

**RULES OF THE  
SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW  
ACADEMIC YEAR 2009–10**

**Last Amended October 20, 2009**

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## ARTICLE I - DEFINITIONS AND GENERAL PROVISIONS

[added 4/14/09]

### 1. Definitions

Unless the context otherwise requires, in these Rules the following terms shall have the following meanings:

“Act of admission misconduct” means submitting materially false information or omitting material information, on or in connection with the person’s application for admission, readmission, or transfer to the School of Law, including any supporting documents or oral statements pertinent to the application, or committing any act of moral turpitude in conjunction with such application. For purposes of this definition, information is “material” if it would likely affect a decision regarding the application.

“Applicant” means a person who has applied for admission to the School of Law in the J.D. program.

“Associate Dean” means the person who has primary responsibility for overseeing academic affairs at the School of Law, regardless of the person’s title.

“Day,” when used to measure time, means a day other than a Saturday, Sunday, a holiday recognized by the University, or a day on which SIUC is closed.

“Dean” means the Dean of the School of Law.

“Director of Admissions” means the person who has primary responsibility for overseeing admissions to the School of Law, regardless of the person’s title.

“First-year student” means a student who has successfully completed 24 or fewer hours of academic credit at the School of Law.

“GPA” means grade point average.

“LSAC” means the Law School Admission Council.

“LSAT” means the Law School Admission Test.

“LSDAS” means the Law School Data Assembly Service.

“School of Law” or “Law School” means the Southern Illinois University School of Law.

“Second-year student” means a student who has successfully completed more than 24, but fewer than 54, hours of academic credit at the School of Law.

“Send,” in connection with a writing or notice means (a) to deposit in the mail or deliver by any other usual means of communication with postage or cost of transmission provided for and properly addressed; or (b) in any other way to cause to be received any writing or notice within the time it would have arrived if properly sent.

“SIU” or “University” means Southern Illinois University.

“SIUC” means Southern Illinois University Carbondale.

“SIUE” means Southern Illinois University Edwardsville.

“Student” means a student who has matriculated at the School of Law in the J.D. degree program.

“Third-year student” means a student who has successfully completed at least 54 hours of academic credit at the School of Law, but has not yet been awarded a J.D. degree.

“Writing” includes printing, typewriting, any other intentional reduction to tangible form, or any electronic or other medium for storage of information that is retrievable in perceivable form. “Written” has a corresponding meaning.

## **2. General Provisions**

- (a) Notice. Whenever these Rules require a person to “notify” another or to “give” or “send” a notice or notification, the person satisfies that requirement if the person takes such steps as may be reasonably required to inform the other in ordinary course. Provided, however, that if a specific method of conveying the notice or notification is required in these Rules, the person must use that more specific method; but a failure to use the more specific method of conveying the notice or notification shall not affect the validity of the person’s actions if the other actually learns of the content of the notice or notification within the time provided in these Rules or, if no time is provided, within a reasonable time.
- (b) Gender. Whenever required by the context in these Rules, the singular number shall include the plural and vice versa, and the masculine gender shall include the feminine and the neuter and vice versa.

## **ARTICLE II - ADMISSIONS (J.D. Degree)**

[amended 4/14/09]

### **1. Regular Admission**

By September 1 of each year and as needed during the year, the Dean shall send the Admissions Committee a written charge setting targets for the size, LSAT and undergraduate

grade point average statistics, and other characteristics of the entering class for the following academic year. The Admissions Committee shall adopt admissions policies and requirements for the application cycle for that entering class.

- (a) Requirements for Admission. In order to be considered for admission to the School of Law, an applicant must have:
  - (i) received a bachelor's degree, or the equivalent, prior to matriculation;
  - (ii) taken the LSAT;
  - (iii) registered with LSDAS; and
  - (iv) submitted a complete application, including required documentation.
- (b) Criteria for Admission. In order to be admitted to the School of Law, the applicant must have demonstrated a capacity for the study of law by a satisfactory undergraduate record and satisfactory performance on the LSAT. While admissions decisions will be based primarily on these criteria, the School of Law, in seeking to obtain a diverse, intelligent, and highly motivated student body, may also consider all special circumstances which are brought to the attention of the Admissions Committee. These special circumstances are of particular importance whenever there are more qualified applicants than there are positions available.
- (c) Fee. Applications for admission to the School of Law must be accompanied by an application fee in an amount set by the Dean. The application fee may be waived if the applicant has been granted a fee waiver through LSAC.
- (d) Application Period. Applications may be filed any time after September 1 of the calendar year preceding the year in which the applicant seeks admission.

## **2. Special Admission**

The Admissions Committee may admit a very limited number of exceptional students to the School of Law upon the completion of their junior year of undergraduate study. These exceptional students must meet the following criteria to be considered for early admission:

- (a) be enrolled as an undergraduate student at SIUC or SIUE;
- (b) be recommended and approved by the dean of their undergraduate college, or chair of their department, or the equivalent thereof;
- (c) have an outstanding undergraduate grade-point average and an exceptional LSAT score; and
- (d) comply with the requirements for regular admission in Rule II.1, other than

section II.1(a)(i).

### 3. Transfer

Applications for admission with advanced standing (transfer) will be considered by the Associate Dean if and to the extent that there is space in the second-year class. [amended 11/2005; 4/14/09]

- (a) Requirements for Admission of Transfer Student. In order to be considered for admission to the School of Law by transfer, the applicant must meet the following requirements.
  - (i) Current Admission Requirements. The applicant must meet all current admission requirements set forth in Rule II.1(a).
  - (ii) Minimum One Year. [amended 10/20/09] The applicant must have been enrolled at a school that satisfies the American Bar Association standard for admission with advanced standing, and must have completed at least:
    - a. one full year of law study at a school which operates on the semester system; or
    - b. two quarters or trimesters at a school which does not operate on the semester system.
  - (iii) Good Standing. The applicant must be in good standing at the school from which the applicant is transferring. [amended 11/2005; 4/14/09]
  - (iv) Documentation. The applicant must provide to the law school the following documents: official transcripts of all undergraduate studies and certification of a degree; an LSDAS report; official transcripts of all law work previously undertaken; a statement of class rank, if available, from the applicant's original law school; a letter from the office of the dean of the applicant's original law school stating that the applicant is in good academic standing and is eligible unconditionally to continue as a law student at that school; and other materials as requested.
- (b) Criteria for Admission of Transfer Student. Approval of transfer applications is discretionary. Transfer applicants may be admitted if it appears that the applicant is likely to successfully complete the requirements for graduation from the School of Law. In making this assessment, the Associate Dean will give primary consideration to the applicant's law school record including, particularly, class rank, GPA, law school attended, and whether the law school attended was approved by the American Bar Association; LSAT; undergraduate GPA, undergraduate school attended and subjects taken; and may consider other relevant factors.

- (c) Effect of Admission of Transfer Student. Admission as a transfer student is subject to the following limitations.
- (i) Number of Credit Hours Transferred. Except in unusual circumstances, an applicant may transfer no more than 30 semester hours from an ABA approved law school. An applicant may transfer no more than 30 semester hours from a non-ABA approved law school. [amended 11/2005; 10/20/09]
  - (ii) Grade Needed for Transfer of Academic Credit. The School of Law will grant credit only for a course from another law school in which an applicant has earned a grade that is equal to or better than the grade point average required by the other law school for graduation from that school. Provided: Credit may be awarded in the discretion of the Associate Dean for courses graded “credit/no-credit” or the equivalent, subject to the limitations for receiving credit for non-graded courses at the School of Law. [amended 4/14/09]
  - (iii) Graduation Requirements. After admission, the transfer student must satisfy all graduation requirements of the School of Law; this may require taking one or more first-year or other required courses which the transfer student did not take at the student’s original school, or which the Associate Dean determines are not equivalent to courses taken at the student’s original school. [amended 4/14/09]
- (d) Application Period. An applicant may apply for transfer at any time, but the application will not be acted upon until the applicant has satisfied all the requirements of Rule II.3(a).

#### **4. Special Students**

The following individuals may enroll in law school classes with the permission of the Associate Dean and the instructor in the class, even though they are not candidates for the J.D., M.L.S., or LL.M. degree:

- (a) a student enrolled as a graduate student in another department of the University or as an unclassified graduate student;
- (b) any person who holds a J.D. or equivalent degree from an accredited law school, but such person may not be awarded academic credit at the law school and is to be classified as a non-degree, unclassified student; and
- (c) a student in good standing at another law school who will take 30 or fewer hours of courses at the law school as a visiting student and apply the academic credit earned at the law school toward the graduation requirements at the student’s home school.

## **5. Part-Time Students**

Applicants who expect regularly to enroll for fewer than 12 credit hours per semester may apply for admission as part-time students. Part-time students may be admitted provided that the Associate Dean is convinced that the circumstances justify it. Only in exceptional circumstances should the number of part-time students exceed five percent of the regularly enrolled students in the law school.

## **6. Misconduct in the Admissions Process [amended 4/14/09]**

Any information indicating that a matriculated student or an applicant who has been admitted but not yet matriculated has committed an act of admission misconduct shall be promptly referred, along with any supporting evidence, to the Associate Dean, in the case of a matriculated student, or to the Director of Admissions, in the case of an applicant who has been admitted but not yet matriculated. Upon receipt of such information, the following procedures apply.

