

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



ACADEMIC REGULATIONS

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ACADEMIC REGULATIONS

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

1. DEGREES CONFERRED AND PROGRAMS OF STUDY

1.1 J.D. Degree

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

1.2 Joint Degree Programs

Several joint degree programs (e.g., J.D./MBA, J.D./MPH) are available in cooperation with other schools at the University. Further information is available in the office of the Dean.

1.3 Programs

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

2. REGISTRATION WITH BAR

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

3. ENROLLMENT

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

Newly admitted students and startovers may only enter in the fall term. Upper division law students, transfer students, and transient students may enter in any term and should

preregister each semester for the succeeding term. Specific instructions on preregistering and course schedules are ordinarily provided at least one month before the preceding examination period.

Newly admitted students, startovers, transfer students, and transient students entering in the fall term must provide to the Law School an official transcript by October 15 or earlier. Transfer students and transient students entering in the spring term must provide to the Law School an official transcript within 4 weeks of the date classes begin. Students who fail to comply with this requirement will be permitted to complete the current semester but will not be permitted to enroll in a subsequent semester until the Law School has the student's official transcript on file.

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

4. WITHDRAWALS AND RE-ENROLLMENT

4.1 Withdrawals and Refunds of Fees

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

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

The University establishes the policy for calculating fee adjustments and refunds. Students should review the Fee Adjustment (Refund) Policy published on the website by the University & Student Business Services. The associated deadlines for law students are provided on the Law School deadline calendar published for each semester.

4.2 Re-Enrollment after Withdrawal

a. Eligibility

To be eligible to re-enroll as a matter of right after withdrawal, the student who has withdrawn must have completed one academic year, have met the retention standards (See Sec. 14.1.b.), and be able to comply with the six-year requirement. (See Section 16.4.) Students who cannot re-enroll as a matter of right must secure permission from the Dean. Denial of permission to re-enroll shall not prevent a student from competing for a position in the first-year class. Re-enrollment procedures require filing a readmission application.

b. Graduation Requirements Upon Re-Enrollment

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

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

5.1 Full-Time Students

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

5.2 Part-Time Students

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

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

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

5.4 Enrollment

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

6. DROP/ADD COURSES

6.1 Adding Courses

With the exception of Trial Advocacy, Clinic, and Intersession classes, courses may be added to a student's schedule up to the 10th business day after the 1st day of classes for regular semesters,

and up to the 4th business day after the 1st day of classes for summer sessions. Trial Advocacy, Clinic, and Intersession may be added to a student's schedule during the first 5 business days after the first day of classes for regular semesters and during the first 2 business days after the 1st day of classes for summer sessions. Classes missed before being added will be counted as absences for the attendance policy of the faculty teaching the course.

6.2 Dropping Courses

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

7. REPEATING COURSES; PASSING REQUIRED COURSES

Required courses must be completed and passed to meet graduation requirements. Required courses that are failed must be retaken in the next regular semester in which the course is offered unless taken in summer session prior to such next regular semester or permission is given by the Dean to take the course in a later semester. When a course is repeated after having previously been failed, the grade for the course is averaged in the normal manner including the previous failure -- i.e., the previous grade stands and both grades become a part of the student's grade record and for computation of the student's grade point average. No grade is removed. (See Section 12.)

No course may be repeated, except as noted above.

8. CHANGE OF PROGRAM

8.1 Part-Time to Full-Time Program

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

8.2 Full-Time to Part-Time Program

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

8.3 Students Not in Good Standing

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

9. CLASS ATTENDANCE AND OUTSIDE WORK LIMITATIONS

9.1 Class Attendance

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

9.2 Outside Work Limitation for Full-Time Students

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

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

10.1 Schedule of Examinations

- a. The schedule for examinations is made part of the registration materials. The schedule of examinations may be amended during a regular semester, summer session or intersession. Such amended schedules will be posted, and all students prior to the examination period are responsible for checking the Law School Bulletin Board for an amended schedule.
- b. Unless students obtain the written permission of the Dean prior to registering, students may not register in courses which have conflicting examination schedules -- i.e. where examinations are scheduled to be administered on the same day. If permission is granted, one of the conflicting examinations will be rescheduled, typically on the next day in the examination period on which the student does not have an examination.
- c. Students are required to take examinations at the scheduled times. Faculty members are not authorized to grant exceptions, but the Dean may grant exceptions as set forth in Sections 10.2 and 10.3.

10.2 Scheduled Examination Conflicting with Observance of a Religious Holiday

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

10.3 Examinations under Special Circumstances

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

10.4 Using Computers and Typewriters

Unless a student has an accommodation from Student Disability Services or demonstrates a case of severe hardship, a student is required to use a laptop or similar device and the approved exam-writing software to write essay or short-answer examinations.

10.5 Anonymous Grading System and Examination Numbers

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

10.6 Deferrals or Delays in Taking Scheduled Examinations; Unreasonable Hardship

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

10.7 Late Arrivals for Examinations

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

10.8 Conclusiveness of Taking an Examination

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

10.9 Illnesses or Emergencies Arising During an Examination

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

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

The research paper in final form, whether written in connection with a seminar or as independent research, must be submitted to the faculty research advisor no later than the last day of the examination period of the semester or summer session in which the student is registered for the seminar or independent research, and may be required earlier by the faculty research advisor. A schedule for the submission of outlines, drafts, lists, and paper will be prepared in writing by the faculty research advisor or seminar instructor and given to the student. Failure to comply with the schedule may result in failure in the course for which the paper is required to be written. The faculty research advisor or seminar instructor may permit additional time, in which case the conditions and limitations of any such extension must be met; provided, however, no extension of time shall be beyond the last day of the examination period in which the student is registered unless requested in writing and approved by the faculty research advisor and by the Dean and filed with the Law School Registrar prior to the last day of the examination period. The Law School Registrar will provide a form by which this may be done. It is the responsibility of the student to procure the execution of the form by the faculty research advisor and by the Dean and to file it with the Law School Registrar.

10.11 Incompletes and Effect on Grades

If a deferral or delay of the due date on an examination or research paper extends beyond the end of the semester, a grade of Incomplete will be given in the course or seminar, and a

notation will be made in the student's records of the time and method by which completion is required. Any grade of Incomplete not removed in accordance with the requirements of a permitted deferral or delay will result in a grade of F or U in the course. (See Sections 10.3 & 11.)

10.12 Computation of Grades

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

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

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

11. INCOMPLETES AND GRADE CHANGES

11.1 Incompletes

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

11.2 Grade Changes

Upon reporting grades to the Law School Registrar, a professor is required to sign the grade sheet as certification that the grades are correct. After submission of grades to the Law School Registrar, grades may be changed by a professor only for computational or objective errors of the professor. Grade changes for any other reason may be made only with approval of the Academic Affairs Committee. Any such grade change must be made by the end of the semester, excluding summer session, or intersession, after the semester in which the grade was received.

12. GRADING SYSTEM

12.1 Grades

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

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

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

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

- b. For first-year courses, the mean cumulative grade point average for each section shall fall on or between 2.70 – 2.80. However, Fs shall be excluded when calculating the cumulative grade point average for each section. In extraordinary circumstances, the Associate Dean for Academic Affairs may approve an exception to this subsection 12.1.b.

12.2 Grading Systems and Factors to be Considered

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

12.3 Cumulative Grade Point Average

A student's cumulative grade point average is computed by first converting letter grades to number equivalents pursuant to Section 12.1. The number equivalents are then multiplied by the number of hours of credit assigned to each course. The products are added, and the sum

divided by the total number of hours of courses whose products are included in the sum. Courses graded E, S and U are excluded from the grade point computation.

12.4 Rounding

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

12.5 Grading Factors

- a. A written examination is usually given at the end of each course, and the grade for the course will be the grade made on the examination. An instructor, at his/her discretion and to the extent he/she desires, may, however, consider such factors as class attendance, participation in classroom instruction, other examinations and the performance of required work in determining the grade. These additional factors will be announced at the beginning of the course, or at such time as to provide adequate notice to the students.
- b. In a course that fulfills the Law School's writing requirement, other than Law Review, at least 65% of the grade must be based on graded written work, including one or more final written papers. The balance of the course grade may be based on other research and writing tasks and exercises, as well as participation that demonstrates the students' knowledge, comprehension, and analysis of assigned readings or research, such as assessment of class participation and oral presentation.

