chief Prosecutor and the Faculty Advisor fail to make the determinations provided in **Paragraphs a through c** of this **Subsection 6.3.2** within a reasonable time, not to exceed ninety (90) days, of receipt of a Complaint, the Dean and the Chief Justice may proceed to make such determinations.
- f. If the Dean and Chief Justice jointly find reasonable grounds to proceed,** the Dean shall so inform the Chief Prosecutor and Faculty Advisor and shall instruct the Chief Prosecutor to proceed with the case.
- g. If the Dean and Chief Justice jointly find no reasonable grounds to proceed,** the Dean shall so inform the Chief Prosecutor and Faculty Advisor and shall instruct the Chief Prosecutor to dismiss the case.
- h. If the Dean and Chief Justice are unable to agree,** then the Dean's decision to proceed with or to dismiss the case controls.
- i. Final decision.** Any decision reached pursuant to **paragraphs e through h of this Subsection 6.3.2** is final.

### **6.3.3. Bill of Complaint.**

- a. Contents.** The Bill of Complaint shall be prepared by the Chief Prosecutor not later than ten (10) days after the finding of sufficient reason, as described in **Subsection 6.3.2**. The Bill of Complaint provides the facts as witnessed by the Complainant, and enumerates the specific Honor Code provisions allegedly violated. The Complainant shall state that the facts therein are true and correct to the best of the Complainant's

knowledge and shall attach a signed certification.

- b. Filing.** The Bill of Complaint shall be filed with the Clerk of the Honor Court. The Clerk will record on the Bill of Complaint the date and the time of filing and forward copies showing the date and time of filing to the Chief Justice and the Dean.

## **SECTION 6.4. SERVICE OF NOTICE**

### **6.4.1. Time of Service of Notice to the Accused.**

- a. Timing.** The Clerk shall provide the accused Service of Notice of the filing of the Bill of Complaint within fifteen (15) days after the Bill of Complaint has been filed with the Clerk. Notice shall be served by the Clerk or the Office of the Dean by certified or registered mail, postage prepaid, return receipt requested, and addressed to the accused at the address shown by the records of the Law School, or by personally delivering the Notice to the accused, receipt acknowledged. In either case, as soon as practicable, the Clerk shall send the accused an email message, with the Notice and Bill of Complaint attached, to the email address of the accused on file at the Law School.
- b. Service.** The Notice and Bill of Complaint shall be served together.
- c. Copies to Chief Justice, Prosecutor, and Faculty Advisor.** The Clerk shall return a copy of the Service of Notice to the Chief Justice showing the date and time of service noted thereon as soon as possible after service. The Clerk shall forward a copy to the Chief Prosecutor.

### **6.4.2. Contents of Notice.** The Notice served shall include:

- a. Charges.** The specific charges alleged;
- b. Complainant.** The name of the Complainant or other person or persons making the charges;
- c. Time and place.** The time and place of the probable cause hearing; and
- d. Sanctions.** The sanctions permissible under this Code.

**SECTION 6.5. PROBABLE CAUSE HEARING.** Unless a Probable Cause Hearing is waived by the accused, the Chief Justice shall conduct a Probable Cause Hearing for each accused student as provided in this **Section 6.5**.

### **6.5.1. Composition and purpose of the Probable Cause Hearing:**

- a. Panel of three Justices.** The Chief Justice will designate three of the six Justices to sit on a panel to decide whether the Bill of Complaint shows enough probable cause to believe there has been a violation of the Code. The Chief Justice will designate one of the three Justices on the panel to serve as Presiding Justice for the hearing. The Chief Justice may serve as Presiding Justice for the hearing.

- b. Decision of the panel.** After presentation of the evidence, the Justices shall deliberate in private. If any two of the three Justices on the panel find that there is enough probable cause to substantiate the Bill of Complaint, the case shall proceed to trial before the Honor Court. Otherwise the Bill of Complaint shall be dismissed.
- c. Probable cause opinion discretionary.** The Justices sitting at the Probable Cause Hearing may, at their discretion, issue an opinion stating the basis of their finding decision.

