

a Magna Cum Laude designation on their transcript. Students in the top 30% will receive a Cum Laude designation. Decile rank will be determined by numerical equivalents rounded to two decimal places and will be expanded rather than reduced, if necessary, to accommodate any "ties" that result from rounding.

(2) To be eligible for honors designation a student must either:

- (a) successfully complete at least 75 graded credits or
- (b) successfully complete at least 75 credits which are graded, required, or earned for Externship, Law Review, IDEA, Annual Survey, Gerneshausen Newsletter, or Moot Court, and otherwise have no more than 3 credits earned on an S/U or O/S/U basis.

If it becomes necessary for the Dean to administratively convert a course to S/U after it is begun, those credits count toward the 75 in either case.

(3) Honors designations are calculated at the conclusion of the sixth semester. JD Students meeting the qualifications who graduate in the January preceding or July following graduation, will be calculated with the May class. In all cases, no recognition of these honors designation will be made on the diploma or in any other way beyond entry upon the graduate's transcript and/or a letter from the school. Students attending two or more semesters on a part-time basis are not eligible for honors. Honors may not be applied retroactively.

Rule VI ACADEMIC STANDING AND REVIEW

A. ACADEMIC ELIGIBILITY TO CONTINUE AS A DEGREE CANDIDATE

(1) A student who at the end of any semester:

- (a) Has achieved a cumulative grade average of below 2.0;
- (b) Has failed timely to satisfy course requirements prescribed for a student in the student's class year; or
- (c) Has earned nine (9) or more credits below C minus, is not eligible to continue as a candidate for the Juris Doctor degree, except under such terms as may be established by the Academic Standing Committee. During this period and during any probationary or suspension period, the student is considered not in good academic standing. Failure to meet the terms established by the Committee shall make a student ineligible for the Juris Doctor degree.

(2) A student who at the end of the second year has not offset any credits below C minus with the same number of credits at B minus or above, will be brought within the jurisdiction of the Academic Standing Committee and must comply with the rules of said Committee.

(3) A student who at the end of any semester has failed to satisfy the terms of probation is automatically dismissed from Pierce Law as of the end of that semester without any further action by Pierce Law whatsoever, and shall not continue as a Pierce Law student or auditor unless readmitted through the Academic Standing Committee as authorized solely by Rule VI M. A student automatically dismissed from any program at Pierce Law is automatically dismissed from all degree programs at Pierce Law.

B. FIRST-YEAR STANDING AND REVIEW

A student beginning the first year is entitled to complete 24 credits following admission as a matter of right, unless otherwise prescribed in Pierce Law's letter of admission, or as a term of a leave of

absence pursuant to Rule XI of these Academic Rules. The right to remain applies only to academic reasons for dismissal; a student could still be dismissed for violation of the Conduct Code (See Rule XIII-A) prior to completion of the student's first year.

(1) A first-year student who at the end of the first semester meets any of the criteria set forth in Rule VI-A(1)(a)(b) and (c) shall comply with subdivisions C, D, E, and F of Rule VI. The student will be placed on probation and will meet with the Academic Standing Committee. (Adopted by faculty 3/29/07. Effective for the Class of 2010.)

(2) A first-year student who meets the criteria of VI-B(1) and who wishes to take a leave of absence at the end of the first semester must first gain the approval of the Academic Standing Committee as required by Rule XI, subdivision C in order to assure a right of return.

C. IDENTIFICATION OF STUDENT

The Assistant Dean of Students in cooperation with the Registrar's Office shall, at the end of each semester, identify (1) any student not eligible under the standards stated in subdivision A of this rule to continue as a degree candidate, and (2) any first-year student meeting the criteria of VI-B(1).

D. NOTICE TO STUDENT VIOLATIONS AND COUNSELING

The Assistant Dean of Students shall request in writing that each student identified as ineligible to continue as a degree candidate meet promptly with the Assistant Dean of Students for counseling. A copy of all pertinent Pierce Law rules and regulations shall be appended to the letter of request. A copy of this letter is also sent to the Academic Standing Committee.

