

FACULTY MEETING AGENDA

Tuesday, April 19, 2011

1. Announcements
2. Approval of April 5th Meeting Minutes
3. Affiliated Faculty
4. Disciplinary Procedures/Honor Code - Assoc. Dean Barbara Bergman
5. Natural Resources Committee Proposal - Professor Reed Benson
6. Honors and Awards Committee Report/Vote - Professor April Land

**UNM SCHOOL OF LAW
FACULTY MEETING**

Tuesday, April 19, 2011

The meeting was called to order at 3:07 p.m.

Attendance: Marsha Baum, Reed Benson, Barbara Bergman, Sherri Burr, Eileen Gauna, Erik Gerding, Jacquie Hand, Scott Hughes, April Land, José Martinez, Alfred Mathewson, Jenny Moore, Mike Norwood, Carol Parker, Liz Rapaport, Sherri Thomas, Gloria Valencia-Weber, Kevin Washburn, Peter Winograd

Students: Julia Maccini, David Odegard

Staff/Sr. Admin: Sandra Bauman, Hannah Farrington, John Feldman, Susan Mitchell, Bonnie Stepleton

I. Announcements

- a. Dean Washburn
 - i. assured faculty that everyone who applied for a summer research grant would receive one; he is currently working out the amounts.
 - ii. announced that, due to confidential personal matters related to her health, Rebecca Tsosie will not be joining the UNM Law School faculty.
 - iii. solicited volunteers to help with hooding during commencement; interested faculty members should let Assistant Dean Bonnie Stepleton know.
 - iv. recapped the UNM Campaign, Changing Worlds Kick-off event, and acknowledged the great work Hannah Farrington has been doing in matching donors to SOL's campaign goal.
 - v. provided an update on the activities of the Interim Provost Search Committee.
- b. Associate Dean Barbara Bergman
 - i. reminded faculty to send workload reports to Stephanie if they had not already done so.
 - ii. reiterated the grade deadlines which were e-mailed earlier to all faculty.
- c. Professor Gloria Valencia-Weber provided a brief description of the work she and Professor Emeritus Peter Winograd had done recently in Washington, DC, on regarding the renewal of funding for Legal Services.

II. Affiliated Faculty - Dean Washburn

- a. Dean Washburn briefly recounted the background and referred to the list of four potential professors which was previously circulated via e-mail to the faculty for their comments or objections.
- b. No faculty vote was necessary for these appointments, and since no objections were raised about any individual, Dean Washburn plans to proceed with offering affiliated faculty appointments to these professors.
- c. He encouraged the faculty to be thinking of main campus faculty members to nominate for the next round, when it comes up.

- III. Natural Resources Committee Proposal - Professor Reed Benson
 - a. Professor Benson provided the background for the committee's proposal, and a summary of the proposed changes to the certificate program.
 - b. Upon a vote, the proposal (Appendix I) was unanimously approved by the faculty.

- IV. Approval of April 5, 2011, Faculty Meeting Minutes - Dean Kevin Washburn
 - a. A motion was made and seconded to approve the minutes, as presented, from the April 5th faculty meeting.
 - b. There was no further discussion, and the motion received unanimous approval by a show of hands.

- V. Honors and Awards Committee Report - Professor April Land
 - a. Students were asked to leave for this portion of the meeting.
 - b. Professor Land distributed the awards slate as recommended by the committee, and offered explanations of the committee's process and the standing of a few yet-to-be-assigned awards.
 - c. Discussion was invited and ensued.
 - d. Upon a vote, the award slate was approved, as presented, by a majority.
 - e. Professor Land reminded faculty members that contributions for the Faculty Award are being accepted by Carmen.
 - f. In addition, faculty should let Professor Land know if they want to present specific awards during the ceremony.
 - g. Students were invited back into the room for the remainder of the meeting.

- VI. Disciplinary Procedures/Honor Code - Associate Barbara Bergman
 - a. Dean Bergman referred to the drafts of the policies (Appendices II and III) being considered, which were previously circulated via e-mail, in addition to copies being available during the meeting.
 - b. Dean Bergman and David Odegard, incoming SBA President, provided background and student response, respectively.
 - c. Questions and discussion were invited, but none was offered.
 - d. Upon a vote, the committee's proposal passed by majority vote with one abstention

The meeting was adjourned at 3:48 p.m.

Respectfully submitted,



Sandra Bauman
Administrative Assistant to the Dean

Appendix I

MEMO

To: Faculty
From: Reed Benson, on behalf of the Natural Resources Committee
Re: Natural Resources & Environmental Law certificate requirements
Date: April 18, 2011

The recent decision to reduce the number of credits awarded for service on the *Natural Resources Journal* necessitates a change in the existing requirements for earning the Natural Resources and Environmental Law Certificate. The Natural Resources Committee proposes to revise the requirements to reflect the fact that *NRJ* members will now earn six credits rather than ten, but to retain the existing core courses and total credits (21) required for the certificate. Thus, the substantive changes in this proposal are fairly minor. We have proposed to simplify things, however, by eliminating the old two-track system—one for *NRJ* members, one for other students—in favor of a unified set of requirements for the certificate.

We propose the following requirements to earn the Natural Resources and Environmental Law certificate:

21 credits that include:

- **Mandatory Core Courses:**
 - **Either Administrative Law or Environmental Law.**
 - **Either Natural Resources Law or Water Law.**
- **Mandatory: A paper on a natural resources or environmental law topic, which fulfills the “seminar paper” portion of the law school’s writing requirement. The Natural Resources Committee will identify particular seminars for which any completed paper will be recognized for the certificate; a paper written for another seminar may qualify, but only with the approval of the Committee.**
- **Mandatory: satisfactory completion of at least two of the following:**
 - **An externship in the natural resources or environmental field.**
 - ***Natural Resources Journal* membership (six credits total).**
 - **A Committee-approved, non-law graduate level course on a natural resources/environmental topic.**
 - **Moot court related to natural resources/environmental issues.**
 - **Independent study in natural resources/environmental issues.**
- **Additional courses**
 - **See [list of courses](#) approved by the Natural Resources Committee. Introduction to Natural Resources and Environmental Law is an approved course, but not a mandatory core course. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.**
 - **With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.**

The CURRENT certificate requirements, which involve two options, appear on the next page.

Option One – 21 credits that include:

10 Credits - Natural Resources Journal (NRJ) through a write-on competition, completing all four sections. NRJ members can earn 10 credits toward the certificate and 12 credits toward graduation.

A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.

An additional 11 credits that include:

- **Mandatory Core Courses**
 - Either Administrative Law or Environmental Law.
 - Either Natural Resources Law or Water Law.
- **Other Courses in the Natural Resources/Environmental area**
 - See [list of courses](#) approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.
 - With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.
 - Credit hours from an externship in the natural resources or environmental field.
 - An approved moot court competition related to natural resources/environmental issues may also be used to satisfy this requirement.

Option Two – 21 credits that include:

- **Mandatory Core Courses:**
 - Either Administrative Law or Environmental Law.
 - Either Natural Resources Law or Water Law.
- **Mandatory:** A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.
- **Mandatory:** participation in two of the following:
 - An externship in the natural resources or environmental field.
 - Six credits of non-law graduate level courses in natural resources/environmental issues.
 - Moot court related to natural resources/environmental issues.
 - Independent study in natural resources/environmental issues.
- **Additional courses**
 - See [list of courses](#) approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.

With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.

Appendix II

DRAFT

Appendix A

Student Code of Conduct

(Adopted March 1983, Amended 2001, Amended 2002, Amended _____)

The student body, like the practicing bar, governs itself in matters of professional conduct. A student-authored code of conduct outlines standards of conduct UNM law students are honor-bound to follow. The code's provisions cover many phases of law school life as set forth in the following provisions

Elected student leaders constitute an honor board that reviews all charges of code infractions. When an investigation warrants it, the honor board conducts a hearing for the student who has been accused of violating the Student Code of Conduct (hereafter “the respondent”). Sanctions for code violations range in severity from verbal reprimands to permanent expulsion from the law school.

PREAMBLE

We, the students of the University of New Mexico School of Law, recognize that integrity of the highest order is expected of each of us, and as members of a self-governing student body do hereby adopt the following document, which states the minimum standards of honesty to be followed by students in this institution. Only conduct related to academic misconduct enumerated in this Code will be governed by the provisions of this Code. Issues related to a student’s academic standing, which occurs when a student’s grade point average falls below a required threshold will be addressed by the Committee on Student Suspension, Retention, and Re-Admission. Other disciplinary matters will be dealt with by the Law School Administration according to the procedures set forth in the UNM School of Law Bulletin and Handbook of Policies.

I. Persons Subject to this Code

Any person enrolled in the University of New Mexico School of Law is subject to the provisions of this Code. When any person is accused of violating this code while a student, but has since disenrolled, transferred, taken a leave of absence, graduated or otherwise ceased to be enrolled as a student, the accuser shall notify the Dean of this Law School. The Dean shall notify appropriate authorities for an appropriate investigation. This notification shall go to any school in which the person is enrolled. If proceedings under this Code result in a finding that there has been a violation of the Code, the Dean shall notify any State Bar Association or other relevant professional licensing organization of which the person is either a member or applying for membership if that organization so requires.

II. Standard of Conduct

Every student shall be honest and candid in his/her academic pursuits as defined in the subsequent provisions of this Code.

III. Substantive Provisions

A. Examinations

1. Every student shall abide by the principle that each examination shall be the product of his/her own knowledge, unless the instructions explicitly and unequivocally provide that students may work cooperatively, in which case every student shall abide by the limitations, if any, on cooperative work which are set by the professor.
2. *Every student assumes the burden of compliance with the provisions of this Code.*
3. *It shall be a violation of the Code for a student:*
 - a. To obtain or use prior to an examination any information concerning the content of the examination, unless such information is authorized by the faculty member concerned.
 - b. To bring into the examination room books, papers, or other materials of any sort, unless explicitly authorized by the instructor, which could be used to aid one's self or any other student in any way during the examination.
 - c. To refer to, or be in possession of unauthorized books, papers, or other materials during the course of the examination, whether inside or outside the examination room.
 - d. To communicate during the examination in any manner with another student concerning the examination.
 - e. To display one's examination with the intent to aid another student, or to look at the examination of any other student with intent to copy or use information from it.
 - f. To fail to turn in all examination materials at the appointed time.
 - g. To take more time to complete an examination than is allowed.
 - h. To have an examination in one's possession at any time or place not authorized by a faculty member.

- i.** To discuss an examination already taken with another student who will take the examination at a later time.
- j.** To fail to follow the instructions of the examination administrator.
- k.** To prepare, to encourage, to counsel or to combine with another to violate the above provisions.

B. Written Submissions

1. *Every student shall abide by the principle of academic honesty in all written work.*
2. *Plagiarism is a violation of the Code. Plagiarism is the knowing use of the ideas or words of another as your own without indicating such use fully and accurately.*
3. *It shall be a violation of the Code if a student fails:*
 - a.** To cite fully and accurately the source of an idea taken from another;
 - b.** To place in quotations material used from a source and to cite fully and accurately such material; or
 - c.** To cite fully and accurately material paraphrased from a source.
4. *It shall be a violation of the Code if a student:*
 - a.** Represents someone else's work as his/her own; or
 - b.** Uses any unauthorized research materials.
 - c.** Submits work in fulfillment of any law school requirement which the student has submitted in compliance with the requisites for any other class or program at this or any other academic institution without the express consent of the present professor. This provision shall also apply to work submitted for law school credit that was previously completed in satisfaction of non-academic work requirements outside the law school.

C. Law Library

1. *Every student shall respect the integrity of our library's collection and facilities and shall respect the rights of others in their use of the library.*
2. *It shall be a violation of the Code for a student:*
 - a. To intentionally damage or destroy library property (including, but not limited to: books, microforms, equipment or furniture).
 - b. To hide or secrete library materials within the library.
 - c. To violate library rules concerning checkout procedures for library materials with the knowledge that such violations may deprive others of those materials.
 - d. To violate the library's posted access policies.

