

UNM School of Law
Faculty Meeting
January 14, 1977
Conference Room, Noon

MINUTES

Present: Desiderio, DuMars, W. Ellis, Fink, Flickinger, Goldberg, Gonzales, Hart, Kovnat, MacPherson, Martinez, Minzner, Muir, Norwood, Ragsdale, Schwartz, Simson, Teitelbaum, Utton, Weihofen, Winograd; Students Hernandez, Kraemer, Noland

The meeting was called to order by Dean Hart. He announced that the law school will have the use of two computer research systems to be placed in the library.

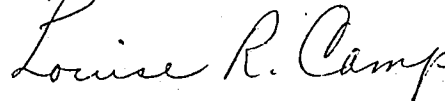
Flickinger, Chairman of the Readmission Committee, moved that Joseph Cabarrus be allowed to return in the spring semester, taking twelve hours of which six may be audited and for which examinations will be taken (Constitutional Law I and Property I), although no quality points or credits will be given; Mr. Cabarrus has the option of taking twelve new credits. Motion carried.

Faculty voted to readmit Margaret Romero in the spring semester. Desiderio will be her adviser in structuring a program for her.

The ad hoc committee to consider proper procedure where an LSAT score has been cancelled made a report, after which discussion led to a motion to refer the matter through counsel to the appropriate procedure. Motion carried. Faculty voted to inform the committee through counsel that an appropriate penalty for submitting a false LSAT score to the law school by an applicant, absent mitigating circumstances, would be expulsion.

Meeting adjourned.

Respectfully submitted,



Louise R. Camp
Sec'y

Next meeting:
1/17/77

1. What violation of University regulations may have occurred?

The University of New Mexico Bulletin at page 58 apprises all entering students that non-disclosure or misrepresentation in filling out applications or other University records will make a student liable for disciplinary action, including possible dismissal from the University. Further, the Faculty Handbook at page 103 incorporates this language in its regulations as one type of dishonesty in academic matters.

A second type of dishonest conduct subject to sanction is described as follows:

Dishonest action in connection with tests, quizzes, or assignments, whether in the classroom or not, generally will be cause for dismissal from the University. (emphasis supplied.)

2. What committees may have jurisdiction over the violation?

If the conduct is considered a non-disclosure or misrepresentation in filling out applications, the Handbook states that it "...will be referred to the Admission and Registration Committee." The Faculty Handbook is not specific with respect to committee jurisdiction over other dishonest conduct on tests. The Faculty Handbook at 33A and 113 does, however, state that the Student Standards Committee has jurisdiction over "...disciplinary matters concerning the student community except disciplinary matters subject to the jurisdiction of the Student Radio and Student Publications Boards." The Faculty Handbook is specific in providing that "...any student who feels that he has been unjustly disciplined by any other campus board or committee or by an official of the University has the right to appeal to the committee." The committee can

affirm or reverse disciplinary action already taken. If none has been taken, it can take its own disciplinary action.

In summary, if the conduct of the student in question is considered a misrepresentation or non-disclosure in filling out applications, the matter must be referred to the Admission and Registration Committee. If the student is dissatisfied with this Committee's decision, he can still appeal de novo to the Student Standards Committee.

If the conduct is not considered a misrepresentation, it must be referred to the Student Standards Committee in the first instance.

Neither of these possible committee referral procedures precludes the Law School from holding its own factual hearing prior to referral, to determine some type of "probable cause." However, since such a procedure is not outlined in the Handbook, such an "in-house" hearing could not be used as a substitute for those regulatory procedures promulgated by the University and set out in the Handbook as student "rights." And, the apparently mandatory language of the Handbook that all cases of dishonesty in filling out applications will be referred to the Admission and Registration Committee could be argued to preclude our own hearing process.

There is a third provision in the Faculty Handbook at page 18B which allows the Regents to review all matters. The present case does not seem appropriate for this procedure.

I spoke with Mr. William Sloan of the Rodey law firm who handles this type of case for the University. His view was that the matter should be referred directly to the Student Standards Committee. He would, if asked by the University, be willing to serve as counsel and expedite the matter to a prompt conclusion on the factual question of whether the violation occurred. To trigger this process, a complaint should be filed alleging the

factual allegation and specifying the sanction the Law School would impose if it turned out to be true. Notice would immediately have to be given the student of his right to the hearing. The Faculty Handbook at page 103 in the section on Dishonesty in Academic Matters provides that the action taken by the Student Standards Committee must be completed within 30 days from the date the violation is reported.

Mr. Peter Rask, the University counsel, concurred with Mr. Sloan and indicated a request for private counsel would have to be cleared through his office. The truth of this last assertion may be subject to question.

One question that is fuzzy in the Faculty Handbook is the one of the power of the Law School to control the type of sanction that may be given. Although Mr. Sloan was very sure the Student Standards Committee would follow the Law School's recommendation of sanction, it is not at all clear from the Handbook that they are obligated to do so.