E. ADVICE OF RIGHTS AND OBLIGATIONS

In each meeting held after a student's response to the request for it, the Assistant Dean of Students shall:

- (a) Assure an understanding of the student's rights and obligations;
- (b) Assure an understanding that the student must take the initiative and responsibility both to assess the causes of deficient performance and to develop a plan to overcome the deficiency; and
- (c) Make suggestions for or help arrange such therapy or other assistance as the student may reasonably request.

F. SUBMISSION OF PLAN

The student must present a written plan for overcoming deficiencies to the Committee before the deadline set by the Committee. The Assistant Dean of Students shall investigate any instance of failure of a student to present a plan and shall counsel the student regarding the consequences of such failure. The Assistant Dean of Students shall, following this counseling session, forward to the Academic Standing Committee a statement indicating that such counseling took place.

The Committee may request that a student, in addition to submitting a written plan, appear personally before the Committee to discuss the student's academic difficulty and the student's plan for rehabilitation. Where suspension or dismissal is a likely outcome, the Committee as a whole should communicate with the student, and individual Committee members should refrain from communicating or meeting separately with the student. If a student believes that a particular member of the Committee cannot objectively review that student's plan, the student may make a written request that the Committee member be recused from this deliberation. The written request must state the grounds for the belief that the Committee member is not able to be objective. The

fact that the student received a low and/or failing grade from the Committee member, standing alone, is not grounds for recusal.

G. COMMITTEE REVIEW OF PLAN

The Committee shall review each student's case to determine the probability of academic rehabilitation. The Committee's concern is whether the student has obtained or will shortly obtain the academic knowledge and skills that Pierce Law's curriculum is meant to impart. The Committee's review and determination shall rest on two bases: an assessment of the student's abilities and an assessment of the feasibility of the student's plan.

The assessments may be based on such factors as the Committee finds relevant, including but not limited to:

- (1) The student's admissions record, including undergraduate and graduate school grades;
- (2) Law school grades;
- (3) LSAT score;
- (4) Written or oral faculty reports explaining a particular grade in a course or other academic work done by the student. Such written or oral reports may be requested from any relevant faculty member, including Committee members;
- (5) Externship evaluation;
- (6) Results of outside testing undergone by the student;
- (7) Evaluations of Pierce Law essay and objective tests taken by the student. Such evaluations may be done by faculty members or other persons approved by the Committee.
- (8) The acceptability or feasibility of the student's plan as measured by:
 - (a) The extent to which the plan accurately assesses the causes of the academic deficiencies;
 - (b) The likelihood of the student's ability to meet the goals in the plan in light of the student's past performance and abilities;
 - (c) The extent to which the student's attitude toward and motivation for rehabilitation make it likely that the plan will be successfully completed. Included in this appraisal is the student's demonstration of attitude, effectiveness, self-reliance, and motivation as those qualities relate to academic performance.

The basis for the Committee's review and decision shall be the academic performance of the student and the factors related to academic performance. The determination of probability of rehabilitation shall not be based solely on issues of character and shall not anticipate a student's future conduct as an attorney. Issues of character are relevant only to the extent they bear directly on a student's ability to successfully complete Pierce Law's course of instruction.

H. STATUS OF STUDENT PENDING DECISION OF THE ACADEMIC STANDING COMMITTEE

In a semester following a semester in which academic performance has put a student in academic difficulty, the student enrolls in or continues in classes at the student's own risk while awaiting a dispositive decision of the Academic Standing Committee, the Appeals Panel, or the faculty concerning the right to continue as a student. The student may not enroll in classes, continue to attend or participate in them, take final exams, or submit other required or optional work products following a dispositive decision that denies the right to continue. The student will be credited for the tuition charged for the uncompleted semester. Provided however, that a student who has been automatically dismissed under Rule VI-A(3) may not attend class or take any other action toward satisfaction of the J.D. degree without resolution of the student's appeal, if any, to the Appeals

Panel under Rule VI-J(2).