D. School Activities

1. *Every student shall be honest in his/her every action with regard to all Law School-related activities. Such activities include, but are not limited to:*
 - a. Moot Court competitions;
 - b. Client Counseling competitions;
 - c. Clinical Law programs;
 - d. Any Law Journal activity;
 - e. All other academic activities or co-curricular or extra-curricular activities related to the educational mission of this school of law.
2. *It shall be a violation of the Code for a student to lie, cheat, steal, be dishonest, or otherwise act contrary to the provisions of this Code while participating in, or preparing for, the above-mentioned activities.*

E. Property

1. *Every student shall respect the property rights of every member of the faculty, staff, student body, and of the University and its employees.*
2. *It shall be a violation of the Code for a student:*

- a. To take University property with the intent to permanently deprive the University of the property.
- b. To take property belonging to students, or to any member of the faculty or staff without the owner's permission with intent to temporarily or permanently deprive the owner of the property.
- c. To intentionally deface, destroy or otherwise abuse University property or property belonging to a student, faculty or staff member at the University.

F. Compliance with Code Procedures

1. *An effective code depends for its enforcement on the professional responsibility and individual integrity of those functioning under it.*

2. *It shall be a violation of the Code for a student:*

- a. To witness, know of, or have a reasonable basis to believe that a person subject to this code has violated this code, and not to report the violation, the names of the offender(s), and all relevant circumstances of the violation, as provided in section IV herein.
- b. To refuse to appear when requested as a witness at an Honor Board hearing.
- c. To disclose any fact concerning an Honor Board Hearing except as provided by this Code.

IV. Confidentiality

- A. All Honor Board proceedings, records, and actions shall be considered confidential in nature. No person other than the respondent having knowledge of such proceedings or actions shall reveal anything concerning them except as provided in this Code, or as required by existing law.
- B. The Senior Officer may share information with the Investigating Officer, the Respondent, any Witnesses and other members of the Honor Board in order to effectively arrange and run the Honor Board Hearing.
- C. The Senior Officer also has the discretion to speak with the Assistant Dean of Student Services regarding procedural questions and guidance in arranging and running an Honor Board hearing. In seeking guidance, the Senior Officer must keep as many facts as to the details of the allegations as confidential as possible.

V. Procedure for Reporting an Honor Violation

- A. A faculty or staff member who has personal knowledge of an apparent violation normally should report the incident to the SBA president within 48 hours of the incident or upon gaining knowledge of the incident or as soon as possible.
- B. The SBA president, with the reporting witness, shall write a brief report of the alleged violation. The report shall include the following:
 - 1. *The nature of the alleged violation;*
 - 2. *The time and date of the alleged violation;*
 - 3. *The name of the respondent;*
 - 4. *The name of the reporting witness;*
 - 5. *The names of any other witnesses.*
- C. The SBA president shall deliver a copy of this report to the Investigating Officer to facilitate the investigation.
- D. The respondent shall be notified by the SBA President that allegations against the respondent have been presented to the SBA President at the time that the SBA President completes the report described in paragraph D above. At this time, the SBA president shall provide the respondent with a copy of the applicable Code of Conduct. The SBA President shall inform the respondent that s/he must read the code prior to speaking to anyone about the matter and also that the respondent is not required to speak to the Investigating Officer if s/he does not wish.

VI. Investigation

- A. The Investigating Officer is the Third-Year Faculty Representative, unless the Third Year Representative is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, in which case s/he must decline to serve as the Investigating Officer.
 - 1. *If the Third-Year Faculty Representative is not available or must decline to serve, a Third-Year class member shall be nominated to act as the Investigating Officer by the SBA President and approved by a majority vote of the SBA Executive Committee.*

2. *If the Third-Year Faculty Representative requires assistance due to the breadth of an investigation or severe extenuating circumstances, s/he may petition the SBA President in writing to request assistance from the Second-Year Faculty Representative.*
 3. *If the Second-Year Faculty Representative is not available or must decline to serve because she is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, the SBA President can appoint another student to assist.*
 4. *The Third-Year Faculty Representative may serve as the Investigating Officer in the Spring and Summer prior to beginning his/her third year, once elected or appointed. The Investigating Officer may ask the Executive Committee to be excused from duty, and any person under investigation may also ask the Executive Committee to excuse the Investigating Officer from duty, and replace the Investigating Officer. The Executive Committee may consider these requests, but is not required to follow them, unless good cause for change in the Investigating Officer is shown.*
- B. The Investigating Officer shall conduct an investigation and evaluate the circumstances of a case to determine whether the apparent violation should be considered by an Honor Board.
- C. An investigation should not interfere with the respondent's examinations. Measures, though, should be taken to insure a timely investigation. The Investigating Officer will have a two week time period (excluding the reading period and final examinations) in which to complete this investigation. If the Investigating Officer determines that the investigation cannot be completed before a reading or examination period or the investigation would begin within two (2) weeks of the reading or examination period, the investigation shall begin one day after the reading period or final examinations.
- D. The investigation will consist of the following:
1. *The Investigating Officer shall talk to the reporting witness, the respondent (if the respondent consents), any other witnesses, and all other persons, including faculty and staff, who may have relevant information. Written statements should be taken from all witnesses.*
 2. *After all witnesses have been interviewed and the investigation is complete, the Investigating Officer shall convene an Honor Board hearing, according to paragraph three if the Investigating Officer concludes that there is a reasonable probability that the respondent has violated this code as charged by the reporting witness.*

3. *If the Investigating Officer calls for an Honor Board hearing, she shall notify the SBA President, who shall then convene it in a timely manner. If the Investigating Officer calls for further investigation by another Investigating Officer, all records shall be turned over to that second Investigating Officer. If the Investigating Officer calls for further investigation by a University or Police Authority, including the Law School administration for misconduct not falling under the jurisdiction of this Code of Conduct, the Investigating Officer shall make a report to that authority and preserve evidence for that investigation. If the Investigating Officer does not call for further investigation nor for a Board hearing, the case will be dismissed and all records generated by the investigation will be destroyed immediately by the SBA President.*

 4. *If the Investigating Officer decides to convene an honor board hearing pursuant to paragraph 2 above, he/she shall write a detailed report consisting of the following:*
 - a. The nature of the alleged violation;
 - b. The time and date of the alleged violation;
 - c. The name of the respondent;
 - d. The name of the reporting witness;
 - e. The names of any other witnesses;
 - f. A summary of the information gained from the investigation;
 - g. All written statements;
 - h. A summary of all oral statements not recorded;
 - i. The recommendation of the Investigating Officer.
- E. When the respondent is in his/her graduating semester, an Investigating Officer has determined cause for an Honor Board hearing, and the hearing will not take place until after the respondent's final exams, the Dean shall be notified of the hearing and the name of the respondent. If s/he believes it appropriate, the Investigating Officer, with the consent of the respondent, may also provide the Dean with the report. If the respondent decides to consent to the Dean's review of the report, the respondent will be given an opportunity, if s/he chooses, to discuss the allegations with the Dean.
- F. The Investigating Officer shall deliver his report to the Senior Officer (see Paragraph VII (A)). The Senior Officer shall provide the respondent with all of the information in the Investigating Officer's report.

- G. After the Senior Officer provides the respondent with the report, the other members of the Honor Board shall be notified of the hearing and given a copy of the report to facilitate scheduling of the hearing and to allow for recusal or excusal. All members receiving notification and a copy of the report shall be bound by the confidentiality provision of the code.

VII. Honor Board

- A. The SBA president is the Senior Officer and shall act as an advisor to all parties to the hearing. S/he shall preside at the hearing and make all decisions that are necessary for its proper functioning. The Senior Officer will not participate in the deliberations or determination of a sanction and will not cast a vote. In the event the SBA president cannot participate as Senior Officer, s/he shall be replaced by the next highest ranking SBA officer. That person shall then be the acting Senior Officer. The Acting Senior Officer, if chosen before the Honor Board Hearing, shall nominate a replacement for the Honor Board from his/her class to be approved by majority vote of the remaining Executive Committee members.
- B. The Honor Board shall consist of the SBA Executive Committee, plus one faculty member. The Dean shall recommend three faculty members to the Executive Committee. The respondent may recuse one faculty member from the list of three provided by the Dean. The Executive Committee will select the faculty member who is to serve on the Board from the remaining faculty on the list.
- C. If a member of the Honor Board is excused by the Senior Officer from serving for any reason, the Executive Committee of the SBA shall approve by majority vote a replacement nominated by the Senior Officer and who shall be selected from the excused party's academic class.
- D. In the event that there is a change in personnel among the SBA Board due to election, and a possible violation has been reported to the SBA President, the Honor Board convened to adjudicate that allegation, including the faculty member, shall have the duty and the authority to adjudicate that allegation through to its completion notwithstanding the termination of that SBA Board's tenure due to election, except that for good cause shown and with the approval of the Dean, this provision need not apply. Furthermore, an SBA Board shall be bound by the confidentiality provisions of this Code from informing any member of a board-elect of the proceeding, unless that member would otherwise be properly made aware of the proceeding.
- E. The respondent and the Investigating Officer have the right to voir dire all Honor Board members and challenge any of them for cause. The Honor Board itself will make all decisions on the respondent's challenge(s) for cause. Removal as a result of a challenge for cause shall be by a majority vote of the Honor Board, excluding the vote of the person being challenged. The Senior

Officer has a vote for these purposes. In the event of a tie vote, the person challenged shall be removed.

- F. The Honor Board shall not convene at the University of New Mexico School of Law.
- G. The Honor Board hearing shall never be held during a Law School reading/examination period.
- H. The Senior Officer shall notify the Honor Board members, all parties, and witnesses of the date, time, and place of the Honor Board hearing at least six days prior to the hearing.
- I. The Senior Officer shall require all members of the Honor Board to give him/her their assurance that each member supports this Code of Professional Conduct.
- J. The Senior Officer shall keep the Dean informed of the general nature of the Honor Board proceedings. The names of the reporting witness and respondent will not be revealed unless and until there has been a determination that the respondent has violated the Code.
- K. The respondent and the person reporting the alleged honor violation and all witnesses called by the respondent, the reporting witness, or the Honor Board shall appear at the Honor Board hearing.
 - 1. *Witnesses called by the respondent and the reporting witnesses are required to appear and testify at an Honor Board Hearing. Failure to do so without an exemption is an honor code violation.*
 - 2. *Witnesses can, for good cause shown, request, in writing, an exemption from testifying from the Senior Officer.*
 - 3. *Incriminating testimony cannot be used against a witness in a subsequent Honor Code hearing*
- L. Before the Honor Board hearing, the Senior Officer shall deliver to the respondent a copy of the report described in V (D)(4) which shall include the time, date, and place of the Honor Board hearing. The respondent shall be instructed in writing of his/her rights, which are in Section VII of this Code.
- M. The respondent may petition the Senior Officer for any documents needed in his/her defense. Once such requests are received in writing by the Senior Officer, the Senior Officer may direct the production of documents or tangible items that the Senior Officer deems relevant or necessary to the respondent's defense, and which are not privileged.

VIII. Honor Board Hearing

- A. The Honor Board hearing shall be closed to all persons except the Senior Officer, the Honor Board members, the respondent, the respondent's counsel, the reporting witness, any other witnesses called, a hearing reporter and the Investigating Officer. Witnesses may be present only when they testify.
- B. The Senior Officer shall read the nature of the alleged violation, the time and date of the alleged violation, the names of the respondent and reporting witness, and the conclusion of the Investigating Officer. The Senior Officer shall also explain to all parties the procedures to be followed in the hearing.
- C. A record of the proceeding shall be kept for the purpose of facilitating proper review by the Dean should such review be requested by the respondent. The record may be taken by a court reporter or it may be in the form of a tape-recording of the entire hearing. If a taped record is created, the Senior Officer will ensure prior to the hearing that the equipment is functioning properly and that all parties will be able to be clearly heard on the tape-recording.
- D. The proceedings shall not be conducted in the absence of the faculty member.
- E. The Investigating Officer will be responsible for presenting the alleged Honor Code violations against the respondent and will have the burden of proving by clear and convincing evidence that the respondent has committed the alleged violation(s). The procedure followed for the hearing shall consist of the following:
 1. *The Investigating Officer shall make an opening statement.*
 2. *The respondent shall have an opportunity to make an opening statement.*
 3. *The Investigating Officer shall present all witnesses, testimony, and other information and evidence relevant to the investigation of the respondent. Formal rules of evidence shall not apply to the Honor Board hearing; however, hearsay shall normally not be admitted as evidence in the proceeding. The Investigating Officer and the respondent may object to such evidence. The Senior Officer shall rule on whether the evidence will be permitted by determining whether the evidence is likely to assist the Honor Board in making its decision.*
 4. *The respondent may cross-examine all witnesses against him/her. The Investigating Officer may cross-examine all witnesses presented by the respondent.*
 5. *The respondent shall have the opportunity to refute the testimony against him/her or to explain the circumstances which led to the charge. The respondent shall have a reasonable opportunity to present*

witnesses on his/her behalf including but not limited to students, faculty, staff and counselors. The respondent shall not be required to testify. The respondent has the right to confront the reporting witness and other witnesses. The respondent may be represented by counsel or a faculty member.