#### **6.5.2. Procedures for Probable Cause Hearing;**

- a. Time of hearing.** Within fourteen (14) days after, but not earlier than ten (10) days after, the date shown on the return of service of Notice to the accused, the Presiding Justice shall cause to be convened, unless the hearing is waived by the accused, a Probable Cause Hearing at the Law School. Any Probable Cause Hearing which would fall during the two week period either before or after the scheduled final exam period, or during the exam period, will be deferred until the first week of the next succeeding semester.
- b. Reasonable procedures.** The Presiding Justice may adopt any reasonable procedure not inconsistent with specific provisions of the Honor Code for the conduct of the Probable Cause Hearing.
- c. Presence of Faculty Advisor at hearing.** The Faculty Advisor shall be present and available to consult on procedural matters at the Probable Cause Hearing. No Probable Cause Hearing may proceed unless the Faculty Advisor is present and available.
- d. New evidence.** In keeping with the purpose of the Probable Cause Hearing, the accused's ability to present evidence is limited to evidence in support of a Motion to Dismiss. All evidence must be offered in accordance with the Rules of Evidence, subject to any limitations in the Code. If the accused presents a Motion to Dismiss, the motion may be heard only (i) if it introduces new evidence which was not discovered by the Prosecutors, or (ii) if there is clear and convincing evidence that the hearing is no longer necessary or appropriate. Such evidence may be presented orally or in writing and must be submitted under the Rules of Evidence. Any written evidence must be submitted to the court two (2) days prior to the Probable Cause Hearing.
- e. Citation Fine.** Any failure of the legal counsel for the accused to abide by the court rules, after an oral warning from the Justices, shall result in a Contempt Citation. Such citation of legal counsel may be subject to a penalty established by the Honor Board.
- f. Statements may be evidence at hearing or trial.** Any statement made to the Chief Prosecutor by the accused or witnesses may be used in evidence in a Probable Cause Hearing or in a Trial. Prosecutors have no duty to notify an accused that statements can be used in the hearing or trial, but may not misrepresent that fact or the student's right not to testify.
- g. Private hearing.** The Probable Cause Hearing is a private hearing, unless the

accused waives the right to a private hearing and requests that it be open to the Law School community.

**6.5.3. Waiver of Probable Cause Hearing.** The accused may at any time waive the right to a Probable Cause Hearing, in which event the Chief Justice will proceed before the full Honor Court for a trial on the merits of the matter.

## ARTICLE SEVEN

### CONDUCT OF TRIALS

**SECTION 7.0. PROCEDURES TO BE FOLLOWED.** This **Article Seven** addresses the procedures under Governing Law which will be followed in the trial of any accused student.

#### SECTION 7.1. PRELIMINARY PROCEDURES

**7.1.1. Scheduling of Trial.** Within fourteen (14) days after the date of the final adjournment of a Probable Cause Hearing at which probable cause has been found, or of the date of waiver thereof pursuant to **Subsection 6.5.3**, the Chief Justice shall cause a trial to be convened at the Law School for the purpose of determining the guilt or innocence of the accused. If the fourteen day scheduling would cause a trial to be scheduled during the two-week period either before or after a scheduled final exam period, or during the exam period, the trial setting will be deferred until the first week of the next succeeding semester.

**7.1.2. Notification of the Accused.** At least seven (7) days in advance of the trial, the Clerk will give written notice of the date, time, and place of the trial to the accused in the manner and with the content required for a probable cause notice in **Subsections 6.4.1 and 6.4.2**. The Clerk will forward a copy of the notice to the Chief Prosecutor and the Faculty Advisor.

**7.1.3. Witness information.** At least five (5) days before the trial 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.

**7.1.4. Severance Allowed.** In a trial involving more than one student, severance may be allowed upon the request of an accused and with approval of the Court.

#### SECTION 7.2. TRIAL PROCEDURES

**7.2.1. May be private.** The trial is private, unless the accused waives in writing the right to a private trial and requests that the trial be open to the Law School community.