A student may not satisfy the advanced writing requirement unless a grade of C or better is received, both in the course seminar and on the final written work product. (See Section 16.1)

13. CLASS RANKING

13.1 Full-Time Students

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

1st year: fall and spring semesters

2nd year: fall and spring semesters

3rd year: fall and spring semesters

Final: as a group, following summer session

13.2 Part-Time Students

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

1st year fall and spring semester with admission class

2nd year spring semester with admission class

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

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

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

Final: as a group, following summer session

13.3 Work Considered for Ranking

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

13.4 Honors

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

Summa Cum Laude – Top 1% of the graduating class

Magna Cum Laude – Top 10% of the graduating class

Cum Laude – Top 25% of the graduating class

Diplomas awarded to such students will reflect the distinction.

14. ACADEMIC ELIGIBILITY REQUIREMENTS

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

a. Good Standing

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

b. Retention and Academic Exclusion

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

1. The student has received grades in fewer than 15 credit hours.
2. The student has received grades in 15 to 23 credit hours and has a cumulative grade point average of 1.50 or better.

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

A student who is not in good standing but entitled to retention under provisions 1-5 above must complete the student's next semester after no more than two semesters of non-enrollment. Non-enrollment includes withdrawal during a semester. (See Sec. 4.2.a.)

c. Computation of Grade Point Average

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

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

a. Good Standing

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

b. Retention and Academic Exclusion

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

1. The student has received grades in fewer than 17 credit hours at this law school.
2. The student transferred to this law school with fewer than 17 transfer credits, has received grades in 17 to 32 credit hours at this law school and has a cumulative grade point average of 1.9 for work at this law

school, or has earned a semester grade point average of 2.3 in the most recent semester.

3. The student transferred to this law school with 17 or more transfer credits, has received grades in 17 to 32 credit hours at this law school and has earned a semester grade point average of 2.5 in the most recent semester.

14.3 Significance of Academic Exclusion

A student who is academically excluded may:

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

The Dean may establish additional procedures and deadlines for resolving a grade challenge under 14.3.a. or an Academic Regulations petition under 14.3.b. An excluded student may not attend classes while either matter is pending, absent extraordinary circumstances and permission from the Dean. Subject to the above, academic exclusion is final and there is no appeal. A student who is academically excluded may seek startover admission pursuant to the provisions of Section 15.

14.4 Academic Warning

A student who is in good standing but has a cumulative GPA below 2.25 will be placed on Academic Warning. A student who is on Academic Warning is subject to the following requirements, prohibitions, and recommendations:

- a. **Mandatory Academic Advising & Schedule Approval:** The student must meet with the Associate Dean for Academic Affairs or her designee for academic advising. For the semester immediately following the semester resulting in Academic Warning, the student must obtain schedule approval of the Associate Dean for Academic Affairs or her designee for the classes the student has enrolled in within a reasonable time after being placed on Academic Warning and, in any event, before the drop/add period expires for that semester. For each semester thereafter, the student must obtain schedule approval of the

Associate Dean for Academic Affairs or her designee before registering for classes. Additionally, the student may not drop or add classes without the approval of the Associate Dean for Academic Affairs or her designee.

- b. As part of the Academic Advising and Schedule Approval process, the Associate Dean for Academic Affairs or her designee may require the student to enroll in or refrain from enrolling in specific courses and may limit the credit hours the student can take beyond those limits established in Section 5.
- c. A student who does not receive the necessary approval will not be permitted to register. A student who fails to register in accordance with the approved schedule will be administratively dropped from the unapproved classes and enrolled in the approved classes.
- d. Prohibited Activities: The student may not engage in any employment for compensation or spend a substantial amount of time on extra-curricular activities without the prior written approval of the Associate Dean for Academic Affairs or her designee. "Substantial amount of time on extra-curricular activities" includes but is not limited to (i) accepting any position of leadership on any student board or organization and (ii) participation in any internal or external competition unless the competition is integrated with a course.
- e. Recommended Academic Improvement Plan: The student is strongly encouraged, but not required, to work with the Associate Dean for Academic Affairs or her designee to develop and implement an Academic Improvement Plan. The Academic Improvement Plan will vary according to the student's circumstances but could include a range of steps to improve the student's academic performance, including but not limited to exam review, regular meetings with a mentor or fellow, regular meetings with a faculty member, attending designated instructional sessions, and completing specific assignments designed to develop skills or knowledge.

Complying with the conditions of Academic Warning does not guarantee retention; retention is governed by the requirements established in Sections 14.1 and 14.2.

14.5 Academic Probation

A student who is not in good standing but entitled to retention pursuant to Section 14.1.b or Section 14.2.b will be placed on Academic Probation. A student who is on Academic Probation is subject to the same requirements, prohibitions, and recommendations as set forth in Section 14.4 *except* that the student is required to work with the Associate Dean for Academic Affairs or her designee to develop and implement an Academic Improvement Plan.

Students on Academic Probation who fail to comply with the conditions of Academic Probation, including the conditions of the Academic Improvement Plan, may, after

written notice and reasonable opportunity to respond, be dismissed, required to withdraw, or required to take a leave of absence.

Complying with the Conditions of Academic Probation does not guarantee retention; retention is governed by the requirements established in Sections 14.1 and 14.2.

15. STARTOVER

- a. An applicant for admission to the first year entering class who was academically excluded from any law school may be admitted to the class for which he or she has applied, provided:
 1. The applicant was academically excluded from any accredited law school.
 2. Deleted on March 24th, 2017.
 3. The applicant has satisfied, on the dates of admission and enrollment, all absolute admission requirements applicable to all other applicants who are admitted and enrolled in the entering class for which application is made, except that the LSAT exam must have been taken within five years prior to the date of admission unless waived by the Admissions Committee;
 4. The applicant, before admission, has been approved for admission by a majority of this law school's Admission Committee and the Dean after consideration of the applicant's situation in light of the relevant ABA Standard on Startover Admissions;
 5. The applicant has not enrolled as a startover admit at any law school after previously being academically excluded from any law school; and
 6. The startover application is complete by April 1st.
- b. Each applicant described above who has been admitted and enrolled will not be counted in the total number of enrollments needed to fill the first year entering class. In no event will more than five (5) such applicants be admitted and enrolled in any one entering class. In the event that more than five (5) such applicants are approved as eligible for admission, the Admissions Committee together with the Dean will select the five (5) to be admitted. Selections will be based upon the applicant's admission index and other factors reflecting the likelihood for success at this law school.

16. REQUIREMENTS FOR GRADUATION

The requirements for graduation are continually under examination and revision. The Law School reserves the right to change any provision, offering, or requirement and to designate an appropriate effective date. Changes may affect current students. Enrollment of all students is subject to these conditions. Adequate and reasonable notice will be given to students affected by any change.

16.1 Course Requirements

A student is required to complete course work for a total of at least 90 credit hours for all courses.

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

The required courses and course sequencing for full-time students depends on a student's matriculation date as set forth in the following subsections. Students who matriculated into the full-time program prior to August 1, 2018, should refer to the Academic Regulations in place at the time of matriculation. Students may request an exception to the required courses and course sequencing from the Dean or the Dean's designee. The Dean or the Dean's designee may refer the request to the Academic Affairs Committee when appropriate.

