



STUDENT HANDBOOK

2021-2022

Welcome to Western New England University School of Law. As a Western New England University student, you are responsible for abiding by the policies and procedures of Western New England University and the School of Law.

In addition to the Law School Student Handbook, students of the School of Law are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein. Policies and procedures not covered in the Law School Handbook are governed by the Western New England University Handbook. These policies apply with equal force to non-J.D. students unless otherwise noted. The Law Student Handbook and the Western New England University Handbook will be updated on the Western New England University website at www.wne.edu/law. The Western New England University Handbook can also be found at <http://www1.wne.edu/student-affairs>. Handbook revisions will be posted on the website and all students are responsible for knowing and complying with these standards and regulations.

The Law Student Handbook addresses Academic Standards and the Honor Code for students enrolled at the School of Law. The Law Student Handbook is the authoritative handbook for Academic Standards and the Honor Code.

Law students should refer to the 2021-2022 Law Student Handbook when addressing the following subject matters:

1. Academic Calendar
2. Academic Integrity
3. Class Attendance
4. Midyear and Final Examinations
5. Procedures for Handling Plagiarism Allegations

Questions regarding the Western New England University Handbook or the Law Student Handbook should be directed to the Associate Dean for Academic Affairs or the Associate Dean for Law Student Affairs and Enrollment Planning.

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Western New England University School of Law

Mission Statement

Over a century ago, we were founded to educate law students from populations that were underrepresented in the legal profession. Today, we teach a diverse student body drawn from all walks of life in a rigorous program that blends theory, skills, and ethical values. We prepare students to serve the future needs of society with knowledge, competence, and compassion, ensuring that the practice of law can be both a profession and a vocation.

Learning Objectives

In accordance with ABA Standards, Western New England University School of Law shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. The School of Law consistently seeks to improve its students' educational experience and engages in ongoing evaluation of the Law School's program of education, learning outcomes, and assessment methods to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum. The School of Law has established the following desired learning outcomes, which identify the knowledge, skills, and values it desires graduates to possess.

Learning Outcome 1

Graduates will demonstrate knowledge and understanding of substantive and procedural law.

Learning Outcome 2

Graduates will demonstrate competence in legal analysis, legal reasoning, and legal practice skills.

Learning Outcome 3

Graduates will demonstrate competence in problem-solving skills in the legal context.

Learning Outcome 4

Graduates will demonstrate competence in legal research and written and oral communication in the legal context/regarding legal matters.

Learning Outcome 5

Graduates will demonstrate the exercise of proper professional and ethical responsibilities to clients and the legal system.

Learning Outcome 6

Graduates will demonstrate the knowledge, skills, and professionalism necessary for effective, ethical, and responsible participation as members of the legal profession in order to serve the public, the profession, and society/the community. These additional skills may include interviewing, counseling, negotiation, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

Learning Outcome 7

Graduates will be prepared to continue to develop professional skills and attributes.

ACADEMIC STANDARDS

ACADEMIC STANDARDS

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ACADEMIC STANDARDS

INTRODUCTION:

The headings used in these Academic Standards are for convenience only and are not to be considered a part of these standards. The information in this publication does not create a binding contract between the student and Western New England University School of Law (“Law School”). Western New England University reserves the right to change any of the requirements and regulations at any time without prior notice. This includes, but is not limited to, the right to modify requirements for admission, retention, or graduation; to change the arrangement or content of the courses, the instructional materials used, the tuition and other fees; to alter any regulation affecting the student body; to refuse admission or readmission of any student at any time; or to dismiss any student at any time should it be in the interest of the Law School or the student to do so.

PART I: DEFINITIONS; COURSE LOAD; AND STATUS

Section 101. Academic Year

An academic year consists of two consecutive semesters beginning with the fall semester, including fall and spring semester. The summer or winter session is not a semester.

Section 102. Completed Credit Hour

A “credit hour” is defined as an amount of work that reasonably approximates:

- (1) no less than 750 minutes of classroom or direct faculty instruction and 1,800 minutes of out-of-class student work, or a total time of 42.5 hours per credit.
- (2) for other academic activities, including simulation courses, field placements, clinical courses, moot court, law review, and directed independent studies, at least an equivalent amount of work is required.

“Classroom or direct faculty instruction” shall include: all scheduled class periods; any make-up classes or review sessions that may be held in addition to scheduled class periods; and time spent by students taking scheduled midterm and final examinations. In a course with distance-learning components, time spent in both synchronous and asynchronous instruction may be counted.

“Out of class work” shall include: preparing for class (e.g., reading and briefing cases, completing other assigned work or assessments), work that assists in the comprehension of course content (e.g., writing outlines, working with other students in study groups, preparing for exams), researching and writing any required papers, and performing any other assigned and evaluated work such as clinic or externship work, preparation for moot court competitions, and law review work like writing, tech-citing, and fulfilling responsibilities of editorial positions.

These requirements apply to coursework that extends over any period of time, including semester-long courses and Summer/Winter session courses. They also apply to distance education and non-JD courses.

Students earn a "completed credit hour" when they receive a grade of "D" or higher.

Section 103. Full-Time Student

A full-time student is one who is enrolled in 12 or more academic credit hours of course work per semester.

Section 104. Variation From Full-Time Course Load

A full-time student may not enroll in fewer than 12 or more than 16 credit hours without special permission from the Dean or the Dean's delegate. Normally a request for an exception shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file.

Section 105. Part-Time Student

A part-time student is one who is enrolled in fewer than 12 academic credit hours of course work per semester.

Section 106. Variation From Part-Time Course Load

A part-time student may not enroll in fewer than 8 or more than 11 credit hours without special permission from the Dean or the Dean's delegate. Normally, a request for this permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file. This standard is not applicable to part-time students in a non –JD program.

Section 107. Maximum Course Load

In no event may a student enroll in coursework in any one semester that exceeds 20 percent of the total credit hours required for graduation.

Section 108. Change of Status

With permission from the Associate Dean for Academic Affairs, students may change from part-time status to full-time status, or vice versa. The number of months in which a student who has changed status can graduate will depend upon how long it takes the student to earn the required academic credits. Regardless of status, all students must comply with the Years Allowed for Completion of Degree Requirements. A student may not complete the J.D. degree in fewer than 24 months or more than 84 months after the student's first matriculation at any law school.

Because there are numerous possible combinations of full-time, part-time, winter and summer sessions, any student who is contemplating a change of status should consult with the Associate Dean for Academic Affairs as well as Student Enrollment Services. A request for permission shall not be considered unless the reasons for the request are stated in writing, which will be included in the student's personal file.

PART II: DEGREE REQUIREMENTS AND LIMITATIONS

Section 201. Years Allowed for Completion of Degree Requirements

A student may not complete the J.D. degree in less than 24 months or more than 84 months after the student's first matriculation at any law school. A non-JD degree student must complete the degree within 84 months after the student's first matriculation.

Section 202. Academic Requirements for Graduation

- A. A student must earn 88 academic credits, no fewer than 64 of which must be earned in courses that meet in regularly scheduled class sessions at a law school, and also satisfactorily complete all required courses and all other requirements, including upper level writing, pro bono, and experiential learning requirements, in order to graduate. In addition, a student must abide by all restrictions on enrollment as described in subsection B unless waived pursuant to subsection E.
- B. The Law School imposes a variety of limitations on enrollment in specific courses or combinations of courses. These are described below:
 - 1. A student must successfully complete 28 hours of law studies before enrollment in a clinic or externship.
 - 2. A student may not simultaneously enroll in more than (i) one clinic, (ii) one externship, or (iii) one clinic and one externship.
 - 3. A student may not take more than a total of three externships for academic credit.
 - 4. A student who has successfully completed 28 credit hours of law studies may take an independent study course with the approval of the Associate Dean for Academic Affairs. Independent study courses include Tutorial Study, Advanced Research, and any other course so designated.
 - 5. A student may not take more than a total of three independent study courses, simultaneously enroll in more than two independent study courses, or take more than one independent study course under the sole guidance of any one faculty

member.

6. A student must complete all required courses in sequence as described in the JD Plan of Study.
- C. In addition to the limitations described in the prior section, individual instructors, in consultation with the Associate Dean for Academic Affairs, may impose additional restrictions as a condition for enrollment.
- D. Upper-level students must pass two designated writing courses. Upper-level students are also required to earn 6 total credits from designated experiential learning courses. Pursuant to American Bar Association Standards, a student may not use a course to satisfy both the writing requirement and the experiential learning requirement.
- E. The requirements in subsection A may not be waived by the Dean or the Dean's delegate. However, the Dean or the Dean's delegate is authorized to grant variances from the limitations described in subsection B. All variances shall comply with American Bar Association standards.

