

Faculty Meeting

Tuesday, March 20, 2018

The meeting was called to order at 3:06 pm, once a quorum was reached. The following people were present for at least some portion of the meeting.

Faculty: Maryam Ahranjani, Marsha Baum, Reed Benson, Camille Carey, Scott England, Marquita Harnett, Scott Hughes, April Land, John LaVelle, Jennifer Laws, Ernesto Longa, Nathalie Martin, Serge Martinez, Alfred Mathewson, Gabe Pacyniak, Mary Pareja, Sergio Pareja, Leo Romero, Alexandra Siek, Sarah Steadman, David Stout, Sherri Thomas, Cliff Villa, Kevin Washburn, Peter Winograd (17 needed for quorum; names that count toward quorum in bold)

Students: Keri Rezac, Ben Osborn, Joel Lobo

Staff: Beverly Akin, Chad Covey, Hannah Farrington, Heather Harrigan, David Pallozzi, Kyron Worrell

Announcements:

- Dean Sergio Pareja announced that there have been some student complaints about the results of the clinic lottery. This upcoming year, the clinic is completely full (there were 120 slots for 121 students who need clinic to graduate next year). As a result, many students did not get into sections that they wanted. Associate Dean Aliza Organick has graciously agreed to teach an extra student one semester to ensure that all students who need clinic to graduate will have the opportunity to be in the clinic next year. Despite the fact that students often believe that clinic sections that differ from their career interests are worthless, it's not so. Most of the skills learned in clinic are transferable to any practice area. Should you receive any negative feedback about the lottery from students, please reinforce the idea that they will learn valuable legal skills, such as drafting, client representation, and professionalism, in any of the five clinic sections.
- Dean Pareja announced that Professor Kevin Washburn had accepted the position as the next Dean of the University of Iowa College of Law. While Kevin will be greatly missed, we congratulate him on this wonderful opportunity.
- Professor David Stout announced that the New Mexico Supreme Court has published a proposed amendment to the qualifications of bar licensure, which would eliminate a requirement of being legal authorized to work in the U.S. If approved, this would mean that undocumented individuals could become licensed to practice law in New Mexico. The Supreme Court's website has both the text of the rule together with the opportunity to comment. Professor Stout encouraged all faculty members to comment on the Supreme Court's website.
- Professor Scott Hughes thanked the tenured faculty members who have jumped in to participate in annual reviews of pre-tenured faculty members. He appreciates all the work they have been doing and looks forward to receiving their reports.

- Professor Nathalie Martin announced that on Thursday, March 22, and on Monday, March 26, she will be facilitating two 50-minute sessions on mindfulness for grieving and healing.
- Dean Alfred Mathewson handed out UNM “Years of Service Awards” to the following individuals:

Professor Barbara Creel - 10 Years
 Ernesto A. Longa - 10 Years
 Mary L. Pareja - 5 Years
 Jennifer Laws - 5 years
 Kyran Worrell - 5 Years

- Assistant Dean Heather Harrigan reminded the faculty that the Faculty Advising Fair will be on Wednesday, April 4. If you have not already signed up to participate, please do so. Assistant Dean Harrigan will be sending out a sign-up sheet, which will show who has signed up and what is still needed.

ACTION ITEM: Approval of February 13 Minutes - A motion was made and seconded to approve the minutes from the February 13, 2018, faculty meeting with additional language provided by Professor April Land. The minutes were approved with no nay votes and with one abstention.

ACTION ITEM: Approval of March 6 Minutes - A motion was made and seconded to approve the minutes from the March 6, 2018, executive session faculty meeting. The motion passed with no nay votes and with three abstentions.

ACTION ITEM: Vote on whether the faculty wants to invite a main campus professor to interview at the law school for a faculty position this spring outside the normal search process. Dean Pareja reminded the faculty of the more obvious course coverage needs of the law school. With today’s announcement regarding Professor Washburn’s departure, it is looking like we will need to do up to six faculty hires this fall (we had been talking about requesting five prior to this announcement). The university generally recruits and hires faculty through a competitive national search; however, from time to time, there are circumstances in which an alternative procedure can be used to fill a vacant faculty position. For example, we sometimes can do a non-competitive hire at the law school if it is necessary to retain a faculty member at UNM, or we can do a non-competitive hire in connection with the need to have a diverse faculty, or we sometimes can transfer a faculty member from one academic unit to another within UNM. Dean Pareja asked if they would like to consider interviewing Sonia Gipson Rankin, who is presently a Senior Lecturer in UNM’s Africana Studies Department as well as Associate Dean for Curriculum at UNM’s University College, on a non-competitive basis. If so, we would likely interview her during the first week of April so that a faculty vote can occur at the April 10 faculty meeting. If the faculty decide to extend an offer to her, she would begin her position at the law school at the beginning of the 2019-2020 academic year. That also means that we would have one fewer search to do this fall (*i.e.*, we could request up to five positions rather than six). While the exact basis for doing a non-competitive hire is unclear, Dean Pareja noted that Associate Dean Rankin currently is one of two finalists for a position at Emory University School of Law. He also noted that bringing her in for an interview

does not necessarily mean she will be hired at the law school. Significant discussion by the faculty ensued, and a vote was taken. Fifteen people voted in favor of interviewing Associate Dean Rankin, and five voted against interviewing her. There were no abstentions.