### **(a) Matriculated Students**

- (i) The Associate Dean may conduct any necessary investigation to determine the relevant facts. If the Associate Dean determines that there is no substantial evidence that the student committed an act of admission misconduct, that determination shall be conclusive and nonreviewable. If appropriate, the Associate Dean shall place a copy of the determination in the student's permanent file.
- (ii) If the Associate Dean determines that there is substantial evidence that the student committed an act of admission misconduct, the Associate Dean shall notify the student in writing of the allegation of admission misconduct and shall inform the student of the procedures of this rule. Such notice and information shall be sent by certified mail, return receipt requested, or other method of transmission that provides comparable proof of delivery, to the student's last known mailing address, as reflected in the law school records.
- (iii) Within 14 days of the date of mailing of the Associate Dean's notice, which period may be extended by the Associate Dean for good cause, the student may file with the Associate Dean a statement, together with such evidence as the student may choose to present, to rebut, explain, excuse, or justify the alleged misconduct. The student may also request the opportunity to appear in person before the Associate Dean in support of the student's defense, and any such request shall be granted unless to do so would unreasonably delay the determination of the matter or be impractical for some other reason.
- (iv) After receipt of the student's response (if any) and the meeting (if any), the

Associate Dean shall make a final determination, based on a preponderance of the evidence standard, as to whether the student committed an act of admission misconduct. In making this determination, the Associate Dean may consult with the Academic Standards Committee or the Admissions Committee.

- a. If the Associate Dean finds that the student did not commit an act of admission misconduct, the Associate Dean shall prepare a written report including the Associate Dean's findings, send the report to the student, and place a copy of the report in the student's permanent file.
  - b. If the Associate Dean finds that the student did commit an act of admission misconduct, the Associate Dean shall prepare a written report including the Associate Dean's findings and a recommended sanction or sanctions, which may include a formal reprimand, suspension from the law school for a fixed period of time, or dismissal from the law school and revocation of the student's admission. The Associate Dean shall send a copy of the report to the student and shall send the report and the record, including a recording of the meeting with the student, if any, to the Dean. The Dean shall affirm the Associate Dean's findings if supported by substantial evidence in the record and will make the final determination as to the appropriate sanction and administer the sanction. A copy of the Dean's decision shall be given to the student and a copy shall be placed in the student's permanent file. The Dean shall report orally the disposition and sanction imposed to the faculty at the next regular faculty meeting, in executive session.
- (b) Non-Matriculated Applicants. The Director of Admissions shall resolve the matter in consultation with the Dean or Associate Dean and the Admissions Committee. The Director of Admissions' resolution shall be conclusive and nonreviewable.

### **ARTICLE III - ACADEMIC REGULATIONS**

#### **1. Grades and Grading System**

- (a) Grading Scale. Except when specifically provided otherwise in these Rules, grades at the School of Law shall be awarded on a scale of 0.0 to 4.0 (including the use of tenths). Students will not receive credit toward the 90 hours required for graduation in a course in which they receive a grade lower than 1.3. [amended 2/20/07; 4/15/08]
- (b) Median Grade. When awarded on the scale set forth in subsection (a), grades at

the Law School shall conform to the medians set forth in this subsection (b), except that there is no required median for any section of any course in which six (6) or fewer students are enrolled for graded credit. [amended 2/20/07; 4/15/08]

- (i) Instructors Teaching Multiple Sections. An instructor who has more than one section of the same course may combine those sections for purposes of setting the median.
  - (ii) Graduate Students. An instructor shall exclude any graduate student(s) taking the course for credit in the Graduate School when: (A) setting the median for a course or section of a course, or (B) calculating the size of the course (or section of the course) for purposes of selecting the proper median range.
  - (iii) Required First-Year Courses. The median grade in each section of each required first-year course shall be no lower than 2.85 and no higher than 2.95.
  - (iv) Other than Required First-Year Courses. Except as otherwise provided in this subsection (b), the median grade in all sections of all courses not covered by subsection (iii) shall be no lower than 2.9 and no higher than 3.1.
  - (v) Courses with Smaller Enrollment. In any course, including seminars, in which more than six (6) but fewer than thirteen (13) students are enrolled, the median shall be no lower than 2.8 and no higher than 3.4.
  - (vi) Courses or Sections with GPAs Outside the Median Range. In any upperclass course, or section of a course, in which the median cumulative grade point average of students enrolled in and examining in such course is above or below the prescribed range, the permissible median grade range in such course may be expanded upward or downward to include the grade number closest to the median cumulative grade point average for students enrolled in and examining in such course.
- (c) Grade Distribution. Grades at the Law School shall conform to the grade distributions set forth in this subsection (c), except when (i) fewer than thirteen (13) students are enrolled for graded credit in a course (or any section of a course), or (ii) the instructor provides the Dean with a written explanation of the reason(s) for deviating from the expected distribution. After grades are posted, the Dean shall make all written explanations available to the faculty.

Percentage of Students Expected to Fall in Each Grading Range for First-Year Courses:

3.7–4.0

5–20%

3.2–3.6	10–40%
2.7–3.1	15–55%
2.3–2.6	15–40%
< 2.3	5–30%

Percentage of Students Expected to Fall in Each Grading Range for Second- and Third-Year Courses:

3.8–4.0	5–20%
3.3–3.7	15–40%
2.8–3.2	20–50%
2.3–2.7	15–35%
< 2.3	5–20%

- (d) Satisfactory/Unsatisfactory Grading. [amended 10/17/07] Students may earn academic credit for a grade of “S” in courses graded on a Satisfactory/Unsatisfactory (“S/U”) basis only in the following circumstances.
- (i) Courses Approved for S/U Grading. The faculty has approved the course for S/U grading prior to the beginning of the registration period for that course.
- (ii) Limited S/U Grading at Instructor’s Option. An instructor may, but is not required to, allow a specified number of students, not to exceed five, to register for a non-required course for S/U grading, even though the remainder of the students in the course will be graded on the scale described in subsection (a). The instructor must inform the Registrar and Associate Dean of the instructor’s election of this option at least one week prior to the beginning of the registration period for the course. A student may not elect S/U grading under this subsection (d)(ii) unless the student has successfully completed at least 31 hours of credit prior to the semester in which the course is offered. A student may not receive more than six hours of credit for courses with S/U grading under this subsection (d)(ii). If an instructor allows students to register for a course under this subsection (d)(ii), the students taking the course for S/U grading shall not be identified in any examination or other assessment and are to be evaluated by the instructor according to the grading scale described in subsection (a). After the instructor has submitted final course grades

calculated on the scale described in subsection (a), the Registrar shall convert the grades of students who have elected S/U grading under this subsection (d)(ii) according to the following scale:

1.8 or greater	=	Satisfactory
below 1.8	=	Unsatisfactory

In determining whether the median grade for any such course complies with the requirements of subsection (b) and whether the distribution of grades conforms to the expectations of subsection (c), such determinations shall be made prior to the conversion of any grades on the scale described in subsection (a) to S/U grading and shall be made based on the grades of all law students enrolled in all sections of the course taught by the same instructor.

- (iii) Required S/U Grading of Students with Special Relationship to Instructor. S/U grading of a student shall be required if the instructor has an extremely close personal or family relationship with the student. This provision is to be invoked sparingly and only in cases where the relationship is of such nature that the awarding of a high grade in the course may give the appearance of impropriety or an unfair competitive advantage. This rule should not be construed to apply to the normal student-faculty friendship that frequently develops through a course of communication over a three-year period of time.
- (iv) Special S/U Grading in Legal Clinic Courses. Legal Clinic courses shall be graded according to the following special grade scale:

Satisfactory+	Outstanding Clinical Work
Satisfactory	Meets all Requirements Satisfactorily
Satisfactory-	Meets Requirements Minimally
Unsatisfactory	Does Not Meet Minimal Requirement
- (v) Non-School of Law Courses. The student has taken a course satisfying all the requirements of Rule IV.6.
- (vi) Transfer Students. The student has been admitted to the Law School as a transfer student and the Registrar has assigned a grade of "S" for courses taken at another law school for which the student receives academic credit at the Law School in accordance with Rule II.3.
- (vii) Summer School/Transient Students. The student has been approved to take summer school courses, or as a transient student, and the Registrar has assigned a grade of "S" for courses taken at another law school for which the student receives academic credit at the Law School in accordance with Rule III.5(b)(ii) or (iii).

- (viii) Extraordinary Circumstances. The Dean, after appropriate consultation, has approved a course for S/U grading in extraordinary circumstances, including but not limited to, the death, disability, or discharge of the instructor in the course.

No more than 21 hours of academic credit for courses described in subsections (d)(i)–(d)(v) may be counted toward the 90 credit hours required for graduation.

All credit awarded for courses graded on an S/U basis shall be excluded in calculating the student’s semester or cumulative grade point averages.

- (e) Incomplete. [amended 10/17/07] An instructor may, but is not required to, award a grade of Incomplete in a course where a student fails to complete all course requirements prior to the end of the semester in which the course is offered. When an incomplete is given to a student, the student must satisfactorily complete all course requirements within one year from the last day of the semester in which the student received the Incomplete grade, and the instructor shall submit a grade change card assigning the student a grade in the course to remove the Incomplete grade. If the student fails to satisfactorily complete all course requirements within such time, the Registrar shall enter a grade of 0.0 for the student in the course. This one-year period may only be extended with prior approval of the faculty for good cause shown.
- (f) Withdrawal. [amended 10/17/07] W is to be used to designate withdrawal from a course.
- (g) Non-Credit Courses and Requirements. [amended 10/17/07] All non-credit courses and non-credit graduation requirements must be satisfactorily completed, even though no grade is assigned for the course or requirement.
- (h) Release of Grades. [amended 10/17/07] The Registrar shall make grades available to the students enrolled in a course in such manner as required by University rule or as otherwise approved by the Associate Dean after consultation with the faculty. The Registrar shall not make grades available to students prior to the end of the examination period, unless the Associate Dean approves, for good cause shown, earlier release of such grades.
- (i) Timely Submission of Grades. [amended 10/17/07] The timely submission of grades in all Law School courses is important to its educational endeavors. To this end, and subject to any waiver as deemed necessary and appropriate by the Dean, all grades shall be submitted to the Office of the Registrar for all courses taken in the School of Law on or before the earlier of the following: four weeks from the date of the scheduled examination in the course or the Wednesday immediately preceding the first day of regularly scheduled classes for the next semester. For summer courses, grades must be submitted no later than the latter of three weeks from the date a final was given or the first day of fall classes.