1. Full-Time Students Who Matriculated After August 1, 2018, and before August 1, 2021

A student who matriculated into the full-time program after August 1, 2018, and before August 1, 2021, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

<u>First Year</u>	<u>Second Year</u>	<u>Second or Third Year</u>	<u>Third Year</u>																
<u>Fall Term</u> 111 Contracts I 112 Torts I 113 Legal Methods I 114 Civil Procedure I 115 Property I <u>Spring Term</u> 121 Contracts II 122 Torts II 123 Legal Methods II 124 Civil Procedure II 125 Property II 126 Criminal Law	212 Constitutional Law 221 Evidence <i>*A student is required to complete Evidence & Constitutional Law by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	223 Criminal Procedure I 224 Professional Responsibility Two Courses in both the Statutory Menu and Practice Foundation Menu: <table><tr><th><u>Statutory Menu</u></th><th><u>Practice Foundation Menu</u></th></tr><tr><td>214 Income Taxation</td><td>211 Business Organizations</td></tr><tr><td>222 Secured Transactions</td><td>213 Decedents' Estates</td></tr><tr><td>330 Fair Employment Practice</td><td>311 Administrative Law</td></tr><tr><td>334 Corporate Tax</td><td>324 Conflict of Laws</td></tr><tr><td>343 Labor Law</td><td>331 Family Law</td></tr><tr><td>348 Legislation</td><td>368 Remedies</td></tr><tr><td>359 Sales</td><td></td></tr></table>	<u>Statutory Menu</u>	<u>Practice Foundation Menu</u>	214 Income Taxation	211 Business Organizations	222 Secured Transactions	213 Decedents' Estates	330 Fair Employment Practice	311 Administrative Law	334 Corporate Tax	324 Conflict of Laws	343 Labor Law	331 Family Law	348 Legislation	368 Remedies	359 Sales		721 Bar Exam Preparation <i>**This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course in the spring of the student's second year.</i>
<u>Statutory Menu</u>	<u>Practice Foundation Menu</u>																		
214 Income Taxation	211 Business Organizations																		
222 Secured Transactions	213 Decedents' Estates																		
330 Fair Employment Practice	311 Administrative Law																		
334 Corporate Tax	324 Conflict of Laws																		
343 Labor Law	331 Family Law																		
348 Legislation	368 Remedies																		
359 Sales																			
<i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i>																			

2. Full-Time Students Who Matriculate After August 1, 2021, and before August 1, 2022

A student who matriculated into the full-time program after August 1, 2021, and before August 1, 2022, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Second or Third Year	Third Year
Fall Term 111 Contracts I 112 Torts I 113 Legal Methods I 114 Civil Procedure I 115 Property I Spring Term 121 Contracts II 122 Torts II 123 Legal Methods II 124 Civil Procedure II 125 Property II 126 Criminal Law	212 Constitutional Law 221 Evidence <i>*A student is required to complete Evidence & Constitutional Law by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	211 Business Organizations 213 Decedents' Estates 223 Criminal Procedure I 224 Professional Responsibility 700 Commercial Law** <i>**In lieu of Commercial Law, a student may take BOTH Sales (359) AND Secured Transactions (222).</i>	721 Bar Exam Preparation <i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course in the spring of the student's second year.</i>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

3. Full-Time Students Who Matriculate After August 1, 2022, and before August 1, 2023

A student who matriculates into the full-time program after August 1, 2022, and before August 1, 2023, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Second or Third Year	Third Year
Fall Term 111 Contracts I 112 Torts I 113 Legal Methods I 114 Civil Procedure I 115 Property I *** ASP I Spring Term 121 Contracts II 122 Torts II 123 Legal Methods II 124 Civil Procedure II 125 Property II 126 Criminal Law *** ASP II	212 Constitutional Law 221 Evidence <i>*A student is required to complete Evidence & Constitutional Law by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	211 Business Organizations 213 Decedents' Estates 223 Criminal Procedure I 224 Professional Responsibility 700 Commercial Law** <i>**In lieu of Commercial Law, a student may take BOTH Sales (359) AND Secured Transactions (222).</i>	721 Bar Exam Preparation <i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course in the spring of the student's second year.</i>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

4. Full-Time Students Who Matriculate After August 1, 2023

A student who matriculates into the full-time program after August 1, 2023, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Second or Third Year	Third Year
Fall Term 111 Contracts I 112 Torts I 113 Legal Methods I 114 Civil Procedure I 115 Property I 553 Academic Success I Spring Term 121 Contracts II 122 Torts II 123 Legal Methods II 124 Civil Procedure II 125 Property II 126 Criminal Law 554 Academic Success II	212 Constitutional Law 221 Evidence <i>*A student is required to complete Evidence & Constitutional Law by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	211 Business Organizations 223 Criminal Procedure I 224 Professional Responsibility 359 Sales	721 Bar Exam Preparation <i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course in the spring of the student's second year.</i>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

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

The required courses and course sequencing for part-time students depends on a student's matriculation date as set forth in the following subsections. Students may request an exception to the required courses and course sequencing from the Dean or the Dean's designee. The Dean or the Dean's designee may refer the request to the Academic Affairs Committee when appropriate.

1. Part-Time Students Who Matriculated Before August 1, 2020

A student who matriculated into the part-time program before August 1, 2020, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

<div>First Year</div>	<div>Second Year</div>	<div>Third or Fourth Year</div>	<div>Fourth Year</div>																
<div>Fall Term</div> <div>112 Torts I 113 Legal Methods I 114 Civil Procedure I</div> <div>Spring Term</div> <div>122 Torts II 123 Legal Methods II 124 Civil Procedure II 126 Criminal Law</div>	<div>Fall Term</div> <div>111 Contracts I 115 Property I AND 212 Constitutional Law OR 221 Evidence</div> <div>Spring Term</div> <div>121 Contracts II 125 Property II AND 212 Constitutional Law OR 221 Evidence</div> <div><i>*A student is required to complete the above courses by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i></div>	<div>223 Criminal Procedure I</div> <div>224 Professional Responsibility</div> <div>Two Courses in both the Statutory Menu and Practice Foundation Menu:</div> <table><tr><th><div>Statutory Menu</div></th><th><div>Practice Foundation Menu</div></th></tr><tr><td>214 Income Taxation</td><td>211 Business Organizations</td></tr><tr><td>222 Secured Transactions</td><td>213 Decedents' Estates</td></tr><tr><td>330 Fair Employment Practice</td><td>311 Administrative Law</td></tr><tr><td>334 Corporate Tax</td><td>324 Conflict of Laws</td></tr><tr><td>343 Labor Law</td><td>331 Family Law</td></tr><tr><td>348 Legislation</td><td>368 Remedies</td></tr><tr><td>359 Sales</td><td></td></tr></table>	<div>Statutory Menu</div>	<div>Practice Foundation Menu</div>	214 Income Taxation	211 Business Organizations	222 Secured Transactions	213 Decedents' Estates	330 Fair Employment Practice	311 Administrative Law	334 Corporate Tax	324 Conflict of Laws	343 Labor Law	331 Family Law	348 Legislation	368 Remedies	359 Sales		<div>721 Bar Exam Preparation</div> <div><i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course student's last spring semester.</i></div>
<div>Statutory Menu</div>	<div>Practice Foundation Menu</div>																		
214 Income Taxation	211 Business Organizations																		
222 Secured Transactions	213 Decedents' Estates																		
330 Fair Employment Practice	311 Administrative Law																		
334 Corporate Tax	324 Conflict of Laws																		
343 Labor Law	331 Family Law																		
348 Legislation	368 Remedies																		
359 Sales																			
<div>Note: Academic Regulation 16.1.c. sets forth additional requirements.</div>																			

2. Part-Time Students Who Matriculate After August 1, 2020, and Before August 1, 2022

A student who matriculates into the part-time program after August 1, 2020, and before August 1, 2022, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Third or Fourth Year	Fourth Year
Fall Term 112 Torts I 113 Legal Methods I 114 Civil Procedure I Spring Term 122 Torts II 123 Legal Methods II 124 Civil Procedure II 126 Criminal Law	Fall Term 111 Contracts I 115 Property I AND 212 Constitutional Law OR 221 Evidence Spring Term 121 Contracts II 125 Property II AND 212 Constitutional Law OR 221 Evidence <i>*A student is required to complete the above courses by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	211 Business Organizations 213 Decedents' Estates 223 Criminal Procedure I 224 Professional Responsibility 700 Commercial Law** <i>**In lieu of Commercial Law, a student may take BOTH Sales (359) AND Secured Transactions (222).</i>	721 Bar Exam Preparation <i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course student's last spring semester.</i>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

3. Part-Time Students Who Matriculate After August 1, 2022, and Before August 1, 2023

A student who matriculates into the part-time program after August 1, 2022, and before August 1, 2023, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Third or Fourth Year	Fourth Year
Fall Term 112 Torts I 113 Legal Methods I 114 Civil Procedure I *** ASP I Spring Term 122 Torts II 123 Legal Methods II 124 Civil Procedure II 126 Criminal Law *** ASP II	Fall Term 111 Contracts I 115 Property I AND 212 Constitutional Law OR 221 Evidence Spring Term 121 Contracts II 125 Property II AND 212 Constitutional Law OR 221 Evidence <i>*A student is required to complete the above courses by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i>	211 Business Organizations 213 Decedents' Estates 223 Criminal Procedure I 224 Professional Responsibility 700 Commercial Law** <i>**In lieu of Commercial Law, a student may take BOTH Sales (359) AND Secured Transactions (222).</i>	721 Bar Exam Preparation <i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course student's last spring semester.</i>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

4. Part-Time Students Who Matriculate After August 1, 2023

A student who matriculates into the part-time program after August 1, 2023, is required to complete the following courses in the sequence indicated, unless an exception is granted by the Dean or the Dean's designee.