6. *The Honor Board may call witnesses and hear further evidence relevant to the circumstances under investigation. The Board may question any witnesses and review any evidence.*
7. *The Senior Officer has the discretion to grant recesses and to stay the proceedings if the circumstances require it.*
8. *The respondent shall have an opportunity to make a closing statement.*
9. *The Investigating Officer shall make a closing statement.*

- F. At any point before or during the hearing, the respondent may admit that s/he has committed a Student Code violation and waive the right to a hearing as to the violation. At that point, the Senior Officer shall convene a hearing as above except that such a hearing shall include only such evidence and witnesses that are necessary to explain to the Board the factual circumstances of the allegation or facts that are relevant to the imposition of sanction.
- G. At the conclusion of the presentation of evidence the Honor Board shall retire to deliberate.

IX. Determination of a Code of Conduct Violation

- A. Before its deliberations, the Senior Officer shall instruct the Honor Board that:
1. *The determination of whether the alleged violation has been proven shall be without consideration of any sanction under this Code; and*
 2. *The respondent shall not be found to have violated the Code unless members of the Honor Board agree by at least a two-thirds majority that there is clear and convincing proof that the respondent has done so, or the respondent admits the violation.*
- B. If the respondent is found not to have violated the Code, all records of the hearing shall be destroyed immediately following the finding of no violation by the Senior Officer. The respondent may request that the records not be destroyed but sealed and preserved.
- C. If the Honor Board finds the respondent has committed the alleged violation, it shall:
1. *Consider the sanction to be imposed.*

2. *Notify the Dean and appropriate Law School Administrators, if the Dean so requires, of the determination that the alleged violation has been proven and the imposition of the sanction. The Dean or an appropriate Law School Administrator may keep a record of all violations and imposed sanctions for the purpose of assisting the Honor Board in imposition of consistent sanctions. The Dean or the appropriate Law School Administrator shall only release this general information to convened Honor Boards (without revealing the names of any students subject to such sanctions).*
3. *Reveal the names of the reporting witness only if such a revelation is necessary for the imposition of the sanction.*

X. Sanctions

- A. The sanction shall be determined by a majority vote of the Honor Board.
- B. The sanctions which may be imposed by the Honor Board include, but are not limited to, the following:
 1. *verbal reprimand;*
 2. *written reprimand;*
 3. *written reprimand to individual with copy to remain in individual's file until graduation;*
 4. *written reprimand to individual with copy to remain permanently in individual's file;*
 5. *recommendation to professor for grade change;*
 6. *removal from related activity, e.g., Moot Court competition;*
 7. *suspension from school;*
 8. *permanent expulsion from school;*
 9. *any combination of the above.*

XI. Imposition of Sanction

- A. When the Honor Board has decided upon a sanction, it shall, in the presence of the respondent and the Senior Officer, announce its decision, informing the respondent of his/her sanction.
- B. If the sanction includes a verbal reprimand, it shall be immediately given by the Honor Board. All other sanctions will be administered within 72 hours or as soon as possible.

- C. Within 72 hours of its decision the Honor Board shall express its decision in a written statement to the Senior Officer. This statement shall be written by the First Vice President, or ranking member of the Honor Board other than the Senior Officer or faculty member. The Senior Officer shall deliver copies of the decision to:
1. *The respondent, and*
 2. *The Dean. The names of the respondent and/or the reporting witness will be excised before delivery to the Dean unless the First Vice President deems that such information is necessary for the imposition of any sanction. Included with the copy of this written statement to the Dean, the Honor Board shall also include the original record of the proceeding.*
- D. After a majority of the Board has determined a sanction, the respondent may appeal only the sanction to the Dean. The respondent must inform the Dean of such an appeal by writing a statement petitioning such a sanction appeal, and briefly stating the reasons therefore. The statement must be received by both the Dean and the Senior Officer within 72 hours of the publication of the Board's written decision statement described in paragraph C above.
- E. Upon receiving the respondent's sanction appeal, the Dean normally shall announce a sanction appeal decision in writing within 72 hours. The Dean's decision shall be based only on the documents viewed by the Honor Board during the hearing and the taped or written transcript of the proceeding. The Dean may not increase the severity of the sanction imposed by the Honor Board, but may reduce it for good cause.

XII. Administrative and Judicial Review

- A. This Code in no way limits the availability of existing administrative and judicial review.

XIII. Review and Adoption

- A. A committee of students, faculty, and administrators should review this Code every four years.
- B. Adoption of changes to this Code shall be ratified by the faculty with the consent of the students. Consent shall be accomplished through means determined by the Student Bar Association Executive Board and may include, but is not be limited to, a ratification vote or a student forum. However, at a minimum, consent of the students shall include a vote by the Executive Board of the Student Bar Association.

Appendix III

DRAFT

(4/5/11)

To Be Included in the UNM School of Law Bulletin and Handbook of Policies:

ADMINISTRATIVE DUE PROCESS POLICY AND PROCEDURE

INTRODUCTION

The University of New Mexico School of Law's Due Process Policy and Procedure is designed to guide students, faculty and staff on the course of action that may be taken when a law student fails to maintain ethical or professional standards of behavior. The role of the lawyer encompasses more than just satisfactory acquisition of knowledge in courses. The legal professional must exhibit personal and professional behaviors, including honesty, integrity, and respect for others. The School of Law is committed to both ethical and professional behavior on the part of students and a respectful learning environment in which to become a lawyer.

All conduct related to academic misconduct will be governed by the Student Code of Conduct. Issues related to academic performance will be addressed by the Law School's Committee on Student Suspension, Retention, and Re-admission. Other disciplinary matters will be dealt with by the Law School Administration according to the following procedures.

I. MATTERS SUBJECT TO DISCIPLINARY ACTION

Appropriate disciplinary procedures and sanctions may be applied to any student who commits, or attempts to commit, or aids any of the following acts of misconduct:

1. Unlawful conduct.

2. Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.
3. Acts involving dishonesty, fraud, deceit or misrepresentation, including but not limited to, making false statements or omissions on law school applications and failing to report arrests or convictions that occur during law school.
4. Willful misconduct in Law School employment.
5. Conduct that evidences current mental or emotional instability or drug or alcohol dependence or abuse that may impair the ability to successfully complete law school.
6. Violation of professional standards while a clinical law student.
7. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.
8. Violation of published or posted University regulations or policies that are not covered by the Student Code of Conduct, including but not limited to regulations prohibiting discriminatory activity.
9. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of this disciplinary procedure, or its sanctions, including failure to appear before any of the Law School's disciplinary authorities and to testify as a witness when reasonably notified to do so by an appropriate Law School officer.
10. Any other acts or omissions which adversely affect University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise adversely affect the processes of the University.

II. SANCTIONS

A student who is found to have violated any of the provisions set forth in Part I above, may be subject to adverse actions,¹ including but not limited to any of the following:

¹ A verbal reprimand or warning is not considered an "adverse action."

1. “Written warning” is a written reprimand that is placed in the student’s file.
2. “Disciplinary probation” means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending on the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
3. “Suspension” means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.
4. “Expulsion” means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
5. “Dismissal” means termination of student employment, either for a stated time period or indefinitely.

The sanction imposed shall be set based upon numerous factors, including the severity of the offense, the amount of harm created, the student’s record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group’s race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition. If it is found that the harm or injury was targeted because of any of these factors, the disciplinary consequences may be more severe.

III. PROCEDURES

A. Emergency Procedures

The Dean or Associate Dean for Academic Affairs² may immediately suspend a student on an emergency basis if, based on information received about the student’s conduct, the Associate Dean finds that the student’s behavior may endanger him/herself or others, or threatens

² All references to the Dean or Associate Dean for Academic Affairs, by title, in this Code shall also include that person’s designee(s).

disruption of the learning environment. Generally, an emergency suspension may be imposed only in response to an acute incident or pattern of student conduct that raises a significant question as to the student's ability to function safely and effectively in classroom and/or clinical settings.

A student who has been placed on emergency suspension may request a meeting with the Dean or Associate Dean ("official") who issued the suspension. The official shall hold the meeting no later than three (3) working days after the student's request. At this meeting, the student will have the opportunity to explain his/her position and request that the suspension be lifted or modified. The student may offer evidence for the official's consideration. If, after meeting with the student, the official finds that the student's continued presence at the Law School may endanger him/herself or others, or threatens disruption of the learning environment, the official will continue the suspension. Otherwise, the suspension must be lifted or appropriately modified, as determined by the official. The official will inform the student of his/her decision within three working days after this meeting. If the emergency suspension is continued, the matter shall be referred for a formal investigation by the Disciplinary Committee as described in Section B below.

If the Dean or Associate Dean lifts or modifies the emergency suspension, the student will be permitted to return to the Law School curriculum immediately, as appropriate. The matter may be referred for further investigation (informal or formal) as described in Section B.

B. General Procedures

Any student, staff, or faculty member who is concerned that a student's behavior may constitute a violation of the matters subject to disciplinary action listed in Part I above may bring that concern to the attention of the Associate Dean for Academic Affairs. If the Associate Dean

believes that an investigation is warranted, the Associate Dean will inform the student (“respondent”) of the allegations within forty-eight (48) hours or as soon as possible if good reason requires a longer period of time and explain that the matter may be handled in either of two ways. The respondent will be given the choice of which of the following alternative procedures will be utilized. If the respondent fails to make a choice, the Associate Dean will decide which of the following alternatives will be utilized.

Alternative One (Informal Investigation):

The Associate Dean for Academic Affairs will conduct an informal investigation, including interviewing individuals with relevant information if the Associate Dean concludes that such inquiries would be helpful. The respondent will be given an opportunity to be heard and to respond to the allegations. The Associate Dean will then decide what, if any, adverse action is appropriate. If an adverse action is imposed, the Associate Dean will inform the respondent of that action in writing.

Alternative Two (Formal Investigation):

The matter will be investigated and decided by the Disciplinary Committee (“Committee”). The Dean of the Law School will designate a pool of six (6) faculty members who will be available to serve on the Committee. The Committee will consist of two (2) faculty members (selected from the pool by the Dean or designee) and one (1) student (selected by the SBA Executive Board). If the respondent objects that one or more selected member(s) may be biased against the respondent or otherwise may not be a fair Committee member, the Associate Dean for Academic Affairs will review the respondent’s objections and decide whether or not to remove the member. The Associate Dean’s decision is final. If a Committee member is removed for cause, the Dean will appoint a new member if one is available from the pool. If the pool of

faculty members is exhausted, the Dean shall designate another faculty member to serve on the Committee. Any vacancy created by the removal of a student member for cause will be filled by another student selected by the SBA Executive Committee. The respondent will also have the right to exercise one peremptory strike against any of the faculty members. A vacancy created by the use of a peremptory strike will be filled by the Dean with another faculty member from the pool. If the pool of faculty members is exhausted, the Dean shall designate another faculty member to serve on the Committee.

The Committee will select one of its faculty members to serve as Chair. The following rules shall apply to formal hearings conducted by the Committee:

1. The Committee will conduct the hearing and its deliberations in private.
2. The respondent is entitled to be present for the hearing.
3. The respondent is responsible for presenting his or her case; advisors (including attorneys) may be present but are not permitted to present arguments or evidence or otherwise participate directly in the hearing.
4. Members of the Committee may question the respondent or any of the witnesses.
5. The respondent has the right, within reasonable limits set by the Chair of the Committee, to question all witnesses who testify. The Chair may also permit the party alleging misconduct to question the respondent, within reasonable limits.
6. The respondent can submit any evidence that he or she wants considered at least three business days before the hearing.
7. The Committee may proceed independently to secure evidence for the hearing. The respondent shall have an opportunity to review any such evidence at least three business days before the hearing.
8. The hearing will be recorded and the Committee Chair will keep the recording. The recording is the property of the University. No typed record will be made.
9. The proceeding is not subject to the rules of evidence.

Based on its investigation and review, the Committee will decide whether or not to impose sanctions by a simple majority vote of its members. The Committee may impose any of the sanctions that are described in Part II above. The Committee also has the right, on a case-by-case basis, to design other adverse actions as it deems necessary.