Section 203. Last Day of Enrollment

No student may enroll in a course after the close of business on the tenth day of classes of a regular semester or, in the case of summer school, the close of business on the third day of classes for the summer school session.

Section 204. Course Withdrawal

- A. Required Courses: Students are required to enroll in and may not drop required courses without approval from the Associate Dean for Academic Affairs.
- B. Restricted Withdrawal Courses: No student may withdraw from a restricted withdrawal course after the time designated by the instructor or subsequent to the second class of the semester, whichever period is shorter. To qualify as a restricted withdrawal course, the course instructor, with the approval of the Dean or the Dean's delegate, must designate the course as restricted withdrawal in the registration materials. A student who withdraws from a restricted withdrawal course beyond the period permitted in this section shall receive a "W" on the student's transcript.
- C. Elective Courses: A student in the full-time program may withdraw from a fall or spring semester elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 12 credit hours that semester. A student in the part-time program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on

the last day of regularly scheduled classes for the semester, provided that the withdrawal does not reduce the student's academic load to less than 8 academic credit hours for that semester. A student in the summer program may withdraw from an elective course, other than a restricted withdrawal course, prior to the close of business on the last day of regularly scheduled classes for that summer session.

- D. Procedure: A student who wishes to withdraw from a course must complete and submit an official withdrawal form to the Registrar's Office.
- E. Withdrawals and Refunds: Students who withdraw from a course are subject to the University tuition refund policy in effect at the time.
- F. Financial Obligations: No student may withdraw and remain in good standing unless all financial obligations have been met

PART III: OTHER ACADEMIC PROGRAMS AND TRANSFER OF CREDITS (This Part does not apply to non-JD students)

Section 301. Other Academic Programs Earned Outside the Law School

If a student has completed at least 30 credits, the student may earn academic credit in a program outside the Law School as follows:

- A. Combined Degree Programs and Articulation Agreements: Students may earn credit from the University and other institutions pursuant to the terms of a combined degree program or an articulation agreement; or
- B. Non-JD courses at Western New England University: Students may earn no more than 6 credits by the successful completion of non-JD courses offered at Western New England University. To receive credit toward a law school degree, the student must:
 - 1. Take an upper-level undergraduate or graduate level course(s);
 - 2. Demonstrate that the graduate course(s) contribute to the student's education in law or particular professional interests;
 - 3. Obtain prior, written approval from the course instructor and the Associate Academic Dean for Academic Affairs of the Law School; and
 - 4. Enroll in and successfully complete the course(s) after matriculating in the JD program.
- C. Visiting at Other ABA-Approved Law Schools: Students may earn no more than 15 credit hours while attending another law school approved by the American Bar Association, subject to the prior approval of the

Associate Dean for Academic Affairs. Permission shall not be granted to take a course or courses required for graduation at the Law School.

1. Grounds for Approval of Request to Visit During Summer or Winter Session: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in its summer or winter session and the courses offered by the law school to be visited are similar to those offered by the Law School.
2. Grounds for Approval of Request to Visit During Academic Year: The Associate Dean for Academic Affairs may approve the petition of a student requesting visiting student privileges if the student's requested course load is no heavier than that permitted by the Law School in a single semester and the courses offered by the law school to be visited are similar to those offered by the Law School. The student bears the burden of demonstrating by clear and convincing evidence that the student's request meets one of the following requirements:
 - a) The petitioner has a demonstrated a special interest in taking a concentration of courses in a defined subject matter, the Law School will not be able to offer that concentration of courses during the petitioner's period of attendance at the Law School, and the petitioner's cumulative grade point average in the Law School is 2.33 or higher; or
 - b) The petitioner demonstrates that exceptional personal hardship will result if visiting status is not granted.

Section 302. Transfer of Credits

The Law School will accept the transfer of credit received at another law school during an approved visitation as follows:

- A. The Law School will transfer credit only for courses in which the grade received is equal to or higher than the grade point average required for graduation at the law school visited.
- B. All grades for which credit is transferred will be reported as Pass for purposes of computing academic averages of students at the Law School. The student's transcript will also include the course name and grade for all courses taken during the visit, including any reported course for which transfer credit is not received. Courses for which transfer credit is not received will be accompanied by the notation "No Credit."

- C. In addition to the limitations set out above, the Law School will not accept more than 32 transferred academic credits from an ABA approved law school or 29 transferred academic credits from a law school not approved by the ABA during the student's career at the Law School, including academic credits awarded to a transfer student.

- D. J.D. and M.S. students may petition for transfer of credits earned in Law School courses to other M.S. programs, provided that the grade received is equal to or higher than the grade point average for graduation at the Law School (2.3).

Section 303. Advanced Standing

In the case of admittance of a transfer student, the Associate Dean for Academic Affairs will determine the credit to be awarded toward the Law School's degree.

Section 304. Unapproved Visitation

The Law School does not accept the transfer of credit taken as a visiting student at another law school unless the program of studies was approved in accordance with these Standards.

PART IV: ATTENDANCE AND AUDITING

Section 401. General Attendance

A. Standard: Regular and punctual class attendance is mandatory, as required by the American Bar Association. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The policy objectives are to ensure academic success, of which attendance is a major component, and to develop standards of professionalism.

B. Implementation:

1. Faculty members will monitor attendance in their classes, choosing an adequate methodology. Any student who is tardy, or who leaves class early, may, in the discretion of the faculty member, be marked absent.

2. Any student who fails to attend at least 80% of the regularly scheduled class meetings, without excuse acceptable to the faculty member, has not met this Standard. All students are responsible for knowing and complying with this Standard and its implementation.

3. Any faculty member may adopt a more stringent attendance standard than that in subsection two (2) above by communicating it to the class in writing before the end of the first class meeting or in the course syllabus. A student who fails to comply with such policy has not met

this Standard.

4. A faculty member must send a student a written warning when the student is at least one absence away from triggering the faculty member's request for administrative withdrawal.
5. Whenever a student fails to meet this Standard, a faculty member shall notify the Associate Dean for Academic Affairs and may request that the student be administratively withdrawn from the course.
6. Upon receiving a request from a faculty member that a student be administratively withdrawn from a course, the Associate Dean for Academic Affairs shall do so unless, after consultation with the faculty member, the Associate Dean for Academic Affairs determines that there is good cause not to withdraw the student.

Section 402. Auditing of Courses and Enrollment of Non-JD Candidates in Law School Classes

- A. **Statement of Policy:** Individuals may enroll in a limited number of courses as auditors, non-degree candidates, or candidates for a degree other than a law degree. However, such enrollment is permissible only when it does not interfere with the ability of the law school to operate in compliance with the ABA Standards and to carry out the Law School's program of legal education.
 1. A student must obtain permission to audit a course from both the instructor and the Associate Dean for Academic Affairs.
 2. A student who wishes to enroll in a J.D. course must satisfy the following general pre- or co-requisites: Introduction to Law, Lawyering Skills I, and one first-year doctrinal course.
- B. **Auditing:** An auditing student is expected to acquire the materials for the course and shall be held to the same attendance standards as all other students. If the student satisfies the conditions of permission to audit, including regular attendance, the course is entered on the student's academic record and the word "Audit" is entered where academic credit and grade would normally be entered.
- C. **Credits for Degree Candidates:** Degree candidates may audit a course, and the credits will not count toward the normal full-time academic course load.
- D. **Auditing Fees for Non-Degree Students:** Non-JD degree students granted permission to audit a course must pay the regular tuition and fees that apply to the course.

PART V. EXAMINATION AND GRADING

Section 501. Purpose

Where appropriate, instructors should utilize both formative and summative assessment methods to measure and improve student learning and to provide meaningful feedback to students. Grades are designed to measure competency in: (a) knowledge and understanding of substantive and procedural law; (b) legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) the exercise of professional and ethical responsibilities to clients and the legal system; and (d) other professional skills needed for competent and ethical participation as a member of the legal profession.

Section 502. The Grading System:

A. Assessment: The School of Law records letter grades in courses, except where the nature of the course makes a letter grade impractical. The School of Law grade structure for all course work is as follows:

A 4.00	B 3.00	C 2.00	D 1.00P	Pass
A- 3.70	B- 2.70	C- 1.70	F 0.00	W Withdraw
B+ 3.30	C+ 2.30	D+ 1.30		AU Audit only

The cumulative grade point average of any student is determined by multiplying each grade given for every graded course, including courses in which the student received a grade of F, by the total number of semester hours assigned to that course, and then dividing the product by the number of graded credits attempted. Grade point averages are calculated to the second or hundredth decimal place and are not rounded upward or downward. Academic credit is granted for a final grade of D or higher. If a student receives a failing final grade in a course, the grade is included in calculation of grade point average, but the failed course is not included in calculating the total credits completed for graduation.