First Year	Second Year	Third or Fourth Year	Fourth Year
<p>Fall Term</p> <p>112 Torts I 113 Legal Methods I 114 Civil Procedure I 553 Academic Success I</p> <p>Spring Term</p> <p>122 Torts II 123 Legal Methods II 124 Civil Procedure II 126 Criminal Law 554 Academic Success II</p>	<p>Fall Term</p> <p>111 Contracts I 115 Property I AND 212 Constitutional Law OR 221 Evidence</p> <p>Spring Term</p> <p>121 Contracts II 125 Property II AND 212 Constitutional Law OR 221 Evidence</p> <p><i>*A student is required to complete the above courses by the end of spring of the second year. If a student takes either or both courses in the summer term between the first and second year, this requirement will be satisfied.</i></p>	<p>211 Business Organizations</p> <p>223 Criminal Procedure I</p> <p>224 Professional Responsibility</p> <p>359 Sales</p>	<p>721 Bar Exam Preparation</p> <p><i>***This course is intended to be taken in the student's final semester. If a student is graduating early, the student should request an exception to the required courses and course sequencing from the Dean or the Dean's designee permitting the student to take the course student's last spring semester.</i></p>
<p><i>Note: Academic Regulation 16.1.c. sets forth additional requirements.</i></p>			

c. Other Required Courses for Full-Time and Part-Time Students

In addition to the above listed courses, a student is required to satisfy both the advanced writing and the experiential requirements. Students on Academic Warning or Academic Probation may also be required to complete additional courses or take courses in a specific sequence as set forth in Sections 14.4 and 14.5.

1. Advanced Writing

A student must enroll in a course that satisfies the advanced writing requirement. See the Course Catalog for a list of courses that satisfy the advanced writing requirement. (See Section 12.5.)

An advanced writing course satisfying the advanced writing requirement must be taught by a full-time Law School faculty member. It must include express instruction on legal writing and research. Each such course is offered as a rigorous writing experience, as indicated in the grading requirements of Section 12.5(b), under faculty supervision and shall include individualized assessment by the faculty member of the student's written product, and a faculty member's review and edit of one or more drafts of the student's work.

To satisfy the advanced writing requirement, a student must earn a C or better in the course and on the final written work product. (See Section 12.5.) A student must complete the first-year full-time curriculum prior to satisfying the advanced writing requirement.

2. Experiential Learning

A student must satisfactorily complete one or more experiential course(s) totaling at least six (6) credit hours, including a minimum of one clinic course or externship. For the purposes of the Experiential Learning Requirement, an experiential course means a course that meets the requirements of American Bar Association Standard 303(a)(3) (defining "experiential course") and American Bar Association 304 (defining "law clinic," "field placement course," and "simulation course"). Satisfactory completion means earning a grade of C or better in the course for experiential courses graded on a letter grade basis and earning a grade of Satisfactory or better in the course for experiential courses graded on an Excellent/Satisfactory/Unsatisfactory basis. A student is required to complete 28 credit hours before taking an externship, which is one type of course that qualifies as an experiential course for the Experiential Learning Requirement. See the Course Catalog for a list of courses that satisfy the experiential requirement.

d. Limitations on Courses for Credit toward Graduation

1. As required by ABA Standard 311, at least 64 of the credit hours required to graduate must be from courses that require attendance in regularly

scheduled classroom sessions or direct faculty instruction. As set forth in Interpretation 311-1, such credit hours may *not* include credits earned through externships; credits transferred as part of a joint degree program; or credits earned for participation in co-curricular activities such as law review, moot court, or mock trial.

2. Not more than a total of twelve (12) credit hours may be utilized toward satisfying graduation requirements by satisfactorily completing ungraded courses. Any ungraded course specifically required by Academic Regulation 16.1.a-b does not count toward this limitation.
3. To satisfy graduation requirements, a student is permitted no more than 3 externship or clinic courses in any combination, provided that clinic hours shall not exceed 10. Absent permission from the Associate Dean of Academic Affairs, a student may not repeat a clinic or externship, may not enroll in both a clinic and externship in the same semester or summer session, and may not enroll in more than one clinic or more than one externship in any semester or summer session. For enrollment purposes in these limited enrollment courses, a student who has taken one clinic will not receive priority for a second clinic, and a student who has taken one externship will not receive priority for a second externship.

16.2 Waiver of Course Requirement

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

16.3 Twenty-four Month Requirement

A student may complete the law school's degree requirements no earlier than 24 months after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit.

16.4 Six-Year Requirement

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

16.5 Work at Other Schools

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

16.6 Grade Requirement

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

16.7 Completion of Work

All required courses must be completed. Completion of a course consists of sufficient attendance in class, performance of all required work, the taking of all examinations, making a passing grade (D or above or, in the case of non-graded course, a grade of E or S), with the exception of the writing requirement, which requires a grade of C or above, and the experiential learning requirement, which requires a grade of C or above in letter-graded courses and Satisfactory or above in E/S/U-graded courses. (See Section 12.5 and 16.1.c.) Failure to complete work in any course as it is required, or to take an examination when required, will result in a grade of F in the course. Delay in completing the work in a course may be permitted, as outlined under Delay in Completing Required Work. (See Section 10.)

16.8 Pro Bono Requirement

A student must complete forty hours of pro bono service to graduate. Please see the Pro Bono Program Handbook for more information.

17. TRANSFERRED CREDIT

17.1 Work at Other Law Schools

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

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

17.2 Work in Connection with a Joint Degree

The Law School has established joint degree programs (e.g., J.D./MBA, J.D./MPH) in cooperation with other schools at the University. Transfer credit for non-J.D. coursework is subject to the

policies adopted by the faculty in connection with each program and the standards established by the ABA. Further information is available in the office of the Registrar.

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

18.1 Auditing Courses

J.D. degree candidates and transient J.D. students at this law school enroll in classes for credit and a grade, and do not audit classes. Persons permitted to audit a class may register for the class and have it listed on their transcript, without receiving credit or a grade. Such persons include practicing attorneys, members of the faculty of the University, graduates of the University, students pursuing a graduate degree program of the University, and students pursuing graduate degree programs at other accredited universities or colleges. These individuals should contact the office of the Dean for additional information. A person may audit a course only with the permission of the instructor, and subject to any conditions required by the instructor.

18.2 Transient Students

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

18.3 Foreign Lawyers

At the discretion of the Dean or the Dean's designee, a person who has graduated from a foreign law school (or equivalent institution) and has demonstrated proficiency in the English language, which may include objective assessment through a standardized test, may enroll in up to twenty-four (24) credits in courses offered in the first year of law school.

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

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

20. STUDENT RECORDS AND FILES: GRADE INFORMATION

20.1 Confidentiality of Student Records

In compliance with provisions of the "Family Educational Rights and Privacy Act of 1974," the School of Law abides by the rules and regulations of the University pertaining to the confidentiality of student records, the release of that information, and the rights of students and others to have access to such records as set forth in the University FERPA Annual Notification and the University's Privacy of Education Records (Compliance with FERPA) policy. Both documents are available on the University website.