Discussion regarding concerns raised by students about grade deadlines – Deans

Mathewson and Pareja. Our deadline for turning in course grades is a huge problem for students. As it now stands, faculty members must submit their final course grades to the Registrar no later than 30 days following the date when they receive their exams back from the Registrar. This policy has become extremely problematic for students because many potential employers in other states commonly need complete transcripts, with all final grades, by January 15 if students want to be considered for summer jobs. That is often much earlier than our 30-day deadline. Apart from that, students who are on probation need feedback before the next semester is too far along, or they will hurt their chances of performing better that next semester. Dean Pareja said that the deans would like input, with a student-centric focus, regarding potential improvements to our current policy. Because clinic grades are based on performance through the day prior to the start of the following semester, it is impossible to require final grades to be in before the next semester begins. That said, it might be possible to have grades due at the end of the first week into the next semester. Some faculty members raised issues that occur when exams are not delivered to the professor quickly enough and issues related to computing grades in courses that have multiple components to the final grade. After much discussion, Dean Pareja said that people should provide the deans with input, via e-mail or verbally, before the next faculty meeting. It is likely that the deans will bring a proposed change to our policy to the faculty at one of the next couple of faculty meetings.

ACTION ITEM: Vote on proposed amendments to the student suspension and readmission sections of the Bulletin & Handbook of Policies – Professor April Land, Chair of Student Retention, Suspension & Readmission Committee. Professor Land stated that the committee is proposing three changes. The language that was presented to the faculty for votes can be found at **Attachment A.**

First, the faculty considered the technical changes to the Bulletin & Handbook of Policies proposed by the 2015-2016 committee as set forth in the memorandum to the faculty from then chair, Professor Scott England. The memo tracks the technical changes, and the first proposal clarifies that *ex officio* members may be appointed to the committee. The current policy states that the committee consists of only full-time members of the faculty and students. However, the committee has included *ex officio* members in the past (*i.e.*, the Registrar, the Director of Academic Success, and the Dean of Admissions). Hence, this first proposed revision merely reflects actual practice at the law school. A motion was made and seconded. The motion passed with no nay votes and no abstentions.

The second proposal is a new policy that would lower the limit on the number of petitions of relief from suspension that a student may file. The current policy is that a student may not file a petition for relief from suspension if he or she has previously filed “three unsuccessful petitions.” The proposed new policy would impose a limit of any three petitions, whether successful or unsuccessful (with an exception for circumstances beyond the student’s control). After significant discussion, a motion was made and seconded to approve this second proposal. It passed with fourteen voting in favor, two against, and four abstentions.

The third proposal was to introduce a new section on “Application for Admission by a Student Ineligible to File a Petition for Relief from Suspension.” This new section would clarify when a student may file a new application for admission after having previously had an application denied. Under the proposed policy, a student would have to wait five years after last being denied relief from suspension before again applying for admission to the law school. The process would mirror the process for petition for relief from suspension, and it would be subject to the same academic requirements for new law students. A motion was made and seconded to approve this third proposal. It passed with eleven voting in favor, four against, and three abstentions.

ACTION ITEM: Vote on 1L curriculum for the 2018-2019 academic year – Associate Dean Marsha Baum, Chair of Curriculum Committee. Associate Dean Baum introduced the following possible changes to the 1L curriculum that the faculty might choose to adopt (all or some part of it) for the upcoming academic year:

1. Remove CHLP as a required 1L course and offer it as a spring elective course (current students who are flex students who are required to take CHLP will be able to take the elective course to meet their graduation requirement).
2. Require all students starting with the class of 2021 to take a 2-3 credit “perspectives” course before the start of the fall semester of their 3L year. The courses that would meet the “perspectives” requirement would need to be identified by the Curriculum Committee and would generally include courses that offer a comparative or alternative perspective on the role of the law and lawyer in society. Courses such as International Law, Law of Indigenous Peoples, Poverty Law in Practice, Social Justice Lawyering, Jurisprudence, Race and the Law, Gender and the Law, Sexual Orientation and the Law, Comparative and Historical Legal Perspectives, and study abroad opportunities that include a comparative or foreign law component would likely be identified as meeting the requirements.
3. Expand Practicum by incorporating the concepts of Practicum into “Preparing for Practice” as a three credit course, as defined in the course proposal presented by the subcommittee of the Experiential Learning and Curriculum Committees.
4. Reduce Property I from four credits to three credits.
5. Require Legal Research in the spring semester of the 1L year.

Associate Dean Baum noted that the following alternatives are some approaches that the faculty might want to consider:

1. No change to the current 1L curriculum for next year;
2. Adopt the above proposal in its entirety (or some part of it) but implement it in the 2019-2020 academic year;
3. Don’t add a perspectives requirement, but remove CHLP;
4. Add a two-credit “Preparing for Practice” class instead of three-credit version but add Legal Research (1 credit) in fall and leave Property as it is in the spring (4 credits); or

5. Increase Torts to four credits in the fall and make "Preparing for Practice" a two credit class.

The faculty was asked to provide feedback on the proposed curricular changes, and an open discussion took place regarding staffing concerns and the timing of the changes. Faculty acknowledged a consensus that some changes should be made, but various faculty members expressed an interest in moving slower and in making decisions on changes after the upcoming curricular summits. Professor Mary Pareja made a motion that items 4 and 5 of the proposal (reduce Property I from four credits to three credits and require Legal Research in the spring semester of the 1L year) be adopted for the 2018-2019 school year. The motion was seconded, but it did not pass with six voting in favor and eleven opposed with no abstentions. Professor Pareja then made a motion that items 4 and 5 of the proposal be adopted for the 2019-2020 school year. The motion was seconded, and the faculty voted to approve the proposal with no nay votes and three abstentions.