- (j) Grades Assigned to Graduate Students. [added 2/20/07; amended 10/20/09] A faculty member teaching a law school course may determine the grade of a graduate student taking the course for Graduate School credit by a method of assessment that is the same as, different from, or additional to the method of assessment used by the faculty member to determine the grade of law students enrolled in the course. Regardless of the method of assessment, the faculty member shall either: (i) report the graduate student's grade to the Registrar using the Graduate School grading scale listed below, which grade the Registrar shall then report to the Graduate School; or (ii) report the graduate student's grade to the Registrar on the same grade scale as for law students enrolled in the course, in which case the Registrar shall report the grade to the Graduate School according to the conversion listed below:

Grade on Law School 4.0 Scale	Grade Reported to the Graduate School		
2.8 – 4.0	A	Excellent	4 grade points
1.8 – 2.7	B	Good	3 grade points
0.8 – 1.7	C	Conditional	2 grade points
0.1 – 0.7	D	Poor	1 grade point
0.0	F	Failing	0 grade points

- (k) Changing Grades After Submission to Registrar. [added 10/17/07] After an instructor has submitted final course grades to the Registrar and the Registrar has confirmed that the instructor's course grades conform to the requirements of subsections (a)–(c), the instructor may change a student's grade only if all the requirements of subsections (k)(i)–(k)(iii) are satisfied.
- (i) An instructor may change a grade only if the instructor made an arithmetic or clerical error in calculating a student's grade or if the instructor failed to read a substantial portion of a student's answer. An instructor may not change a grade based on a reassessment of the quality of all, or any part, of the student's answer.
  - (ii) The instructor must submit a written explanation of the nature and effect of the error (or failure to read an answer) to the Associate Dean. Absent compelling circumstances, the written explanation must be submitted to the Associate Dean no later than the first Monday in April with respect to a grade awarded in a course held in the preceding fall semester and no later than the first Monday in November with respect to a grade awarded in a course held in the preceding spring semester or summer session. The written explanation shall be accompanied by all available documentary evidence of any arithmetic or clerical error, such as spreadsheets, grading sheets, etc.
  - (iii) The Associate Dean finds clear evidence that the instructor made a mistake of the type described in subsection (k)(i) and that the error can be

corrected only by a change in the grade. Upon a finding of such clear evidence, the Associate Dean shall instruct the Registrar to change the grade.

The Associate Dean shall annually report to the faculty about all grade changes made pursuant to this subsection (k).

**2. Academic Good Standing, Probation, Readmission, Graduation Average and Voluntary Withdrawal [amended 4/15/2008, effective June 1, 2008]**

- (a) Good Standing at the End of the Second Resident Semester. Subject to subsections (b) and (c), at the end of the second resident semester (or the equivalent for a part-time student), only students with a cumulative grade point average of 2.300 or above shall be considered to be in “good standing” and eligible to continue studies at the School of Law.
- (b) Probation at the End of the Second Resident Semester. Except as otherwise provided in subsection (f)(i), at the end of the second resident semester (or the equivalent for a part-time student), a student whose cumulative grade point average is at least 2.250 but less than 2.300 shall be placed on academic probation and shall be promptly notified of such action, which notice shall include a copy of this rule. Such student is eligible to continue studies at the School of Law, but only on the conditions that: (i) such student achieves a grade point average of at least 2.300 in each of the next two resident semesters; and (ii) such student achieves a cumulative grade point average of at least 2.300 at the end of his or her fourth resident semester. A student who fails to meet either of these conditions shall be dismissed from the School of Law and shall not be entitled to petition for readmission. A student who is on academic probation may not take less than 12 hours per semester. A student who falls below the 12-hour minimum shall be dismissed.
- (c) Dismissal at the End of the Second Resident Semester and Readmission. At the end of the second resident semester (or the equivalent for a part-time student), a student whose cumulative grade point average is less than 2.250 shall be dismissed from the School of Law. The School of Law shall send prompt written notice to such student, which notice shall include a copy of this rule. If the student has provided the School of Law with both a local address and a permanent address, the notice shall be mailed to both addresses. A student who has been so dismissed from the School of Law may petition the Dean for readmission if: (i) such student had a cumulative grade point average of at least 2.200 at the end of two resident semesters; or (ii) such student achieved a grade point average of at least 2.300 in one of the two resident semesters, regardless of cumulative grade point average. A student who fails to meet either of these requirements may not petition for readmission and such student has no right to appeal, or to seek any other review of, the student’s dismissal, other than a grievance of a grade as provided in Rule III.3(g).

- (i) A student who is allowed to petition for readmission must file a written petition with the Dean within 30 days after notice of dismissal is mailed to the student as provided in section (c). Failure to file a timely petition for readmission shall preclude any further consideration of such petition for readmission. Such petition must address two issues: (a) Is there clear evidence in the student's law school record that the student is capable of achieving a cumulative grade point average of 2.300 at the end of the next two succeeding semesters? and (b) Is there any other clear evidence establishing a reason for the failure to achieve a cumulative grade point average of 2.300, which reason is not likely to recur if the student is allowed to continue studies at the School of Law, such as severe illness or other impairment at or near a final examination period? The petitioner may forward with the petition any documentary evidence which the petitioner deems relevant to a determination of these two issues.
- (ii) The Dean or his or her designee shall, within five working days after receipt of the petition for readmission, refer the petition to the Academic Standards Committee. The Academic Standards Committee shall be comprised as provided in Rule VI.7. Members of the Academic Standards Committee shall be provided a copy of the Report of the Rules Committee Regarding Readmission and Related Matters, dated November 19, 1991.
- (iii) Within 10 working days after receipt of the petition, the Academic Standards Committee shall advise the petitioner that the petitioner may appear before the committee to make a statement, furnish further documentary evidence, and answer questions from the members of the committee. If the petitioner elects to attend, the committee shall set a time and place for such meeting in consultation with the petitioner and such meeting shall be audio-taped for such time as the petitioner shall be present at such meeting. Within five working days after such meeting, the committee shall issue its written decision on the petition. The written decision shall address the two issues set forth in subsection (i) above. In order to grant the petition, the committee must find that the petitioner has proven by clear and convincing evidence an affirmative answer to each of the two issues. The committee's decision shall identify the evidence (or lack thereof) on each such issue. The committee shall send one copy of its decision to the petitioner and one copy of its decision, along with the petition, any documentation provided by the petitioner, and the audio-tape of the meeting, to the Dean.
- (iv) The decision of the committee to grant the petition shall be final. If the decision of the committee is to deny the petition, the petitioner may appeal the committee's decision to the Dean by written notice to the Dean sent within five working days after the petitioner's receipt of the committee's decision. The Dean shall review the petition, documentation, and the audio-tape and shall affirm the committee's decision if it is supported by

substantial evidence. The Dean shall send one copy of his or her decision to the petitioner and one copy to the chair of the committee. The decision of the Dean shall be final. The petition, documentation and audio-tape shall be preserved in the School of Law records for the period required by the School of Law records retention policy.

- (v) Except as otherwise provided in subsection (f)(ii), if a petition for readmission is granted, such student will be allowed to continue studies at the School of Law, but only on the conditions that: (i) such student attains a grade point average of at least 2.300 in each of the next two semesters; and (ii) such student attains a cumulative grade point average of at least 2.300 at the end of the fourth semester. A student who fails to meet either of these conditions shall be dismissed from the School of Law and may not petition for readmission and such student has no right to appeal, or to seek any other review of, the student's dismissal, other than a grievance of a grade as provided in Rule III.3(g). A student who has been readmitted must complete a minimum of 12 hours a semester. A student who falls below the 12-hour minimum shall be dismissed. [amended 11/2005; 4/15/08]
- (d) Academic Standing at the End of the Fourth Resident Semester. Except as otherwise provided in subsections (f)(i)–(f)(iii), at the end of the fourth resident semester, only students with a cumulative grade point average of 2.300 will be considered in “good standing” and eligible to continue their studies at the School of Law. Any student whose cumulative grade point average is less than 2.300 at such time shall be dismissed from the School of Law, but may petition for readmission as outlined in subsections (c)(i)–(v), unless such student has previously been on academic probation or readmitted, in which case no further petition for readmission shall be allowed and such student has no right to appeal, or to seek any other review of, the student's dismissal, other than a grievance of a grade as provided in Rule III.3(g).
- (e) Academic Standing After the End of the Fourth Resident Semester and Graduation Average. Except as otherwise provided in subsection (f)(iv), in order to graduate, a student must maintain a cumulative grade point average of 2.300 in all work completed after the student attains senior status and an overall cumulative grade point average of 2.300.
- (f) Special Rules for Students Enrolled Prior to May 31, 2008. Notwithstanding anything to the contrary in subsections (b), (c)(v), (d), and (e), the following special rules apply to students who had completed at least two resident semesters prior to May 31, 2008.
  - (i) Probation. A student who completed his or her second resident semester prior to May 31, 2008, and who had a cumulative grade point average of at least 1.950, but less than 2.000 shall be placed on academic probation as

provided in subsection (b) and is allowed to continue the student's studies, subject to the following conditions.

- a. such student achieves a grade point average of at least 2.300 in each of the next two resident semesters; and
- b. such student achieves a notional cumulative grade point average at the end of the student's fourth resident semester, calculated as follows: the student's good standing under subsection (d) shall be determined by adding .3 to the student's grade in each course completed prior to May 31, 2008, and then calculating a notional cumulative grade point average. In order to be in good standing, this notional cumulative grade point average must be at least 2.300 for all course work completed during the four resident semesters. The notional grade point average so computed shall be used solely for purposes of the calculation of good standing and shall not be reported as such student's actual cumulative grade point average.

A student who fails to meet either of these conditions shall be dismissed from the School of Law and shall not be entitled to petition for readmission and such student has no right to appeal, or to seek any other review of, the student's dismissal, other than a grievance of a grade as provided in Rule III.3(g). A student who is on academic probation may not take less than 12 hours per semester. A student who falls below the 12-hour minimum shall be dismissed.