The Committee has five (5) working days from when it determines that it has concluded receiving evidence to issue its decision, and within that five-day timeframe, the Committee shall take one of two actions. If no adverse action is taken, the Committee will notify, or make reasonable efforts to notify, the respondent of its decision. If the Committee votes to impose an adverse action, the Chair of the Committee will send a certified letter to the respondent setting out the Committee's conclusions and the adverse action it has taken. As discussed below, the respondent may appeal the Committee's decision to take an adverse action. Pending final resolution of an appeal, the Committee's decision may take effect in the interim if the Committee so decides. In deciding whether its decision will take effect immediately, the Committee will consider the seriousness of the respondent's violation, the nature of the adverse action and whether the respondent poses any danger to him/herself or others.

C. Appeal to the Dean

The respondent may appeal the decision of the Associate Dean for Academic Affairs or the Committee to the Dean of the Law School. The request for an appeal must be made in writing to the Dean, stating the reasons why the respondent disagrees with the decision, and must be received by the Dean within fourteen (14) calendar days after the respondent receives notification of the decision. The Dean will review the decision and may meet with the respondent. If the respondent fails to notify the Dean in writing of his/her appeal within fourteen

(14) calendar days, this shall be considered a waiver of his/her right to an appeal and the decision shall become final.

The Dean's decision after an appeal is final for the School of Law. The Dean's decision is subject to discretionary review by the President of UNM and the Board of Regents. The President and the Regents will normally accept review only in extraordinary cases, such as where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.

IV. GENERAL PROVISIONS

Minor deviations from these procedures are permitted so long as they do not adversely impact the due process rights of the respondent. For good cause, the time limits for Committee decisions to be made can be extended. Good cause includes the fact that a deadline falls during school holidays, vacations or summer session if parties or decision makers are absent from the School of Law. Any such time extension will be communicated in writing to all interested parties and the decision will be made thereafter as expeditiously as possible.

The University of New Mexico School of Law reserves the right to make changes to any of the policies, procedures, codes, standards, requirements or services included in this handbook as it deems necessary, with the changes applicable to all students in attendance at the School of Law.

MEMO

To: Faculty

From: Reed Benson, on behalf of the Natural Resources Committee

Re: Natural Resources & Environmental Law certificate requirements

Date: April 18, 2011

The recent decision to reduce the number of credits awarded for service on the *Natural Resources Journal* necessitates a change in the existing requirements for earning the Natural Resources and Environmental Law Certificate. The Natural Resources Committee proposes to revise the requirements to reflect the fact that *NRJ* members will now earn six credits rather than ten, but to retain the existing core courses and total credits (21) required for the certificate. Thus, the substantive changes in this proposal are fairly minor. We have proposed to simplify things, however, by eliminating the old two-track system—one for *NRJ* members, one for other students—in favor of a unified set of requirements for the certificate.

We propose the following requirements to earn the Natural Resources and Environmental Law certificate:

21 credits that include:

- **Mandatory Core Courses:**
 - **Either Administrative Law or Environmental Law.**
 - **Either Natural Resources Law or Water Law.**
- **Mandatory: A paper on a natural resources or environmental law topic, which fulfills the “seminar paper” portion of the law school’s writing requirement. The Natural Resources Committee will identify particular seminars for which any completed paper will be recognized for the certificate; a paper written for another seminar may qualify, but only with the approval of the Committee.**
- **Mandatory: satisfactory completion of at least two of the following:**
 - **An externship in the natural resources or environmental field.**
 - ***Natural Resources Journal* membership (six credits total).**
 - **A Committee-approved, non-law graduate level course on a natural resources/environmental topic.**
 - **Moot court related to natural resources/environmental issues.**
 - **Independent study in natural resources/environmental issues.**
- **Additional courses**
 - **See list of courses approved by the Natural Resources Committee. Introduction to Natural Resources and Environmental Law is an approved course, but not a mandatory core course. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.**
 - **With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.**

The CURRENT certificate requirements, which involve two options, appear on the next page.

Option One – 21 credits that include:

10 Credits - Natural Resources Journal (NRJ) through a write-on competition, completing all four sections. NRJ members can earn 10 credits toward the certificate and 12 credits toward graduation.

A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.

An additional 11 credits that include:

- *Mandatory Core Courses*
 - *Either Administrative Law or Environmental Law.*
 - *Either Natural Resources Law or Water Law.*
- *Other Courses in the Natural Resources/Environmental area*
 - *See list of courses approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.*
 - *With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.*
 - *Credit hours from an externship in the natural resources or environmental field.*
 - *An approved moot court competition related to natural resources/environmental issues may also be used to satisfy this requirement.*

Option Two – 21 credits that include:

- *Mandatory Core Courses:*
 - *Either Administrative Law or Environmental Law.*
 - *Either Natural Resources Law or Water Law.*
- *Mandatory: A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.*
- *Mandatory: participation in two of the following:*
 - *An externship in the natural resources or environmental field.*
 - *Six credits of non-law graduate level courses in natural resources/environmental issues.*
 - *Moot court related to natural resources/environmental issues.*
 - *Independent study in natural resources/environmental issues.*
- *Additional courses*
 - *See list of courses approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.*
 - *With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.*

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Appendix A

Student Code of Conduct

(Adopted March 1983, Amended 2001, Amended 2002, Amended _____)

The student body, like the practicing bar, governs itself in matters of professional conduct. A student-authored code of conduct outlines standards of conduct UNM law students are honor-bound to follow. The code's provisions cover many phases of law school life as set forth in the following provisions

Elected student leaders constitute an honor board that reviews all charges of code infractions. When an investigation warrants it, the honor board conducts a hearing for the student who has been accused of violating the Student Code of Conduct (hereafter “the respondent”). Sanctions for code violations range in severity from verbal reprimands to permanent expulsion from the law school.

PREAMBLE

We, the students of the University of New Mexico School of Law, recognize that integrity of the highest order is expected of each of us, and as members of a self-governing student body do hereby adopt the following document, which states the minimum standards of honesty to be followed by students in this institution. Only conduct related to academic misconduct enumerated in this Code will be governed by the provisions of this Code. Issues related to a student’s academic standing, which occurs when a student’s grade point average falls below a required threshold will be addressed by the Committee on Student Suspension, Retention, and Re-Admission. Other disciplinary matters will be dealt with by the Law School Administration according to the procedures set forth in the UNM School of Law Bulletin and Handbook of Policies.

I. Persons Subject to this Code

Any person enrolled in the University of New Mexico School of Law is subject to the provisions of this Code. When any person is accused of violating this code while a student, but has since disenrolled, transferred, taken a leave of absence, graduated or otherwise ceased to be enrolled as a student, the accuser shall notify the Dean of this Law School. The Dean shall notify appropriate authorities for an appropriate investigation. This notification shall go to any school in which the person is enrolled, and any State Bar Association or other relevant professional licensing office or association in which the person is a member or is applying for membership.

II. Standard of Conduct

Every student shall be honest and candid in his/her academic pursuits as defined in the subsequent provisions of this Code.

III. Substantive Provisions

A. Examinations

1. Every student shall abide by the principle that each examination shall be the product of his/her own knowledge, unless the instructions explicitly and unequivocally provide that students may work cooperatively, in which case every student shall abide by the limitations, if any, on cooperative work which are set by the professor.
2. Every student assumes the burden of compliance with the provisions of this Code.
3. It shall be a violation of the Code for a student:
 - a. To obtain or use prior to an examination any information concerning the content of the examination, unless such information is authorized by the faculty member concerned.
 - b. To bring into the examination room books, papers, or other materials of any sort, unless explicitly authorized by the instructor, which could be used to aid one's self or any other student in any way during the examination.
 - c. To refer to, or be in possession of unauthorized books, papers, or other materials during the course of the examination, whether inside or outside the examination room.
 - d. To communicate during the examination in any manner with another student concerning the examination.
 - e. To display one's examination with the intent to aid another student, or to look at the examination of any other student with intent to copy or use information from it.
 - f. To fail to turn in all examination materials at the appointed time.
 - g. To take more time to complete an examination than is allowed.
 - h. To have an examination in one's possession at any time or place not authorized by a faculty member.

- i. To discuss an examination already taken with another student who will take the examination at a later time.
- j. To fail to follow the instructions of the examination administrator.
- k. To prepare, to encourage, to counsel or to combine with another to violate the above provisions.

B. Written Submissions

- 1. Every student shall abide by the principle of academic honesty in all written work.
- 2. Plagiarism is a violation of the Code. Plagiarism is the knowing use of the ideas or words of another as your own without indicating such use fully and accurately.
- 3. It shall be a violation of the Code if a student fails:
 - a. To cite fully and accurately the source of an idea taken from another;
 - b. To place in quotations material used from a source and to cite fully and accurately such material; or
 - c. To cite fully and accurately material paraphrased from a source.
- 4. It shall be a violation of the Code if a student:
 - a. Represents someone else's work as his/her own; or
 - b. Uses any unauthorized research materials.
 - c. Submits work in fulfillment of any law school requirement which the student has submitted in compliance with the requisites for any other class or program at this or any other academic institution without the express consent of the present professor. This provision shall also apply to work submitted for law school credit that was previously completed in satisfaction of non-academic work requirements outside the law school.

C. Law Library

1. Every student shall respect the integrity of our library's collection and facilities and shall respect the rights of others in their use of the library.
2. It shall be a violation of the Code for a student:
 - a. To intentionally damage or destroy library property (including, but not limited to: books, microforms, equipment or furniture).
 - b. To hide or secrete library materials within the library.
 - c. To violate library rules concerning checkout procedures for library materials with the knowledge that such violations may deprive others of those materials.
 - d. To violate the library's posted access policies.

D. School Activities

1. Every student shall be honest in his/her every action with regard to all Law School-related activities. Such activities include, but are not limited to:
 - a. Moot Court competitions;
 - b. Client Counseling competitions;
 - c. Clinical Law programs;
 - d. Any Law Journal activity;
 - e. All other academic activities or co-curricular or extra-curricular activities related to the educational mission of this school of law.
2. It shall be a violation of the Code for a student to lie, cheat, steal, be dishonest, or otherwise act contrary to the provisions of this Code while participating in, or preparing for, the above-mentioned activities.

E. Property

1. Every student shall respect the property rights of every member of the faculty, staff, student body, and of the University and its employees.
2. It shall be a violation of the Code for a student:

- a. To take University property with the intent to permanently deprive the University of the property.
- b. To take property belonging to students, or to any member of the faculty or staff without the owner's permission with intent to temporarily or permanently deprive the owner of the property.
- c. To intentionally deface, destroy or otherwise abuse University property or property belonging to a student, faculty or staff member at the University.

F. Compliance with Code Procedures

1. An effective code depends for its enforcement on the professional responsibility and individual integrity of those functioning under it.
2. It shall be a violation of the Code for a student:
 - a. To witness, know of, or have a reasonable basis to believe that a person subject to this code has violated this code, and not to report the violation, the names of the offender(s), and all relevant circumstances of the violation, as provided in section IV herein.
 - b. To refuse to appear when requested as a witness at an Honor Board hearing.
 - c. To disclose any fact concerning an Honor Board Hearing except as provided by this Code.

IV. Confidentiality

- A. All Honor Board proceedings, records, and actions shall be considered confidential in nature. No person other than the respondent having knowledge of such proceedings or actions shall reveal anything concerning them except as provided in this Code, or as required by existing law.
- B. The Senior Officer may share information with the Investigating Officer, the Respondent, any Witnesses and other members of the Honor Board in order to effectively arrange and run the Honor Board Hearing.
- C. The Senior Officer also has the discretion to speak with the Assistant Dean of Student Services regarding procedural questions and guidance in arranging and running an Honor Board hearing. In seeking guidance, the Senior Officer must keep as many facts as to the details of the allegations as confidential as possible.

V. Procedure for Reporting an Honor Violation

- A. A faculty or staff member who has personal knowledge of an apparent violation normally should report the incident to the SBA president within 48 hours of the incident or upon gaining knowledge of the incident or as soon as possible.
- B. The SBA president, with the reporting witness, shall write a brief report of the alleged violation. The report shall include the following:
 - 1. The nature of the alleged violation;
 - 2. The time and date of the alleged violation;
 - 3. The name of the respondent;
 - 4. The name of the reporting witness;
 - 5. The names of any other witnesses.
- C. The SBA president shall deliver a copy of this report to the Investigating Officer to facilitate the investigation.
- D. The respondent shall be notified by the SBA President that allegations against the respondent have been presented to the SBA President at the time that the SBA President completes the report described in paragraph D above. At this time, the SBA president shall provide the respondent with a copy of the applicable Code of Conduct. The SBA President shall inform the respondent that s/he must read the code prior to speaking to anyone about the matter and also that the respondent is not required to speak to the Investigating Officer if s/he does not wish.