20.2 Grade Information

Individual grades will not be divulged over the telephone. All grades will be posted by the office of the Dean when received by that office from the instructor. (See 20.3 for students' rights to not to have their grades posted.) Except for circumstances beyond the control of a faculty member, all grades should be reported by the faculty within three (3) weeks of the end of any examination period.

20.3 Non-Posting of Grades Upon Request

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

21. HONOR CODE

21.1 Definitions

- a. "Appellate Board" refers to the three-person appellate board consisting of the Dean, the Associate Dean for Academic Affairs, and one member of the full-time faculty. The Dean shall select the faculty member on the Appellate Board.
- b. "Associate Chief Justice" refers to the Student Justice who shall act as the Chief Justice if the Chief Justice is unable to preside over any meeting, hearing, or function involving the Honor Council.
- c. "Chief Justice" refers to the Student Justice who shall act as the head and the voice of the Honor Council and is vested with the authority to run the Council and hearing processes.
- d. "Class" and "Course" refer to any academic enterprise that awards credit toward a degree or any law school-sanctioned, co-curricular activity for academic credit, including but not limited to Moot Court and Law Review.
- e. "Day", for the purpose of determining deadlines, means any regular business day of the School of Law and does not include weekends, holidays observed by the School of Law, or any day on which the School of Law is not open to conduct regular business.
- f. "Dean" refers to the Dean of the Cecil C. Humphreys School of Law at the University of Memphis, or that person's designee.
- g. "Elections" are the mechanism by which the student body will elect student justices.
- h. "Honor Council" refers to the group of Student Justices that has plenary authority to review alleged violations under the Honor Code and to impose

those sanctions it deems appropriate. The Honor Council consists of eleven members: five from the 2L class, and six from the 3L class.

- i. “Investigator” refers to the two Honor Council members, appointed by the Chief Justice on a case-by-case basis, who will serve as fact gatherers for the preliminary hearings, and who will also serve as presenters of information in all preliminary and main hearings. The Investigators will not have a vote on matters to which they are appointed.
- j. “Notice” means written notice and includes e-mail messages.
- k. “Respondent” refers to a student or group alleged to have violated the Honor Code.
- l. “Secretary” refers to the Student Justice who is responsible for keeping an adequate record of proceedings, as set forth herein.
- m. “Student Counsel” refers to a current member of the student body requested by the Respondent to be his or her counsel. The Student Counsel may act on behalf of the Respondent in an Honor Council hearing. The Student Counsel shall keep confidential any information learned in the course of his or her representation. Current Honor Council members may not serve as Student Counsel.
- n. “Student Justice” refers to an individual member of the Honor Council. Any student who has been found responsible for a violation of the Honor Code may not serve as a Student Justice.
- o. “Summary Discipline” refers to the authority of a faculty member to take action when it is determined by the faculty member that a student has committed an act of academic misconduct.
- p. “Writing” includes a letter, memorandum, or e-mail message sent to a student’s School of Law e-mail account.

21.2 Scope

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

- b. The Code also applies to students enrolled in courses or programs sponsored or co-sponsored by the School of Law. The Code covers conduct that occurs from the time the student is admitted to the course or program and that occurs under the scope of 21.2(a)(1-3) of this Code.
- c. Investigations may be initiated or continued after a student has withdrawn or graduated, but no later than the time that student is admitted to a state bar. If an Honor Code matter is pending when a student is scheduled to graduate, the student's degree may be withheld at least until the matter is resolved, or for 90 days, whichever is less.

21.3 Oath

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

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

21.4 Sanctionable Conduct

- a. Culpability

Unless otherwise indicated in 21.4.b., a student may be found to have violated the Honor Code if the student acted negligently. A student acts negligently if the student should have known that the student's actions violated the Honor Code. A student who acts purposely, knowingly, or recklessly also satisfy this requirement.

- b. Types of Dishonesty and Misconduct

An act of dishonesty is a wrongful or improper act that questions a student's academic honesty or integrity; an act of misconduct is a wrongful, improper or prohibited academic act. The Honor Council has the authority to investigate either an act of dishonesty or an act of misconduct. Acts of dishonesty and misconduct include but are not limited to the following:

- 1. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The

term academic exercise includes all forms of work submitted for credit or hours.

2. Unauthorized assistance or collaboration. Providing aid on an assignment, examination, or other academic exercise when not permitted by the professor.
3. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution, or the reuse of one's own academic work previously submitted for academic credit at any academic institution (including the University of Memphis). Plagiarism is a strict liability violation.
 - i. Plagiarism includes, but is not limited to, copying another's work word-for-word, turning in a paper written by another, rewriting another's work with only minor changes, and summarizing another's work or taking another person's ideas without acknowledging the source through proper attribution and citation.
 - ii. An accidental omission of a citation(s) may not be considered an act of academic misconduct, unless other facts determine otherwise.
 - iii. The faculty member responsible for grading the academic work in question has plenary authority either to make a referral of plagiarism to the Honor Council, if that faculty member is unclear if there is a violation, or to reduce the student's grade based on the academic merits of the academic work. The faculty member may not make a determination of a violation, because that is within the sole authority of the Honor Council.
4. Theft, misappropriation, or unauthorized possession of property. Any act of theft, misappropriation, or unauthorized possession of University or personal property. Damaging, misappropriating, or disabling academic resources so that others cannot use them is considered misconduct. This includes but is not limited to removing pages from books, stealing books or articles, hiding or misplacing books or articles intentionally, deleting or damaging computer files intended for others' use, or the taking of any personal property on school grounds.
5. Compromising examination security. Invading the security maintained for preparing or storing examinations, tampering with exam-making or exam-taking software, or discussing any part of a test or examination with a student who has not yet taken that examination but is scheduled to do so.

6. Deception and misrepresentation. Lying about or misrepresenting a student's own work, academic records, credentials, or other academic matters or information. Examples of deception and misrepresentation include but are not limited to: forging signatures, signing another student's name or initials on a roll sheet, forging letters of recommendation, falsifying internship, externship, or clinic documentation, falsifying pro bono records, or falsifying information in an application or on a résumé.
7. Electronic dishonesty. Using network or computer access in a way that inappropriately affects a class or other students' academic work. Non-exhaustive examples of electronic dishonesty include tampering with another student's account so that the student cannot complete or submit an assignment, stealing a student's work through electronic means, or knowingly spreading a computer virus.
8. Facilitating academic dishonesty. Aiding someone else to commit an act of academic dishonesty. This includes but is not limited to giving someone work product to copy or allowing someone to cheat from a student's own examination or assignment.
9. Writing past the end of an examination. Continuing to respond to a test or examination question when the time allotted has elapsed. The use of a spell check function or any other electronic tool to alter an examination after the time allotted has elapsed constitutes writing past the end of an examination. This is a strict liability violation.
10. Failing to disclose admonitory incidents or misrepresentations on the law school application. A student who fails to disclose an admonitory action as described in the law school application or who provides false or misleading information on the law school application is in violation of this Code. A student who discloses new information or corrects misrepresentations on the law application must include a statement of the reasons for failing to report the information or for providing misleading information on the application. The student must provide all corroborating documentation. For criminal incidents, corroborating documentation includes, but is not limited to, the criminal charge, an arrest record, and the final disposition record.
11. Failing to disclose admonitory incidents while a law student. A matriculated student, a student who is accepted to law school but has not yet enrolled, and a student enrolled in law school has a continuing responsibility to disclose any new admonitory incidents, as described in the student's law school application, to the Associate Dean for Academic Affairs within a reasonable amount of time, as determined by the Associate Dean. This is a strict liability violation.

12. Failing to comply with the administration and execution of Honor Council sanctions and penalties by the Law School Registrar, or in his or her absence the Associate Dean of Academic Affairs, pursuant to 21.5(c) of the Honor Code. This is a strict liability violation.
13. Knowingly referring false allegation(s). It is a violation of this Code to knowingly make a false allegation or referral pursuant to this Code or to assist another in doing so.
14. Duty to Report. A student shall report any act or conduct raising a reasonable belief that a violation of the honor code has occurred. A student who fails to meet the duty to report is in violation of the honor code except that a student does not abridge the duty to report when, based upon a good faith belief that a violation has been reported or that the conduct in question is not a violation of the honor code, he or she fails to report a violation of the honor code.