EXECUTIVE SESSION (only members of the Order of the Coif):

ACTION ITEM: Vote on Order of the Coif matters – Associate Dean Marsha Baum

Members of the Coif voted to allow Rutgers' two campuses, one in on in Camden, New Jersey, and one in Newark, New Jersey, to both be Order of the Coif chapters. A vote was taken, and it passed unanimously.

A motion was made to adjourn and seconded. The meeting was adjourned at 5:15 p.m.

Attachment A

MEMORANDUM

To: Faculty
From: Scott England, for the Committee on Student Retention, Suspension,
and Readmission
Re: Proposed Revisions to Policy on Academic Retention and Suspension
Date: April 27, 2016

The Committee on Student Retention, Suspension, and Readmission proposes to revise the Law School's Policy on Academic Retention and Suspension, which appears in the Bulletin and Handbook of Policies. The proposed policy is attached, along with a redline showing the differences from the current policy.

Most of the proposed revisions are designed to make the policy clearer. Most significantly, many paragraphs have been moved and several sections have been renamed. Additionally, the proposed policy uses clearer language in several places and is more consistent stylistically. These revisions would not change the policy substantively.

Substantively, the proposed revisions change the Policy on Academic Retention and Suspension in three ways. First, the proposed policy clarifies that ex officio members may be appointed to the Committee. (*See* "Submission of Petition for Relief from Suspension," ¶ 1.b.iii., Proposed Policy at 3, Redline at 4.) The current policy states that the Committee consists of only full-time members of the faculty and students. But the Committee has long included ex officio members. This year, for example, Registrar William Jackson, Director of Academic Success Beth Kaimowitz, and Dean of Admissions Jeffery Dubinski-Neessen all served on the Committee. This revision thus reflects longstanding practice and recognizes ex officio members' important role on the Committee.

Second, the proposed policy lowers the limit on the number of petitions of relief from suspension that a student may file. (*See* "Submission of Petition for Relief from Suspension," ¶¶ 6-7, Proposed Policy at 4, Redline at 6.) Under the current policy, a student may not file a petition for relief from suspension if he or she has previously filed "three unsuccessful petitions." The proposed policy, in contrast, imposes a limit of any three petitions for relief from suspension, whether successful or unsuccessful, but with an exception for circumstances beyond the student's control. The new policy would become effective for students who first enroll in Fall 2016 or later.

The proposed revisions strike a balance between two views among Committee members about the current limit of "three unsuccessful petitions." Some Committee members felt that the current limit was too high, given that all three petitions must be unsuccessful. Other Committee members supported the current limit because it protects students who can succeed once they overcome hardships that previously affected their academic performance. The proposed policy is designed to lower the total number of petitions that a student may file, while protecting students who are more likely to complete law school successfully within a reasonable period of time.

Finally, the proposed policy introduces a new section on "Application for Admission by a Student Ineligible to File a Petition for Relief from Suspension." (See Proposed Policy at 8-9, Redline at 10-11.) The new section clarifies when a student may file a new application for admission after having previously been denied relief from suspension. Under the proposed policy, such a student must wait five years after last being denied relief from suspension before again applying for admission to the Law School. The student must then file, along with his or her application, a petition to the Committee on Student Retention, Suspension, and Readmission for permission to apply for admission. The process mirrors the process for petitions for relief from suspension, reflecting the fact that the Committee is in a special position to evaluate the student's likelihood of success. If the student is later admitted by the Admissions Committee, he or she would be subject to the same academic requirements as new law students.

Thank you for your time and consideration of these proposed revisions. We look forward to discussing them with you at the next faculty meeting.

Proposed Revisions to Policy on Academic Retention and Suspension
Committee on Student Retention Suspension, and Readmission
April 27, 2016

Maintenance of Grade Point Average

1. To be in good academic standing with the law school, a student must maintain a cumulative grade point average of 2.00 or higher.
2. Any student whose cumulative law school grade point average is between 2.00 and 2.25 shall be placed on Academic Warning.
- 2.3. Any student whose cumulative grade point average falls below 2.00 shall either be placed on probation or suspended.

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Probation

Academic WarningA

- ~~1. Any student whose cumulative law school grade point average falls within any of the following range shall be placed on probation without further action:~~

<u>Credit Hours Attempted</u>	<u>Cumulative Grade Point Average</u>
<u>0-15</u>	<u>1.67-1.99</u>

- ~~1. It is the intent of the faculty that the number of credits under this section reflect~~between 2.00 and 2.25 shall be placed on Academic Warning.

The Dean or the Dean's designee shall notify in writing any student of this status.

2. A student placed on Academic Warning will be encouraged to seek out support from the Office of Student & Career Services and the Director of Academic Success in order to improve the student's academic standing.
3. If a student placed on Academic Warning is subsequently suspended, the Committee on Student Suspension, Retention, and Readmission shall consider the student's utilization of the services and support offered by the Office of Student & Career Services and the Director of Academic Success when reviewing a petition for relief from suspension.

Probation

1. ~~Any student whose cumulative grade point average is between 1.67 and 1.99 after attempting 1-15 credit hours, the number of credits in the first semester of law school. A student who is, shall be placed on this automatic probation shall receive notice in writing from the~~ without further action.

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The Dean or the Dean's designee that he or she the Dean's designee shall notify in writing any student who has been placed on academic probation.