VI. Investigation

- A. The Investigating Officer is the Third-Year Faculty Representative, unless the Third Year Representative is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, in which case s/he must decline to serve as the Investigating Officer.
1. If the Third-Year Faculty Representative is not available or must decline to serve, a Third-Year class member shall be nominated to act as the Investigating Officer by the SBA President and approved by a majority vote of the SBA Executive Committee.
 2. If the Third-Year Faculty Representative requires assistance due to the breadth of an investigation or severe extenuating circumstances, s/he may petition the SBA President in writing to request assistance from the Second-Year Faculty Representative.
 3. If the Second-Year Faculty Representative is not available or must decline to serve because she is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, the SBA President can appoint another student to assist.
 4. The Third-Year Faculty Representative may serve as the Investigating Officer in the Spring and Summer prior to beginning his/her third year, once elected or appointed. The Investigating Officer may ask the Executive Committee to be excused from duty, and any person under investigation may also ask the Executive Committee to excuse the Investigating Officer from duty, and replace the Investigating Officer. The Executive Committee may consider these requests, but is not required to follow them, unless good cause for change in the Investigating Officer is shown.
- B. The Investigating Officer shall conduct an investigation and evaluate the circumstances of a case to determine whether the apparent violation should be considered by an Honor Board.
- C. An investigation should not interfere with the respondent's examinations. Measures, though, should be taken to insure a timely investigation. The Investigating Officer will have a two week time period (excluding the reading period and final examinations) in which to complete this investigation. If the Investigating Officer determines that the investigation cannot be completed before a reading or examination period or the investigation would begin

within two (2) weeks of the reading or examination period, the investigation shall begin one day after the reading period or final examinations.

D. The investigation will consist of the following:

1. The Investigating Officer shall talk to the reporting witness, the respondent (if the respondent consents), any other witnesses, and all other persons, including faculty and staff, who may have relevant information. Written statements should be taken from all witnesses.
2. After all witnesses have been interviewed and the investigation is complete, the Investigating Officer shall convene an Honor Board hearing, according to paragraph three if the Investigating Officer concludes that there is a reasonable probability that the respondent has violated this code as charged by the reporting witness.
3. If the Investigating Officer calls for an Honor Board hearing, she shall notify the SBA President, who shall then convene it in a timely manner. If the Investigating Officer calls for further investigation by another Investigating Officer, all records shall be turned over to that second Investigating Officer. If the Investigating Officer calls for further investigation by a University or Police Authority, including the Law School administration for misconduct not falling under the jurisdiction of this Code of Conduct, the Investigating Officer shall make a report to that authority and preserve evidence for that investigation. If the Investigating Officer does not call for further investigation nor for a Board hearing, the case will be dismissed and all records generated by the investigation will be destroyed immediately by the SBA President.
4. If the Investigating Officer decides to convene an honor board hearing pursuant to paragraph 2 above, he/she shall write a detailed report consisting of the following:
 - a. The nature of the alleged violation;
 - b. The time and date of the alleged violation;
 - c. The name of the respondent;
 - d. The name of the reporting witness;
 - e. The names of any other witnesses;
 - f. A summary of the information gained from the investigation;
 - g. All written statements;

- h. A summary of all oral statements not recorded;
 - i. The recommendation of the Investigating Officer.

- E. When the respondent is in his/her graduating semester, an Investigating Officer has determined cause for an Honor Board hearing, and the hearing will not take place until after the respondent's final exams, the Dean shall be notified of the hearing and the name of the respondent. If s/he believes it appropriate, the Investigating Officer, with the consent of the respondent, may also provide the Dean with the report. If the respondent decides to consent to the Dean's review of the report, the respondent will be given an opportunity, if s/he chooses, to discuss the allegations with the Dean.

- F. The Investigating Officer shall deliver his report to the Senior Officer (see Paragraph VII (A)). The Senior Officer shall provide the respondent with all of the information in the Investigating Officer's report.

- G. After the Senior Officer provides the respondent with the report, the other members of the Honor Board shall be notified of the hearing and given a copy of the report to facilitate scheduling of the hearing and to allow for recusal or excusal. All members receiving notification and a copy of the report shall be bound by the confidentiality provision of the code.

VII. Honor Board

- A. The SBA president is the Senior Officer and shall act as an advisor to all parties to the hearing. S/he shall preside at the hearing and make all decisions that are necessary for its proper functioning. The Senior Officer will not participate in the deliberations or determination of a sanction and will not cast a vote. In the event the SBA president cannot participate as Senior Officer, s/he shall be replaced by the next highest ranking SBA officer. That person shall then be the acting Senior Officer. The Acting Senior Officer, if chosen before the Honor Board Hearing, shall nominate a replacement for the Honor Board from his/her class to be approved by majority vote of the remaining Executive Committee members.

- B. The Honor Board shall consist of the SBA Executive Committee, plus one faculty member. The Dean shall recommend three faculty members to the Executive Committee. The respondent may recuse one faculty member from the list of three provided by the Dean. The Executive Committee will select the faculty member who is to serve on the Board from the remaining faculty on the list.

- C. If a member of the Honor Board is excused by the Senior Officer from serving for any reason, the Executive Committee of the SBA shall approve by majority vote a replacement nominated by the Senior Officer and who shall be selected from the excused party's academic class.
- D. In the event that there is a change in personnel among the SBA Board due to election, and a possible violation has been reported to the SBA President, the Honor Board convened to adjudicate that allegation, including the faculty member, shall have the duty and the authority to adjudicate that allegation through to its completion notwithstanding the termination of that SBA Board's tenure due to election, except that for good cause shown and with the approval of the Dean, this provision need not apply. Furthermore, an SBA Board shall be bound by the confidentiality provisions of this Code from informing any member of a board-elect of the proceeding, unless that member would otherwise be properly made aware of the proceeding.
- E. The respondent and the Investigating Officer have the right to voir dire all Honor Board members and challenge any of them for cause. The Honor Board itself will make all decisions on the respondent's challenge(s) for cause. Removal as a result of a challenge for cause shall be by a majority vote of the Honor Board, excluding the vote of the person being challenged. The Senior Officer has a vote for these purposes. In the event of a tie vote, the person challenged shall be removed.
- F. The Honor Board shall not convene at the University of New Mexico School of Law.
- G. The Honor Board hearing shall never be held during a Law School reading/examination period.
- H. The Senior Officer shall notify the Honor Board members, all parties, and witnesses of the date, time, and place of the Honor Board hearing at least six days prior to the hearing.
- I. The Senior Officer shall require all members of the Honor Board to give him/her their assurance that each member supports this Code of Professional Conduct.
- J. The Senior Officer shall keep the Dean informed of the general nature of the Honor Board proceedings. The names of the reporting witness and respondent will not be revealed unless and until there has been a determination that the respondent has violated the Code.
- K. The respondent and the person reporting the alleged honor violation and all witnesses called by the respondent, the reporting witness, or the Honor Board shall appear at the Honor Board hearing.

1. Witnesses called by the respondent and the reporting witnesses are required to appear and testify at an Honor Board Hearing. Failure to do so without an exemption is an honor code violation.
 2. Witnesses can, for good cause shown, request, in writing, an exemption from testifying from the Senior Officer.
 3. Incriminating testimony cannot be used against a witness in a subsequent Honor Code hearing
- L. Before the Honor Board hearing, the Senior Officer shall deliver to the respondent a copy of the report described in V (D)(4) which shall include the time, date, and place of the Honor Board hearing. The respondent shall be instructed in writing of his/her rights, which are in Section VII of this Code.
- M. The respondent may petition the Senior Officer for any documents needed in his/her defense. Once such requests are received in writing by the Senior Officer, the Senior Officer may direct the production of documents or tangible items that the Senior Officer deems relevant or necessary to the respondent's defense, and which are not privileged.

VIII. Honor Board Hearing

- A. The Honor Board hearing shall be closed to all persons except the Senior Officer, the Honor Board members, the respondent, the respondent's counsel, the reporting witness, any other witnesses called, a hearing reporter and the Investigating Officer. Witnesses may be present only when they testify.
- B. The Senior Officer shall read the nature of the alleged violation, the time and date of the alleged violation, the names of the respondent and reporting witness, and the conclusion of the Investigating Officer. The Senior Officer shall also explain to all parties the procedures to be followed in the hearing.
- C. A record of the proceeding shall be kept for the purpose of facilitating proper review by the Dean should such review be requested by the respondent. The record may be taken by a court reporter or it may be in the form of a tape-recording of the entire hearing. If a taped record is created, the Senior Officer will ensure prior to the hearing that the equipment is functioning properly and that all parties will be able to be clearly heard on the tape-recording.
- D. The proceedings shall not be conducted in the absence of the faculty member.
- E. The Investigating Officer will be responsible for presenting the alleged Honor Code violations against the respondent and will have the burden of proving by clear and convincing evidence that the respondent has committed the alleged

violation(s). The procedure followed for the hearing shall consist of the following:

1. The Investigating Officer shall make an opening statement.
 2. The respondent shall have an opportunity to make an opening statement.
 3. The Investigating Officer shall present all witnesses, testimony, and other information and evidence relevant to the investigation of the respondent. Formal rules of evidence shall not apply to the Honor Board hearing; however, hearsay shall normally not be admitted as evidence in the proceeding. The Investigating Officer and the respondent may object to such evidence. The Senior Officer shall rule on whether the evidence will be permitted by determining whether the evidence is likely to assist the Honor Board in making its decision.
 4. The respondent may cross-examine all witnesses against him/her. The Investigating Officer may cross-examine all witnesses presented by the respondent.
 5. The respondent shall have the opportunity to refute the testimony against him/her or to explain the circumstances which led to the charge. The respondent shall have a reasonable opportunity to present witnesses on his/her behalf including but not limited to students, faculty, staff and counselors. The respondent shall not be required to testify. The respondent has the right to confront the reporting witness and other witnesses. The respondent may be represented by counsel or a faculty member.
 6. The Honor Board may call witnesses and hear further evidence relevant to the circumstances under investigation. The Board may question any witnesses and review any evidence.
 7. The Senior Officer has the discretion to grant recesses and to stay the proceedings if the circumstances require it.
 8. The respondent shall have an opportunity to make a closing statement.
 9. The Investigating Officer shall make a closing statement.
- F. At any point before or during the hearing, the respondent may admit that s/he has committed a Student Code violation and waive the right to a hearing as to the violation. At that point, the Senior Officer shall convene a hearing as above except that such a hearing shall include only such evidence and witnesses that are necessary to explain to the Board the factual circumstances of the allegation or facts that are relevant to the imposition of sanction.

- G. At the conclusion of the presentation of evidence the Honor Board shall retire to deliberate.

IX. Determination of a Code of Conduct Violation

- A. Before its deliberations, the Senior Officer shall instruct the Honor Board that:
 - 1. The determination of whether the alleged violation has been proven shall be without consideration of any sanction under this Code; and
 - 2. The respondent shall not be found to have violated the Code unless members of the Honor Board agree by at least a two-thirds majority that there is clear and convincing proof that the respondent has done so, or the respondent admits the violation.
- B. If the respondent is found not to have violated the Code, all records of the hearing shall be destroyed immediately following the finding of no violation by the Senior Officer. The respondent may request that the records not be destroyed but sealed and preserved.
- C. If the Honor Board finds the respondent has committed the alleged violation, it shall:
 - 1. Consider the sanction to be imposed.
 - 2. Notify the Dean and appropriate Law School Administrators, if the Dean so requires, of the determination that the alleged violation has been proven and the imposition of the sanction. The Dean or an appropriate Law School Administrator may keep a record of all violations and imposed sanctions for the purpose of assisting the Honor Board in imposition of consistent sanctions. The Dean or the appropriate Law School Administrator shall only release this general information to convened Honor Boards (without revealing the names of any students subject to such sanctions).
 - 3. Reveal the names of the reporting witness only if such a revelation is necessary for the imposition of the sanction.

4.