For the purposes of this provision, actual knowledge of a violation is not required to form a reasonable belief that a violation has occurred. A reasonable belief exists when there is a reasonable basis for the belief, based upon personal observation or the report of others that a violation of the honor code has occurred.

21.5 Sanctions

- a. Types of sanctions: This Code does not require any particular sanction or range of sanctions. The appropriate sanction(s) in a particular case will depend on the circumstances as determined by the Honor Council. Multiple sanctions may be imposed in connection with any violation. Below is a non-exhaustive list of sanctions that may be imposed under this Code, upon recommendation of the Honor Council with approval by the Dean.
 1. Written warning. A warning constitutes official written notice that a student has violated the Honor Code and that repetition of inappropriate conduct would be cause for more serious disciplinary action. A warning will remain in the student's active disciplinary file for a period of one year from the issuance of the sanction (unless applicable State/Federal law dictates otherwise) and would be used as a basis for future sanctioning should further violation(s) of the Honor Code occur;
 2. Community or law school service. A student may be required to donate a specified number of pro bono or service hours performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense;
 3. Counseling or referral to a student support service. A student may be required to participate in a specified assessment, or educational or counseling program(s) relevant to the offense;

4. Letter of apology or explanation of conduct;
 5. Academic penalty, such as writing a research paper, or receiving a lower or failing grade for an assignment or course. This penalty may be imposed only by the Honor Council after the Chief Justice consults with and receives the recommendation of the course professor;
 6. Exclusion or suspension from one or more activities, events, functions, benefits, or privileges of the School of Law;
 7. Disciplinary probation for a set period of time, determined by the Honor Council, during which the student must fulfill any requirements imposed by the Honor Council due to a violation; if the student fails to fulfill the conditions during the disciplinary probation period, the Honor Council may determine that the student has violated the probation and may impose new or additional sanctions; the Honor Council must give the student notice and a reasonable opportunity to respond before making such a determination;
 8. Suspension from the School of Law. Suspension involves the separation of a student from the University for a specified period of time. Suspension may be accompanied by special conditions for readmission;
 9. Expulsion from the School of Law;
 10. Revocation of admission from the School of Law;
 11. Denial of a dean's certificate (diploma); or
 12. Any combination thereof.
- b. Effective date of sanctions: All sanctions are effective immediately upon approval by the Dean or the Dean's designee, unless stayed by the Chief Justice or the Dean. The Respondent may request that the Chief Justice stay the sanction during the appeal process.
1. The Chief Justice will stay the sanction at the request of the Respondent if the matter has been appealed by the Respondent for consideration of review by the Appellate Board.
 2. The sanction will take immediate effect once the Appellate Board denies the appeal or otherwise renders a final judgment upon review.
- c. Role of the Law School Registrar: The Law School Registrar, or in his or her absence the Associate Dean of Academic Affairs, shall administer and execute Honor Council sanctions and penalties. The Registrar shall keep the official student record of Honor Council dispositions and sanctions.

- d. Mitigating and aggravating factors: In determining a sanction, the Honor Council may consider mitigating and aggravating factors. A non-exhaustive list of factors that may be considered include the following:
1. Pre-referral admission,
 2. Other admissions,
 3. Cooperation,
 4. Intent,
 5. Degree of harm or seriousness of offense,
 6. Prior violations,
 7. Nexus to professional standards,
 8. Willingness to make restitution.
- e. Authority of faculty:
1. This Code does not diminish or modify a faculty member's authority to assess students or to formulate grades in the normal course of teaching for academic reasons unrelated to an Honor Code violation. A faculty member who believes a student has committed an act of academic misconduct shall notify the student in writing of the basis for the belief and allow the student five (5) business days to respond to the allegation. The student shall respond to the allegation by scheduling a meeting with the instructor to discuss the matter. After meeting with the student to review the alleged misconduct, the instructor has two options: (a) the faculty may make a decision regarding an appropriate action such as reducing or modifying a grade, or (b) the faculty may refer the matter to the Honor Council. A student found responsible for academic misconduct by the faculty member is not permitted to withdraw from the course to avoid summary discipline.
 2. If a faculty member chooses to refer a student to the Honor Council, the faculty member may not impose a grade penalty for an alleged Honor Code violation unless the Honor Council finds the student responsible for the relevant violation of the Honor Code. Once a student has been referred to the Honor Council for an act of academic misconduct, the student may not drop or withdraw from the class until such time as the matter has been resolved. If the Honor Council finds that the student is responsible for a violation of the Honor Code, the Honor Council shall consult with the faculty member regarding the nature of the penalty. Faculty members are encouraged to publish their policy on the Honor Code in the course syllabus.

3. A student found responsible by a faculty member for act(s) of academic misconduct may seek a review by the Dean. A request for such a review must be submitted in writing within five days of receipt of notice of the faculty member's decision. During this review, the student and faculty member will present information to support their case to the Dean. After reviewing the material presented, the Dean may uphold the action taken by the faculty member or modify the action taken by the faculty member.

21.6 Procedures

a. Referrals

1. Method of Referral: A person shall refer a violation of this Code to any student member of the Honor Council or to the Associate Dean for Academic Affairs. Referrals may be made in person or through any method approved by the Honor Council but are not required to be in writing. Referrals may not be made anonymously. However, the identity of a referring student will remain confidential unless the referring student waives his or her right to confidentiality. Further, a student referring a matter may be required to repeat information he or she provides to other Honor Council members or at a hearing.
2. Sua Sponte Referrals: If the Honor Council becomes aware of information that suggests that a student subject to this Code may have violated a provision of the Code, the Honor Council may treat this information as a referral for purposes of this Code.

b. Investigation and Decision

1. After receiving a referral, the Chief Justice will appoint Investigators and instruct the Investigators to gather the relevant facts.
2. The Investigators:
 - i. shall determine whether the referral primarily reflects academic or nonacademic misconduct;
 - ii. shall make a preliminary determination as to whether the referral reflects conduct that falls within the scope of this Honor Code by an individual subject to this Honor Code;
 - iii. may interview the person making the referral and other persons with information, and may seek additional information regarding the referral and shall instruct all interviewees of the confidential nature of the investigation;

- iv. shall meet with the Respondent;
 - v. may consider any probative information, including hearsay and other evidence not normally allowed in a judicial setting, taking into consideration the credibility of such information when reaching a decision;
 - vi. shall present to the Chief Justice, Associate Chief Justice, and the Secretary all findings so that the three have sufficient information upon which to determine that a sufficient basis exists to believe that the Honor Code has been violated;
3. At the meeting with an investigator, the Respondent will be provided with:
- i. an explanation of any Honor Code section at issue and the nature of the conduct that is the basis for invoking that Code section(s);
 - ii. all information gathered during the investigation;
 - iii. a reasonable opportunity to respond; and
 - iv. an explanation of the applicable Honor Council procedures.
4. A referral will be considered an allegation under this Code only after the Chief Justice, Associate Chief Justice, and the Secretary determine, by a majority vote, that a sufficient basis exists to believe that the Respondent violated the Honor Code. A sufficient basis will exist if the referral relates to an allegation of fact, which, if true, would constitute a violation of the Honor Code. The Chief Justice, Associate Chief Justice, and the Secretary may consider any probative information, including hearsay and other evidence not normally allowed in a judicial setting, taking into consideration the credibility of such information when reaching a decision. If a sufficient basis does not exist, the referral will be dismissed.
5. If the Chief Justice, Associate Chief Justice, and the Secretary decide that there is sufficient basis upon which to proceed with an allegation, the Chief Justice will have the Investigators present their findings to three non-officers of the Honor Council. These non-officers will make a probable cause determination, and will decide, by a majority vote, whether to dismiss the claim(s) or proceed to a hearing.
6. A Respondent accused of violating the Honor Code shall be provided notice of the allegation(s) in the form of a charge letter. A Respondent who fails to respond to notice of allegations and/or fails to attend a scheduled meeting with the Investigator or Honor Council shall be

deemed to have waived all hearing rights (including those provided under the provisions of the Tennessee Uniform Administrative Procedures Act). In this instance, a decision may be made in the respondent's absence and a sanction imposed.

c. Hearing Process

1. Upon determination that a hearing is necessary, the Respondent will be notified in writing by the Chief Justice that a referral to the Honor Council has been deemed sufficient, based on probable cause, to warrant a hearing, and the Respondent will be informed of the dates and procedures for such a hearing. The hearing will take place within a reasonable amount of time from the time of notification.
 - i. In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
 - ii. In cases where the alleged misconduct would warrant consideration of suspension, a student who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA). However, a student may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) and have the allegation(s) addressed by the Honor Council.
2. Preliminary Procedures:
 - i. All hearings shall be conducted in a private and closed manner to protect the confidential nature of the proceedings.
 - ii. The names of any witnesses expected to appear at the hearing, as well as any relevant facts, will be provided to the Respondent at a reasonable time before the hearing so that the Respondent may present a comprehensive defense to the allegations.
 - iii. In addition to the Honor Council, the Respondent and his or her Student Counsel are expected to be present at the hearing. A student who fails to attend his or her hearing with the Honor Council risks a decision being rendered in absentia.
 - iv. Witnesses will be permitted at the hearing to give testimony at the request of either the Investigator(s) or the Respondent, and the Chief Justice may allow said witnesses to remain at the hearing upon his or her discretion.