- ~~2. No student whose grade point average falls below 2.00 after he or she has attempted 15 credit hours shall be placed on automatic probation under this section. Such student shall be suspended and must petition the Committee on Student Suspension, Retention, and Readmission (hereinafter "Committee") for relief from suspension in order to be granted probation.~~
- ~~3. However, if a full time student who would otherwise be suspended is enrolled in the summer, the student shall be permitted to remain enrolled, except for a student enrolled in the Clinical Law Programs. An initial determination regarding academic status for the upcoming fall semester will be made once spring semester grades are recorded, subject to reconsideration upon receipt of summer grades.~~

2. Each student on probation shall:

- ~~4.a. Shall meet with the Director of Academic Success to develop a plan for academic success.- The Director of Academic Success shall determine whether the plan is satisfactory, and the student must follow the plan. -In addition, the Director of Academic Success must approve in writing the course schedule of each student on probation, and no changes may be made to that schedule without the written approval of the Director of Academic Success.~~

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- ~~5.b. Any student placed on academic probation is not allowed to~~ Shall not work during the semester or serve in any leadership role in a student organization, including as an officer or representative.

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Suspension

1. Any student who shall be placed on suspension without further action if
 - a. his or her grade point average for the first semester is below 1.67,

~~b. his or her grade point average falls below 2.00 and who does not qualify for automatic probation under the provisions, or who in any semester after the first semester,~~

~~c. he or she withdraws, from law school,~~

~~d. he or has been she is withdrawn by administrative action from law school, or~~

~~e. he or she fails to return for a new semester while on probation, shall be placed on suspension.~~

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~~2.~~ The Dean or the Dean's designee shall notify in writing any student who has been suspended. Such notice shall specify the student's right to petition for relief from suspension and shall contain a copy of this policy.

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~~1. If, after receipt and consideration of a petition, the Committee grants relief from suspension to a suspended student, then the student shall be placed on academic probation until the student completes the next semester. If, after the completion of the next semester the student's cumulative grade point average is below 2.00, then the student shall again be automatically suspended.~~

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3. A student on suspension may not enroll in classes for a subsequent semester, except that a suspended, full-time student who has enrolled in summer classes shall be permitted to remain enrolled in summer classes other than the Clinical Law Programs.

4. A student's academic status for the fall semester will be determined once spring semester grades are recorded, subject to reconsideration upon receipt of summer grades.

5. Any suspended student whose grade point average for the first semester is below 1.67, and who is considering petitioning for relief from suspension, must first consult with the Director of Academic Success. Any student who is later suspended is strongly encouraged to consult with the Director of Academic Success to develop a plan for academic success.

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Academic Warning

Submission of a Petition for Relief from Suspension

~~4. Any student whose cumulative law school GPA falls within the range of 2.00 to 2.25 will be placed on suspension must petition Academic Warning and will be notified by the Dean or the Dean's designee.~~

~~5. Students placed on Academic Warning will be encouraged to seek out support from the Office of Student & Career Services and the Director of Academic Success in order to improve their academic standing.~~

~~6.1. Should a student placed on Academic Warning subsequently be suspended, the Committee shall consider the student's utilization of the services and support offered by the Office of Student & Career Services and the Director of Academic Success when reviewing a petition on Student Suspension, Retention, and Readmission (hereinafter "Committee") for relief from suspension— in order to be granted probation.~~

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~~Committee on Student Suspension, Retention and Readmission~~

~~1.a. At the beginning of each academic year, or as soon thereafter as practicable, the Dean shall appoint a Committee on student Suspension, Retention and Readmission (hereinafter "Committee"); the Committee.~~

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~~2.b. The Committee shall be comprised as follows:~~

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~~a. i. Five full-time members of the faculty;~~

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~~b. ii. Two students. The Dean shall appoint the student members of the Committee after consultation with the president of the Student Bar Association, student representatives, and leaders of student organizations. -A student must be in good academic standing (2.00 cumulative GPA) to serve on the committee Committee.~~

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~~iii. Ex officio members may also be appointed as appropriate.~~

~~c. iv. Any student who petitions for relief from suspension as provided herein shall have the right to disqualify the student members of the Committee and to have his or her petition considered only by the faculty other voting members of the Committee.~~

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2. The petition shall set forth

- a. any factors that the student believes may have contributed to his or her unsatisfactory performance;
- b. the student's assessment of the likelihood that such factors will no longer affect his or her performance in law school; and
- c. any contemplated changes in the student's study, work, or extracurricular activities that might improve his or her law school performance.

3. The student shall sign the petition.

4. Any willful misrepresentation contained in the petition will be deemed a violation of the Professional Good Standing policy and the Student Code of Conduct. The violation will be referred to the Committee for determination of the matter. The Committee may either determine the outcome of the discovery under the Professional Good Standing policy, or conclude that the matter be referred to the SBA Honor Board.

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Petition for Relief from Suspension

~~1. Any student who has received notice of suspension may submit a written petition requesting that he or she be placed on probation. A student, however, who has previously filed three unsuccessful petitions for relief from suspension, may not file any further petitions for relief from suspension.~~

~~2. The petition shall be submitted to the Associate Dean ~~of~~for Academic Affairs and the Assistant Dean for Registration and Records within ten (10) days from the date of the notice of suspension. The Associate Dean ~~of~~for Academic Affairs may, for good cause, extend the time for submitting the petition.~~

~~3.5. Any student who fails to file such a petition within the foregoing time limits may thereafter submit such a petition no later than 45 days prior to the beginning of any semester in which he or she desires to be placed on probation.~~

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~~4. The petition shall set forth the following:~~

- ~~a. Any factors that the student believes may have contributed to his or her unsatisfactory performance;~~
- ~~b. The student's assessment of the likelihood that such factors will continue in the future;~~
- ~~c. Any contemplated changes in the student's study, work or extracurricular activities which might affect his or her law school performance.~~

