

Faculty Meeting  
School of Law  
October 11, 1982  
Conference Room  
4:00 p.m.

MINUTES

Present: Bowler, Browde, Dabney, Desiderio, J. Ellis, W. Ellis, Fink, Flickinger, Gonzales, Hart, Johnson, Kovnat, Martinez, Minzner, Nathanson, Occhialino, Ragsdale, Romero, Scales, Schwartz, Simson, Stelzner, Taylor, Teitelbaum, Utton, Winograd. Student Representatives Mary Helen Baber, Louis Colon, and Don Martinez.

Student members of the Ad Hoc Committee on Student Retention and Suspension: Robert Gorman, Jennifer Pruitt Loehr.

Members of the Press: Ken Kolby (reporter for the Lobo), Jeff Alexander (photographer for the Lobo).

At the beginning of the meeting, the faculty approved the request of a Lobo reporter (Ken Kolby) and photographer (Jeff Alexander) to attend the faculty meeting. A copy of the article is attached to these minutes.

The Dean read the minutes of the previous faculty meeting held September 27, 1982. There being no objections, the minutes were approved.

Professor Richard Gonzales, Chairman of the Ad Hoc Committee on Student Retention and Suspension, reported to the faculty that the Ad Hoc Committee had reached a consensus on a final policy, which is embodied in the attached document entitled "Policy on Student Retention and Suspension." Professor Gonzales then moved that the Policy be approved.

The faculty then began its discussion of the proposed Policy. Professor Gonzales' motion was subject to the following amendatory motions that were adopted or rejected as indicated below:

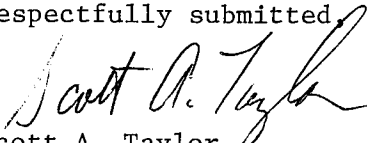
1. Motion to change the title of the Policy to "Policy on Academic Retention and Suspension" from "Policy on Student Retention and Suspension." Motion passed.
2. Motion to add to §3(a) the following language: "Any probated student whose quality point deficiency does not decrease in a subsequent semester will not be eligible for automatic probation." Motion did not pass.
3. Motion to change §5(b)(2) to "The three students elected to represent students at faculty meetings" from "two students." Motion did not pass.
4. Motion to change §5(b)(2) to "three students" from "two students." Motion did not pass.

5. Motion to change §5(b)(2) to "Two students elected by the student body" from "Two students." Motion did not pass.
6. Motion to change §5(b)(2) to "Two students appointed by the Dean from the three students elected to represent students at faculty meetings" from "Two students." Motion did not pass.
7. Motion to add to §5(b)(2) the following language: "The Dean will appoint the student members of the Committee after consultation with the SBA president, student representatives, and leaders of student organizations." Motion passed.
8. Motion to add to §5(b)(1) the following language: "The student has the right to remove without cause one faculty member from the Committee. The removed faculty member will be replaced by another faculty member appointed by the Dean." Motion did not pass.
9. Motion to change §8(c) to "that the student, if placed on probation, is likely to complete law school successfully" from "that the student will successfully complete law school" and §8(d) to "that the student, if placed on probation, is not likely to complete law school successfully" from "that the student will not successfully complete law school." Motion passed.
10. Motion to insert in §8(c) after "law school successfully" the following language: "within a reasonable period of time and under a plan designed to maximize the student's opportunity to complete law school." Motion did not pass.
11. Motion to insert in §8(c) after "law school successfully" the following language: "within a reasonable period of time." Motion passed.

The faculty agreed to discuss further the retention and suspension policy at the next faculty meeting.

Meeting adjourned.

Respectfully submitted,

  
Scott A. Taylor  
Junior Faculty Member

UNIVERSITY OF NEW MEXICO  
SCHOOL OF LAW

POLICY ON STUDENT RETENTION AND SUSPENSION

1. Computation of Grades.

- a. Course grades shall be recorded as A, B, C, D, or F in all courses except those courses designated as "Credit, D or F" or "Credit/No Credit."
- b. Each grade shall be assigned the following value: A=4; B=3; C=2; D=1; F=0. Plusses and minuses shall have no numerical values.
- c. Only letter grades shall be computed in determining a student's grade point average, including D's and F's earned in "Credit, D or F" courses.
- d. Quality points. Quality points shall be determined in each course by multiplying the numerical value of the grade earned by the number of credit hours for the course.
- e. Grade point average. A student's grade point average shall be determined by dividing the total number of quality points earned in all graded courses by the number of credit hours attempted in such courses.

2. Maintenance of Grade Point Average.

- a. A student must maintain a cumulative grade point average of 2.0.
- b. Any student whose cumulative grade point average falls below 2.0 shall either be placed on probation or suspended.