3. The Honor Council shall conduct the hearing in the following manner:
 - i. The Investigators will present their findings to the Honor Council.
 - ii. The process must include, but is not limited to, examination of the Respondent, if the Respondent chooses to testify, and any other substantiating witness(es);
 - iii. A substantiating witness does not necessarily have to be the initial referring student;
 - iv. The Respondent, or his or her Student Counsel, will have the right to cross-examine any witness(es) during a hearing after the Investigator's direct examination. The Investigators will also have the right to cross-examine any witness(es) the Respondent or Student Counsel puts forth. The Investigators and Respondent, or his or her Student Counsel, will have the opportunity to redirect a witness upon request which may be granted by the Chief Justice;
 - v. All questioning, cross-examination, and redirection will be strictly limited to the scope of the hearing regarding the alleged Honor Code violation. The Chief Justice will have the plenary discretion to determine if a question is within the scope of the hearing.
 - vi. The Investigators and the Respondent may put forth any probative information, including hearsay and other evidence not normally allowed in a judicial setting, but the Honor Council may take into consideration the credibility of such information when reaching a decision.
 - vii. Following the presentation of evidence, the Honor Council may question the Investigators, the Respondent, or his or her Student Counsel, or any witness(es) within the scope of the hearing regarding the alleged Honor Code violation.
4. After all the facts have been considered and the Respondent has been given a sufficient opportunity to respond, the Honor Council shall decide, by a majority vote of those present and voting, whether a violation of the Honor Code has been established by a preponderance of the evidence. If a Student Justice is unable to vote impartially based on any bias at any point before, during, or after the hearing has commenced, he or she may be excused from the hearing, which includes relinquishment of voting responsibilities. In the event of an even number of justices at the end of a hearing, the Chief Justice will not cast a vote. If the Honor Council decides that a violation of the

Honor Code has been established by a preponderance of the evidence, the Honor Council must determine the appropriate sanction by a majority vote. At all times, the sanction(s) imposed by the Honor Council shall be reasonably warranted by the facts and subject to approval by the Dean or the Dean's designee.

5. The decision of the Honor Council is final, pending approval by the Dean, or the Dean's designee, and pending an appeal to the Appellate Board by the Respondent.
6. The Chief Justice will notify the Dean of the Honor Council's decision at the conclusion of the hearing so that the Dean, or the Dean's designee, may approve or reject the Honor Council's decision.
7. Within five days of receiving approval from the Dean, or the Dean's designee, the Honor Council will provide the Respondent with written notice of its decision. Such notice must describe the alleged violation, the determination of the Honor Council regarding whether a violation occurred, and, if so, the sanction(s) imposed.

d. Appeal

1. A Respondent who has been sanctioned for a violation of the Honor Code by the Honor Council shall have the right to appeal the decision to the Appellate Board.
2. An appeal must be in writing and must be delivered to the Chief Justice within five days of the Honor Council issuing its decision. The Chief Justice must deliver the appeal to the Appellate Board, and the Chief Justice, in his or her discretion, may grant an extension of time to the Respondent for the filing of appeal.
3. After receiving the appeal, the Honor Council will compile the referring document, if any, any written response from the Respondent, all relevant materials submitted to the Honor Council, and the Honor Council's decision. The request for appeal and accompanying documents shall be submitted to the Appellate Board in a timely manner.
4. The Appellate Board shall review any and all information submitted by the Honor Council. The Appellate Board will review the record de novo and may review determinations of fact made by the Honor Council, but that review is limited to the record. The Appellate Board may affirm, modify, remand, or overturn the decision of the Honor Council, but the Appellate Board cannot overturn an acquittal. The standard of proof required to overturn a finding of violation shall be the preponderance of the evidence.

5. In the case of a sanction of suspension, expulsion, or revocation of degree, a Respondent has the right to a contested case hearing under the Uniform Administrative Procedures Act (“UAPA Hearing”), Tennessee Code Annotated § 4-5-301 et seq. which is conducted in accordance with state law and the University’s procedures for conducting contested case proceedings.

21.7 Elections

- a. The ballot for elections to the Honor Council will be determined by anonymous nominations from the student body, submitted to the Honor Council.
 1. Once the nomination process is complete, the Dean shall email each nominee and explain that he or she will apply the standard in part (a)(2) and allow the nominee to accept or withdraw their nomination.
 2. The Dean shall review the nomination list and may remove nominees from the list if the Dean or designee determines that a nominee is ineligible based on past admonitions in the student’s admissions record pertaining to illegal or unethical conduct, a precarious academic status, or other relevant information.
 3. After nominees have been notified and accepted their nominations, each nominee shall submit to the Honor Council a brief statement in support of his or her nomination in order to be included in the final list of nominees to be placed on the ballot. Elections will be held in the spring semester.
- b. Each student casting a vote for his or her respective class will indicate, on the ballot, which nominees he or she selects based on the number of available positions for that class.
- c. If, at any time, a Student Justice is unable to be a member of the Honor Council due to death, transfer, Honor Code violation, or the like, the position will be vacant until the next election, except under exceptional circumstances as determined by the Chief Justice.
- d. The Honor Council will be responsible for administering the election and will have authority to promulgate reasonable rules governing it.
 1. A student in the rising 2L class will cast five votes, and a student in the rising 3L class will cast one vote.
 2. The five nominees from the rising 2L class who receive the most votes will be seated for a two-year term on the Honor Council.

- i. The nominee who receives the most votes from the rising 2L class will serve as Secretary in his or her first year and Chief Justice in his or her second year on the Honor Council.
 - ii. The nominee who receives the second most votes will serve as Associate Chief Justice in his or her second year on the Honor Council.
 - iii. The nominee who receives the third most votes will serve as the Senior Student Justice in his or her second year on the Honor Council.
- 3. The nominee from the rising 3L class who receives the most votes will be seated for a one-year term on the Honor Council.
- 4. A student is only permitted to vote for nominees in his or her class.
- e. Upon election to the Honor Council, all Student Justices shall participate in an annual FERPA training to be monitored by the university legal counsel.

21.8 Reporting and Record-keeping

- a. If a Respondent is determined to have violated the Honor Code, the Honor Council's written decision, containing the final disposition and sanction(s), will be placed in the student's file in the Law School Registrar's Office.
- b. A finding that the Respondent has violated the Honor Code will be reported by the Dean to any board of bar examiners or similar organization for any bar to which the Respondent applies. Students should be aware that most bar applications will require the student to report any sanctions imposed on the student by an educational institution, regardless of whether the sanctions were for conduct suggesting unfitness for the practice of law. Students also should be aware that the School of Law routinely responds to inquiries regarding student character and fitness from boards of bar examiners and similar organizations.
- c. Approximately two weeks before the last day of classes, the Honor Council must provide a report to the law school faculty and the Student Bar Association providing the following information:
 - 1. For referrals, the number of referrals considered by the Honor Council's Investigators, the Honor Code provisions implicated by the referrals, and the number of referrals dismissed without further proceedings;
 - 2. For allegations submitted to probable cause hearings, the number of allegations submitted to probable cause hearings, the Honor Code provisions implicated by those allegations, and the number of allegations dismissed without further proceedings;

3. For each allegation submitted to a final hearing, state the Honor Code provisions implicated by the allegation, the determination regarding whether a violation occurred as to each implicated Honor Code provision, and the sanction(s) imposed, if any. Additionally, for each allegation submitted to a final hearing, the report shall indicate the status of the decision in terms of review by the Appellate Board (e.g., “The time for review has expired without a request for review.”). If a decision was reviewed by the Appellate Board, the report should state the outcome of the review or indicate that the review is pending.