~~5.1. The student shall sign the petition.~~

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~~6.1. Any willful misrepresentations contained in the petition will be deemed violations of the Professional Good Standing policy and the law school honor code. The violation will be referred to the Committee for determination of the matter. The Committee may either determine the outcome of the discovery under the Professional Good Standing policy, or conclude that the matter be referred to the SBA Honor Board.~~

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Consideration of Petition

6. Except as provided below in paragraph 7, any student who has received notice of suspension may submit a written petition requesting that he or she be placed on probation.
7. A student may not file a petition for relief from suspension if
 - a. the student was first enrolled before Fall 2016 and has previously filed three unsuccessful petitions for relief from suspension; or
 - b. the student was first enrolled in Fall 2016 or later and the student has previously filed three petitions for relief from suspension, unless
 - i. the student's third petition for relief from suspension was successful and
 - ii. the student's academic performance in the most recent semester of attendance was adversely affected by extraordinary circumstances beyond the student's control, which may include but are not limited to
 1. a medically documented physical or mental incapacity;
 2. a documented automobile accident, assault, robbery, or similar traumatic experience;
 3. childbirth;
 4. a documented military commitment; or
 5. a documented death or serious medical emergency involving a close family member.

The Committee's Process in Considering a Petition for Relief from Suspension

1. Upon receipt of a petition for relief from suspension, the Assistant Dean for Registration and Records shall forward it to the eChair of the Committee, who shall convene a meeting of the Committee as soon thereafter as practicable. The eChair shall notify the

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d. Information provided by any professor pursuant to paragraph four.

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e. The student's grades in all law school courses attempted.

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f. The student's submission of or compliance with his or her plan(s) for academic success, including utilization of the services and support offered by the Office of Student & Career Services and the Director of Academic Success.

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g. The extent to which the student's grades have improved or declined compared to previous semesters.

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h. Any relevant information contained in the student's application for admission to law school, including LSAT score(s) and undergraduate record.

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- If, at the conclusion of the presentation of the foregoing information, a majority of the Committee determines that additional information is necessary to resolve the matter, the meeting will be continued pending the receipt of such additional information.

The Committee's Decision on a Petition for Relief from Suspension

- Following receipt of all relevant information, the Committee shall meet in executive session to make its decision.
- The Committee's decision shall be made by a majority of members present.
- If a majority of Committee members present determines, on the basis of all the information presented, that the student if placed on probation is likely to complete law school successfully within a reasonable period of time, the student shall be placed on probation. The Committee shall specify that such probation shall be unconditional or subject to such conditions as the Committee deems appropriate.
- If a majority of Committee members present determines, on the basis of all the information presented, that the student if placed on probation is not likely to complete law school successfully, the student shall be suspended. The Committee shall either suspend or continue the suspension of the student indefinitely or for a specified period of time not to exceed one year.
- In the event of a tie vote the student shall be placed on probation either unconditionally or subject to such conditions as the Committee deems appropriate.

5.
5.6. The factors that have traditionally been discussed in connection with student petitions are to be considered only if they are relevant to the ultimate question of the student's successful completion of law school. The following summary of relevant considerations from past faculty deliberations on suspension questions are offered as a guide to the Committee and student petitioner:

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a) An improvement or decline in the student's academic performance may be relevant to the extent that it indicates the cause of the student's difficulties. Improvement may in an individual case show that the student has overcome impediments in the form of inadequate preparation for law school or the adverse effects of personal difficulties encountered in an earlier semester. Conversely, a marked decline in performance from that of previous semesters may indicate that personal difficulties which are on the record were the cause in fact of the student's academic performance.

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b) The Committee's determination of the student's successful completion of law school will require it to explore and evaluate the causes of the student's difficulties. Personal difficulties should be taken into account to the extent that the Committee is persuaded that such difficulties were a cause of the student's academic performance. The Committee must also consider whether such personal difficulties are likely to present similar problems in the future.

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c) An explanation by the student that the inadequate performance was caused by poor study habits, poor attitude, or external commitments, presents factual questions which must be resolved by the Committee. The Committee must determine whether it is likely that such a change will be sufficient to allow the student to raise his or her grades to a passing average.

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d) The student's academic ability is always relevant to the issue of ultimate completion of law school.

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e) Use of preadmission predictors must be carefully circumscribed so as not to undercut the admissions policies of the law school. Those predictors may be relevant to a determination of whether the student has had sufficient time to adjust to the demands of law school.

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7. If the Committee grants relief from suspension to a suspended student, then the student shall be placed on academic probation until the student completes the next semester. If, after the completion of the next semester the student's cumulative grade point average is below 2.00, then the student shall again be automatically suspended.

Review of the an Unfavorable Committee Decision on a Petition for Relief from Suspension

~~6.1.~~ A student aggrieved by the decision of the Committee whose petition for relief from suspension is denied may appeal such decision by filing a petition for review with the Dean, within five days after notification of the Committee's decision, file a petition for review with the Dean.

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~~7.2.~~ The petition for review shall allege that the Committee's decision is clearly erroneous and shall specify the manner in which the decision is clearly erroneous.

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3. The Dean shall consider the decision of the Committee to be presumptively correct. If the Dean determines that the Committee's decision is not clearly erroneous, he or she shall affirm the decision as final.

~~3.4.~~ If the Dean determines that the Committee's decision is clearly erroneous, he or she shall either remand the matter to the Committee for reconsideration or present the matter to the faculty for decision. In making its decision, the faculty shall consider the factors set forth in paragraph 5, under The Committee's Process in Considering a Petition for Relief from Suspension, and paragraph 6, under The Committee's Decision on a Petition for Relief from Suspension.