- (ii) Dismissal and Readmission. A student who completed his or her second resident semester prior to May 31, 2008 and who was readmitted as provided in subsection (c) is allowed to continue the student's studies, subject to the following conditions:
  - a. such student achieves a grade point average of at least 2.300 in each of the next two resident semesters; and
  - b. such student achieves a notional cumulative grade point average at the end of the student's fourth resident semester, calculated as follows: the student's good standing under subsection (d) shall be determined by adding .3 to the student's grade in each course completed prior to May 31, 2008, and then calculating a notional cumulative grade point average. In order to be in good standing, this notional cumulative grade point average must be at least 2.300 for all course work completed during the four resident semesters. The notional grade point average so computed shall be used solely for purposes of the calculation of good standing and shall not be reported as such student's actual cumulative grade point average.

A student who fails to meet either of these conditions shall be dismissed from the School of Law and shall not be entitled to petition for readmission and such student has no right to appeal, or to seek any other review of, the student's dismissal, other than a grievance of a grade as provided in Rule III.3(g). A student who has been readmitted may not take less than 12 hours per semester. A student who falls below the 12-hour minimum shall be dismissed.

- (iii) Academic Good Standing at the End of the Fourth Resident Semester. A student who had completed two resident semesters prior to May 31, 2008 and who was in good standing at the end of the second resident semester will be deemed to be in "good standing" and eligible to continue studies at the School of Law if, at the end of the fourth resident semester, the student maintains a minimum grade point average of 2.300 for all course work completed after May 31, 2008.
- (iv) Graduation Average. Except as otherwise provided in subsection (f)(iv)(a), in order to graduate, and in lieu of the requirement of a minimum cumulative grade point average of 2.300 in subsection (e), a student who had completed at least two resident semesters prior to May 31, 2008 must maintain a minimum cumulative grade point average of 2.300 for all course work completed after May 31, 2008.
  - a. In order to graduate, a student who had completed at least five resident semesters prior to May 31, 2008, and who was in good standing at the end of the fourth resident semester must achieve a notional cumulative grade point average at the completion of all course work at the School of Law of at least 2.300, calculated as follows: the student's notional cumulative grade point average shall be determined by adding .3 to the student's grade in each course completed prior to May 31, 2008, and then calculating a notional cumulative grade point average. The notional grade point average so computed shall be used solely for purposes of determining whether the student satisfies the requirements of this subsection (f)(iv)(a) and shall not be reported as such student's actual cumulative grade point average.
- (g) Voluntary Withdrawal Before the End of the Second Resident Semester. A student who has completed less than two resident semesters may voluntarily withdraw from the School of Law and may return without petition if he/she does so within 15 months following the date of withdrawal; provided, however, that if such student has been assigned a final grade in any course (or has completed all assignments in a course, but not yet been assigned a final grade) prior to withdrawal, such student may not re-take such course prior to the end of the student's second resident semester and such student's good standing shall be determined at the end of the second resident semester based on his or her

cumulative grade point average in all law school courses in which a final grade has been assigned. If more than 15 months have elapsed since the student's withdrawal, he/she may return only by petitioning the Dean, which petition shall, subject to Rule III.2(c), be freely granted if justice so requires. Whether returning during the allowed 15-month period or by petition granted by the Dean, a student who withdraws during his or her first year must complete all required first-year courses before being permitted to take upper-level courses. Good standing will then be determined at the completion of the second resident semester as contemplated in Rule III.2(a).

- (h) Voluntary Withdrawal After the End of the Second Resident Semester. A student who has completed at least two resident semesters and who is in good standing may voluntarily withdraw from the School of Law and may return without petition if he/she does so within 15 months following the date of withdrawal. If more than 15 months have elapsed since the student's withdrawal, he/she may return only by petitioning the Dean, which petition shall, subject to Rule III.2(c), be freely granted if justice so requires. A student who has completed at least two resident semesters and who is not in good standing and who voluntarily withdraws from School of Law may return only by petitioning the Dean and such petition shall be treated in the way outlined for a petition for readmission.

### **3. Examinations and Other Forms of Evaluation [amended 11/2006]**

- (a) Methods of Evaluation. The instructor shall evaluate student academic achievement by examinations of suitable length and complexity, papers, projects, or assessment of performances of students in class or in the role of lawyers. The instructor must specify the method(s) of evaluation in the course syllabus. Except for first-year courses whose focus is legal writing and legal research, each first-year course must involve at least one "regular" examination—that is, a graded, timed, written, non-take-home examination, and, in each such course, at least 50% of the course grade must be based on one or more such examinations.
- (b) Anonymous Grading of Written Examinations. The Associate Dean, in consultation with the faculty, shall establish and maintain such policies and procedures as necessary to ensure the anonymity of grading of written examinations.
- (c) Saving Written Course Work. Unless the instructor returns examination answers, papers, or other written, graded course work to the students, the instructor must retain all such materials, and any written grading records, for one year following the date the instructor submits a grade in the course.
- (d) Examination Conflict and Reschedule Policy. Students must take all examinations, whether in-class or take-home, at the time and place announced either on the examination schedule or by the instructor, unless the examination is rescheduled by the Registrar for one of the following reasons:

- (i) a student has two examinations scheduled on the same day;
- (ii) a student is prevented from taking the examination(s) because of the student's illness or a death in the student's immediate family; or
- (iii) the Associate Dean has determined that a student is faced with other exceptional circumstances that justify rescheduling one or more examinations, which determination is not subject to review by grievance or otherwise.

A student may not reschedule an examination solely because the student has examinations on consecutive days. Any examination that is rescheduled shall be administered, if possible, on the reading day prior to the examination period. If rescheduling on the reading day is not possible, the examination will be rescheduled at such time as the Registrar shall determine.

- (e) Student Honor Code. Students must comply with the Southern Illinois University School of Law Honor Code during all examinations and other evaluations. The Associate Dean, in consultation with the faculty, shall establish and maintain such policies and procedures as necessary to provide for proctoring or monitoring of examinations and evaluations.
- (f) Timely Submission of Final Examinations. Instructors shall submit their final examinations to the Registrar each semester by the deadline(s) established by the Associate Dean, which deadline(s) shall be set with due regard for the time needed for instructors to adjust and finalize final examinations as the semester concludes and for the Registrar to prepare and distribute final examinations, including any need for them to be made available in alternative formats.
- (g) Student Grievances of Grades. Individual student grades, the content of examinations and other assessments, and the internal control and conduct of a particular course are considered matters within the academic judgment of the faculty member. The person best able to evaluate the student's performance is the faculty member who taught the course, because evaluation is affected by participation in the course, by the course objectives, by the materials covered in the course, by the method of presentation, and by reference to the general performance of the students in the course as a whole. A student may only file a grievance about a final course grade awarded to the student and only according to the following standards and procedures.
  - (i) Standard for a Grade Grievance. In order to prevail in such a grievance, a student must prove by demonstrable evidence that the grade was awarded due to prejudice or arbitrary and capricious conduct by the faculty member. A grade grievance may not be based solely on a claim that the faculty member exercised allegedly erroneous academic judgment—e.g., a student may not file a grievance that complains that the class standards

were too high, the course load was too heavy, the grades were too low, too much (or too little) weight was allocated to a particular exercise, question, or examination, etc.

- (ii) Meeting with Faculty Member. Before filing a written grievance, the student must make reasonable efforts to meet with the faculty member to discuss the grade.
- (iii) Filing of Written Grievance; Deadline to File. If the matter is not settled during the meeting with the faculty member or if the faculty member fails to meet with the student after the student has made reasonable efforts to schedule a meeting, the student may file a written grievance with the Associate Dean. The written grievance must allege that the grade awarded was the result of prejudice or arbitrary and capricious conduct by the faculty member and must include the evidence reasonably available to the student which the student believes substantiates that allegation. The written grievance must be filed with the Associate Dean no later than the first Monday in April with respect to a grade awarded in a course held in the preceding fall semester and no later than the first Monday in November with respect to a grade awarded in a course held in the preceding spring semester or summer session.
- (iv) Associate Dean's Determination; Dismissal or Referral to Academic Standards Committee. If the Associate Dean determines that the student's written grievance creates a reasonable suspicion that the faculty member awarded the grade as a result of prejudice or arbitrary and capricious conduct, the Associate Dean shall refer the matter to the Academic Standards Committee ("the Committee"). If the Associate Dean determines that the student's written grievance does not create reasonable suspicion that the faculty member has given a grade as a result of prejudice or arbitrary and capricious conduct, then the Associate Dean shall dismiss the grievance without further right of appeal in the law school. The Associate Dean shall make such determination no later than ten days after the date on which the written grievance was filed with the Associate Dean.
- (v) Committee Investigation. The Committee shall make an appropriate investigation into the circumstances surrounding the award of the grade and shall provide an opportunity for the grievant and the faculty member to present relevant evidence; provided, however, that neither the grievant nor faculty member is entitled to have counsel or other representative present at any hearing or other proceeding that the Committee may conduct.
- (vi) Committee Report. The Committee shall submit a written report to the Dean not later than 60 days after the date on which the Associate Dean referred the grievance to the Committee, unless the Dean shall grant the

Committee's request for additional time for good cause shown. The report shall contain: the Committee's findings of relevant facts; the Committee's conclusion whether the faculty member assigned the grade as a result of prejudice or arbitrary and capricious conduct; and, if the Committee recommends a decision in favor of the grievant, the remedy to be awarded to the grievant. The Committee may include in the report any additional materials it deems relevant.

- (vii) Dean's Decision. The Dean shall approve the Committee's findings if they are supported by substantial evidence; the Dean may reject the Committee's findings only if they are not supported by substantial evidence. If the Dean determines a grievance in favor of the grievant, the Dean shall award the remedy recommended by the Committee, unless the Dean concludes that the remedy is impracticable or inconsistent with University policy, in which case the Dean shall award an appropriate remedy. If the remedy awarded would cause the grades for the course to violate the mandatory median rule or any other law school rule relating to grades, the Dean shall have the authority to allow a deviation from the mandatory median rule or other rule. The Dean shall make such determination no later than ten days after the date on which the Dean received the Committee's report. The Dean's determination may not be further appealed in the law school.
- (viii) If a student files a grievance against a faculty member who at the time is serving as the Associate Dean, the Dean, or a member of the Committee, the Associate Dean (or the Dean if the Associate Dean is the faculty member involved) shall appoint another faculty member to act in connection with the grievance.