I. DISPOSITION OF CASE

(9) Following its review of the student's abilities and the feasibility of the student's plan, the Committee shall:

- (a) Place the student on probation as a degree candidate; or
- (b) Suspend the student for a period of time, advising the student to resubmit a plan in the future upon the occurrence of specified conditions, if any; or
- (c) Dismiss the student from Pierce Law. (Students automatically dismissed (VI-A(3)) may not present a plan to the Committee.)

(10) If, based on its review of the student's abilities and the feasibility of the student's plan, the Committee does not find that rehabilitation is probable, the Committee may suspend or dismiss the student notwithstanding that:

- (a) The student has not previously been before the Committee (but subject to the student's right to continue under subdivision B of this rule); or
- (b) The student has failed to submit a plan or has submitted an erroneous, incomplete, inaccurate, untimely, or otherwise inadequate plan where an adequate plan might have resulted in a decision less unfavorable to the student.

(11) Probationary conditions set by the Committee may include but are not limited to:

- (a) A limitation on maximum or minimum credits in which the student may enroll;
- (b) A specification of curriculum offerings or types of offerings in which the student may enroll, including the requirement of exam and exam only courses;
- (c) A requirement of attaining a specified grade in indicated credit offerings undertaken or in all work undertaken for credit in a semester. The Committee may require as a demonstration of academic ability that a student obtain more than a 2.0 for a given course or combination of courses. This requirement may exceed any of the degree eligibility requirements specified in Rule I-B, subdivision (2), where appropriate, to adjust for noncomparability.
- (d) A limitation on extracurricular activities;
- (e) A requirement that specified deficiencies be remedied through special resources and evaluation either inside or outside Pierce Law.

(12) A decision to dismiss a student shall be based on finding the student:

- (a) Lacks the abilities to complete the degree program; and/or
- (b) Has failed to satisfy terms of probation; and/or
- (c) Has failed to present a plan or has failed to present a feasible plan to the Committee in accord with the criteria of G(8) of this rule.

J. COMMITTEE FINDINGS

(13) In each case, the Committee shall clearly indicate by notice in writing to the student, the Assistant Dean of Students, and the Registrar, its finding of substantial fact, conclusions, and decision. Students who have been placed on probation, suspended, dismissed or who have been denied readmission, following dismissal, have a right to appeal the Committee's decision. The notice shall state the time period within which the student may appeal the Committee's decision.

(14) Appeals from findings of probation and terms of probation or from an automatic dismissal un-

der Rule VI-A(3) may only be taken to the Appeals Panel, comprised of three (3) full-time faculty members appointed by the Dean.

Appeals from findings of suspension or dismissal or denials of readmission may, at the student's option, be taken to either the faculty or the Appeals Panel.

Decisions of the Appeals Panel or the faculty are final and may not be further appealed.

(15) Members of the Committee shall not participate in the consideration of any appeal. However, the Committee shall have the opportunity to submit orally or in writing to the faculty or the Appeals Panel and to the student, an explanation of its decision that supplements the content of its written notice.

(16) The appeal shall be conducted in accordance with the Rules of Procedure for Appeals From Decisions of the Academic Standing Committee set out in Rule VII.

K. CONTINUATION BEYOND SIX (6) SEMESTERS

(17) A student who is in violation of the standards set out in subdivision A, after completing six (6) semesters of full-time study (or the equivalent thereof) is not eligible to continue at Pierce Law until such time as the student has filed a plan required by subdivision F, and the Academic Standing Committee has approved the readmission of the student. The petition required by this subdivision shall be filed not later than thirty (30) days after receipt of the notice required by subdivision D.

(18) The Academic Standing Committee shall assess the plan submitted by a student covered by subdivision (1) by the standards set out in subdivisions G and I.