**7.2.2. Chief Justice presides.** The Chief Justice shall preside and shall appoint three or more additional Justices to serve along with the Chief Justice for the trial. The Chief Justice may adopt such rules as the Chief Justice determines are necessary or advisable to conduct the proceedings in the interests of fairness and substantial justice and in accordance with the specific provisions of this **Section 7.2**.

**7.2.3. Presence of Faculty Advisor.** The Faculty Advisor shall be present and available to consult on procedural matters with the Justices and Prosecutor. No Honor Court trial shall proceed unless the Faculty Advisor is present and available.

**7.2.4. Right of accused to be present and testify.** The accused student may elect to be present at the trial and to testify, and may elect neither to testify nor incriminate himself or herself.

**7.2.5. Counsel for the accused during Trial.** For trial proceedings, the accused may be represented by the same counsel who provided representation in preliminary proceedings or by a different counsel.

**7.2.6. Contempt Citation after warning.** Any failure of the legal counsel for the accused to abide by the court rules, after an oral warning from the Justices, may result in a Contempt Citation.

**7.2.7. Right to confront any accuser and witness.** The accused has the right to confront and to question any Complainant and other adverse witness.

**7.2.8. Right to call witnesses.** The accused or his or her representative may call and question witnesses and may present any evidence the accused may wish to present which is within the Rules of Evidence and is relevant to the proceedings.

**7.2.9. Testimony and records.** The testimony of witnesses who are employees of the Law School or the University, or the production of records and other real evidence by them, may be obtained upon the request of either party. The requesting party must make the request to the Chief Justice not less than five (5) days prior to the scheduled date of the trial. The Chief Justice will determine whether such evidence is material and whether required production is necessary. If the Chief Justice determines that the production of the evidence is necessary for a fair trial, the Chief Justice will request the Dean to require the testimony or production. The Dean shall use reasonable efforts to comply with such request.

**7.2.10. Rules of evidence to apply.** The Court shall admit all relevant evidence offered unless the probative value of the offered evidence is substantially outweighed by one or more of the following considerations:

- a. unfair prejudice,
- b. confusion of the issues,
- c. misleading the trier of fact,
- d. undue delay, or
- e. wasting of time.

The Court shall exclude irrelevant evidence. The Chief Justice shall determine the admissibility of evidence in each case before the Court, and may consult with the other members of the trial panel and with the Faculty Advisor before ruling on admissibility of any evidence. Any ruling on admissibility of evidence is limited to the case then before the Court

and is not determinative in any other case before the Court. The standards of admissibility of evidence provided in this **Subsection 7.2.10** embody the extent to which the formal rules of admissibility under Governing Law will apply in any matter considered by the Court.

**7.2.11. Tape recording of proceeding.** The Clerk will make, or cause to be made a complete recording of the proceeding. The Office of the Dean shall maintain the recording securely and shall not allow the recording to be generally accessible to the Law School community.

### **SECTION 7.3. AGREEMENT REGARDING CHARGES**

**7.3.1. Agreement prior to trial.** At any time prior to trial, the Chief Prosecutor and the accused may enter into an Agreement Regarding the Charges.

**7.3.2. Agreement to drop or to impose penalties.** The Agreement may be to drop the charges, or to accept the imposition of any of the penalties provided in **Article Three** or any alternative sanctions without proceeding to trial.

**7.3.3. Majority vote required.** The Agreement Regarding the Charges must be approved by majority vote of the Faculty Advisor, the Chief Justice and the Dean. Prior to consideration of such a vote, the Complainant may express the Complainant's opinion of the Agreement orally or in writing, as the Complainant may elect.

**7.3.4. Written Agreement.** The Agreement Regarding the Charges shall be in writing and executed by all the Officers listed in **Subsection 7.3.3**. Following the execution of the Agreement Regarding the Charges, the trial shall be immediately suspended.

**7.3.5. Agreement unappealable.** The accused shall not have the right to appeal an Agreement Regarding the Charges.

### **SECTION 7.4. VERDICT**

**7.4.1. Deliberation and vote by Justices.** After the presentation of evidence, the Justices on the trial panel shall deliberate in private and each shall vote guilty or not guilty. A Justice shall vote guilty only if the Justice finds there is clear and convincing evidence of the guilt of the accused.