3. Automatic Probation.

- a. A student whose quality point deficiency falls within any of the following categories shall be placed on probation without further action:

<u>Credit Hours Attempted</u>	<u>Quality Point Deficiency</u>
0 - 18	1 - 12
19 - 36	1 - 8
37 - 54	1 - 4

- b. Any student previously on probation who reduces his or her quality point deficiency by at least one-half ( $\frac{1}{2}$ )

shall be continued on probation without further action except as provided in paragraph c.

- c. No student whose grade point average falls below 2.0 after he or she has attempted fifty-five (55) credit hours shall be granted automatic probation under this section. Such student must petition the Committee for relief from suspension in order to be granted probation.
- d. A student placed or continued on automatic probation shall receive notice in writing from the Dean that he or she has been placed or continued on probation.

4. Suspension.

- a. Any student whose grade point average falls below 2.0 and who does not qualify for automatic probation under the provisions of section 3 shall be placed on suspension.
- b. The Dean shall notify in writing any student who has been placed on suspension. Such notice shall specify the student's right to petition for relief from suspension and shall contain a copy of this policy.
- c. The suspension shall become effective if no petition for relief from suspension is received within the time specified herein, or upon final action of the Committee, the Dean or the Faculty as provided herein, whichever is later.

5. Committee on Student Retention and Suspension.

- a. At the beginning of each academic year, or as soon thereafter as practicable, the Dean shall appoint a Committee on Student Retention and Suspension (hereinafter "Committee").
- b. The Committee shall be comprised as follows:
  - 1). Five full-time members of the faculty;
  - 2). Two students.
- c. 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 by the faculty members of the Committee.

6. Petition for Relief from Suspension

- a. Any student who has received notice of suspension may submit a written petition to the Dean requesting that

he or she be placed on probation.

- b. The petition shall be submitted to the Dean within ten (10) days from the date of the notice of suspension. The Dean may, for good cause, extend the time for submitting the petition.
- c. Any student who fails to file such a petition within the foregoing time limits may thereafter submit such a petition no later than forty-five (45) days prior to the beginning of any semester in which he or she desires to be placed on probation. If a period of more than two years has lapsed from the date of the notice of suspension and the receipt of the petition, the petition shall be treated as an application for readmission and referred to the Committee on Readmissions.
- d. The petition shall set forth the following:
  - 1) Any factors that the student believes may have contributed to his or her unsatisfactory performance;
  - 2) The student's assessment of the likelihood that such factors will continue in the future;
  - 3) Any contemplated changes in the student's study, work or extracurricular activities which might affect his or her law school performance.
- e. The student shall sign the petition.
- f. Any willful misrepresentations contained in the petition will be deemed violations of the Law School honor code.

7. Consideration of Petition.

- a. Upon receipt of a petition for relief from suspension, the Dean 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:
  - 1) Make a personal appearance before the Committee;
  - 2) Submit any additional written or documentary evidence that he or she considers relevant to the matter; and

- 3) Bring any person before the Committee whom the student feels can provide relevant information concerning the matter.
- b. Prior to the meeting the members of the Committee shall endeavor to consult with as many of the student's professors as possible in order to determine, inter alia: the student's classroom performance, attitude and attendance record; and the professors' general impressions of the student's probability of successful completion of law school.
  - c. The Committee shall consider the following, in addition to any other information deemed relevant by any member:
    - 1) The information set forth in the student's petition;
    - 2) Any additional information submitted by the student;
    - 3) Any written or oral statement of any person offered by the student;
    - 4) Information provided by any professor pursuant to paragraph b supra;
    - 5) The student's grades in all law school courses attempted;
    - 6) The extent to which the student's grades have improved or declined compared to previous semesters;
    - 7) Any relevant information contained in the student's application for admission to law school, including L.S.A.T score(s) and undergraduate record.
  - d. 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.
8. The Committee decision.
- a. Following the receipt of all relevant information, the Committee shall meet in executive session to make its decision.
  - b. The Committee's decision shall be made by a majority of members present.

- c. If a majority of Committee members present determine, on the basis of all the information presented, that the student will successfully complete law school, 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.
- d. If a majority of Committee members present determine, on the basis of all the information presented, that the student will not successfully complete law school, the student shall be suspended. The Committee shall either suspend the student indefinitely or for a specified period of time not to exceed one year.
- e. 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.
- f. The variety of factors that have traditionally been discussed in connection with student petitions are to be considered only as 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:
  - 1) 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.
  - 2) 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.
  - 3) An explanation by the student that his 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 an adequate change has occurred and 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.

- 4) The student's academic ability is always relevant to the issue of ultimate completion of law school.
- 5) 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.