B. Grade Normalization: The law faculty has adopted a grade normalization policy for all graded courses. Under this policy, a faculty member who is teaching a required course or a large section course (25 students or more) must distribute grades so that the median grade for the class is a B, with the distribution as follows:

- A- and above 0-25%
- B- and above 40-85%
- C- and above 75-100%
- D+ and below 0-25%

A faculty member who is teaching a graded course other than a required course, a large section course, or a small section course (eight or fewer students) must distribute grades so that the mean or average for the class falls within the range of 2.90 to 3.67. Faculty members whose grades fall outside those limits are required to request a variance from the Associate Dean for Academic Affairs before grades are distributed. The Dean or Dean's delegate shall review all course grades

submitted. After review, course grades shall be posted by the Registrar by course and examination number.

C. Non-J.D. Students: The Grading System does not apply to non-J.D. students. Non-JD students are not graded anonymously and may be graded using a different method of assessment. There is no required grade distribution, mean, or median for non-J.D. students. Other than Pass/Fail courses, M.S. students will be evaluated with the following grades:

- A: exceptional compliance with course requirements
- B: satisfactory compliance with course requirements
- C: minimal compliance with course requirements
- F: does not meet course requirements

Section 503. Pass-Fail Courses

In designated courses, a grade of P (Pass) is assigned if the student satisfactorily completes the course. A grade of P in a pass-fail course does not have a grade point value, but is intended to reflect work equivalent to the letter grades of A through C+. A grade of F in a pass-fail course is intended to reflect work equivalent to the letter grades of C through F. A grade of F (Fail) in a pass-fail course is treated as if it were a letter grade of F when calculating the student's grade point average.

Section 504. Unsatisfactory Grades

Grades of C, C-, D+, and D are considered Unsatisfactory. A grade of F is considered Failure and no credit is awarded. A student with a grade point average of less than 2.30 at the end of the spring semester of any academic year is subject to dismissal.¹

Section 505. Required Courses in Which a Failing Grade is Received

Any required course in which a failing grade has been received must be repeated in the next academic period in which the course is offered unless the Associate Dean for Academic Affairs approves an alternative schedule. If a student receives a failing final grade in a course which is a prerequisite to an advanced course, the prerequisite course must be satisfied before the advance course may be taken. If a student is required to repeat a course because of a failing final grade, the original grade is included in the calculation of "completed" work for the purpose of grade average calculation, even though the failed course is not used in calculating the total credits required for graduation.

¹ The policy in effect for students who entered the Law School prior to fall 2014 required a grade of 2.0.

Section 506. Grades of Incomplete

A student who is given a grade of Incomplete in a course shall have an extension of time satisfactory to the instructor to complete the necessary coursework. However, the extension date shall not be later than the last day of the following semester's regularly scheduled examinations. The instructor shall submit the student's final grade by the grading deadline of that semester. The Registrar, in consultation with the Associate Dean for Academic Affairs, will convert the Incomplete to an "F" if the grade is not submitted by the grading deadline. Exceptions to this rule may be made only in cases of extreme hardship and with the approval of the Associate Dean for Academic Affairs.

Section 507. The Examination Process

- A. **Materials Permitted at the Examination:** Each instructor shall state which materials are permitted in the examination in the instructor's course. It is the policy of the Law School that an item or material is not to be authorized unless its content is necessary to a proper analysis and solution of one or more problems on the examination, such as a statute on which the problem is based.
- B. **Form of the Examination:** The examination should be by either written examination or term paper. The examination should not be an oral examination, nor should it be a progress report graded by fellow students. The intent is to have a meaningful faculty assessment of the student's work product
- C. **The anonymous grading system shall apply to all examinations.**
- D. **Rules for Examinations:** The Dean or the Dean's delegate shall be responsible for establishing rules to govern the examination process. Those rules shall include, but not be limited to, the following:
 - 1. No more than one student at a time may leave the room. Students must sign out at the proctor's desk and cross off their names upon returning. Students are not allowed to take any examination material from the room at any time and are not permitted to consult, obtain, or access any material while outside the exam room.
 - 2. No conversation is allowed during the examination. If a student has a question, the student shall write the question on scrap paper and give the question to the proctor.
 - 3. When the proctor announces that the exam time is up, all students shall stop writing immediately. It is a violation of the Honor Code to continue writing once the examination has ended.
 - 4. When finished, students shall turn in their examination questions

together with any scrap paper. All students must cross their names off the roster and quietly leave the room.

5. Students who type their examinations shall return them to the proctor from whom they secured the examinations.
6. Late arrivals are not allotted extra time. Proctors shall ask a student who arrives late if they are willing to take the exam in the reduced time. Students unwilling to accept the reduced time shall report to the Registrar's Office.
7. Any breach of anonymous grading, whether by including personal identifying information or such notations as "graduating senior" on an examination, shall be reported to the Honor Code Committee.

E. Take-Home Examination: Requirements:

1. An instructor may give a take-home examination under such conditions as the instructor deems appropriate in consultation with the Associate Dean for Academic Affairs.
2. The anonymous grading system shall apply to take-home examinations.
3. If an instructor decides to use a take-home examination, notice shall be given to the students and the Associate Dean for Academic Affairs. That notice should be given before the end of the add/drop period.

Section 508. Illness Before Examination

If a student becomes ill before commencing an examination, the student must attempt to notify the Dean or the Associate Dean for Academic Affairs prior to the commencement of the examination to obtain permission to reschedule the examination. When the Dean and Associate Dean for Academic Affairs are unavailable, the ill student shall have the right to decide not to take the examination but must notify the Dean or the Associate Dean for Academic Affairs of the illness as soon as possible following the examination. If a student leaves an examination for illness or for any other reason, the examination will be graded.

Section 509. Examinations in First-Year Courses

In all first-year courses that are graded with a final exam, professors will provide additional assessment or assessments during the semester that comprise(s) at least 20%, but not more than 60%, of the final course grade. For purposes of this section, a "first year course" means Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property or Torts, whether offered in the day or evening. The assessment(s) must include formative feedback.

Section 510. Departure from Examination Schedules

No instructor has the authority to grant to a student a departure from the examination schedule. Any student who desires a departure from the examination schedule shall make the request to the Associate Dean for Academic Affairs at the time or times designated:

A. A student shall be granted a departure from the examination schedule for a conflict. In that event, the make-up examinations must be taken in the next regularly scheduled examination period that does not constitute a conflict. An official conflict form must be submitted prior to the examination period. A conflict in the examination schedule is defined as:

1. two examinations simultaneously;
2. two examinations in successive examination periods (including night-morning but excluding Saturday-Monday);
3. two examinations on the same day;
4. three examinations on three successive calendar days for part-time students employed full-time who certify that they cannot obtain time off during the examination period;
5. four examinations on four consecutive calendar days, unless the student has a reading period of four consecutive calendar days (or five non-consecutive calendar days) between his or her last day of classes and the first of his or her four consecutive exams;

or

6. four examinations on four consecutive calendar days in any semester in which the exam schedule was not published by the end of the fifth day of classes.

B. In the event of an emergency, the Associate Dean for Academic Affairs may grant a departure from the examination schedule.

C. It is a violation of the Law School Honor Code to acquire information concerning an examination or assignment without the instructor's authorization; and/or to discuss any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization. See Honor Code Part IV. §401.

Section 511. Reporting Grades

Unless otherwise announced by the Dean, the following procedure applies:

- A. For the fall semester, instructors shall report all final examination grades to the Registrar not later than the day before the Registrar's Office opens after the Winter Recess. For all semesters other than fall semester, Instructors shall report all course grades to the Registrar not later than 14 days after the date of the last final examination.
- B. The Registrar shall record the course grades as part of each student's academic record when the course grades are released.

Section 512. Faculty Requests For Change of Course Grade

There is a strong presumption of finality to all final course grades. Changes may be made to a final exam grade only at the request of a faculty member. The Dean or the Dean's delegate may approve only such changes that are required to correct a mathematical error. The Dean shall submit all other requests by the faculty member to the Academic Standards Committee where there shall be a presumption against approving that recommendation. The faculty member shall bear the burden of overcoming that presumption.