X. Sanctions

- A. The sanction shall be determined by a majority vote of the Honor Board.
- B. The sanctions which may be imposed by the Honor Board include, but are not limited to, the following:
 - 1. verbal reprimand;
 - 2. written reprimand;
 - 3. written reprimand to individual with copy to remain in individual's file until graduation;
 - 4. written reprimand to individual with copy to remain permanently in individual's file;
 - 5. recommendation to professor for grade change;
 - 6. removal from related activity, e.g., Moot Court competition;
 - 7. suspension from school;
 - 8. permanent expulsion from school;
 - 9. any combination of the above.

XI. Imposition of Sanction

- A. When the Honor Board has decided upon a sanction, it shall, in the presence of the respondent and the Senior Officer, announce its decision, informing the respondent of his/her sanction.
- B. If the sanction includes a verbal reprimand, it shall be immediately given by the Honor Board. All other sanctions will be administered within 72 hours or as soon as possible.
- C. Within 72 hours of its decision the Honor Board shall express its decision in a written statement to the Senior Officer. This statement shall be written by the First Vice President, or ranking member of the Honor Board other than the Senior Officer or faculty member. The Senior Officer shall deliver copies of the decision to:
 - 1. The respondent, and
 - 2. The Dean. The names of the respondent and/or the reporting witness will be excised before delivery to the Dean unless the First Vice President deems that such information is necessary for the imposition

of any sanction. Included with the copy of this written statement to the Dean, the Honor Board shall also include the original record of the proceeding.

- D. After a majority of the Board has determined a sanction, the respondent may appeal only the sanction to the Dean. The respondent must inform the Dean of such an appeal by writing a statement petitioning such a sanction appeal, and briefly stating the reasons therefore. The statement must be received by both the Dean and the Senior Officer within 72 hours of the publication of the Board's written decision statement described in paragraph C above.
- E. Upon receiving the respondent's sanction appeal, the Dean normally shall announce a sanction appeal decision in writing within 72 hours. The Dean's decision shall be based only on the documents viewed by the Honor Board during the hearing and the taped or written transcript of the proceeding. The Dean may not increase the severity of the sanction imposed by the Honor Board, but may reduce it for good cause.

XII. Administrative and Judicial Review

- A. This Code in no way limits the availability of existing administrative and judicial review.

XIII. Review and Adoption

- A. A committee of students, faculty, and administrators should review this Code every four years.
- B. Adoption of changes to this Code shall be ratified by the faculty with the consent of the students. Consent shall be accomplished through means determined by the Student Bar Association Executive Board and may include, but is not be limited to, a ratification vote or a student forum. However, at a minimum, consent of the students shall include a vote by the Executive Board of the Student Bar Association.

DRAFT

Appendix A

Student Code of Conduct

(Adopted March 1983, Amended 2001, Amended 2002, Amended _____)

The student body, like the practicing bar, governs itself in matters of professional conduct. A student-authored code of conduct outlines standards of conduct UNM law students are honor-bound to follow. The code's provisions cover many phases of law school life as set forth in the following provisions

Elected student leaders constitute an honor board that reviews all charges of code infractions. When an investigation warrants it, the honor board conducts a hearing for the student who has been accused of violating the Student Code of Conduct (hereafter "the respondent"). Sanctions for code violations range in severity from verbal reprimands to permanent expulsion from the law school.

PREAMBLE

We, the students of the University of New Mexico School of Law, recognize that integrity of the highest order is expected of each of us, and as members of a self-governing student body do hereby adopt the following document, which states the minimum standards of honesty to be followed by students in this institution. Only conduct related to academic misconduct enumerated in this Code will be governed by the provisions of this Code. Issues related to a student's academic standing, which occurs when a student's grade point average falls below a required threshold will be addressed by the Committee on Student Suspension, Retention, and Re-Admission. Other disciplinary matters will be dealt with by the Law School Administration according to the procedures set forth in the UNM School of Law Bulletin and Handbook of Policies.

I. Persons Subject to this Code

Any person enrolled in the University of New Mexico School of Law is subject to the provisions of this Code. When any person is accused of violating this code while a student, but has since disenrolled, transferred, taken a leave of absence, graduated or otherwise ceased to be enrolled as a student, the accuser shall notify the Dean of this Law School. The Dean shall notify appropriate authorities for an appropriate investigation. This notification shall go to any school in which the person is enrolled. If proceedings under this Code result in a finding that there has been a violation of the Code, the Dean shall notify any State Bar Association or other relevant professional licensing organization of which the person is either a member or applying for membership if that organization so requires.

II. Standard of Conduct

Every student shall be honest and candid in his/her academic pursuits as defined in the subsequent provisions of this Code.

III. Substantive Provisions

A. Examinations

1. Every student shall abide by the principle that each examination shall be the product of his/her own knowledge, unless the instructions explicitly and unequivocally provide that students may work cooperatively, in which case every student shall abide by the limitations, if any, on cooperative work which are set by the professor.
2. Every student assumes the burden of compliance with the provisions of this Code.
3. It shall be a violation of the Code for a student:
 - a. To obtain or use prior to an examination any information concerning the content of the examination, unless such information is authorized by the faculty member concerned.
 - b. To bring into the examination room books, papers, or other materials of any sort, unless explicitly authorized by the instructor, which could be used to aid one's self or any other student in any way during the examination.
 - c. To refer to, or be in possession of unauthorized books, papers, or other materials during the course of the examination, whether inside or outside the examination room.
 - d. To communicate during the examination in any manner with another student concerning the examination.
 - e. To display one's examination with the intent to aid another student, or to look at the examination of any other student with intent to copy or use information from it.
 - f. To fail to turn in all examination materials at the appointed time.
 - g. To take more time to complete an examination than is allowed.
 - h. To have an examination in one's possession at any time or place not authorized by a faculty member.

- i. To discuss an examination already taken with another student who will take the examination at a later time.
- j. To fail to follow the instructions of the examination administrator.
- k. To prepare, to encourage, to counsel or to combine with another to violate the above provisions.

B. Written Submissions

- 1. Every student shall abide by the principle of academic honesty in all written work.
- 2. Plagiarism is a violation of the Code. Plagiarism is the knowing use of the ideas or words of another as your own without indicating such use fully and accurately.
- 3. It shall be a violation of the Code if a student fails:
 - a. To cite fully and accurately the source of an idea taken from another;
 - b. To place in quotations material used from a source and to cite fully and accurately such material; or
 - c. To cite fully and accurately material paraphrased from a source.
- 4. It shall be a violation of the Code if a student:
 - a. Represents someone else's work as his/her own; or
 - b. Uses any unauthorized research materials.
 - c. Submits work in fulfillment of any law school requirement which the student has submitted in compliance with the requisites for any other class or program at this or any other academic institution without the express consent of the present professor. This provision shall also apply to work submitted for law school credit that was previously completed in satisfaction of non-academic work requirements outside the law school.

C. Law Library

1. Every student shall respect the integrity of our library's collection and facilities and shall respect the rights of others in their use of the library.
2. It shall be a violation of the Code for a student:
 - a. To intentionally damage or destroy library property (including, but not limited to: books, microforms, equipment or furniture).
 - b. To hide or secrete library materials within the library.
 - c. To violate library rules concerning checkout procedures for library materials with the knowledge that such violations may deprive others of those materials.
 - d. To violate the library's posted access policies.

D. School Activities

1. Every student shall be honest in his/her every action with regard to all Law School-related activities. Such activities include, but are not limited to:
 - a. Moot Court competitions;
 - b. Client Counseling competitions;
 - c. Clinical Law programs;
 - d. Any Law Journal activity;
 - e. All other academic activities or co-curricular or extra-curricular activities related to the educational mission of this school of law.
2. It shall be a violation of the Code for a student to lie, cheat, steal, be dishonest, or otherwise act contrary to the provisions of this Code while participating in, or preparing for, the above-mentioned activities.

E. Property

1. Every student shall respect the property rights of every member of the faculty, staff, student body, and of the University and its employees.
2. It shall be a violation of the Code for a student:

- a. To take University property with the intent to permanently deprive the University of the property.
- b. To take property belonging to students, or to any member of the faculty or staff without the owner's permission with intent to temporarily or permanently deprive the owner of the property.
- c. To intentionally deface, destroy or otherwise abuse University property or property belonging to a student, faculty or staff member at the University.

F. Compliance with Code Procedures

1. An effective code depends for its enforcement on the professional responsibility and individual integrity of those functioning under it.
2. It shall be a violation of the Code for a student:
 - a. To witness, know of, or have a reasonable basis to believe that a person subject to this code has violated this code, and not to report the violation, the names of the offender(s), and all relevant circumstances of the violation, as provided in section IV herein.
 - b. To refuse to appear when requested as a witness at an Honor Board hearing.
 - c. To disclose any fact concerning an Honor Board Hearing except as provided by this Code.

IV. Confidentiality

- A. All Honor Board proceedings, records, and actions shall be considered confidential in nature. No person other than the respondent having knowledge of such proceedings or actions shall reveal anything concerning them except as provided in this Code, or as required by existing law.
- B. The Senior Officer may share information with the Investigating Officer, the Respondent, any Witnesses and other members of the Honor Board in order to effectively arrange and run the Honor Board Hearing.
- C. The Senior Officer also has the discretion to speak with the Assistant Dean of Student Services regarding procedural questions and guidance in arranging and running an Honor Board hearing. In seeking guidance, the Senior Officer must keep as many facts as to the details of the allegations as confidential as possible.

V. Procedure for Reporting an Honor Violation

- A. A faculty or staff member who has personal knowledge of an apparent violation normally should report the incident to the SBA president within 48 hours of the incident or upon gaining knowledge of the incident or as soon as possible.
- B. The SBA president, with the reporting witness, shall write a brief report of the alleged violation. The report shall include the following:
 - 1. The nature of the alleged violation;
 - 2. The time and date of the alleged violation;
 - 3. The name of the respondent;
 - 4. The name of the reporting witness;
 - 5. The names of any other witnesses.
- C. The SBA president shall deliver a copy of this report to the Investigating Officer to facilitate the investigation.
- D. The respondent shall be notified by the SBA President that allegations against the respondent have been presented to the SBA President at the time that the SBA President completes the report described in paragraph D above. At this time, the SBA president shall provide the respondent with a copy of the applicable Code of Conduct. The SBA President shall inform the respondent that s/he must read the code prior to speaking to anyone about the matter and also that the respondent is not required to speak to the Investigating Officer if s/he does not wish.

VI. Investigation

- A. The Investigating Officer is the Third-Year Faculty Representative, unless the Third Year Representative is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, in which case s/he must decline to serve as the Investigating Officer.
 - 1. If the Third-Year Faculty Representative is not available or must decline to serve, a Third-Year class member shall be nominated to act as the Investigating Officer by the SBA President and approved by a majority vote of the SBA Executive Committee.

2. If the Third-Year Faculty Representative requires assistance due to the breadth of an investigation or severe extenuating circumstances, s/he may petition the SBA President in writing to request assistance from the Second-Year Faculty Representative.
 3. If the Second-Year Faculty Representative is not available or must decline to serve because she is not available, or is involved with or reasonably potentially involved with the allegation, or reasonably may be perceived to be biased or prejudiced in the matter, the SBA President can appoint another student to assist.
 4. The Third-Year Faculty Representative may serve as the Investigating Officer in the Spring and Summer prior to beginning his/her third year, once elected or appointed. The Investigating Officer may ask the Executive Committee to be excused from duty, and any person under investigation may also ask the Executive Committee to excuse the Investigating Officer from duty, and replace the Investigating Officer. The Executive Committee may consider these requests, but is not required to follow them, unless good cause for change in the Investigating Officer is shown.
- B. The Investigating Officer shall conduct an investigation and evaluate the circumstances of a case to determine whether the apparent violation should be considered by an Honor Board.
- C. An investigation should not interfere with the respondent's examinations. Measures, though, should be taken to insure a timely investigation. The Investigating Officer will have a two week time period (excluding the reading period and final examinations) in which to complete this investigation. If the Investigating Officer determines that the investigation cannot be completed before a reading or examination period or the investigation would begin within two (2) weeks of the reading or examination period, the investigation shall begin one day after the reading period or final examinations.
- D. The investigation will consist of the following:
1. The Investigating Officer shall talk to the reporting witness, the respondent (if the respondent consents), any other witnesses, and all other persons, including faculty and staff, who may have relevant information. Written statements should be taken from all witnesses.
 2. After all witnesses have been interviewed and the investigation is complete, the Investigating Officer shall convene an Honor Board hearing, according to paragraph three if the Investigating Officer concludes that there is a reasonable probability that the respondent has violated this code as charged by the reporting witness.