#### **4. Auditing**

Any person may audit a course with the permission of the instructor. An auditor shall not be required to take the final examination; however, the instructor may require that an auditor adhere to other rules applied to regular students such as class participation and attendance. [Transferred without change from Article I.7, 4/15/08]

#### **5. Degree Requirements**

- (a) Generally Required Courses. A candidate for the Juris Doctor (J.D.) degree must satisfy the entrance requirements, receive a passing grade (1.3 or higher on the 0.0 to 4.0 scale) in all required courses, and acquire 90 semester hours with the requisite averages stated in Article III. Required courses are all first-year courses plus Constitutional Law, Civil Procedure II, Evidence, Legal Profession, and a senior writing requirement (see Rule IV.5). [amended 4/15/2008, effective June 1, 2008]

- (b) Transfer and Transient Students. A candidate for the J.D. degree must complete at least six semesters at the School of Law, except as provided below.
- (i) Transfer students. Transfer students, under Rule II.3, may transfer in up to 30 semester hours.
  - (ii) Summer school. With prior approval of the Dean or Associate Dean a student may receive credit for up to 12 hours earned in summer sessions at other ABA/AALS approved law schools.
  - (iii) Transient students. A transient student is one who commenced study at the School of Law and who seeks to be awarded a J.D. degree from the School of Law by earning more than said 12 hours of credit at another law school.
    - a. Transient student status shall not be allowed except by prior approval of the Dean or Associate Dean upon a showing by the student that denial of transient status would work a hardship. To be awarded a J.D. degree as a transient student, at least 60 of the 90 hours required shall be earned at the School of Law. However, in addition to the maximum of 30 hours earned at another law school, a transient student may be allowed to add up to 6 hours earned in summer school at another law school.
    - b. The other law school for which transient status is approved must be a law school approved by the ABA and by AALS.
    - c. All other requirements for graduation from the School of Law must be met, e.g., required courses, overall cumulative average and senior average (Rule III.2(e)). This means, for example, that all hours attempted after obtaining senior standing—whether in this law school and/or at another approved law school—will be used to determine that a student has achieved the required senior average (2.3).
  - (iv) Grade Required. The School of Law will grant credit only for a course from another law school in which a student has earned a grade that is equal to or better than the grade average required by the other law school for graduation from that school. Provided: Credit may be awarded in the discretion of the Dean or designee for courses graded “credit/no-credit” or the equivalent, subject to the limitations for receiving credit for non-graded courses at the School of Law.
- (c) Time Limitation for Completion of J.D. The normal maximum period for a full-time law student to complete requirements for a J.D. degree is five years. All the requirements for the J.D. degree at this School must be completed within a maximum of six years from the time of first registration. In the case of transfer

students, the maximum period shall be the lesser of: (i) five years or, (ii) six years less the number of years already spent by the transfer student in another law school.

- (d) Credit Hour Limit. No student may register for more than eighteen credit hours during the fall or spring semester, or more than nine credit hours during the summer term. [amended 10/20/09]
- (e) Regular Attendance. Regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course; however, except for extraordinary circumstances, a first-year student and any other student enrolled in a first-year course may not accumulate absences in excess of twice the credit hours in any particular course during the term and a second-year or a third-year student may not accumulate absences in excess of three times the credit hours in any particular course during the term. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties in accordance with the provisions of this Article. Upon the recommendation of the professor involved, the Dean or Associate Dean may waive violation of this rule for extraordinary reasons.
- (f) Dropping Courses and Failure to Attend
  - (i) Non-required Courses. Upon the student's failure to attend classes in accordance with the attendance rules in a non-required course the Professor will advise the Associate Dean of this fact. The Associate Dean will then withdraw the student from that course.
  - (ii) Required Courses. Upon a student's failure to attend classes in accordance with the attendance rules in a required course the Professor will advise the Associate Dean of this fact. In the discretion of the Associate Dean, upon the recommendation of the professor, the student will be given a "W" or the lowest possible grade.
  - (iii) Sanctions for Additional Absences. Notwithstanding sections 4(f)(i) and 4(f)(ii), a student who has accumulated absences in excess of the allowable number shall have the option, with the consent of the professor teaching the course, of remaining in the course and having the final grade for that course reduced by three tenths of a point (on the 0.0 to 4.0 grading scale) for each additional absence in excess of the allowable number. These additional absences may not exceed the number of credits of that course. In the event the student accumulates an excess additional absence, sanctions of section 4(f)(i) or (ii) shall apply. Adoption of the option may result in a failing grade.

Examples of sanctions for additional absences.

- a. John Smith is enrolled in Contracts I, a three-hour class. The teacher announces that the maximum number of allowable absences in the class is six.
  - i. John Smith misses seven classes. If Smith chooses to do so, and obtains the consent of the professor teaching the course, he may accept a reduction in his final grade of three tenths of a point. If he does not choose to accept such a reduction in grade, he will be withdrawn from the class pursuant to section 4(f)(ii).
  - ii. John Smith misses nine classes. If Smith chooses to do so, and obtains the consent of the professor teaching the course, he may accept a reduction in his final grade of nine tenths of a point. If he does not choose to accept such a reduction in grade, he will be withdrawn from the class or receive the lowest possible grade in the class pursuant to section 4(f)(ii).
  - iii. John Smith misses ten classes. At this point, Smith loses his opportunity to accept a grade reduction sanction and he will be withdrawn from the class or receive the lowest possible grade in the class pursuant to section 4(f)(ii).
- b. John Smith is enrolled in Contracts I, a three-hour class. The teacher announces that the maximum number of allowable absences in the class is three.
  - i. John Smith misses four classes. If Smith chooses to do so, and obtains the consent of the professor teaching the course, he may accept a reduction in his final grade of three tenths of a point. If he does not choose to accept such a reduction in grade, he will be withdrawn from the class or receive the lowest possible grade in the class pursuant to section 4(f)(ii).
  - ii. John Smith misses six classes. If Smith chooses to do so, and obtains the consent of the professor teaching the course, he may accept a reduction in his final grade of nine tenths of a point. If he does not choose to accept such a reduction in grade, he will be withdrawn from the class or receive the lowest possible grade in the class pursuant to section 4(f)(ii).
  - iii. John Smith misses seven classes. At this point Smith loses his opportunity to accept a grade reduction sanction and

will be withdrawn from the class or receive the lowest possible grade in the class pursuant to section 4(f)(ii).

- (iv) Minimum Hours Enrollment per Semester. Full-time students must enroll for a minimum of 12 hours each semester except the semester of their graduation. If for any reason the student withdraws or is withdrawn from a course that would cause him/her to drop below twelve hours, the student will receive the lowest possible grade in that course unless the Associate Dean determines that the circumstances warrant a “W.”
- (v) Deadline for Program Changes (Withdrawal, Audit). Any program change initiated by the student (withdraw or audit) must be made by the latest time authorized by the University.
- (vi) First-Year Courses, Timing. A first-year student, unless part-time, must take all first-year courses offered each semester. However, if the Associate Dean determines that circumstances otherwise warrant, a student may be permitted to take less than a full load.
- (g) Retaking Courses. A student who has failed a required course must retake that course in order to meet the degree requirements stated in Rule III.5(a) of these rules. He or she must enroll in that course the next time it is offered. A student who has failed a non-required course may retake it. Except as provided herein, a student will not be permitted to repeat any course.
- (h) Prerequisites/Corequisites.
  - (i) Any prerequisites or corequisites to a course shall be indicated in the description of that course filed with the Registrar.
  - (ii) At the discretion of the teacher, a student may be allowed to take a course even though the prerequisites or corequisites to that course have not been passed.

## 6. Class Ranking

- (a) Class Ranking. At the end of each semester, students in each class shall be ranked according to their cumulative grade-point average. There are two categories of ranking: regular and indexed. Indexing is a shadow ranking in that a student assigned an indexed rank is not included in the regular class ranking. The purpose of this rule is that no index-ranked student shall ever displace any regularly ranked student.
  - (i) Regular Ranking. Regularly ranked students shall be ranked according to their cumulative grade point in relation to other regularly ranked students in their class.

(ii) Indexed Ranking. Index-ranked students shall receive the rank of the regularly ranked student that their grade point average equals or exceeds without equaling the grade point average of the next highest regularly ranked student. (See illustration below.)

(iii) Illustration of Class Ranking Rule

<u>Student's Name</u>	<u>Grade</u>	<u>Regular Ranked Students</u>	<u>Indexed Students</u>
A	3.8	First	
B	3.6		Second
C	3.2	Second	
D	3.0	Third	
E	2.9	Fourth	
F	2.8		Fifth
G	2.7	Fifth	
H	2.65	Sixth	
I	2.65		Sixth
J	2.5	Seventh	

(b) Graded Hours Only. Only graded hours earned at this law school shall be used in determining class ranking, i.e., “pass/fail” grades do not count, nor do grades earned at other law schools.

(c) Student's Class. A student's “class” shall be determined as follows:

First year	0–23 hours
Second year	24–53 hours
Third year	at least 54 hours

(d) Outside Regular Ranking. Students will receive regular ranking unless they qualify for indexed ranking. Students will receive indexed ranking if:

- (i) they have transferred to this law school from another law school; or
- (ii) they do not graduate in or before the third May following their date of entering law school; or
- (iii) at the end of their first year in law school, they have not examined in every course in the first-year curriculum; or
- (iv) at the completion of their law school work, they have fewer than 72 graded (i.e., non-“satisfactory/unsatisfactory”) credit hours earned at this law school.