Section 513. Preference for Anonymous Grading

- A. The Law School uses an anonymous grading system for the determination of a student's grade on examinations and for the course, unless it is impractical to employ anonymous grades. It is impractical to use anonymous grades in, inter alia, experiential learning courses, moot court, independent studies or tutorials, writing courses, or courses where grades are based on individual or group projects. In all other instances, the faculty shall adhere to anonymous grading.
- B. Individual Projects or Interim Examinations: Individual or group projects or interim examinations may be used by instructors to be evaluated toward the course grade.
- C. File of Final Examinations: The Law School shall keep an official file of all final examinations administered to students. Each instructor shall give the Registrar's Office at least two copies of each examination that counts toward the final grade.
- D. Preservation of Final Examinations: Each instructor shall deliver to the Registrar's Office all final examination books to be kept on file for at least one year after the examination has been graded.

Section 514. Integration of Non-Anonymous with Anonymous Grades

- A. Integration of Projects with Anonymous Examination Grades: If an instructor uses projects or similar non-anonymous methods of assessment as part of the course grade, the instructor shall submit a list of students by name, showing

their project or program grades at the same time as submission of anonymous examination grades by examination number. The instructor shall also state the percent of course grade attributable to the project or program. The Registrar shall integrate the grades according to the instructor's formula after which the instructor shall designate the final grade.

- B. **Grade Increase for Superior Classroom Participation:** The faculty believes that student performance in the classroom is an essential part of the educational process. An instructor may recognize superior classroom performance by individual students by adding a one-third (1/3) letter grade increase to the student's course grade for grades other than A or F. The following procedures apply:
1. No instructor may award an increase for classroom participation unless the instructor has announced the intention to do so in a regular meeting of the class within the first three weeks of class or in the course syllabus.
 2. To make an addition to the grades of individual students, the instructor shall submit a list of the names of those students whose course grades are to be benefited by the practice at the same time that the instructor submits the list of final examination grades by student examination number.
 3. The Registrar's Office shall integrate the classroom participation letter grade increase with examination grades and project scores, if any.

Section 515. Honors

The Law School awards honors to J.D. students for superior scholastic achievement. The faculty committee with jurisdiction over academic standards will administer the designation of honors according to the criteria set forth below, except that the committee retains discretion to adjust the criteria in rare cases where such adjustment might be necessary to prevent manifest unfairness.

- A. *Summa Cum Laude:* Any student who would otherwise receive magna cum laude honors upon graduation may be graduated summa cum laude, if, in the opinion of the committee with jurisdiction over academic standards, the student has achieved unusually outstanding academic excellence as indicated by the student's cumulative grade point average.
- B. *Magna Cum Laude:* Any student, other than a summa cum laude graduate, whose cumulative grade point average is 3.75 and above will receive magna cum laude honors upon graduation.

- C. *Cum Laude*: Any student, other than summa cum laude and magna cum laude graduates, whose cumulative grade point average is 3.5 and above, will receive cum laude honors upon graduation.
- D. *Dean's List*: Dean's List will be awarded at the end of every semester after the first year to any student with a semester grade point average of 3.5 and above.
- E. Rank: The Law School will rank students at the end of every semester after the first year. For this purpose, students will be ranked by graduating class. Those in the top quartile/twenty-five percent of each group will receive an ordinal ranking. Students in the second, third, and fourth quartile of their respective groups will be ranked by that designation.

PART VI. ACADEMIC WARNING; DISMISSAL; AND REINSTATEMENT

Section 601. Academic Warning

The "academic warning" status is informational to assist students in achieving academic success and is an internal designation only that is not noted on students' transcripts.

- A. Reporting of Grades: Each semester, the faculty reports grades to the Registrar's Office, and the Registrar's Office calculates a cumulative grade point average for each student.
- B. Academic Warning, Imposition: At the end of every first-year semester for full-time students and every first- and second-year semester for part-time students, a student will be placed on academic warning if either of the following conditions exist:
 1. the student's cumulative final grade point average for all of the following courses taken as of that date is at or below 2.67: Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, Torts, and Lawyering Skills; or
 2. the student has one or more final grades below a "C+" in Constitutional Law, Contracts, Criminal Law, Civil Procedure, Property, or Torts.

Section 602. Requirements of Students on Academic Warning

Each student on academic warning is required to meet regularly with the Director of Academic Success Programs or the Dean's delegate to strategize for success. Based on those meetings, the Director of Academic Success Programs or the Dean's delegate may require any or all of the following measures:

1. enrolling in and completion of the academic success program;

2. having course selections for all subsequent semesters approved by the Director of Academic Success, the Associate Dean for Academic Affairs or Dean's delegate to ensure that the chosen curriculum provides an academically rigorous education and improves the likelihood of academic and bar success; and
3. obtaining prior approval from the Director of Academic Success, the Associate Dean for Academic Affairs or the Dean's delegate before serving as an officer in any student organization.

Section 603. Penalty for noncompliance

Failure to comply with the conditions identified in Section 602, above, as determined by the Director of Academic Success Programs, at any time, will lead to academic dismissal for poor scholarship. The Director of Academic Success Programs will report non-compliance to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, will determine whether dismissal is appropriate. Upon such determination, the Associate Dean for Academic Affairs will direct the Registrar to withdraw the student from the Law School due to poor scholarship. The student may petition the Academic Standards Committee for Reinstatement as noted below.

Section 604. Petitioning for the Removal of Academic Warning Status:

Academic warning status will remain in effect throughout a student's enrollment at the Law School. A student on academic warning may petition the Director of Academic Success for the removal of that status, by submitting a letter stating the basis for the removal request, but may do so no earlier than one semester after the status has been imposed. The Director may consider any relevant information in evaluating the petition. If the Director concludes that, in an exceptional circumstance, the academic warning status is no longer necessary for the student, the Director shall make that recommendation to the Associate Dean for Academic Affairs, who, in consultation with the Dean and the Dean of Students, may decide to remove the student from academic warning. This decision is non-reviewable.

Section 605. Dismissal for Poor Scholarship:

A student will be dismissed for poor scholarship if the student's cumulative grade point average at the end of the spring semester of any academic year is less than 2.30. A student is not eligible to graduate if the student's cumulative average on all work completed is less than 2.30.

Section 606. Procedure Relating to Petition for Reinstatement After Academic Failure:

- A. Notice of Failure: At the close of each spring semester, the Law School Registrar shall send a list of students to be dismissed due to grade point averages to the Associate Dean for Academic Affairs, who shall then send a written notice of dismissal to each such student. The notice shall be accompanied by a statement of the Academic Standards relating to dismissal, reinstatement, and the procedure for filing a petition for reinstatement.

B. Petition Procedure: The procedure for filing a petition for reinstatement is as follows:

1. Time for Petition: A petitioning student must file a petition for reinstatement within 15 days after the date of mailing of the notice of dismissal. The student shall file the petition with the Associate Dean for Academic Affairs.
2. Form and Style of Petition: A petition for reinstatement shall be typed and titled "Petition for an Exception to the Rules for Academic Dismissal."

C. Reference to Academic Standards Committee: The Associate Dean for Academic Affairs shall refer any petition for reinstatement to the Academic Standards Committee for review.

Section 607. Guidelines for Review by the Academic Standards Committee:

- A. General: The Academic Standards Committee sitting without student members, unless the petitioning student elects otherwise, shall review any petition for reinstatement filed under Section 606. In reaching its determination, it shall be guided by the considerations stated in subsections (B) and (C) below.
- B. Specifications of Reason for Academic Failure: The petitioning student must allege and prove that the student possesses the requisite ability and that the prior disqualification does not indicate a lack of capacity to complete studies at the Law School. The petitioning student must also state any extraordinary circumstances beyond the student's control, which rebut the presumption raised by the student's record, and which establish that the deficiency was not due to lack of capacity to complete the program of legal education and be admitted to the bar. If the circumstances are related to physical or psychological incapacity in the course of a semester, or before or during an examination, convincing medical proof must accompany the petition.
- C. Scope of Relief: The Academic Standards Committee is authorized to
 1. deny the petition; or
 2. grant the petition, upon terms and conditions stated by the Committee.

For every admission or readmission of a previously academically dismissed student, a statement of the considerations that led to the decision shall be placed in the student's file.

D. Guidelines for Readmitted Student: In all cases of readmission the Academic Standards Committee shall determine, on an individual basis, the terms and conditions for readmission, including, but not limited to, the disposition of grades earned prior to readmission. For readmitted students, the grades

received by the student in the year(s) prior to readmission being repeated shall not be computed in determining class rank or grade point average, but such grades shall be retained upon the student's transcript. In the case of such student, the following notation shall appear on the transcript: "By faculty action this student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student's academic average and class rank on this transcript, only the grades received after readmission are included."