**7.4.2. Majority of Justices.** If three Justices serve on the trial panel and participate in the trial, at least two Justices must concur in a vote of guilty. If five Justices serve on the trial panel and participate in the trial, at least three Justices must concur in a vote of guilty. If the required number of Justices does not concur in a vote of guilty, the accused shall be found not guilty.

### **SECTION 7.5. SANCTIONS**

**7.5.1. Evidence on sanctions.** Upon a finding of guilty, or if the accused should plead guilty to the offense or offenses charged, the Court shall deliberate on the sanctions to be recommended.

**7.5.2. Vote on a sanction.** After considering evidence as described in **Subsection 7.2.9**, the

Justices shall, by majority vote, determine if one of the sanctions specified in **Article Three** should be imposed. The majority vote of the Justices on any sanction shall be the same as the majority vote of the Justices required for the verdict, as prescribed in **Subsection 7.4.2**.

## **SECTION 7.6. COPIES OF THE OPINIONS OF THE HONOR COURT**

**7.6.1. Opinion copies provided to the accused and Deans.** In every case before the Honor Court, the participating Justices shall prepare a written opinion. Where there has been a finding of guilty, the opinion shall include the recommended sanction. Within twelve (12) days after reaching a decision, the opinion shall be provided to the accused and a copy forwarded to the Dean.

**7.6.2. Court records placed in Files.** A copy of the Opinion shall also be permanently retained in the Files of the Honor Court.

## **SECTION 7.7. REVIEW OF A DECISION OF THE HONOR COURT**

**The Decision of the Honor Court may be appealed to the Review Board described in Article Five according to procedures in this Section 7.7.**

**7.7.1. Notice of Appeal to Review Board and to Dean.** A decision of the Honor Court shall be appealable to the Review Board designated in **Article Five**. A Notice of Appeal shall be submitted in writing to the Dean and to the Chief Justice within fifteen (15) days after the student has received written notification of the verdict and any sanction imposed by the Court. Unless appealed, the decision of the Honor Court shall be final fifteen (15) days after a student receives the notification of the verdict.

**7.7.2. Not Guilty unappealable.** A finding by the Court of Not Guilty shall be final and not subject to appeal.

**7.7.3. Submittal of trial record to Dean.** Within five (5) days of receiving the notification of the filing of an appeal by the Appellant, the Chief Justice shall deliver to the Dean the Trial Record.

**7.7.4. Submittal of trial record to Review Board.** The Dean shall forward the Trial Record to the Review Board and shall schedule a Review Board hearing on the appeal within ten (10) days of the delivery of the Trial Record. After notice to the Appellant that there will be a Review Board appeal hearing, the Appellant or the Appellant's representative will be provided not less than five (5) days prior to the appeal hearing an opportunity to prepare an oral or written argument for presentation at or to the Review Board.

### **7.7.5. Reevaluation by Review Board.**

**a. Review of Record.** The Review Board shall review the Trial Record, and may either (i) affirm the Honor Court's guilty verdict or sanction, or both, or (ii) determine that substantial justice was not served and reverse the Honor Court's Guilty verdict, reduce the sanction imposed, or remand the matter to the Honor Court for further proceedings, which shall also be appealable. In no event, however, may the Review Board increase the sanction imposed by the Honor Court. All decisions of the Review Board other than a remand for further proceedings shall be final.

**b. Notification of appeal.** 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 to the Honor Court's verdict or sanction, the Review Board shall issue an opinion detailing its reasons for failing to affirm.

**c. Action on sanction.** The Dean shall take whatever action is required by the sanction, if any, related to a decision that has become final (i) because the decision was not appealed; (ii) because the decision was affirmed by the Review Board; or (iii) because the decision was modified or changed on appeal.

## ARTICLE EIGHT

### SPECIAL AUTHORITY OF THE DEAN

**SECTION 8.0.** This **Article Eight** provides the special authority of the Dean to remove matters from the jurisdiction of the Honor Court.