## 7. **Graduating Honors**

- (a) Regularly Ranked. The diploma, the university transcript, and the law school transcript shall reflect the following graduating honors:
  - (i) Summa cum Laude. The top 3% of the graduating students who are regularly ranked;
  - (ii) Magna cum Laude. The next 7% of the graduating students who are regularly ranked;
  - (iii) Cum Laude. The next 10% of the graduating students who are regularly ranked.
- (b) Indexed Ranked. Graduating seniors who are ranked in the indexed ranking list shall have their diploma, law school transcript, and university transcript reflect graduating honors if their cumulative grade point average is equal to or higher than the cumulative grade point average of a regularly ranked student who has graduated with honors.

## **ARTICLE IV - SPECIAL RULES REGARDING CURRICULUM**

### **1. Legal Clinic**

- (a) Work Experience. [amended 4/15/08; 9/22/09] Legal Clinic Programs includes skills training, work experience with real clients, and an introduction to the ethics of the legal profession. The following clinic programs are available:
  - (i) Judicial Extern Clinic
  - (ii) Civil Practice Clinic
  - (iii) Domestic Violence Clinic
  - (iv) Public Interest Extern Clinic
- (b) Clinic Prerequisites [amended 1/2006; 4/15/08; 2/17/09; 9/22/09]
  - (i) The Civil Practice Clinic and Domestic Violence Clinic are open to students who have completed their first full year of course work.
  - (ii) The Public Interest Extern Clinic is open to students who have completed their first full year of course work and who have a cumulative grade point average of at least 2.6 [2.45 for students who matriculated at the School of Law prior to June 9, 2008].

- (ii) The Judicial Extern Clinic is open to students who have completed their first full year of course work and who have a cumulative grade point average of at least 2.8 [2.65 for students who matriculated at the School of Law prior to June 9, 2008].
- (c) Pay and Credit. No student may receive both pay and academic credit during the same semester for work in a Legal Clinic Program.
- (d) Enrollment Limitations. Enrollment in any of the Legal Clinic Programs may be limited as necessary by the Clinic Director to insure adequate student supervision by faculty and other supervisors. [amended 1/2006]
- (e) Credit Hours. [amended 1/2006; 9/22/09]
  - (i) Students may apply a maximum of nine hours of Legal Clinic credit toward the 90-hour graduation requirement. The normal clinic experience is three credit hours per semester. With permission from the clinic faculty member, however, and dependent upon the student's semester class schedule and other obligations, a student may enroll in up to six clinic credit hours in the fall or spring semester. During the summer term, students may enroll in six clinic credit hours in the Public Interest Extern Clinic or the Judicial Extern Clinic so long as their enrollment does not amount to an overload of hours for that term.
  - (ii) No student may enroll for more than six credit hours in any one clinical course, except under the most extraordinary circumstances and with the written permission of the Clinic Director. Students seeking permission from the Clinic Director must demonstrate that they will gain a completely new educational experience as a result of enrolling in a clinical course for more than six credit hours. When making decisions about allowing a student to enroll for more than six hours of credit in any one clinical course, the Clinical Director must take into account, in addition to the extraordinary circumstances presented by the student, the effect the request will have on the enrollment in all clinic courses for that term or semester, the requesting student's grade point average, previous and future course selection, and other factors relevant at the time a student is making the request for additional credit. The decision to grant such permission lies in the sole discretion of the Clinic Director. This rule applies if a student has taken the Judicial Extern Clinic for six hours and seeks to enroll in the Public Interest Extern Clinic as a judicial clerk.
  - (iii) Students may not use Independent Study credit to extend participation in a clinical course beyond what is permitted by this rule.

## 2. Law Journal

- (a) Credit for Second-Year Students. Second-year students who satisfactorily complete their prescribed work for Law Journal candidacy will receive one-hour credit per semester. A student who fails satisfactorily to complete the candidacy will be withdrawn from Law Journal, and no credit will be awarded.
- (b) Credit for Third-Year Students. Third-year students who are not officers of the Law Journal Board will receive one credit per semester for satisfactory completion of the assigned work. Officers of the Board will receive two hours credit per semester for satisfactory completion of the assigned work. No credit will be awarded for a semester in which any third-year student fails to complete satisfactorily the assigned work.
- (c) Maximum Credit. A maximum of six credit hours toward the ninety-hour requirement is permitted for Law Journal.
- (d) Senior Seminar. Satisfactory completion of two semesters (or in the case of a student graduating in December, one semester) as a member of the Law Journal Board of Editors Executive Committee may be used to fulfill the senior writing requirement. Under the current Law Journal Constitution, the Executive Committee consists of the Editor in Chief, a Managing Editor, a Survey Editor, a JLM Editor, Business Editor(s), Research Editor(s), Production Editor, Contributing Editors, Articles Editors, and Notes and Comments Editors.

### **3. Writing Across the Curriculum**

- (a) Purpose. Lawyers in every type of practice must express their legal analysis in a wide variety of written forms. The skill is best acquired in an environment that provides not only multiple opportunities in which it may be used and practiced, but also substantial constructive comment on its execution. The requirements of the Writing Across the Curriculum program are designed to establish such an environment by ensuring that appropriate opportunities to use and assess this skill are provided in every course in the curriculum.
- (b) Satisfaction. With the exception of the clinical/externship course and courses satisfying the Senior Writing Requirement, every course offered in the School of Law shall provide at least one substantial writing exercise for which the student receives timely and effective feedback as explained more fully below. The instructor may require the writing exercise to be drafted by each student individually or by students working in groups.
  - (i) Types of Writing Exercises. The writing exercise required under this rule may include, but is not limited to: (1) legal memoranda; (2) trial briefs or notebooks or appellate briefs; (3) client letters; (4) opinion letters; (5) contracts or contracts clauses; (6) documents specific to the areas of practice covered by the course (e.g., wills, patent applications, leases, etc.); (7) legislation; (8) administrative regulations; (9) mediation summaries;

(10) pleadings; (11) investigation plans; (12) discovery documents; (13) motions and briefs in support of motions; (14) closing arguments; (15) jury instructions; (16) judicial opinions; (17) case notes or comments; (18) essay-type mid-term or practice examinations; (19) Multistate Performance Test-type exercises; and (20) essays on legal topics relevant to the areas of practice covered by the course. A final examination in a course does not satisfy the requirements of this rule.

(ii) Evaluating the Exercise. The writing exercise required under this rule may be a graded or ungraded component of the course.

(iii) Feedback. The instructor shall provide timely and effective feedback on the writing exercise.

a. Content of Feedback. In addition to commenting on the substantive content of the writing exercise, the instructor's feedback may address the following matters, as applicable: (1) clarity of expression; (2) organizational scheme; (3) depth and quality of research; (4) format and other technical requirements for the particular type of document, such as headings, sections, word limit, signatures, etc.; (5) general writing mechanics, such as grammar, punctuation, and spelling; (6) placement and formats of legal citation; and (7) writing style and tone appropriate for the particular type of document.

b. Form of Feedback. The instructor shall provide feedback in a form consistent with the size of the class and the nature and complexity of the writing exercise. Feedback may take the form of: (1) individual written comments on each written submission; (2) sample documents or answers; (3) students exchanging and critiquing each other's work; (4) leading class discussions on the components of an appropriate written submission; (5) individual conferences with students; and/or (6) any other effective method of feedback.

(iv) Timing. The writing exercise shall be completed and feedback provided to the students at a time sufficient to allow students to benefit from the feedback.

(c) Implementation

(i) Reporting. In order to evaluate the effectiveness of this rule in satisfying the purpose stated above: (1) student evaluations for the course shall provide an opportunity to comment on the assignment; and (2) the instructor's annual achievement reports to the Dean shall include a description of the writing assignments and feedback given in each course.

[amended 10/20/09]

- (ii) Committee Oversight. The Dean shall designate a committee to implement, coordinate, and evaluate the Writing Across the Curriculum program. The committee shall periodically report to the Dean and faculty on the extent to which the program is achieving the purpose set forth above.

**4. Advanced Appellate Moot Court and Mock Trial** [amended 12/5/07]

- (a) Scope. All participation by SIU students in interschool appellate moot court and mock trial competitions shall be governed by these rules. Students are prohibited from competing in trial and appellate competitions unless all participants are members of either the Appellate Moot Court or Mock Trial boards.

- (b) Appellate Moot Court

- (i) Make-up of the Appellate Board. The Appellate Moot Court Board (“Appellate Board”) shall consist of a maximum number of 24 students, selected as set forth in the Operating Rules Governing Appellate Moot Court. Students with at least 30 hours of credit who are enrolled in or who have completed the Advanced Appellate Advocacy course are eligible for Appellate Board membership.
- (ii) Faculty Advisor. The Dean shall assign a member of the SIU School of Law Faculty to advise the Appellate Board. The Faculty Advisor shall make the selection of which students are invited to join the Appellate Board. As a general rule, the Faculty Advisor shall be assigned to teach the Advanced Appellate Advocacy course.
- (iii) Academic Credit. Appellate Board students may receive academic credit for participation on the Appellate Board, which shall be administered by the Faculty Advisor as the instructor for an Advanced Appellate Moot Court course. In order to receive academic credit, all Appellate Board members are required to participate in at least one interschool competition as well as perform intraschool administrative hours as required by the Faculty Advisor. In any semester in which a student both participates in an interschool competition and performs the administrative hours required by the Faculty Advisor, that student shall receive two hours of S/U credit. In any semester in which a student does not compete in at least one interschool competition, that student may receive one hour of S/U credit if that student satisfactorily completes the administrative hours required by the Faculty Advisor, which in this circumstance will not be less than twenty total hours. No student may earn more than six total hours of credit for membership on the Appellate Board or more than one total credit hour

for performance only of administrative hours.