- E. Faculty Review of Decisions by Academic Standards Committee: The Academic Standards Committee shall notify the petitioning student in writing of its decision and of the availability of full faculty review of an adverse decision. The faculty, sitting without student members, unless the petitioning student elects otherwise, shall review the Committee's decision at the request of three full-time faculty members. The petitioning student may appear at the faculty meeting only if the faculty so requests. The faculty shall affirm the decision of the Academic Standards Committee unless, upon review of the available information, the faculty is convinced that the decision is clearly erroneous.

Section 608. Effect of Academic Dismissal:

- A. Attendance and Refund: If a student's cumulative grade point average falls below 2.30 at the end of any semester and/or if a student receives notice of dismissal for poor scholarship while the student is in attendance at the Law School during the next succeeding academic session, the student is eligible to take any final examination(s) or submit any papers or projects for grades for that academic session. However, the student may instead elect to withdraw, in which event the Law School will recommend to the Vice President for Finance of Western New England University that an appropriate refund of tuition be made to any student who is dismissed for poor scholarship during the next succeeding academic session.
- B. Eligibility to Petition for Reconsideration: Any former student dismissed for poor scholarship who is not readmitted immediately following dismissal may petition the Associate Dean for Academic Affairs subject to the following limitations:
 - 1. the petition must be filed not later than 90 days prior to the date upon which the former student wishes to return as a student;
 - 2. the petition must request reentry at a date when at least two years have elapsed after dismissal;
 - 3. the petition must allege and substantiate that the nature of the former student's work, activity, or studies during the interim indicate a stronger potential to complete the program of legal education and be admitted to the bar;

4. this provision applies both to students who filed a petition for readmission at the time of dismissal, and also to those students dismissed for poor scholarship who did not file such petition immediately after dismissal; and
5. the petition shall be reviewed and acted upon by the Academic Standards and Committee.

PART VII. ASSOCIATE DEAN FOR ACADEMIC AFFAIRS

Section 701. Associate Dean for Academic Affairs

The Associate Dean for Academic Affairs is appointed by the Dean for an indefinite term. The Associate Dean for Academic Affairs responsibilities include, without limitation, the following duties:

- A. to develop and manage the curriculum;
- B. to administer academic standards as applied to individual students, including requests for exception to the Academic Standards; and
- C. to develop and manage an effective system of academic and career counseling.
- D. The Associate Dean for Academic Affairs or the Dean's delegate is authorized to grant variances from the Academic Standards in cases of extreme hardship or exceptional merit. All variances shall comply with American Bar Association Standards.

Section 702. Relationship between Associate Dean for Academic Affairs and the Academic Standards Committee:

- A. Petitions for Exceptions to Rules: All petitions filed for exceptions to the Academic Standards must be filed with the Associate Dean for Academic Affairs.
- B. Reference to Academic Standards Committee:
 1. The Associate Dean for Academic Affairs shall refer to the Academic Standards Committee any petition for:
 - a) readmission; or
 - b) reinstatement after suspension or dismissal from class for poor attendance;
 2. The Associate Dean for Academic Affairs shall refer any other petition for exception to the Academic Standards to the Academic Standards Committee.

- C. Any student who is dissatisfied with the application of these Academic Standards may pursue the matter with the Associate Dean for Academic Affairs. Thereafter, if the student is still dissatisfied, the student may pursue the matter further by petition to the Academic Standards Committee.

PART VIII. OTHER POLICIES APPLICABLE TO LAW STUDENTS

Section 801. All law students are bound by (1) law school policies; (2) Western New England University policies; and (3) the Honor Code.

Section 802. Law School Regulations and Procedures:

A. Classroom Use

The law school's facilities are under the exclusive control and reserved for the exclusive use of the Law School. If the facilities are not being used for Law School purposes, then alternative use of the classrooms may be permitted.

B. Use of Recording Devices in Class

No person shall use a recording device in any instructional situation in the Law School without the prior consent of the instructor. Exceptions to this regulation may be granted by the Associate Dean for Law Student Affairs to provide reasonable access and accommodations to persons with disabilities, consistent with applicable law.

C. Registrar's Files and Information:

1. Student Information: Each student is requested to complete a form at registration that provides the Law School with the student's local address, telephone number, emergency contact, and information concerning the student's employment while the student is enrolled. Maintenance of the accuracy of the form is the responsibility of each student.
2. Access to File: Under the Family Education Rights and Privacy Act of 1974 (FERPA), a student may inspect and review any and all official records, files, and data directly related to the student in the student's status as a student. The student will also have an opportunity for a hearing to challenge the content of the records to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.
3. The opportunity to inspect and review records under the Act may be performed only in the presence of and under the supervision of a member of the staff of the Law School.
4. A student who desires to exercise the opportunity to inspect and review must file a written request to do so.
5. Subsequent to the receipt of the request, but within the 45-day period specified in the Act, the Law School will designate a time and place for

the inspection and review of the records and the member of the staff who will be present.

6. The Law School will give notice of this information to the student on the basis of the address or telephone information provided on the request form.
7. If, after the inspection and review, the student desires an opportunity for a hearing to challenge the contents of the records, the student must file a request for a hearing on a form that has been created for this purpose.

8. Confidentiality of Registrar's Files and Information

The Privacy Act assures students the right to inspect and review all Law School records, files and data directly related to them with the exception of medical and psychiatric records, confidential recommendations submitted before January 1, 1974, records to which they have waived the right to access, and financial records of their parents or guardians.

9. The Privacy Act also prohibits the distribution of grades to parents or guardians without a student's prior written consent, or a statement of dependency from a parent or guardian when the student is a dependent as defined under the Internal Revenue Code.

10. However, the Law School may make public at its discretion, without prior approval, the following information: class year, home address, telephone number, University address and telephone number, major field, date and place of birth, dates of attendance at the Law School, degree honors, awards received, and previous educational institutions most recently attended. A student may limit the release of the discretionary information by filing a special form with the Provost/Vice President for Academic Affairs of the University each year.

D. *Faculty Evaluations*: Students shall be afforded the opportunity to evaluate each instructor in each course.

E. *Description of Faculty Committees*:

The Dean shall provide to the Student Bar Association a description of the charge and jurisdiction of each faculty committee for which students are eligible for membership. A student may file with the Student Bar Association a request for appointment to one or more faculty committees, stating the student's preference. The Student Bar Association shall announce a deadline for the receipt of student requests for faculty committee appointments. The Student Bar Association shall then certify the names of students to serve on each faculty committee to the Dean. The Dean shall then announce the names of the faculty and the student members on each faculty committee.

F. *Qualifications for Admission to the Bar*:

In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. The Law School encourages all applicants to determine the requirements for any jurisdiction in which they intend to seek admission by contacting the jurisdiction. Addresses for all relevant agencies are available through the National Conference of Bar Examiners.

PART IX. PROCEDURAL RULES FOR THE ACADEMIC STANDARDS COMMITTEE

G. *Section 901. Petitions to the Committee*:

A. Meetings with the Committee:

1. Initial Readmission Petitions: An individual who petitions the Committee for readmission to the Law School shall have the right to a meeting with the Committee with respect to the initial petition. Only the student and the Committee may be present at such a meeting.
2. Other Petitions: The Committee may grant, in the Committee's discretion, personal meetings for all other petitions.

B. Student Members: The petitioner may elect to include or exclude student members of the Committee from consideration and/or decision of the petition. Such an election is to be made in writing. If no election is made, student members will not participate in consideration or decision of the petition.

C. Record of Meetings: All personal meetings before the Committee shall be recorded and the record retained by the Law School.

D. Additional Information to the Committee: The Committee may request such additional information it deems necessary or helpful in order to act on a petition. The petitioners shall present all relevant material and information in their written petitions.

H. *Section 902. Petitions for Reconsideration:*

- A. New or Additional Information: The Committee shall review a petition for reconsideration of a prior petition only to determine if the reconsideration petition contains new or additional information which was not available or which could not reasonably have been available at the time of the original petition. If the Committee determines that the reconsideration petition contains such new information, then the Committee will reconsider its prior determination in light of this new or additional information. If the Committee determines that such reconsideration petition does not contain such new or additional information, the reconsideration will be denied.
- B. Action By Committee: The Committee may, in the Committee's discretion, meet with the petitioner during the reconsideration process; however, the petitioner shall not be entitled to such a meeting as a matter of right.

Section 903. Miscellaneous Rules:

- A. Communications with the Committee: Students or persons acting on the behalf of any student should communicate only with the Chair of the Committee with respect to any petition.
- B. Notice of Decision: All notices of decision shall be issued by the Chair of the Committee. The decisions of the Committee shall be communicated in writing to the petitioner. The notice of the decision shall be sent to the mailing address of the petitioner as listed on the petition. The petitioner may request that the written notice be held for him/her in the Registrar's Office of the Law School or that it be sent by another means.