9. Review of the Committee Decision.

- a. A student aggrieved by the decision of the Committee may appeal such decision by filing a petition for review with the Dean within five (5) days of the Committee's decision.
- b. The petition for review shall allege that extraordinary circumstances warrant a reversal of the decision of the Committee.
- c. The Dean shall consider the decision of the Committee to be presumptively correct. If the Dean determines that extraordinary circumstances overcome the presumption of correctness of the Committee decision, he or she shall present the matter to the faculty for review. The faculty shall affirm, modify, or reverse the decision of the Committee.
- d. If the Dean determines that the allegations of extraordinary circumstances do not warrant submission to the faculty, he or she shall affirm the decision as final.

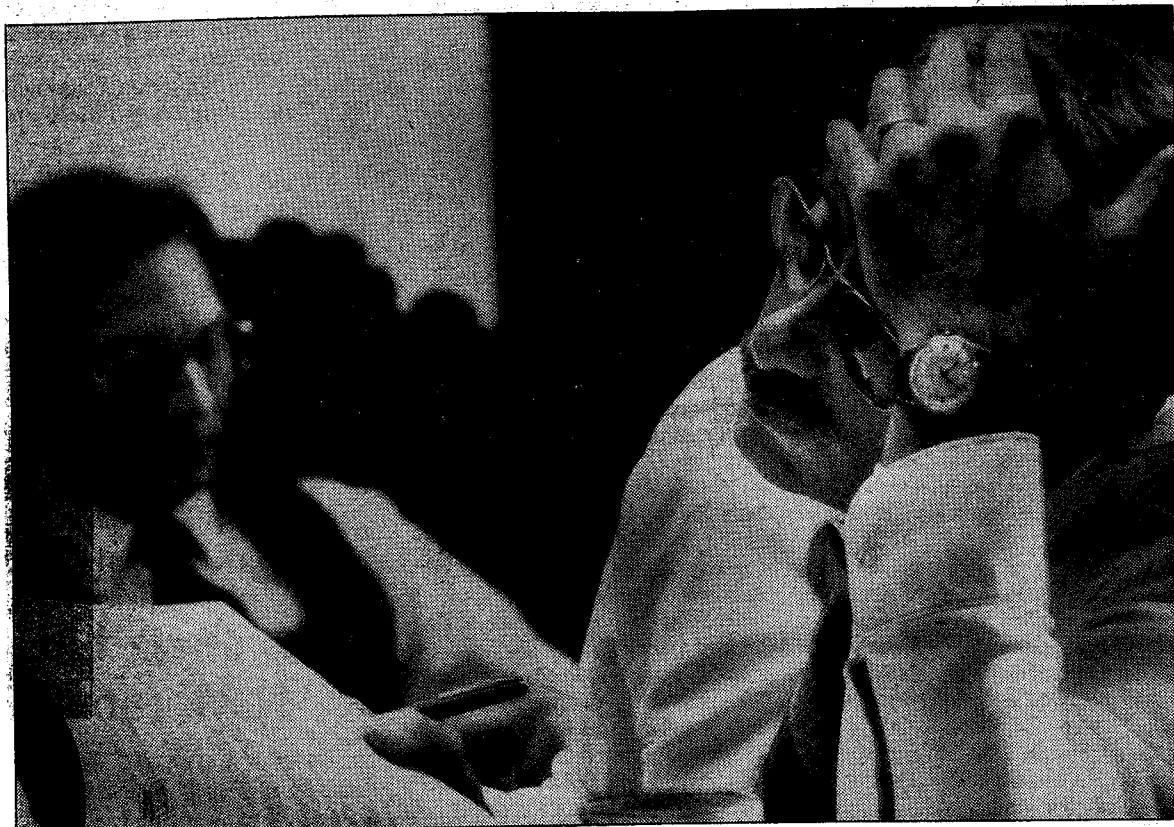


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Jeff Alexander

**MOOT POINT:** Student motions were defeated by the faculty at the Law School last night. Deliberating are Professor Lee Teitelbaum (left) and Law Dean Robert J. Desiderio.

## Committee to have appointees

The UNM Law School faculty defeated three plans for electing students to serve on the new academic retention and suspension committee, Monday night at the Law School faculty meeting.

As a compromise, the faculty passed a motion which would require the dean of the law school to consult the Student Bar Association and the three student representatives to faculty meetings over which students to appoint to the committee.

The faculty argued that elections would make the issue of suspending

students too political. However, the student representatives said that having elected representation on the committee was the major concern of law students they had talked to.

Instead, the faculty passed a motion to have the Student Bar Association and the student representatives to faculty meetings consult the dean over who will serve on the committee.

"I'm not real happy with it, but I guess we'll live with it," UNM law student representative Lewis Colon said.

The committee will have five faculty members and two students appointed by the dean. Previously, all faculty members and three students could attend and vote on a student's probation or suspension, but the procedures took too long.

After three hours of debate, the faculty did not pass the complete proposal for the new procedures but will decide at their next meeting in two weeks.