**SECTION 8.1. Special Authority of Dean in certain cases.** Notwithstanding any of the provisions of this Honor Code, the University and Law School communities, in the interest of meeting the goals of assuring (i) the safety and well-being of all members of the University and Law School communities, and (ii) the efficient maintenance of an atmosphere suitable for a public institution of professional education, recognize that the Dean may exercise the express authorities described in this **Article Eight**.

**8.1.1. Threat Requiring Immediate action.** If the Dean determines that there is an imminent threat to the Honor Code goals referenced in **Subsection 8.1**, the Dean may, at the Dean's sole discretion, take such immediate action against an offending student as the Dean determines is necessary, including, but not limited to, the removal of the student from the Law School and University campus or the temporary suspension of the student from the Law School and University campus. While such actions are in effect, the Dean may postpone or remove any Honor Court proceedings against the student.

**8.1.2. Removal for Addressing under Student Code of Conduct.** At any time prior to the filing of a Complaint with the Honor Court, and at any time after the filing of a Complaint and before the holding of a Probable Cause hearing, the Dean may, at the Dean's sole discretion, remove a matter from the jurisdiction of the Honor Court for the purpose of having the matter addressed pursuant to the **TSU Student Code of Conduct**.

**8.1.3. Removal if Matter Not Handled Expeditiously.** The Dean may also, at the Dean's sole discretion, remove a matter from the jurisdiction of the Honor Code and Honor Court following a finding of Probable Cause if the Dean determines that the Honor Court has failed to handle the case reasonably expeditiously.

**8.2. Limitation on Dean's Special Authority.** Except as provided in **Subsections 8.1.1, 8.1.2, and 8.1.3**, the Dean may not remove a matter from the jurisdiction of the Honor

Code or Honor Court.

## **ARTICLE NINE**

### **ANNUAL REPORT**

**SECTION 9.0.** This **Article Nine** addresses terms of the Annual Report required to be prepared and filed annually with the Dean.

**SECTION 9.1. Annual Report.** At the end of each academic year, the Chief Justice, Chief Prosecutor, and Faculty Advisor shall jointly prepare an Annual Report of the Honor Court. The Honor Court Annual Report shall be submitted to the Dean within thirty (30) days of the final day of the examination period of each Spring semester.

**9.1.1. Contents of Report.** The Honor Court Annual Report will state the names of the persons who served as Honor Court officers and Faculty Advisor and will describe in reasonable detail the actions taken and outcomes of all matters which came before the Honor Court during the prior academic year; provided that the Annual Report will not include the names of Complainants, accused persons, witnesses, or representatives of any such persons.

**9.1.2. Consultation and Review.** In preparing the Annual Report, the Chief Justice and Chief Prosecutor shall consult with the Faculty Advisor, who shall review and make revisions, if needed, of the Annual Report prior to its submission to the Dean.

**9.1.3. Recommendations.** The Annual Report will include any recommendations of the preparers or any other Officers for prospective amendment of the Honor Code.

**9.1.4. Notification of Law School Faculty.** The Dean shall furnish the Law School faculty and administrators with copies of the Annual Report in order to inform the Law School community of the activities of the Honor Court, the service of Honor Court Officers, and the effectiveness of the Honor Code.

## **ARTICLE TEN**

### **HONOR CODE AMENDMENT**

**SECTION 10.0.** This **Article Ten** provides the procedures for amending this Honor Code.

**SECTION 10.1. AMENDMENT PROCEDURES.** This Honor Code may be amended by majority vote of the Faculty, provided that Faculty members will be provided by the Dean or the Faculty Advisor or other Faculty member proposing the amendment, at least ten (10) days prior to the date on which the vote is scheduled, a copy showing the proposed amendment and an explanation of the purpose of the amendment.

**SECTION 10.2. NOTIFICATION OF AMENDMENT.** Notification of any amendment of this Honor Code and the effective date of the amendment shall be given to all members of the Law School community. The amended Honor Code shall be promptly posted on the Law School website, along with a comment explaining the amended provision.