APPENDIX

PETITION FORM

**WESTERN NEW ENGLAND UNIVERSITY
School of Law**

**ELECTION TO INCLUDE OR EXCLUDE THE STUDENT MEMBERS OF THE
ACADEMIC STANDARDS COMMITTEE FROM CONSIDERING AN INDIVIDUAL
PETITION**

CHECK ONE:

- 1. I request that the student members of the Academic Standards Committee participate in the deliberation of my petition and vote on its merits.
- 2. I request that the student members of the Academic Standards Committee participate in the deliberation of my petition, but not vote on its merits.
- 3. I request that the student members of the Academic Standards Committee **NOT** participate in the deliberation of my petition.

**REQUEST FOR PERSONAL APPEARANCE BEFORE THE ACADEMIC
STANDARDS COMMITTEE BY THE PETITIONER FOR AN EXCEPTION FROM
THE ACADEMIC RULES**

CHECK ONE:

- 1. I request to appear before the Academic Standards Committee and present an oral statement in support of my petition.
- 2. I do **NOT** request to appear before the Academic Standards Committee and present an oral statement in support of my petition.

PRINT NAME: _____

ADDRESS: _____

TELEPHONE: _____

SIGNATURE: _____

EMAIL: _____

DATE: _____

HONOR CODE

HONOR CODE

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Honor Code

Part I. Introduction and Purpose

Western New England University School of Law (School of Law) is dedicated to training members of the legal profession to serve the public, the bar, and the judicial system in the highest and finest traditions of a distinguished calling. To this end, the School of Law's primary mission is to educate lawyers whose professional lives are characterized by the lifelong pursuit of excellence in the craft of legal practice; by the reflective and ethical solution of legal problems; and by the continuation of, and the exercise of responsible stewardship over, a cherished tradition of public service in pursuit of the common good. The School of Law implements this mission through a distinguished faculty, a curriculum of integrated learning and a community of learning and professional service.

The Honor Code of Western New England University School of Law calls for a commitment by students to adhere to the highest degree of professional integrity. The Honor Code furthers the goal of the School of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The Honor Code is based on the fundamental principles of trust and respect. Each student who joins the School of Law community affirms, by the student's acceptance of a position in the community, this commitment to integrity, trust and respect.

Attendance at the Western New England University School of Law is every student's first step toward becoming a member of the legal profession. Essential to the well-being of the legal profession is the presence of a sense of honor, ethical integrity, and mutual respect among its members. The Honor Code is an integral part of proper and complete professional training.

The privilege of admission comes with a unique set of responsibilities not only to fellow students, but to the School of Law, to the legal profession, and to the public. The legal profession demands the highest degree of trustworthiness, honesty and public integrity. As future members of that profession, students of the School of Law are bound to observe principles that reflect the same high standards that govern the practice of law. This Honor Code sets forth conduct that is unacceptable, and therefore, prohibited. This Honor Code establishes minimum standards for student professional responsibility. The standards of conduct in this Honor Code are in addition to the standards set forth in the University Code of Conduct and violations of this Honor Code will be subject to the procedures and sanctions of this Honor Code, as set forth below.

The School of Law's mission is to promote a community where each student can obtain an outstanding legal education. To that end, this Honor Code is not intended to regulate ideas, but to foster an atmosphere of professionalism, trust, mutual respect, civility, and accountability in which those ideas can be created and explored. Upon admission, all students become part of the School of Law community and share in its mission. Accordingly, by matriculating at Western New England University School of Law, students accept the responsibilities set forth by this Honor Code, including the responsibility to participate in its implementation.

The purposes of this Code are to establish standards of honorable conduct expected and required of students at Western New England University School of Law; to constitute and define the authority of the Honor Committee; and to provide appropriate procedures which the Honor Committee and use to faculty enforce the standards this Code establishes.

Part II. Duties, Scope, and Authority

Section 2.1. Duties:

- A. All students have the duty to know the contents of this Honor Code and to conform their conduct to it. All students are presumed to know the contents of this Code and ignorance of its contents or ignorance of particular conduct that is prohibited under its provisions is not a defense to any violation of the Code.
- B. The School of Law has the duty to make copies of this Code available to students within one week of their matriculation. All students are bound by this Code even in the event that a copy of the Code has not been provided to them by the School of Law.

Section 2.2. Scope:

- A. The success of the Honor Code depends upon the diligence with which members of the School of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code. All suspected violations of the Honor Code should be reported to the appropriate faculty member(s), the Honor Code Committee, or the Associate Dean so that appropriate action can be taken. However, failing to give notice of such a suspected violation is not itself violation of this Code.
- B. All provisions of the Honor Code apply to the conduct of all students at Western New England University School of Law during the time they are enrolled in the School of Law. A student is subject to disciplinary action for violations of this Code, including violations in seeking admission, while enrolled at the School of Law or for any period of time during which the student was matriculated at the School of Law, even though the offending student is no longer enrolled in the School of Law.
- C. In addition to the School of Law Honor Code, students of the School of Law are fully subject to the University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein.

Section 2.3. Authority: The Dean of the School of Law is responsible for enforcing the Honor Code. The authority is delegated to the Honor Code Committee, or the dean's delegate and a Committee to be appointed by the Dean.

Section 2.4. Residual Authority: Although only the Honor Committee may determine that a student has violated this Code, nothing in this Code shall limit the authority of:

A. Instructors to establish academic standards of performance for their courses, to evaluate student performance under these standards, and to impose such sanctions for failure to adhere to these standards as is within the authority of the instructor, including without limitation, the authority to give a failing grade to the student for the course; and

B. The Dean or the faculty to take measures to protect the physical safety of members of the School of Law community, or to maintain conditions compatible with the educational process or institutional integrity of the School of Law.

Part III. Construction of Code

Section 301. Construction: The provisions of this Code shall be construed to further the general purposes of the Code and the specific purposes of the particular provision involved.

Part IV. Standard of Conduct

The following conduct, if committed by a student while engaged or participating in academic activities or any School of Law or university activity, will subject the student to action under this code:

Section 401. Academic Improprieties: Academic impropriety in all its forms, in course work, on examinations, or in other academically related activities, including but not limited to:

- A. Cheating in connection with an assignment or examination includes but is not limited to:
1. Acquiring information concerning an examination or assignment, without the instructor's authorization; copying from another student; unauthorized use of material or using unauthorized materials;
 2. Collaborating with another person without authorization from the supervising professor;
 3. Taking an examination for another student in whole or in part, permitting another student to take one's own examination in whole or in part, or collaborating with another student by taking an examination jointly, without the instructor's authorization;
 4. Preparing an assignment for another student in whole or in part, permitting another student to prepare one's own assignment in whole or in part, or collaborating with another student by preparing an assignment jointly, without the instructor's authorization;

5. Removing an examination from the examination room in order to give or receive assistance on the examination;
 6. Using materials not authorized by the instructor while taking an examination or completing an assignment;
 7. Failing to follow instructions concerning the administration of an examination, including the instruction to stop writing;
 8. Breaching the anonymity of an anonymously graded examination or assignment;
 9. Discussing any aspect of an examination or assignment that one has taken or is currently taking with any person who is currently or will later be taking the same examination or assignment, without the instructor's authorization;
 10. Submitting work previously submitted for any other purpose, without authorization;
 11. Falsely claiming sickness or disability to secure a deferred examination or assignment due date; and
 12. Assisting another student with legal research for any writing assignment, or receiving such assistance, without the instructor's authorization. Providing or receiving general assistance with generic research skills or strategies is not cheating unless this manner of assistance has been prohibited by the instructor.
- B. Plagiarism in any academic endeavor. Academic integrity requires that all ideas and words be credited to their original source. Plagiarism means representing the words or ideas of another as one's own. The misrepresentation need not be intentional; even inadvertent conduct constitutes plagiarism. Plagiarism includes, but is not limited to:
1. Quoting without citation or without appropriate punctuation, including quotation marks;
 2. Paraphrasing without appropriate attribution;
 3. Misrepresenting another's analysis, synthesis, organization, or compilation of sources as one's own; or
 4. Using Internet sources without appropriate attribution, on the same basis as any other source.