3. If the Investigating Officer calls for an Honor Board hearing, she shall notify the SBA President, who shall then convene it in a timely manner. If the Investigating Officer calls for further investigation by another Investigating Officer, all records shall be turned over to that second Investigating Officer. If the Investigating Officer calls for further investigation by a University or Police Authority, including the Law School administration for misconduct not falling under the jurisdiction of this Code of Conduct, the Investigating Officer shall make a report to that authority and preserve evidence for that investigation. If the Investigating Officer does not call for further investigation nor for a Board hearing, the case will be dismissed and all records generated by the investigation will be destroyed immediately by the SBA President.
4. If the Investigating Officer decides to convene an honor board hearing pursuant to paragraph 2 above, he/she shall write a detailed report consisting of the following:
 - a. The nature of the alleged violation;
 - b. The time and date of the alleged violation;
 - c. The name of the respondent;
 - d. The name of the reporting witness;
 - e. The names of any other witnesses;
 - f. A summary of the information gained from the investigation;
 - g. All written statements;
 - h. A summary of all oral statements not recorded;
 - i. The recommendation of the Investigating Officer.
- E. When the respondent is in his/her graduating semester, an Investigating Officer has determined cause for an Honor Board hearing, and the hearing will not take place until after the respondent's final exams, the Dean shall be notified of the hearing and the name of the respondent. If s/he believes it appropriate, the Investigating Officer, with the consent of the respondent, may also provide the Dean with the report. If the respondent decides to consent to the Dean's review of the report, the respondent will be given an opportunity, if s/he chooses, to discuss the allegations with the Dean.

- F. The Investigating Officer shall deliver his report to the Senior Officer (see Paragraph VII (A)). The Senior Officer shall provide the respondent with all of the information in the Investigating Officer's report.
- G. After the Senior Officer provides the respondent with the report, the other members of the Honor Board shall be notified of the hearing and given a copy of the report to facilitate scheduling of the hearing and to allow for recusal or excusal. All members receiving notification and a copy of the report shall be bound by the confidentiality provision of the code.

VII. Honor Board

- A. The SBA president is the Senior Officer and shall act as an advisor to all parties to the hearing. S/he shall preside at the hearing and make all decisions that are necessary for its proper functioning. The Senior Officer will not participate in the deliberations or determination of a sanction and will not cast a vote. In the event the SBA president cannot participate as Senior Officer, s/he shall be replaced by the next highest ranking SBA officer. That person shall then be the acting Senior Officer. The Acting Senior Officer, if chosen before the Honor Board Hearing, shall nominate a replacement for the Honor Board from his/her class to be approved by majority vote of the remaining Executive Committee members.
- B. The Honor Board shall consist of the SBA Executive Committee, plus one faculty member. The Dean shall recommend three faculty members to the Executive Committee. The respondent may recuse one faculty member from the list of three provided by the Dean. The Executive Committee will select the faculty member who is to serve on the Board from the remaining faculty on the list.
- C. If a member of the Honor Board is excused by the Senior Officer from serving for any reason, the Executive Committee of the SBA shall approve by majority vote a replacement nominated by the Senior Officer and who shall be selected from the excused party's academic class.
- D. In the event that there is a change in personnel among the SBA Board due to election, and a possible violation has been reported to the SBA President, the Honor Board convened to adjudicate that allegation, including the faculty member, shall have the duty and the authority to adjudicate that allegation through to its completion notwithstanding the termination of that SBA Board's tenure due to election, except that for good cause shown and with the approval of the Dean, this provision need not apply. Furthermore, an SBA Board shall be bound by the confidentiality provisions of this Code from informing any member of a board-elect of the proceeding, unless that member would otherwise be properly made aware of the proceeding.

- E. The respondent and the Investigating Officer have the right to voir dire all Honor Board members and challenge any of them for cause. The Honor Board itself will make all decisions on the respondent's challenge(s) for cause. Removal as a result of a challenge for cause shall be by a majority vote of the Honor Board, excluding the vote of the person being challenged. The Senior Officer has a vote for these purposes. In the event of a tie vote, the person challenged shall be removed.
- F. The Honor Board shall not convene at the University of New Mexico School of Law.
- G. The Honor Board hearing shall never be held during a Law School reading/examination period.
- H. The Senior Officer shall notify the Honor Board members, all parties, and witnesses of the date, time, and place of the Honor Board hearing at least six days prior to the hearing.
- I. The Senior Officer shall require all members of the Honor Board to give him/her their assurance that each member supports this Code of Professional Conduct.
- J. The Senior Officer shall keep the Dean informed of the general nature of the Honor Board proceedings. The names of the reporting witness and respondent will not be revealed unless and until there has been a determination that the respondent has violated the Code.
- K. The respondent and the person reporting the alleged honor violation and all witnesses called by the respondent, the reporting witness, or the Honor Board shall appear at the Honor Board hearing.
 - 1. Witnesses called by the respondent and the reporting witnesses are required to appear and testify at an Honor Board Hearing. Failure to do so without an exemption is an honor code violation.
 - 2. Witnesses can, for good cause shown, request, in writing, an exemption from testifying from the Senior Officer.
 - 3. Incriminating testimony cannot be used against a witness in a subsequent Honor Code hearing
- L. Before the Honor Board hearing, the Senior Officer shall deliver to the respondent a copy of the report described in V (D)(4) which shall include the time, date, and place of the Honor Board hearing. The respondent shall be instructed in writing of his/her rights, which are in Section VII of this Code.
- M. The respondent may petition the Senior Officer for any documents needed in his/her defense. Once such requests are received in writing by the Senior

Officer, the Senior Officer may direct the production of documents or tangible items that the Senior Officer deems relevant or necessary to the respondent's defense, and which are not privileged.

VIII. Honor Board Hearing

- A. The Honor Board hearing shall be closed to all persons except the Senior Officer, the Honor Board members, the respondent, the respondent's counsel, the reporting witness, any other witnesses called, a hearing reporter and the Investigating Officer. Witnesses may be present only when they testify.
- B. The Senior Officer shall read the nature of the alleged violation, the time and date of the alleged violation, the names of the respondent and reporting witness, and the conclusion of the Investigating Officer. The Senior Officer shall also explain to all parties the procedures to be followed in the hearing.
- C. A record of the proceeding shall be kept for the purpose of facilitating proper review by the Dean should such review be requested by the respondent. The record may be taken by a court reporter or it may be in the form of a tape-recording of the entire hearing. If a taped record is created, the Senior Officer will ensure prior to the hearing that the equipment is functioning properly and that all parties will be able to be clearly heard on the tape-recording.
- D. The proceedings shall not be conducted in the absence of the faculty member.
- E. The Investigating Officer will be responsible for presenting the alleged Honor Code violations against the respondent and will have the burden of proving by clear and convincing evidence that the respondent has committed the alleged violation(s). The procedure followed for the hearing shall consist of the following:
 - 1. The Investigating Officer shall make an opening statement.
 - 2. The respondent shall have an opportunity to make an opening statement.
 - 3. The Investigating Officer shall present all witnesses, testimony, and other information and evidence relevant to the investigation of the respondent. Formal rules of evidence shall not apply to the Honor Board hearing; however, hearsay shall normally not be admitted as evidence in the proceeding. The Investigating Officer and the respondent may object to such evidence. The Senior Officer shall rule on whether the evidence will be permitted by determining whether the evidence is likely to assist the Honor Board in making its decision.

4. The respondent may cross-examine all witnesses against him/her. The Investigating Officer may cross-examine all witnesses presented by the respondent.
 5. The respondent shall have the opportunity to refute the testimony against him/her or to explain the circumstances which led to the charge. The respondent shall have a reasonable opportunity to present witnesses on his/her behalf including but not limited to students, faculty, staff and counselors. The respondent shall not be required to testify. The respondent has the right to confront the reporting witness and other witnesses. The respondent may be represented by counsel or a faculty member.
 6. The Honor Board may call witnesses and hear further evidence relevant to the circumstances under investigation. The Board may question any witnesses and review any evidence.
 7. The Senior Officer has the discretion to grant recesses and to stay the proceedings if the circumstances require it.
 8. The respondent shall have an opportunity to make a closing statement.
 9. The Investigating Officer shall make a closing statement.
- F. At any point before or during the hearing, the respondent may admit that s/he has committed a Student Code violation and waive the right to a hearing as to the violation. At that point, the Senior Officer shall convene a hearing as above except that such a hearing shall include only such evidence and witnesses that are necessary to explain to the Board the factual circumstances of the allegation or facts that are relevant to the imposition of sanction.
- G. At the conclusion of the presentation of evidence the Honor Board shall retire to deliberate.

IX. Determination of a Code of Conduct Violation

- A. Before its deliberations, the Senior Officer shall instruct the Honor Board that:
 - 1. The determination of whether the alleged violation has been proven shall be without consideration of any sanction under this Code; and
 - 2. The respondent shall not be found to have violated the Code unless members of the Honor Board agree by at least a two-thirds majority that there is clear and convincing proof that the respondent has done so, or the respondent admits the violation.
- B. If the respondent is found not to have violated the Code, all records of the hearing shall be destroyed immediately following the finding of no violation by the Senior Officer. The respondent may request that the records not be destroyed but sealed and preserved.
- C. If the Honor Board finds the respondent has committed the alleged violation, it shall:
 - 1. Consider the sanction to be imposed.
 - 2. Notify the Dean and appropriate Law School Administrators, if the Dean so requires, of the determination that the alleged violation has been proven and the imposition of the sanction. The Dean or an appropriate Law School Administrator may keep a record of all violations and imposed sanctions for the purpose of assisting the Honor Board in imposition of consistent sanctions. The Dean or the appropriate Law School Administrator shall only release this general information to convened Honor Boards (without revealing the names of any students subject to such sanctions).
 - 3. Reveal the names of the reporting witness only if such a revelation is necessary for the imposition of the sanction.

X. Sanctions

- A. The sanction shall be determined by a majority vote of the Honor Board.
- B. The sanctions which may be imposed by the Honor Board include, but are not limited to, the following:
 - 1. verbal reprimand;
 - 2. written reprimand;
 - 3. written reprimand to individual with copy to remain in individual's file until graduation;
 - 4. written reprimand to individual with copy to remain permanently in individual's file;
 - 5. recommendation to professor for grade change;
 - 6. removal from related activity, e.g., Moot Court competition;
 - 7. suspension from school;
 - 8. permanent expulsion from school;
 - 9. any combination of the above.

XI. Imposition of Sanction

- A. When the Honor Board has decided upon a sanction, it shall, in the presence of the respondent and the Senior Officer, announce its decision, informing the respondent of his/her sanction.
- B. If the sanction includes a verbal reprimand, it shall be immediately given by the Honor Board. All other sanctions will be administered within 72 hours or as soon as possible.
- C. Within 72 hours of its decision the Honor Board shall express its decision in a written statement to the Senior Officer. This statement shall be written by the First Vice President, or ranking member of the Honor Board other than the Senior Officer or faculty member. The Senior Officer shall deliver copies of the decision to:
 - 1. The respondent, and

2. The Dean. The names of the respondent and/or the reporting witness will be excised before delivery to the Dean unless the First Vice President deems that such information is necessary for the imposition of any sanction. Included with the copy of this written statement to the Dean, the Honor Board shall also include the original record of the proceeding.
- D. After a majority of the Board has determined a sanction, the respondent may appeal only the sanction to the Dean. The respondent must inform the Dean of such an appeal by writing a statement petitioning such a sanction appeal, and briefly stating the reasons therefore. The statement must be received by both the Dean and the Senior Officer within 72 hours of the publication of the Board's written decision statement described in paragraph C above.
 - E. Upon receiving the respondent's sanction appeal, the Dean normally shall announce a sanction appeal decision in writing within 72 hours. The Dean's decision shall be based only on the documents viewed by the Honor Board during the hearing and the taped or written transcript of the proceeding. The Dean may not increase the severity of the sanction imposed by the Honor Board, but may reduce it for good cause.

XII. Administrative and Judicial Review

- A. This Code in no way limits the availability of existing administrative and judicial review.

XIII. Review and Adoption

- A. A committee of students, faculty, and administrators should review this Code every four years.
- B. Adoption of changes to this Code shall be ratified by the faculty with the consent of the students. Consent shall be accomplished through means determined by the Student Bar Association Executive Board and may include, but is not be limited to, a ratification vote or a student forum. However, at a minimum, consent of the students shall include a vote by the Executive Board of the Student Bar Association.