21.9 Confidentiality

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

21.10 Honor Code Advisory Committee

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

21.11 Amendments

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

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

22. STUDENT GRADE APPEAL PROCEDURE

22.1 Grades

- a. These procedures apply to students contesting a course grade, other than students who petition for an amendment to the Academic Regulations under Rule 14.3.b. It will be the obligation of the student to arrange a conference with the faculty member involved in sufficient time to meet the time limit set out in 22.1c, below.
- b. It will be the obligation of the faculty member to meet with the student to discuss the complaint and try in good faith to reconcile the differences.
- c. If the faculty member and the student are unable to resolve the complaint, the student may file a written complaint in duplicate with the Dean of the Law School not more than sixty (60) days after the last examination was given in the term in which the complaint relates, or fifteen (15) days after the grade is posted, whichever is later. The complaint will specifically allege the grounds on which the complaint is based and the cause for action by the committee. The grounds will be supported by a narrative statement of fact.
- d. If the faculty member is not available for conference with the student, after the student has made a good faith effort to initiate such conference, the student may omit the procedure in 22.1c. However, in no event will this paragraph become operative until fifty-five (55) days have elapsed since the last examination was given in the term to which the complaint relates.
- e. Upon receipt of the WRITTEN COMPLAINT (in compliance with the provisions of paragraph 22.1c) the Dean will attempt to resolve the complaint by consultations with the student and the faculty member. If the complaint is not resolved within fifteen (15) days after the written complaint is filed or if the complaint is resolved adversely to the student, the student may appeal to the Academic Affairs Committee, sitting as the Grade Appeals Committee by requesting that the Dean forward the complaint together with all documents considered in any prior proceedings. Provided, however, that all appeals must be made no later than twenty (20) days after the written complaint is filed with the Dean of the Law School, or five (5) days after the conference with the Dean, whichever is later. The Committee upon receipt of the complaint from the Dean will determine whether or not a prima facie case has been alleged and whether

the matter should be heard. Failure to allege a cause of action will result in a dismissal of the petition forthwith.

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

- n. In connection with the review in 22.1, above, the Committee may, in its discretion, request written work turned in by other students to be used for comparison purposes. The material and information requested in 22.1, m. and n above will be used only to determine whether factors extraneous to academic performance were used in determining the grade. No evaluation for rank, policy, or substantive determinations will be considered.
- o. Should any member of the Committee (a) be unavailable, or (b) excuse himself/herself because of a conflict of interest, the Dean will appoint a substitute member to serve on the Committee for all matters involving the case in question.
- p. Any determinations by the Committee as to the grade of the appealing student shall be final within the School of Law. The Dean, faculty member and student will be given notification of the decision of the Committee.
- q. The Committee may request the assistance of other members of the law faculty in reviewing the written work submitted by the student and written work of other students used for comparison purposes. The request of assistance of other members of the law faculty will be for the purpose of determination of the use of factors extraneous to the course work in determining the student's grade.

23. STUDENT COMPLAINT PROCEDURE

The Law School is an ABA-accredited school and is, therefore, subject to the ABA Standards for Approval of Law Schools. The Standards may be found at http://www.americanbar.org/groups/legal_education/resources/standards.html. Under ABA Standard 510, a law school “shall adopt, publish, and adhere to a policy or policies for addressing student complaints.”

23.1 Informal Complaints

The complaint procedures provided herein are not intended to discourage or replace informal discussion regarding law school issues or concerns between students, faculty, staff, and administrators. Law School administration will attempt to resolve concerns raised through such discussion informally.

23.2 Formal Complaints Regarding the Program of Legal Education or ABA Standard Compliance

If a student has concerns regarding the Law School’s program of legal education or its compliance with ABA Standards, the student may file a Formal Complaint, which will be subject to the procedures set forth in this subsection.

a. Procedures for Submitting a Complaint

To submit a Formal Complaint to the Law School, a student must take the following steps:

1. Submit the complaint in writing to the Law School Administration using the Formal Complaint Form available at https://www.memphis.edu/law/student-affairs/report_a_concern.php.
2. The Formal Complaint will be routed to the Student Complaint Review Committee ("Review Committee"). The Review Committee is composed of the Associate Dean for Academic Affairs, the Assistant Dean for Law Student Affairs, and the Dean.
3. As reflected in the Formal Complaint Form, the written complaint must:
 - i. provide the name of the student submitting the complaint, the student's University of Memphis email address, an address where the student receives U.S. mail, and a phone number where the student can be reached; and
 - ii. describe in detail the behavior, incident, program, or process that is the basis of the complaint.

b. Preliminary Review of a Formal Complaint

The Review Committee will review the Formal Complaint and determine whether the alleged facts implicate the Law School's compliance with the ABA Standards. This determination will be made within 10 business days. If the Review Committee determines that the complaint does not implicate the Law School's compliance with ABA Standards, a member of the Review Committee will notify the student of this determination and advise the student of next steps regarding the concern raised in the Formal Complaint. If the Review Committee determines that the alleged facts implicate the Law School's compliance with ABA Standards, the Law School will designate the Formal Complaint as a Standard 510 Complaint and will follow the procedure set forth below.

c. Procedures for Addressing a Standard 510 Complaint

1. A member of the Review Committee must either meet with the student to discuss the resolution of the complaint or provide a written response to the substance of the complaint within 30 business days.
2. The written response must either state a decision regarding the substance of the complaint with an explanation for that decision or explain steps that the Law School will take to resolve or further investigate the complaint.
3. Absent exceptional circumstances, the Review Committee shall endeavor to fully investigate and resolve all complaints within 90 business days from the date of the complaint.

4. The decision of the Review Committee is not subject to appeal.
- d. Maintenance of Records for Standard 510 Complaints

The Registrar shall maintain a record of student complaints implicating the law school's compliance with the Standards. The record shall include the complaint and the resolution, which will be provided to the Registrar by the Review Committee. The record shall be maintained in the Registrar's Office until the next accreditation visit.

23.3 Other Complaint Procedures

Students may also submit complaints under other Law School and University policies, such as Grade Appeals (Regulation 22), the Student Code of Rights and Responsibilities, Title IX or Sexual Misconduct policies, or Discrimination, Harassment & Retaliation policies. Information about filing other types of complaints may be found in Academic Regulation 22 and on the Law School website at https://www.memphis.edu/law/student-affairs/report_a_concern.php. Complaints submitted under other policies will be subject to the procedures established pursuant to those policies. To the extent such complaints implicate the Law School's compliance with ABA Standards, the complaint will be subject to the records maintenance requirements of Regulation 23.2.d.

24. NOTIFICATIONS

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

- a. by posting in the mails for delivery by regular mail to the address of a student set forth in the records maintained by the Law School's Registrar; or
- b. by posting on an appropriate bulletin board of the Law School; or
- c. by delivery to a student's mail slot at the Law School; or
- d. by emailing to a student's University of Memphis email address; or
- e. by posting on a designated electronic class platform.

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

25. UNIVERSITY POLICIES & PROCEDURES AFFECTING STUDENTS

In addition to the Academic Regulations as set forth herein governing the rights and responsibilities of law students, the policies and procedures of the University as set forth in the most recent edition of the University of Memphis Student Code of Rights and Responsibilities apply to law students.

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

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

27. SEVERABILITY OF PROVISIONS

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

APPENDIX I

Standards for Attainment of the J.D. Degree

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

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

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

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

- b. Ability to communicate effectively the candidate's knowledge, comprehension, application, analysis, evaluation, and synthesis skills.
- c. Ability to communicate effectively and responsively in a public forum.