5. Submitting the same or substantially similar work for more than one course, unless authorized to do so by the professors teaching the courses.
 6. Knowingly obtaining, using, buying, selling or soliciting in whole or in part the contents of an unreleased examination.
 7. Intentionally causing a disadvantage to other students.
- C. Unauthorized Taking of Academic Materials. An unauthorized taking of academic materials occurs when a student appropriates any academic materials (including, but not limited to, notes, books, papers, outlines, computer files, electronic files, technology, or other electronic materials or other work product) from any other student who owns or is in proper possession of such materials, without that other student's consent.
- D. Library Misconduct. Library misconduct includes:
1. Defacing, mutilating, or destroying library material or equipment;
 2. Hiding or knowingly misfiling library material;
 3. Knowingly removing library material from the library without checking out the materials;
 4. Intentionally using any computerized research services covered by a contract to which the School of Law or its Library is a party in a manner that violates such a contract; and
 5. Creating disturbances that are inconsistent with the rights of others to a quiet study environment.

Section 402. Violations Discovered After Graduation: If a law student commits academic improprieties which are not discovered until after graduation, the student's graduation will not prevent the Honor Code provisions from applying. If, as a result of imposition of sanctions, the student no longer meets the requirements for graduation, the student's law degree will be withdrawn, as will any certifications to bar authorities.

Section 403. Violations involving University documents or records:

- A. Improperly using, destroying, forging, or altering University documents or records.

B. Misrepresentations, forged, falsified or altered information: Supplying forged, falsified or altered information while seeking employment, educational or professional opportunities or financial aid.

C. Intentional misrepresentation of School of Law academic or enrollment status, or involvement in extracurricular activities.

Section 404. Aiding or encouraging violations of this Honor Code: Aiding, encouraging, promoting or soliciting the doing of any prohibited conduct.

Section 405. Abuse or Obstruction of the Honor Code Process:

A. Non-cooperation with the Honor Committee is the refusal to meet with and provide information to the Honor Committee or its representatives with respect to any investigation or proceeding under this Code. No student is required to provide information of a self-incriminating nature. However, the Committee can draw an adverse inference in cases in which a student declines to provide responsive information to the Honor Committee.

B. Making a false or misleading statement to the Honor Committee or its representatives with respect to any matter under investigation or review pursuant to this Code.

C. Engaging in conduct intended to obstruct access to potential evidence, or to alter, destroy, or conceal potential evidence connected with an Honor Code investigation or proceeding.

D. Filing a frivolous complaint of an Honor Code violation with the intent to harass another student. A frivolous complaint is one without basis in fact.

E. Attempting to intimidate or deter complainants, witnesses, or other participants in an Honor Code investigation or proceeding.

F. Preventing the discovery of prohibited conduct.

Section 406. Breach of Confidentiality: Breaching confidentiality is knowingly revealing, without authorization, information obtained through participation in a formal School of Law activity (such as a Student Bar Association committee, a School of Law governance committee, Law Review, or some form of employment by the School of Law or University) if that information is of a confidential nature.

Section 407. Academic misconduct at another institution or program:

- A. Acts which would be a violation of the provisions of this Honor Code if committed at the School of Law, but which were committed while enrolled at another academic institution.
- B. A determination of academic misconduct by any other institution or program.

Section 408: Conduct during the admissions process: The following conduct, if committed by an applicant to the School of Law, and not discovered or disclosed until after the applicant's matriculation as a law student, will subject the student to action under this code:

- A. Knowingly providing false or misleading information to any person to gain an advantage in securing admission to the School of Law;
- B. Forging, falsifying or altering documents or records submitted in connection with the student's application for admission to the School of Law;
- C. Submitting false information in response to questions on the student's School of Law application or questions from admissions officers asked in connection with the student's School of Law application;
- D. Failing to provide information or providing incomplete information in response to questions on the student's School of Law application or questions from admissions officers asked in connection with the student's School of Law application if the omitted information would have been material to the decision of the School of Law Admissions Committee regarding the student's application.
- E. The conduct described above, if discovered or disclosed prior to the applicant's matriculation as a law student, will be reviewed by the Admissions Committee, which will determine whether the applicant's conduct should preclude admission to the School of Law. The Admissions Committee, where appropriate, will also forward information concerning the applicant's conduct to the School of Law Admissions Council.

Section 409. Misconduct in Seeking Employment: Knowingly providing false or misleading information to any person to gain an advantage in securing employment.

Section 410. Misconduct in Seeking Financial Aid: Knowingly providing false or misleading information to any person to gain an advantage in securing financial aid.

Part IV. Non-Academic Standards

Section 501. Non-academic misconduct is addressed by the terms and policies of Western New England University. Students of the School of Law are fully subject to the

University Code of Conduct, Student Handbook, standards, processes, and remedies set forth therein.

Part VI. Standard of Review for Violations

A student violates a standard of conduct set forth in this code if the Committee concludes by a preponderance of the evidence that the student engaged in the prohibited conduct.

Part VII. Sanctions

This Honor Code does not require the imposition of any particular sanction or range of sanctions for any of the types of misconduct described herein. Thus, for any misconduct under this Honor Code, the full range of sanctions described below is available. What sanction or sanctions are appropriate in a particular case will depend on the circumstances of that case.

Section 701. Possible Sanctions. The following sanctions may be imposed for violations of this Honor Code:

- A. Expulsion from the School of Law;
- B. Suspension with the opportunity to apply to the Admissions Committee for readmission after a specified period of time;
- C. Suspension for a definite period of time;
- D. Partial or total revocation or suspension of scholarship assistance;
- E. Probation for a definite period of time under specified terms or conditions with consequences specified for noncompliance;
- F. Removal from any student governmental office or position in any School of Law sponsored activity or organization or from any other University sponsored position of trust, responsibility or interest;
- G. Denial of the privilege of participation in any School of Law or University sponsored extracurricular or athletic activity or organization for a definite period of time;
- H. Written warning or reprimand, including a report to the dean and bar admission authorities;
- I. Verbal warning;
- J. Prohibiting or restricting access to and/or use of School of Law or University facilities or services;
- K. Monetary or other restitution;

- L. Change of grade in a course;
- M. Withdrawal of academic credit in a course; or
- N. Receiving no credit for an academic work product, with or without an opportunity to redo the product;

Section 702. Expulsion, suspension, and probation: The sanctions of expulsion, suspension and probation are inconsistent and shall not be imposed concurrently. Any suspension will be considered a total suspension from all School of Law classes and activities unless it is expressly limited to specified classes or activities. The sanctions of suspension and probation may be subject to conditions.

Part VIII. Rules of Procedure

Section 801. The Honor Code and Student Petitions Committee:

- A. **Composition.** The Committee shall consist of three members of the faculty, chosen by the faculty, and two law student representatives chosen by the Student Bar Association. The Associate Dean for Academic Affairs serves *ex officio*. The Student Bar Association also will designate two alternate members at the beginning of the year. If no students are able to serve, the Committee may go forward without student members. At the beginning of each academic year the Committee shall select a chair for that year from among its members.
- B. **Quorum.** A quorum for any meeting of the Committee shall consist of three members.
- C. **Withdrawal and Ineligibility of Members:** A member of the Committee may withdraw from the consideration of any Committee matter if such member believes that participation would be improper or unwise. A member of the Committee shall withdraw from consideration of any Committee matter if such member provided the statement of violation to the Committee, if such member may reasonably be expected to testify or otherwise furnish information regarding facts pertinent to the matter, or if such student member is charged with a violation of the Code in the matter before the Committee. A charge against a student member renders that student member ineligible for continued service on the Committee.
- D. **Replacement of Members:** Whenever a faculty member of the Committee withdraws from participation on the Committee, the Chair shall appoint another faculty member to serve. Whenever a student member of the Committee withdraws or is rendered ineligible from participation, the Student Bar Association President shall appoint one of the alternates designated to serve. The Dean or the Dean's designate shall appoint members in the event there is no quorum or the Chair of the Committee withdraws.
- E. **Responsibilities:**

1. The Committee shall resolve all suspected violations of this Code brought to its attention according to the procedures set out in this Code.
2. The Committee may also issue written advisory opinions as to whether particular hypothetical conduct constitutes a violation of this Code.
3. The Committee shall carry out all other responsibilities that this Code assigns to it.

Section 802. Investigation:

- A. Notification of Suspected Violation: Any person who reasonably believes that a student has violated this Code and who wishes to report such violation shall submit a statement, orally or in writing, containing all relevant information to any member of the Committee.
- B. Initiation of Investigation: As soon as practicable after receiving notification of a suspected violation, the Committee shall meet to determine whether investigation of the matter described in the statement is warranted. If the Committee determines by majority vote that investigation is warranted, the Chair shall appoint one faculty member and one student member of the Committee to serve as investigators. Investigators shall not thereafter act as members of the Committee with regard to the matter under investigation.
- C. Investigation: The investigators shall conduct their investigation in whatever way they consider appropriate, including gathering relevant documentary evidence and speaking to the person who referred the matter and other persons who may have relevant information. The investigators shall not reveal the name of the person who notified the Committee of a suspected violation or the name of the student whose conduct is under investigation unless doing so is necessary to their investigation.
- D. Before concluding their investigation, with respect to any student whose conduct is under investigation, the investigators shall:
 1. notify such student in writing of the investigation;
 2. provide such student with a copy of this Code; and
 3. advise such student in writing that the Code details the student's rights and responsibilities concerning all investigations and proceedings regarding alleged violations.
- E. The investigators shall complete their investigation within two weeks of the date of their appointment or within such longer time period as may be authorized by the Chair for good cause.