- (iv) Minimum Grade Point Average. Membership on the Appellate Board requires a cumulative grade point average of at least 2.6 [2.45 for students who matriculated at the School of Law prior to June 9, 2008], both at the time of assuming initial Board membership and at all times during Board membership. Any Appellate Board member whose cumulative grade point average falls below 2.6 [2.45 for students who matriculated at the School of Law prior to June 9, 2008] shall be dropped from Board membership. [amended 4/15/08]
  - (v) Operating Rules. The Appellate Board shall adopt whatever operating rules it deems necessary to govern the operation of Appellate Moot Court in matters not otherwise addressed in this section. These operating rules require the approval of the Faculty Advisor.
- (c) Mock Trial Board.
- (i) Make-up of the Mock Trial Board. The Mock Trial Board (“Mock Trial Board”) shall consist of a maximum number of eight students, selected as set forth in the Operating Rules Governing Mock Trial. Students who are enrolled in or who have successfully completed Trial Advocacy and Evidence are eligible for Mock Trial Board membership.
  - (ii) Faculty Advisor. The Dean shall assign a member of the SIU School of Law Faculty to advise the Mock Trial Board. The Faculty Advisor shall make the selection of which students are invited to join the Mock Trial Board.
  - (iii) Academic Credit. Mock Trial Board students may receive academic credit for participation on the Board, which shall be administered by the Faculty Advisor as the instructor for an Advanced Mock Trial course. To receive academic credit, all Mock Trial Board members are required to participate in at least one interschool competition as well as perform intraschool administrative hours as required by the Faculty Advisor. In any semester in which a student both participates in an interschool competition and performs the administrative hours required by the Faculty Advisor, that student shall receive two hours of S/U credit. No student may earn more than four hours of credit total for service on the Mock Trial Board.
  - (iv) Minimum Grade Point Average. Membership on the Mock Trial Board requires a cumulative grade point average of at least 2.6 [2.45 for students who matriculated at the School of Law prior to June 9, 2008], both at the time of assuming initial Board membership and at all times during Board membership. Any Mock Trial Board member whose cumulative grade point average falls below 2.6 [2.45 for students who matriculated at the

School of Law prior to June 9, 2008] shall be dropped from Board membership. [amended 4/15/08]

- (v) Operating Rules. The Mock Trial Board shall adopt whatever operating rules it deems necessary to govern the operation of Mock Trial in matters not otherwise addressed in this section. These operating rules require the approval of the Faculty Advisor.
- (d) Dual Participation. No law student may receive academic credit for both Advanced Appellate Moot Court and Advanced Mock Trial in the same semester.

## 5. Senior Writing Requirement

- (a) Purpose. The purpose of the Senior Writing Requirement is to further refine students' skills in legal research, legal writing, and legal analysis in a course that requires substantial legal research and an advanced legal writing project involving significant, sophisticated legal analysis and legal research.
- (b) Satisfaction. The senior writing requirement may be satisfied in any one of the following ways:
  - (i) Senior Writing Seminar. Satisfactory completion of a designated Senior Writing Seminar which requires the production of a paper of the quality of a law journal comment.
  - (ii) Designated Elective Course. Satisfactory completion of an elective course of 3 or 4 credit hours offered at the School of Law designated, as provided in (c) below, as meeting the Senior Writing Requirement.
  - (iii) Law Journal Credit. Satisfactory completion of at least four hours of Law Journal credit as specified in Rule IV.2(d).
  - (iv) Advanced Appellate Moot Court. Satisfactory completion of at least five hours of Advanced Appellate Moot Court. Satisfactory completion will be contingent on certification by the Appellate Moot Court Board Faculty Advisor that the student has met the research and writing standard set forth under Rule IV.5(a). [amended 5/2005; 12/5/07]
- (c) Course Designation. Upon the written request of a faculty member, the Associate Dean may designate an elective course (3 or 4 credit hours) as meeting the Senior Writing Requirement. Such a designation requires a determination by the Associate Dean that the course involves significant writing assignment(s) and develops advanced skills of legal research, writing, and analysis. Examples of courses that may be so designated include advanced appellate advocacy, statutory or regulatory drafting, and transactional drafting.

(d) Miscellaneous

- (i) All Senior Writing Seminars and elective courses designated under this rule as meeting the Senior Writing Requirement shall meet on a regular basis to focus on either the substantive law or the specific skills to be taught or both, with the opportunity to forgo up to four weeks of class meetings for intensive research, writing, and individual conferences on writing projects. Writing shall be a focal point of what is taught. The writing experience shall be substantial in nature and shall be essentially the independent work of one student.
- (ii) The maximum enrollment in a Senior Writing Seminar or in an elective course designated as meeting the Senior Writing Requirement shall be set by the faculty member in consultation with the Associate Dean, taking into account the nature of the substantive material and skills taught, as well as overall staffing needs. In no event shall the maximum enrollment be set at less than 12. In instances where enrollment is limited, priority will be given to senior law students. In all instances where enrollment exceeds 12, the provisions of Rule III.1(b) shall apply. Except in extraordinary circumstances recognized by the administration, no seminar will proceed if fewer than six students enroll in the seminar. [amended 5/2004]
- (iii) Any student who has completed at least 31 semester hours may register for a senior seminar, provided that (a) no person may take more than one seminar each semester; (b) no person may take more than three seminars during law school; and (c) enrollment priority in all seminars shall be as follows (1) third-year students who have not fulfilled the Senior Writing Requirement; (2) second-year students who have not fulfilled the Senior Writing Requirement; (3) persons taking a second seminar; and (4) persons taking a third seminar. [amended 1/2006]
- (iv) A student may, with the permission of the faculty member, take a Senior Writing Seminar or elective course designated as meeting the Senior Writing Requirement for academic credit alone and not for purposes of satisfying the Senior Writing Requirement, but only if that would not entail denying another student enrollment in the course if such other student is enrolling in the course for the purpose of satisfying the Senior Writing Requirement.

**6. Non-School of Law Courses at SIUC**

- (a) Credit Allowed (Graduate Classes). Up to six semester hours of credit for course work taken in the Graduate School may be applied, with permission of the deans of both the Graduate School and the School of Law, toward the number of hours required for the J.D. degree, except that students in concurrent degree programs are given credit for nine hours. The nine credit hours under the concurrent degree

programs are determined as a part of the respective concurrent degree programs. A student must earn a grade of B or better in such work for School of Law credit to be given, but this letter grade is not used to compute the student's law grade average.

- (b) Credit Allowed (Undergraduate Classes). Law credit may be allowed for an undergraduate course in lieu of a Graduate School course only if a suitable graduate level course is not available and there is a clearly demonstrated relationship between the undergraduate course and the student's law school work. The advice and recommendation of a law professor to whose field of endeavor the course relates is required. As with Graduate School courses, a student must earn a grade of B or better for School of Law credit to be given, and this letter grade is not used to compute the student's law grade average.
- (c) Guidelines Determining Approval. The following guidelines are to be used by the Dean or designee in determining which non-School of Law courses may be approved toward the J.D. degree. Such courses:
  - (i) must require either a regularly scheduled written final examination or the production of a research paper;
  - (ii) must have a classroom or laboratory component during a substantial part of the semester;
  - (iii) must be offered for graded credit as the norm rather than for Pass/Fail or Satisfactory/Unsatisfactory;
  - (iv) may not offer essentially the same material as is available to the student in a law school course;
  - (v) may not constitute essentially a repetition of subject matter contained in a course the student has previously taken in undergraduate, graduate or law study; and
  - (vi) must advance the legal education of the student.

## **7. Independent Research and Writing**

- (a) Supervision, Proposal, Credit Hours and Approval. A student desiring to enroll for this course must find a full-time law faculty member to supervise the project and present a written proposal to the Dean or designee which sets forth the project scope, the proposed credit hours, and which includes the faculty supervisor's approval. This proposal must be approved by the Dean or designee before the student will be permitted to register for the course. The project cannot be approved when the student could conduct the project through a regularly offered law school course or seminar. Any credit earned for such a project must be

credited toward the six credit hours of graduate course work allowed to a student. Faculty would be expected to use discretion in agreeing to such supervision since such activity would count against their research time rather than their teaching time. Therefore, students cannot expect that every faculty member would be available for such a course supervision. A student must have reached his or her fourth full-time semester (or the equivalent) in law school to be eligible for the course. All approvals must be obtained before the semester begins. No faculty member shall supervise more than two independent research and writing projects per semester.

#### **8. Eligibility for Law Journal, Independent Research, and Non-School of Law Courses**

No student shall be eligible to enroll for academic credit in Law Journal, Independent Research and Writing, or non-School of Law courses unless such student shall have a cumulative grade point average of at least 2.6 [2.45 for students who matriculated at the School of Law prior to June 9, 2008] at the beginning of the semester in which the student is enrolled in such class.[amended 4/15/08]

#### **9. Course Selection—Consultation with Associate Dean**

To ensure that students with low cumulative grade point averages take courses that will give them the most help in passing the bar exam, any second- or third-year student with a cumulative grade point average of less than 2.4 [2.25 for students who matriculated at the School of Law prior to June 9, 2008] shall review with the Associate Dean, before registering for courses, his or her proposed selection of courses. [amended 4/15/08]

#### **10. Participation in Concurrent Degree Programs—Consultation with Associate Dean**

Except for the JD/MD program, which requires concurrent admission to both law school and medical school, students who wish to participate in a concurrent degree program while enrolled in law school must meet with the Associate Dean for Academic Affairs prior to matriculating in the non-law program. The Associate Dean may, in his or her discretion, allow or disallow a student's participation in the desired program based upon a review of the student's pre-law academic performance and the student's performance in the first year of law study.

### **ARTICLE V - STUDENT AFFAIRS**

#### **1. Information to Students**

- (a) Posting of Grades. No grades will be posted until the examination period is over. After the examination period, grades will be posted when they are finally reported to the Dean's Office.
- (b) Class Rank. Class rank will not be posted but may be given to individual students at their request, and will not be available until a reasonable time after the posting

of the grades.

- (c) Dean's List. A Dean's List is established. The top 15% of full-time students in each class in each semester shall be on the Dean's List. Part-time students who have carried a minimum of eight hours are also eligible for consideration, but shall not displace a full-time student.
- (d) Copy of Rules. The chair of the rules committee shall place and keep current a copy of the rules on reserve in the law library for students' information and any student upon request shall be entitled to one xeroxed copy free of charge.