DRAFT

(4/5/11)

To Be Included in the UNM School of Law Bulletin and Handbook of Policies:

ADMINISTRATIVE DUE PROCESS POLICY AND PROCEDURE

INTRODUCTION

The University of New Mexico School of Law's Due Process Policy and Procedure is designed to guide students, faculty and staff on the course of action that may be taken when a law student fails to maintain ethical or professional standards of behavior. The role of the lawyer encompasses more than just satisfactory acquisition of knowledge in courses. The legal professional must exhibit personal and professional behaviors, including honesty, integrity, and respect for others. The School of Law is committed to both ethical and professional behavior on the part of students and a respectful learning environment in which to become a lawyer.

All conduct related to academic misconduct will be governed by the Student Code of Conduct. Issues related to academic performance will be addressed by the Law School's Committee on Student Suspension, Retention, and Re-admission. Other disciplinary matters will be dealt with by the Law School Administration according to the following procedures.

I. MATTERS SUBJECT TO DISCIPLINARY ACTION

Appropriate disciplinary procedures and sanctions may be applied to any student who commits, or attempts to commit, or aids any of the following acts of misconduct:

1. Unlawful conduct.

2. Actions which have great potential for physically harming the person or property of others, including that of the University, or which actually result in physical harm, or which cause reasonable apprehension of physical harm.
3. Acts involving dishonesty, fraud, deceit or misrepresentation, including but not limited to, making false statements or omissions on law school applications and failing to report arrests or convictions that occur during law school.
4. Willful misconduct in Law School employment.
5. Conduct that evidences current mental or emotional instability or drug or alcohol dependence or abuse that may impair the ability to successfully complete law school.
6. Violation of professional standards while a clinical law student.
7. Willfully refusing or failing to leave the property of or any building or other facility owned, operated, or controlled by the University when requested to do so by a lawful custodian of the building, facility or property if the person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful mission, processes, procedures or functions of the University.
8. Violation of published or posted University regulations or policies that are not covered by the Student Code of Conduct, including but not limited to regulations prohibiting discriminatory activity.
9. Action(s) or conduct which hinders, obstructs or otherwise interferes with the implementation or enforcement of this disciplinary procedure, or its sanctions, including failure to appear before any of the Law School's disciplinary authorities and to testify as a witness when reasonably notified to do so by an appropriate Law School officer.
10. Any other acts or omissions which adversely affect University functions or University-sponsored activities, disrupt community living on campus, interfere with the rights of others to the pursuit of their education, or otherwise adversely affect the processes of the University.

II. SANCTIONS

A student who is found to have violated any of the provisions set forth in Part I above, may be subject to adverse actions,¹ including but not limited to any of the following:

1. “Written warning” is a written reprimand that is placed in the student’s file.
2. “Disciplinary probation” means the establishment of a time period during which further acts of misconduct may or will result in more severe disciplinary sanctions depending on the conditions of the probation. Conditions of probation can include community service, attendance at workshops and/or seminars including but not limited to alcohol, drug or safety workshops and/or seminars, mandatory mental health evaluation and/or counseling or other educational sanctions.
3. “Suspension” means losing student status for a period of time specified in the terms of the suspension. A suspension may commence immediately upon a finding of a violation or it may be deferred to a later time.
4. “Expulsion” means losing student status for an indefinite period of time. Readmission may not be sought before the expiration of two years from the date of expulsion, and it is not guaranteed even after that time.
5. “Dismissal” means termination of student employment, either for a stated time period or indefinitely.

The sanction imposed shall be set based upon numerous factors, including the severity of the offense, the amount of harm created, the student’s record, and sanctions imposed in recent years for similar offenses. In considering the harm created, there shall be taken into account whether any harm or injury was targeted against a person or group because of that person or group’s race, color, religion, national origin, physical or mental handicap, age, sex, sexual preference, ancestry, or medical condition. If it is found that the harm or injury was targeted because of any of these factors, the disciplinary consequences may be more severe.

III. PROCEDURES

¹ A verbal reprimand or warning is not considered an “adverse action.”

A. Emergency Procedures

The Dean or Associate Dean for Academic Affairs² may immediately suspend a student on an emergency basis if, based on information received about the student's conduct, the Associate Dean finds that the student's behavior may endanger him/herself or others, or threatens disruption of the learning environment. Generally, an emergency suspension may be imposed only in response to an acute incident or pattern of student conduct that raises a significant question as to the student's ability to function safely and effectively in classroom and/or clinical settings.

A student who has been placed on emergency suspension may request a meeting with the Dean or Associate Dean ("official") who issued the suspension. The official shall hold the meeting no later than three (3) working days after the student's request. At this meeting, the student will have the opportunity to explain his/her position and request that the suspension be lifted or modified. The student may offer evidence for the official's consideration. If, after meeting with the student, the official finds that the student's continued presence at the Law School may endanger him/herself or others, or threatens disruption of the learning environment, the official will continue the suspension. Otherwise, the suspension must be lifted or appropriately modified, as determined by the official. The official will inform the student of his/her decision within three working days after this meeting. If the emergency suspension is continued, the matter shall be referred for a formal investigation by the Disciplinary Committee as described in Section B below.

² All references to the Dean or Associate Dean for Academic Affairs, by title, in this Code shall also include that person's designee(s).

If the Dean or Associate Dean lifts or modifies the emergency suspension, the student will be permitted to return to the Law School curriculum immediately, as appropriate. The matter may be referred for further investigation (informal or formal) as described in Section B.

B. General Procedures

Any student, staff, or faculty member who is concerned that a student's behavior may constitute a violation of the matters subject to disciplinary action listed in Part I above may bring that concern to the attention of the Associate Dean for Academic Affairs. If the Associate Dean believes that an investigation is warranted, the Associate Dean will inform the student ("respondent") of the allegations within forty-eight (48) hours or as soon as possible if good reason requires a longer period of time and explain that the matter may be handled in either of two ways. The respondent will be given the choice of which of the following alternative procedures will be utilized. If the respondent fails to make a choice, the Associate Dean will decide which of the following alternatives will be utilized.

Alternative One (Informal Investigation):

The Associate Dean for Academic Affairs will conduct an informal investigation, including interviewing individuals with relevant information if the Associate Dean concludes that such inquiries would be helpful. The respondent will be given an opportunity to be heard and to respond to the allegations. The Associate Dean will then decide what, if any, adverse action is appropriate. If an adverse action is imposed, the Associate Dean will inform the respondent of that action in writing.

Alternative Two (Formal Investigation):

The matter will be investigated and decided by the Disciplinary Committee (“Committee”). The Dean of the Law School will designate a pool of six (6) faculty members who will be available to serve on the Committee. The Committee will consist of two (2) faculty members (selected from the pool by the Dean or designee) and one (1) student (selected by the SBA Executive Board). If the respondent objects that one or more selected member(s) may be biased against the respondent or otherwise may not be a fair Committee member, the Associate Dean for Academic Affairs will review the respondent’s objections and decide whether or not to remove the member. The Associate Dean’s decision is final. If a Committee member is removed for cause, the Dean will appoint a new member if one is available from the pool. If the pool of faculty members is exhausted, the Dean shall designate another faculty member to serve on the Committee. Any vacancy created by the removal of a student member for cause will be filled by another student selected by the SBA Executive Committee. The respondent will also have the right to exercise one peremptory strike against any of the faculty members. A vacancy created by the use of a peremptory strike will be filled by the Dean with another faculty member from the pool. If the pool of faculty members is exhausted, the Dean shall designate another faculty member to serve on the Committee.

The Committee will select one of its faculty members to serve as Chair. The following rules shall apply to formal hearings conducted by the Committee:

1. The Committee will conduct the hearing and its deliberations in private.
2. The respondent is entitled to be present for the hearing.
3. The respondent is responsible for presenting his or her case; advisors (including attorneys) may be present but are not permitted to present arguments or evidence or otherwise participate directly in the hearing.

4. Members of the Committee may question the respondent or any of the witnesses.
5. The respondent has the right, within reasonable limits set by the Chair of the Committee, to question all witnesses who testify. The Chair may also permit the party alleging misconduct to question the respondent, within reasonable limits.
6. The respondent can submit any evidence that he or she wants considered at least three business days before the hearing.
7. The Committee may proceed independently to secure evidence for the hearing. The respondent shall have an opportunity to review any such evidence at least three business days before the hearing.
8. The hearing will be recorded and the Committee Chair will keep the recording. The recording is the property of the University. No typed record will be made.
9. The proceeding is not subject to the rules of evidence.

Based on its investigation and review, the Committee will decide whether or not to impose sanctions by a simple majority vote of its members. The Committee may impose any of the sanctions that are described in Part II above. The Committee also has the right, on a case-by-case basis, to design other adverse actions as it deems necessary.

The Committee has five (5) working days from when it determines that it has concluded receiving evidence to issue its decision, and within that five-day timeframe, the Committee shall take one of two actions. If no adverse action is taken, the Committee will notify, or make reasonable efforts to notify, the respondent of its decision. If the Committee votes to impose an adverse action, the Chair of the Committee will send a certified letter to the respondent setting out the Committee's conclusions and the adverse action it has taken. As discussed below, the respondent may appeal the Committee's decision to take an adverse action. Pending final resolution of an appeal, the Committee's decision may take effect in the interim if the Committee so decides. In

deciding whether its decision will take effect immediately, the Committee will consider the seriousness of the respondent's violation, the nature of the adverse action and whether the respondent poses any danger to him/herself or others.

C. Appeal to the Dean

The respondent may appeal the decision of the Associate Dean for Academic Affairs or the Committee to the Dean of the Law School. The request for an appeal must be made in writing to the Dean, stating the reasons why the respondent disagrees with the decision, and must be received by the Dean within fourteen (14) calendar days after the respondent receives notification of the decision. The Dean will review the decision and may meet with the respondent. If the respondent fails to notify the Dean in writing of his/her appeal within fourteen (14) calendar days, this shall be considered a waiver of his/her right to an appeal and the decision shall become final.

The Dean's decision after an appeal is final for the School of Law. The Dean's decision is subject to discretionary review by the President of UNM and the Board of Regents. The President and the Regents will normally accept review only in extraordinary cases, such as where proper procedures have apparently not been followed, where the decision appears to be unsupported by the facts, or where the decision appears to violate University policy.

IV. GENERAL PROVISIONS

Minor deviations from these procedures are permitted so long as they do not adversely impact the due process rights of the respondent. For good cause, the time limits for Committee decisions to be made can be extended. Good cause includes the fact that a deadline falls during school holidays, vacations or summer session if parties or

decision makers are absent from the School of Law. Any such time extension will be communicated in writing to all interested parties and the decision will be made thereafter as expeditiously as possible.

The University of New Mexico School of Law reserves the right to make changes to any of the policies, procedures, codes, standards, requirements or services included in this handbook as it deems necessary, with the changes applicable to all students in attendance at the School of Law.

Notes from Appointments Committee meeting, April 21, 2011

Discussed charge of the committee and HR hiring policies, everyone agreed to timely turn in rating sheets to Theresa. Stephanie, as search coordinator will seek recruitment approval from OEO

Discussed faculty hiring needs:

Conclusion

Need two clinical teachers

Need a business law teacher (with interest in possible clinical rotation)

Need an environmental teacher

Need a Con Law/Con Rights teacher

Need a property teacher

Need an Indian Law teacher

May need an Oil and Gas person (Barbara suggested Antoinette talk to Kevin about this)

Recommendation to Faculty on May 3

Seek approval to fill four positions next year. Request faculty approval for a targeted hire for Aliza Organick, to whom we have extended an offer in the past. We will draft three ads, one for the clinical hires (Camille to write first draft), one for the Business Hire (Nathalie to write first draft) and one ad listing all of the hiring needs (the kitchen sink ad --Antoinette to write first draft). These drafts will be circulated to the committee and if not finalized by May 3, the committee will meet at noon on May 3, on the day of the faculty meeting.

Recruiting activities:

Barbara, Antoinette and Camille of the committee will attend the Clinical conference in Seattle in June. Other faculty members who attend will be invited to help recruit.

Other recruitment strategies will be on the agenda for the May 12, meeting.

NEXT MEETINGS

Tuesday, May 3 at noon if position announcements are not finalized through email.

May 12 at 10:30 to discuss plans for recruitment and results of faculty meeting and whether hiring plan has been approved.