(19) In no event shall the Committee permit a student more than two (2) semesters to cure deficiencies in the academic record. In most cases the academic work required of a student covered by subdivision (1) should be performed at Pierce Law; however, the Academic Standing Committee may permit exceptions to this policy in appropriate cases.

(20) A student who is readmitted pursuant to this subdivision and who fails to satisfy the terms of the readmission established by the Academic Standing Committee shall be dismissed from Pierce Law.

(21) Notwithstanding the other provisions of this section, the Academic Standing Committee may, without a formal notice or plan, consider whether the deficiencies of a student coming within its jurisdiction at the end of the sixth semester are insubstantial and ought to be waived. If the Committee so chooses and finds that the deficiencies are neither evidence of substantial academic deficiency nor the result of culpable neglect, it may recommend to the faculty that deficiencies be waived, either completely or on conditions. Otherwise such a student shall be treated as any other student within the jurisdiction of the Committee.

L. READMISSION AFTER ACADEMIC DISMISSAL

(22) A student dismissed from Pierce Law at any time before completing the regular academic program pursuant to an action by the Academic Standing Committee under subdivision I(1)(c), may seek readmission only if the Academic Standing Committee does not bar a petition for readmission by the terms of the dismissal.

(23) Petitions for readmission will not be accepted for a period of two (2) years following academic dismissal unless the Academic Standing Committee specifies that a petition will be accepted before that time by the terms of the dismissal. No petition for readmission will be accepted after three (3) years from the date of dismissal.

(24) If a student has earned forty-two (42) or more credits toward the degree at the time of the academic dismissal, the student may be readmitted by the Academic Standing Committee subject

to such terms and conditions as it may set, to include requirements which exceed the degree eligibility requirements specified in Rule I B. The credits earned prior to the dismissal may be counted toward the degree.

(25) If a student has earned fewer than forty-two (42) credits toward the degree at the time of the academic dismissal, the student may be readmitted by the Academic Standing Committee. Such student would be required to satisfy the requirements for the class entering the law program that year. The Academic Standing Committee will determine if the credits earned prior to the dismissal will be counted toward the degree.

(26) At the student's option, a student may appeal the denial of readmission to the faculty or to the Appeals Panel.

M. READMISSION AFTER AUTOMATIC DISMISSAL

A student automatically dismissed under Rule VI-A(3) desiring to continue at Pierce Law may apply for readmission to the Academic Standing Committee not earlier than one year nor later than two years following the dismissal, or may apply for readmission under the terms of VI-L.

Rule VII APPEALS FROM DECISIONS OF THE ACADEMIC STANDING COMMITTEE

A. DECISIONS SUBJECT TO APPEAL

The following decisions of the ASC are subject to appeal, and no others.

- (1) Rejection of a plan.
- (2) Imposition of particular conditions of probation.
- (3) Suspension, with or without conditions.
- (4) Dismissal.
- (5) Refusal to shorten the time for reapplication after dismissal or denial of readmission after the time specified in the rules or by the ASC.

B. GROUNDS FOR APPEAL AND STANDARDS OF REVIEW

The notice of appeal shall specify one or more of the following grounds for appeal, and no others.

- (1) The rejection of the student's plan by the ASC was clearly unreasonable on the evidence before it.
- (2) The conditions of probation imposed or insisted upon by the ASC are clearly unreasonable on the evidence before it.
- (3) The failure of the ASC to waive violations of conditions of probation was clearly unreasonable on the evidence before it. (repealed 1/26/06)
- (4) The conclusion of the ASC that the student:
 - (a) Lacks the abilities to complete the degree program; and/or
 - (b) Has failed to satisfy terms of probation; and/or
 - (c) Has failed to present a plan or has failed to present a feasible plan to the Committee, in accord with the criteria of Rule VI-G(8); was clearly unreasonable on the evidence before it.
- (5) The failure of the ASC to shorten the time for reapplication or to readmit was clearly unreasonable on the evidence before it.
- (6) The student, without fault, was prevented from making a fair and accurate presentation, that such presentation could have materially affected the ultimate decision, and that the ASC has un-