## **2. Information on Students**

- (a) Privacy Act of 1974. The School of Law shall comply with The Family Educational Rights and Privacy Act of 1974 concerning information on students.
- (b) Authorization to Furnish Information. The School of Law will not furnish information in student files, either personal or academic, to anyone unless the student shall otherwise authorize in writing. This rule will be interpreted so as not to prevent a faculty member from disclosing facts which he/she did not get from the student's file, for example, how well the student did in the professor's course.

## **3. Student Employment**

A student may not be employed (for pay or as a volunteer) more than 20 hours per week in any week in which the student is enrolled in more than 12 class hours. The Associate Dean shall require a student who undertakes more than 20 hours of employment to reduce their course load to 12 class hours or less, qualify as a part-time student, or withdraw. [amended 10/20/09]

## **4. General Grievance Procedure for Students**

Except for cases governed by specific grievance procedures, the following general grievance procedures shall be abided by:

- (a) Student Bar Association. Initially, students with any grievance relating to the School of Law of whatever nature may, at their option take such a grievance to the governing board of the Student Bar Association so that organization may attempt to effectuate an informal resolution of the grievance.
- (b) Associate Dean. Should such an informal resolution fail, or should the student elect not to consult the Student Bar Association, then the student shall present the grievance to the Associate Dean for decision.
- (c) Dean/Committee. The student, as of right, may appeal the decision of the Associate Dean, to the Dean, who may, at his or her option, appoint an ad hoc committee to advise him/her or refer the matter to a standing committee, as

appropriate.

- (d) Faculty. The student may appeal the decision of the Dean to the full faculty who shall serve as the ultimate arbiters of the matter.
- (e) Formal Complaint. At no stage in this general grievance procedure will the student be required to file a formal complaint or petition unless such a complaint or petition is requested by the Associate Dean, Dean, committee or full faculty.

## **5. Accommodations for Students with English as a Second Language**

The SIU School of Law shall institute oral and written evaluations to test the oral and written English skills of entering law students whose native language is not English. After the evaluations, recommendations shall be made to the Associate Dean for Academic Affairs as to what remedial steps should be taken, if any, to assist the student with his or her law school studies. These evaluations should take place before classes begin in the Fall semester.

The oral and written evaluations shall be determined by the Admissions Committee and the Associate Dean for Academic Affairs in consultation with the SIU Center for English as a Second Language (CESL).

The oral and written evaluations, as well as any of the remedial steps offered by the Associate Dean, shall be optional for a student. A student, however, who chooses not to participate either in the evaluations or in the remedial steps offered by the Associate Dean, will not receive any accommodation from the School of Law based upon his or her oral or written English skills.

## **6. Accommodations for Students with Disabilities**

The Law School will make reasonable accommodations for students with disabilities. A student seeking such accommodation must make application to the Associate Dean in accordance with the Southern Illinois University School of Law Policy Concerning Applicants and Students with Disabilities. A student is required timely to submit appropriate documentation of the disability sufficient to allow the Associate Dean to determine the reasonableness of the accommodation requested. If the requested accommodation concerns examinations, the Associate Dean will decide whether to grant the accommodation after consultation with the appropriate faculty member(s). The Associate Dean and the faculty members involved will treat the identity of the student requesting accommodation as confidential, to the maximum extent practicable.

## **7. Federal Financial Aid Eligibility: Satisfactory Progress Preamble**

The Department of Education requires that, in order for our students to be eligible for Title IV student financial aid, the School of Law establish and apply reasonable standards for measuring whether students are maintaining “satisfactory progress.” This rule is promulgated in order to meet that requirement.

- (a) Satisfactory Progress. In compliance with Rule III.5(c), all requirements for the J.D. degree must be completed within six years from the time of a law student's first registration. If a student adheres to the time tables below, he/she will be deemed to be maintaining satisfactory progress:

<u>Academic Year</u> Completed	<u>Credit hours successfully completed</u> at end of academic year	
	Full-time	Part-time
1	14	10
2	30	20
3	45	32
4	60	51
5	75	70
6	90	90

- (b) Successful Completion of Course. A minimum grade of “pass” or 1.3 is required for successful completion of a course. Where a course is allowed or required to be repeated, only the repeated course shall be counted toward credit hours successfully completed. Incompletes and withdrawals do not count toward credit hours successfully completed. [amended 4/15/08]
- (c) Notice of Failure to Make Satisfactory Progress. After all spring semester grades have been received, the Registrar of the School of Law shall report to the Financial Aid Office the names of all students who were enrolled at any time during that academic year and who are not maintaining satisfactory progress. The Registrar shall also give written notice to any student who completed the spring semester and failed to maintain satisfactory progress, except that no separate notification is required for a student who is otherwise given written notice of dismissal.
- (d) Appeal. Any student who has not maintained satisfactory progress shall have an opportunity to appeal in writing, explaining any mitigating circumstances. The appeal shall be submitted to the Dean or designee no more than thirty days after the Registrar mails the notice specified in section (c) above.
- (e) Decision on Appeal and Reinstatement. The Dean or designee shall review the mitigating circumstances documented in the appeal and render a written decision within twenty days after receipt of the appeal. If the appeal is granted, the Dean or designee shall notify the Financial Aid Office that the student's eligibility to receive Title IV student financial aid should be reinstated. If the appeal is denied, the student's eligibility to receive Title IV student financial aid will be reinstated when he/she has attained the level of satisfactory progress specified in the time tables in section (a) above.

## ARTICLE VI - SCHOOL OF LAW GOVERNANCE

### 1. Dean and School of Law Faculty

The Dean and faculty of the law school shall have the responsibility for formulating and administering the program of the law school. The primary channels for formulating and expressing their decisions on the program of the law school are through deliberating and voting in faculty meetings and through committee work and reports.

For purposes of this rule, the term “faculty” shall include Law Library Faculty, Clinical Faculty and Lawyering Skills Clinical Faculty, except that (1) only tenure-track (not including Library tenure-track) faculty may vote on appointments of tenure-track faculty (not including Library tenure-track); and (2) voting rights concerning promotion and tenure shall be determined by the documents governing the promotion and tenure for each unit of the law school. Within the limits specified below, other constituents may be involved in a participatory or advisory committee.

### 2. Non-Faculty, Professional Staff of the School of Law, Adjunct and Visiting Teachers, and Cross-Appointed Faculty

- (a) Advisory Capacity and Voting. Non-faculty professional staff of the law school, adjunct and visiting teachers, and faculty members cross-appointed to the law school faculty whose primary work responsibilities are in another unit within the University, may participate in an advisory capacity in faculty meetings but shall not vote. They shall not be present in faculty meetings during discussion and voting on personnel or other confidential matters. Provided: the chair may make exceptions to allow the attendance of non-faculty professional staff, adjunct and visiting teachers, and cross-appointed faculty where appropriate.

### 3. Retired Faculty Members

- (a) Advisory Capacity and Voting. Retired faculty members may participate in an advisory capacity in faculty meetings, but may vote only if they continue to teach a course or courses at the law school.

### 4. Law Students

- (a) Student Representatives, Advisory Capacity and Non-Voting. Law students, through four representatives to be selected by the Student Association, may participate in an advisory capacity in faculty meetings but shall not vote. Law students shall not be present in faculty meetings during discussion and voting on personnel or other confidential matters, except for the student member of the Appointments Committee, who may be present during the discussion of personnel matters in which he or she was involved as a committee member.

### 5. Categories of Agenda Items

The Dean or faculty members calling the faculty meeting shall categorize agenda items that involve personnel or confidential matters as such. All other agenda items for faculty meetings are deemed to be matters of academic policy, not peculiarly relevant to the law library, unless the Dean or chair of the meeting rules otherwise. Any appeal of a ruling from the chair under this paragraph shall be voted upon by law school faculty only.

## 6. **Calling Faculty Meetings**

Meetings of the law school faculty may be called by: (a) the Dean; or (b) any three members of the faculty, with notice to the Dean. Notice of all meetings of the law school faculty shall be given by written notice. The notice shall designate the time, place, and agenda of the meeting and the name(s) of the individual(s) calling such meeting. The notice shall categorize agenda items that involve personnel or confidential matters as such. Except for an emergency meeting, the notice shall be posted on a public bulletin board of the law school at least 24 hours before the meeting.

## 7. **Committees**

- (a) Appointments, Termination, and Student Appointments. Committees shall be created and appointments made, at least annually, by the Dean with the approval of the faculty obtained at a regular or special faculty meeting. Except as otherwise provided in paragraphs 7(b) and 7(c):
  - (i) Any committee may be terminated or re-constituted by the Dean with the approval of the faculty obtained at a regular or special faculty meeting.
  - (ii) Law school committees shall be chaired by, and staffed from, the law school faculty, the law library faculty, or the clinical faculty. Non-faculty professional staff, adjunct and visiting teachers, and faculty members cross-appointed to the law school faculty whose primary work responsibilities are in another unit within the University, may be appointed to serve on committees where their expertise is valuable.
  - (iii) Law students may be appointed to serve on appropriate committees. Law student committee members shall be appointed from a list recommended by the Student Bar Association.
  - (iv) Each committee member may vote unless such committee member was appointed in an *ex officio* capacity.
- (b) Academic Standards Committee. The Academic Standards Committee shall consist of three members: two tenured law school faculty members appointed by the Dean with the approval of the faculty and one tenured law school faculty member selected by the Student Bar Association.
- (c) Faculty Evaluation Committee. The Faculty Evaluation Committee shall be

selected as provided in the School of Law Guidelines for Promotion and Tenure.

**8. Promotion and Tenure—Proxy Voting**

A faculty member entitled to vote in a manner concerning promotion and/or tenure may designate a similarly qualified member as his or her proxy, to cast a vote on his or her behalf and in accordance with his or her instructions at the faculty meeting at which the votes are to be taken. Proxy voting shall not be permitted in any matter not concerning promotion and/or tenure.