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The faculty shall apply

Application for Admission by a Student Ineligible to File a Petition for Relief from Suspension

1. An individual may submit a new application for admission to the standard set forth in ~~Section 5,~~ law school if

- a. the individual was previously suspended and is ineligible to file a petition for relief from suspension under Consideration Paragraphs 6 and 7 of the policy on Submission of a Petition for Relief from Suspension; and Section 6, under
- b. the new application for admission is submitted at least five calendar years after the date of the Committee's denial of the most recent petition for relief from suspension.

2. A new application for admission must contain, along with the application, a petition to the Committee for permission to apply for admission.

3. The petition shall set forth

- a. any factors that the petitioner believes may have contributed to his or her unsatisfactory performance;

- b. the petitioner's assessment of the likelihood that such factors will no longer affect his or her performance in law school; and
 - c. any contemplated changes in the petitioner's study, work, or extracurricular activities that might improve his or her law school performance.
- 4. Upon receipt of a petition for permission to apply for admission, the Assistant Dean for Admissions and Financial Aid shall forward the petition to the Chair of the Committee, who shall convene a meeting of the Committee as soon thereafter as practicable. The Chair shall notify the petitioner in writing of the time and place of such meeting. The notice shall provide the same information as the notice for a petition for relief from suspension.
- 5. To consider a petition for permission to apply for admission, a quorum of the Committee shall consist of the same number and types of members as for a petition for relief from suspension, and the Chair shall appoint as many additional *pro tempore* members as necessary to constitute a quorum.
- 6. In determining whether to grant the petition for permission to apply for admission to the law school, the Committee shall consider the same information and factors that the Committee considers in determining whether to grant a student relief from suspension. The Committee shall grant the petition for permission to apply for admission to the law school only if a majority of the Committee members present determines that
 - a. the petitioner has demonstrated that his or her prior academic performance in law school was due to circumstances that would no longer affect his or her performance in law school; and
 - b. if admitted, the petitioner would be likely to complete law school successfully within a reasonable period of time.
- 4.7. The Committee shall communicate its decision to the petitioner and to the Assistant Dean for Admissions and Financial Aid. If the Committee grants the petition for permission to apply, the Committee shall also forward the petitioner's file to the Assistant Dean for Admissions and Financial Aid for consideration by the Admissions Committee.
- 8. If a petitioner enrolls under these provisions, he or she is subject to the same academic requirements as other law students. The law school shall not
 - a. award any credit for courses the petitioner previously took at the law school, or
 - b. consider courses the petitioner previously took in calculating the petitioner's cumulative grade point average.

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Proposed Policy on Academic Retention and Suspension
Committee on Student Retention, Suspension, and Readmission
April 25, 2016

Maintenance of Grade Point Average

1. To be in good academic standing with the law school, a student must maintain a cumulative grade point average of 2.00 or higher.
2. Any student whose cumulative law school grade point average is between 2.00 and 2.25 shall be placed on Academic Warning.
3. Any student whose cumulative grade point average falls below 2.00 shall either be placed on probation or suspended.

Academic Warning

1. Any student whose cumulative law school grade point average is between 2.00 and 2.25 shall be placed on Academic Warning.

The Dean or the Dean's designee shall notify in writing any student of this status.

2. A student placed on Academic Warning will be encouraged to seek out support from the Office of Student & Career Services and the Director of Academic Success in order to improve the student's academic standing.
3. If a student placed on Academic Warning is subsequently suspended, the Committee on Student Suspension, Retention, and Readmission shall consider the student's utilization of the services and support offered by the Office of Student & Career Services and the Director of Academic Success when reviewing a petition for relief from suspension.

Probation

1. Any student whose cumulative grade point average is between 1.67 and 1.99 after attempting 1-15 credit hours, the number of credits in the first semester of law school, shall be placed on probation without further action.

The Dean or the Dean's designee shall notify in writing any student who has been placed on probation.

2. A student on probation:

- a. Shall meet with the Director of Academic Success to develop a plan for academic success. The Director of Academic Success shall determine whether the plan is satisfactory, and the student must follow the plan. In addition, the Director of Academic Success must approve in writing the course schedule of each student on probation, and no changes may be made to that schedule without the written approval of the Director of Academic Success.
- b. Shall not work during the semester or serve in any leadership role in a student organization, including as an officer or representative.

Suspension

1. A student shall be placed on suspension without further action if
 - a. his or her grade point average for the first semester is below 1.67,
 - b. his or her grade point average falls below 2.00 in any semester after the first semester,
 - c. he or she withdraws from law school,
 - d. he or she is withdrawn by administrative action, or
 - e. he or she fails to return for a new semester while on probation.
2. The Dean or the Dean's designee shall notify in writing any student who has been suspended. Such notice shall specify the student's right to petition for relief from suspension and shall contain a copy of this policy.
3. A student on suspension may not enroll in classes for a subsequent semester, except that a suspended, full-time student who has enrolled in summer classes shall be permitted to remain enrolled in summer classes other than the Clinical Law Programs.
4. A student's academic status for the fall semester will be determined once spring semester grades are recorded, subject to reconsideration upon receipt of summer grades.
5. Any suspended student whose grade point average for the first semester is below 1.67, and who is considering petitioning for relief from suspension, must first consult with the Director of Academic Success. Any student who is later suspended is strongly encouraged to consult with the Director of Academic Success to develop a plan for academic success.