- F. After investigation, subject to the approval of a majority of the Committee members including the investigators, the Committee has discretion to dismiss the matter without issuing a complaint, informally resolve the matter, or issue a complaint.

Section 803. Filing and Notice:

- A. The investigators shall submit the original complaint to the Committee for placement in the file.
- B. The investigators shall, by certified mail and by electronic mail, send the student a copy of the complaint and a copy of this Code to the student's last known address. Concurrently with the mailing to the student, the investigators shall provide each member of the Committee with a copy of the complaint.
- C. The investigators' failure to provide the student with proper notice is not a ground for dismissal of the charges against the student. Such failure may constitute good cause for a continuance.

Section 804. Continuing Responsibilities of Investigators. After the issuance of a complaint, the investigators:

- A. may continue to gather evidence relevant to the alleged violation in preparation for the hearing on the charges set out in the complaint; and
- B. retain the authority to resolve the matter informally.

Section 805. Time Limitation. No investigation shall be instituted later than one year following the student's graduation, final withdrawal, or dismissal from the School of Law.

Section 806. Hearing, Decision, and Sanction:

- A. Timing: As soon as practicable after the Committee receives a copy of the complaint, the Committee shall determine the date, time, and place of the hearing on the alleged violation, and notify the student, by certified mail and electronic mail, of the time and place and of the student's rights. At any time, the Committee may grant a continuance of a hearing for good cause shown.
- B. Rights of Student Charged: A student who has been charged with a violation of the Code shall have the following rights:
 - 1. to be present at the hearing and, at the student's expense, to be assisted at the hearing by counsel or any other representative of the student's choice;

2. to review (personally and/or through counsel and/or representative) any information gathered by the investigators and any evidence in the possession of the investigators at a reasonable time prior to the hearing;
3. to present any relevant evidence at the hearing and to cross-examine any witnesses who testify at the hearing;
4. to testify at the hearing or to refrain from testifying; if however, the student refrains from testifying, the Committee may draw an adverse inference;
5. to a closed hearing, or, upon written request to the Committee, an open hearing;
6. to request or oppose at the hearing any particular sanction for violating this Code; and
7. to prepare, at the student's expense, a daily transcript of the hearing record.

Section 807. Conduct of the Hearing:

- A. **Judges.** The three Committee members not serving as investigators, shall serve as judges and they shall appoint one member to serve as presiding judge for the hearing. The presiding judge shall convene the hearing and shall advise the student of the student's rights.
- B. **Investigators:** The investigators shall present all relevant evidence, including any exculpatory evidence, to the judges.
- C. **Evidence:** Formal rules of evidence do not apply at the hearing. The presiding judge shall admit to the record any relevant evidence, unless it was obtained unlawfully. Notwithstanding the right to an open hearing, witnesses other than the student charged with a violation shall not be present during other testimony unless at least three judges decide otherwise.
- D. **Decision:** A majority vote of the Committee is required to find a violation.
- E. **Hearing Record:** The judges shall maintain a recording of the hearing and preserve all documentary evidence.
 1. **Opinion:** Within seven days of the hearing the judges shall prepare a written opinion briefly setting forth: the evidence they considered; their findings of fact; their decision on the merits of each charge set out in the complaint; the sanctions imposed, if any; the reasons for their decisions on the merits and as to any sanctions; and the number of judges who concurred in each aspect of the decision.
 2. A judge who disagrees with any aspect of the disposition may prepare a separate opinion.

3. As soon as practicable, the judges shall send a copy of each opinion by certified mail and electronic mail to the student charged in the complaint to the student's last known address.

Section 808. Records of Proceedings:

- A. **Committee File: Creation and Maintenance:** The Committee shall create and maintain a file with respect to every notification of suspected violation and advisory opinion. The file shall contain all documents relevant to the Committee's consideration and disposition of the matter in question.
- B. **Duty to Prepare Official Record: Matters Resolved After a Hearing:** When a matter is resolved after a hearing, the official record shall contain the hearing record maintained, the original complaint, the judge's opinions, any decision on appeal, and any other information the Committee decides should be retained.

Section 809. Appeals:

- A. **Right of Appeal:** The student may appeal the judges' decision or the sanctions imposed, or both, to the faculty. Requests to stay sanctions pending the appeal, shall be submitted to and considered by the Committee.
- B. **Notice of Appeal:** Within ten days of receiving the decision, or within such additional time as the Chair may allow, a student who wishes to appeal must submit a written notice of appeal to the Chair. The notice of appeal shall include a brief statement of the reasons for appeal. The student may assert additional grounds for the appeal in the written brief. As soon as practicable after receiving notice of an appeal, the Chair shall inform the Dean of its submission.
- C. **Written Briefs:** The student (or the student's representative) and the investigators may submit written briefs regarding the appeal within.
- D. **Record of Hearing:** At the request of the faculty or the student taking the appeal, the Chair of the Committee shall make available the record of the hearing. The Committee shall make such copies of the recoding available as soon as practicable.
- E. **Transmission of Documents:** As soon as practicable, but in no event later than two days before the hearing on appeal, the Chair of the Committee shall transmit to the faculty copies of the written notice of appeal submitted by the student, the complaint, the judge's written opinions and any briefs submitted.
- F. **Hearing on Appeal:** As soon as practicable after receiving notice of an appeal from the Chair of the Committee, the Dean shall set the date, time, and place for the hearing of the appeal by the faculty and shall provide at least five days

advance written notice of this date, time, and location to the student and to the Chair of the Committee. The Dean, or a faculty member designated by the Dean, shall preside at the hearing on appeal.

- G. Oral Statement: The student (and the student's representative) and the investigators may make brief oral statements to the faculty regarding the appeal.
- H. Decision on Appeal: As soon as practicable after the hearing on appeal, a majority of the faculty voting on the appeal shall affirm, reverse, or modify the judges' decision and sanctions, or remand the matter to the Committee. The faculty shall affirm all findings of fact made by the judges unless it determines that the findings were not supported by substantial evidence. The faculty shall not consider any evidence outside the hearing record, although for good cause shown the faculty may remand the matter to the Committee for the purpose of taking additional evidence. The faculty shall review *de novo* any sanction imposed by the judges, but shall not increase any sanction. The faculty shall also review *de novo* any interpretation of this Code made by the judges.
- I. Withdrawal: A faculty member may withdraw from participation and voting in the determination of an appeal if such member believes that participation or voting is improper or unwise. A faculty member shall withdraw from participation and voting in the determination of an appeal if the faculty member filed the statement of violation with the Committee, represented the charged student in connection with the charges, or served as a witness during the hearing. Neither Committee members nor investigators shall be present or vote at the hearing on appeal except to provide a statement as provided above.
- J. Disqualification: The student may petition the faculty to disqualify not more than two faculty members from voting on the appeal. The student shall present a written memorandum in support of the petition to the faculty. By majority vote, the faculty may grant the petition and disqualify up to two faculty members from hearing the appeal. Faculty members who are the subject of the petition shall not vote on the question of their disqualification.
- K. Finality of Decision on Appeal: Decisions of the faculty on appeal shall be final. Decisions of the Committee pursuant to a remand by the faculty shall be appealable as provided in this Part.

Part IX. Reports to Bar Authorities

Section 901. As a gateway to the legal profession, the School of Law holds students to a high standard of professional and ethical conduct. The School of Law is required to certify graduates' good character and fitness to state bar examiners. Every finding of an Honor Code violation will be reported by the Dean to any board of bar examiners or equivalent bar investigative authorities for any bar to which the student applies. Students are also

responsible for disclosure on the character and fitness requirements of the bar in the state or states where they intend to practice.

Part X. Ratification and Effective Date

Section 10.01. Ratification and Effective Date: This Code, and any amendments thereto, shall take effect upon ratification by majority vote of the faculty and shall be updated and amended by following the procedures set forth in the faculty handbook.

Section 10.02. Prospective Application. This Code shall apply to conduct only if the conduct in question occurs entirely after the date of ratification. Amendments to this Code also shall have only prospective effect. Conduct not governed by this Code is governed by the Honor Code in effect at the time the conduct constituting an alleged offense commenced.