Submission of a Petition for Relief from Suspension

1. Any student placed on suspension must petition the Committee on Student Suspension, Retention, and Readmission (hereinafter "Committee") for relief from suspension in order to be granted probation.
 - a. At the beginning of each academic year, or as soon thereafter as practicable, the Dean shall appoint the Committee.
 - b. The Committee shall be comprised as follows:
 - i. Five full-time members of the faculty.
 - ii. Two students. The Dean shall appoint the student members of the Committee after consultation with the president of the Student Bar Association, student representatives, and leaders of student organizations. A student must be in good academic standing (2.00 cumulative GPA) to serve on the Committee.
 - iii. Ex officio members may also be appointed as appropriate.
 - iv. Any student who petitions for relief from suspension as provided herein shall have the right to disqualify the student members of the Committee and to have his or her petition considered only by other voting members of the Committee.
2. The petition shall set forth
 - a. any factors that the student believes may have contributed to his or her unsatisfactory performance;
 - b. the student's assessment of the likelihood that such factors will no longer affect his or her performance in law school; and
 - c. any contemplated changes in the student's study, work, or extracurricular activities that might improve his or her law school performance.
3. The student shall sign the petition.
4. Any willful misrepresentation contained in the petition will be deemed a violation of the Professional Good Standing policy and the Student Code of Conduct. The violation will be referred to the Committee for determination of the matter. The Committee may either determine the outcome of the discovery under the Professional Good Standing policy, or conclude that the matter be referred to the SBA Honor Board.

5. The petition shall be submitted to the Associate Dean for Academic Affairs and the Assistant Dean for Registration and Records within ten days from the date of the notice of suspension. The Associate Dean for Academic Affairs may, for good cause, extend the time for submitting the petition. Any student who fails to file such a petition within the foregoing time limits may thereafter submit such a petition no later than 45 days prior to the beginning of any semester in which he or she desires to be placed on probation.
6. Except as provided below in paragraph 7, any student who has received notice of suspension may submit a written petition requesting that he or she be placed on probation.
7. A student may not file a petition for relief from suspension if
 - a. the student was first enrolled before Fall 2016 and has previously filed three unsuccessful petitions for relief from suspension; or
 - b. the student was first enrolled in Fall 2016 or later and the student has previously filed three petitions for relief for suspension, unless
 - i. the student's third petition for relief from suspension was successful; and
 - ii. the student's academic performance in the most recent semester of attendance was adversely affected by extraordinary circumstances beyond the student's control, which may include but are not limited to
 1. a medically documented physical or mental incapacity;
 2. a documented automobile accident, assault, robbery, or similar traumatic experience;
 3. childbirth;
 4. a documented military commitment; or
 5. a documented death or serious medical emergency involving a close family member.

The Committee's Process in Considering a Petition for Relief from Suspension

1. Upon receipt of a petition for relief from suspension, the Assistant Dean for Registration and Records shall forward it to the Chair of the Committee, who shall convene a meeting of the Committee as soon thereafter as practicable. The Chair shall notify the

student in writing of the time and place of such meeting. In addition, such notice shall advise the student that he or she may

- a. make a personal appearance before the Committee,
 - b. submit any additional written or documentary evidence that he or she considers relevant to the matter, and
 - c. bring any person before the Committee who he or she feels can provide relevant information concerning the matter.
2. A quorum of the Committee shall consist of five voting members, at least one of whom shall be a student, unless the petitioning student has disqualified the student members of the Committee pursuant to paragraph one under Submission of a Petition for Relief from Suspension, in which case a quorum shall consist of four voting members.
 3. In the event the Chair is unable to assemble a quorum for the consideration of the petition, the Chair shall appoint, on a *pro tempore* basis, as many additional members as is necessary to constitute a quorum.
 4. Prior to the meeting the members of the Committee shall contact as many of the student's professors as possible in order to gather information about
 - a. the student's classroom performance,
 - b. the student's attitude and attendance record,
 - c. the professors' opinions regarding the student's probability of completing law school successfully within a reasonable period of time, and
 - d. additional information that may be relevant to the Committee's decision.
 5. The Committee shall consider the following, in addition to any other information deemed relevant by any member:
 - a. The information set forth in the student's petition.
 - b. Any additional information submitted by the student.
 - c. Any written or oral statement of any person offered by the student.
 - d. Information provided by any professor pursuant to paragraph four.

- e. The student's grades in all law school courses attempted.
 - f. The student's submission of or compliance with his or her plan(s) for academic success, including utilization of the services and support offered by the Office of Student & Career Services and the Director of Academic Success.
 - g. The extent to which the student's grades have improved or declined compared to previous semesters.
 - h. Any relevant information contained in the student's application for admission to law school, including LSAT score(s) and undergraduate record.
6. If, at the conclusion of the presentation of the foregoing information, a majority of the Committee determines that additional information is necessary to resolve the matter, the meeting will be continued pending the receipt of such additional information.

The Committee's Decision on a Petition for Relief from Suspension

1. Following receipt of all relevant information, the Committee shall meet in executive session to make its decision.
2. The Committee's decision shall be made by a majority of members present.
3. If a majority of Committee members present determines, on the basis of all the information presented, that the student if placed on probation is likely to complete law school successfully within a reasonable period of time, the student shall be placed on probation. The Committee shall specify that such probation shall be unconditional or subject to such conditions as the Committee deems appropriate.
4. If a majority of Committee members present determines, on the basis of all the information presented, that the student if placed on probation is not likely to complete law school successfully, the student shall be suspended. The Committee shall either suspend or continue the suspension of the student indefinitely or for a specified period of time not to exceed one year.
5. In the event of a tie vote the student shall be placed on probation either unconditionally or subject to such conditions as the Committee deems appropriate.
6. The factors that have traditionally been discussed in connection with student petitions are to be considered only if they are relevant to the ultimate question of the student's successful completion of law school. The following summary of

relevant considerations from past faculty deliberations on suspension questions are offered as a guide to the Committee and student petitioner:

- a. An improvement or decline in the student's academic performance may be relevant to the extent that it indicates the cause of the student's difficulties. Improvement may in an individual case show that the student has overcome impediments in the form of inadequate preparation for law school or the adverse effects of personal difficulties encountered in an earlier semester. Conversely, a marked decline in performance from that of previous semesters may indicate that personal difficulties which are on the record were the cause in fact of the student's academic performance.
 - b. The Committee's determination of the student's successful completion of law school will require it to explore and evaluate the causes of the student's difficulties. Personal difficulties should be taken into account to the extent that the Committee is persuaded that such difficulties were a cause of the student's academic performance. The Committee must also consider whether such personal difficulties are likely to present similar problems in the future.
 - c. An explanation by the student that the inadequate performance was caused by poor study habits, poor attitude, or external commitments, presents factual questions which must be resolved by the Committee. The Committee must determine whether it is likely that such a change will be sufficient to allow the student to raise his or her grades to a passing average.
 - d. The student's academic ability is always relevant to the issue of ultimate completion of law school.
 - e. Use of preadmission predictors must be carefully circumscribed so as not to undercut the admissions policies of the law school. Those predictors may be relevant to a determination of whether the student has had sufficient time to adjust to the demands of law school.
7. If the Committee grants relief from suspension to a suspended student, then the student shall be placed on academic probation until the student completes the next semester. If, after the completion of the next semester the student's cumulative grade point average is below 2.00, then the student shall again be automatically suspended.

Review of an Unfavorable Committee Decision on a Petition for Relief from Suspension

1. A student whose petition for relief from suspension is denied may, within five days after notification of the Committee's decision, file a petition for review with the Dean.

2. The petition for review shall allege that the Committee's decision is clearly erroneous and shall specify the manner in which the decision is clearly erroneous.
3. The Dean shall consider the decision of the Committee to be presumptively correct. If the Dean determines that the Committee's decision is not clearly erroneous, he or she shall affirm the decision as final.
4. If the Dean determines that the Committee's decision is clearly erroneous, he or she shall either remand the matter to the Committee for reconsideration or present the matter to the faculty for decision. In making its decision, the faculty shall consider the factors set forth in paragraph 5, under The Committee's Process in Considering a Petition for Relief from Suspension, and paragraph 6, under The Committee's Decision on a Petition for Relief from Suspension.

Application for Admission by a Student Ineligible to File a Petition for Relief from Suspension

1. An individual may submit a new application for admission to the law school if
 - a. the individual was previously suspended and is ineligible to file a petition for relief from suspension under Paragraphs 6 and 7 of the policy on Submission of a Petition for Relief from Suspension; and
 - b. the new application for admission is submitted at least five calendar years after the date of the Committee's denial of the most recent petition for relief from suspension.
2. A new application for admission must contain, along with the application, a petition to the Committee for permission to apply for admission.
3. The petition shall set forth
 - a. any factors that the petitioner believes may have contributed to his or her unsatisfactory performance;
 - b. the petitioner's assessment of the likelihood that such factors will no longer affect his or her performance in law school; and
 - c. any contemplated changes in the petitioner's study, work, or extracurricular activities that might improve his or her law school performance.
4. Upon receipt of a petition for permission to apply for admission, the Assistant Dean for Admissions and Financial Aid shall forward the petition to the Chair of the Committee,

who shall convene a meeting of the Committee as soon thereafter as practicable. The Chair shall notify the petitioner in writing of the time and place of such meeting. The notice shall provide the same information as the notice for a petition for relief from suspension.

5. To consider a petition for permission to apply for admission, a quorum of the Committee shall consist of the same number and types of members as for a petition for relief from suspension, and the Chair shall appoint as many additional *pro tempore* members as necessary to constitute a quorum.
6. In determining whether to grant the petition for permission to apply for admission to the law school, the Committee shall consider the same information and factors that the Committee considers in determining whether to grant a student relief from suspension. The Committee shall grant the petition for permission to apply for admission to the law school only if a majority of the Committee members present determines that
 - a. the petitioner has demonstrated that his or her prior academic performance in law school was due to circumstances that would no longer affect his or her performance in law school; and
 - b. if admitted, the petitioner would be likely to complete law school successfully within a reasonable period of time.
7. The Committee shall communicate its decision to the petitioner and to the Assistant Dean for Admissions and Financial Aid. If the Committee grants the petition for permission to apply, the Committee shall also forward the petitioner's file to the Assistant Dean for Admissions and Financial Aid for consideration by the Admissions Committee.
8. If a petitioner enrolls under these provisions, he or she is subject to the same academic requirements as other law students. The law school shall not
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 - b. consider courses the petitioner previously took in calculating the petitioner's cumulative grade point average.

STUDENT RETENTION, SUSPENSION, AND READMISSION COMMITTEE

April Land, Chair

Scott England

Scott Hughes

Registrar

Quiche Suzuki

Beth Kaimowitz

Dave Sidhu

2 students TBD 2016-17 Committees and Charges Page 9

CHARGE: Handle matters under the jurisdiction of the committee as they arise. Review the current policies and procedures on Automatic Probation and Petitions for Readmission, and propose any appropriate changes. Collaborate with the Chair of the Curriculum Committee and the Assistant Dean of Student Services to review the current policy regarding students who do not successfully complete Elements of Legal Argumentation II and propose any appropriate changes.