

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 (repealed 1/26/06)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-

reasonably declined to reconsider or take other specific remedial action requested by the student. Newly discovered evidence may be the basis for an appeal on this ground. However, newly discovered evidence must be submitted at the earliest possible time to the ASC. The ASC, upon receipt of such evidence, must issue a written decision on whether to accept the evidence, and if accepted, whether the evidence warrants further proceedings or a modification of its decision.

(7) A specified action of the ASC was beyond its authority, contrary to these rules, illegal, or so arbitrary as to amount to an injustice, and that such action may have materially affected the challenged decision of the ASC.

C. NOTICE OF APPEAL AND MEMORANDA IN SUPPORT OR OPPOSITION

(1) To appeal a decision of the ASC, a student must file a notice specifying with particularity the decision(s) appealed from and the grounds for the appeal.

(2) The notice of appeal must be delivered to the Assistant Dean of Students within seven (7) calendar days of the written ASC decision and copies shall promptly be served by the appellant on the individual members of the ASC.

(3) The student may request counseling from the Assistant Dean of Students prior to time for submission of the required memorandum in support of the appeal (see next subdivision).

(4) Within fourteen (14) calendar days of filing a notice of appeal (unless the time is extended in the sole discretion of the Assistant Dean of Students), the student shall file with the Assistant Dean of Students a written memorandum in support of the appeal, which shall contain:

- (a) The appellant's choice of tribunal (where permitted);
- (b) The appellant's argument in support of each specified ground of appeal; and
- (c) Any writings the student submitted to the ASC which are not a part of the ASC file.

The appellant shall promptly serve copies of the memorandum on the individual members of the ASC.

(5) At any time before the Assistant Dean of Students prepares the file of the case for submission to the Appeals Panel or faculty, and in no case later than five (5) days prior to oral argument or the meeting at which the appeal is to be decided, the ASC may file in reply a memorandum in opposition to the appeal with the Assistant Dean of Students. In such case the ASC shall promptly serve copies of the memorandum on the appellant.

D. JURISDICTION OF APPEALS AND STATUS PENDING APPEAL

(1) The Appeals Panel has exclusive jurisdiction of appeals under subdivision A(1) and (2) above and subdivision H below.

(2) The Appeals Panel and faculty have concurrent jurisdiction of all other appeals from the ASC, and the student may choose either body.

(3) The ASC retains jurisdiction to modify its decision until the Appeals Panel or faculty begin their hearing or deliberations and may treat the appeal documents as requests for modification.

(4) An appeal does not stay the effect of a decision of the ASC, and students who are permitted to sit in on classes pending an appeal of suspension or dismissal do so at their own risk.

E. RECORD ON APPEAL, CONTENTS, AND PREPARATION

(1) The written portion of the record on appeal shall consist of:

- (a) The ASC's file on the case.

- (b) Any other writings submitted by the student to the ASC for consideration in making the decision appealed from and not made a part of the ASC file so long as they are attached to or incorporated in the student's memorandum in support of the appeal, provided the ASC may object to inclusion of this material if it believes the information was not previously submitted to it.
 - (c) The notice of appeal and memoranda in support and opposition.
- (2) The written portion of the record on appeal will be prepared and distributed by the Assistant Dean of Students, who may arrange its components in such a way as will best aid in consideration of the issues of the particular case.
- (3) The record on appeal also includes:
- (a) Statements made during the argument of the appeal by appellant, appellant's counsel, or members of the ASC, including their recollections about proceedings or inquiries of the ASC which are not embodied in the written record.
 - (b) Statements relevant to the stated grounds for appeal made during the argument of the appeal by faculty members about their recollections of communications with the student or ASC members.
 - (c) Any other official, written records of Pierce Law (such as admissions records or decisions of a Conduct Code Council) expressly referred to during the argument of the appeal which are relevant to the stated grounds for appeal and of which the appellant panel or faculty chooses to take notice.
 - (d) Any other evidence relevant to the stated grounds for appeal which is offered by the appellant or the ASC before or during the argument of the appeal and which the Appeals Panel or faculty affirmatively decides to consider after request by the offering party.
- (4) Matter submitted under (3) above may be excluded on motion of either party or by the body hearing the appeal on its own motion, but matters such as weight, credibility or relevance should ordinarily be handled by argument rather than exclusion.

F. ORAL ARGUMENTS OF APPEALS

- (1) If the student appeals rejection of a plan, conditions of probation or automatic dismissal under Rule VI-A(3), the Appeals Panel may choose to decide the case on the written portion of the record without oral argument.
- (2) If a student or former student appeals failure to reduce the time for reapplication or denial of re-admission, the Appeals Panel or faculty, as the case may be, may choose to decide the case on the written portion of the record without oral argument.
- (3) In all other cases the student is entitled to oral argument of the appeal at which the student may appear in person and/or by counsel of their choosing. Counsel need not be an attorney, but the appellant must bear any cost for counsel. The student may waive oral argument.
- (4) The date for oral argument will be set by the Assistant Dean of Students in consultation with the Chair of the Appeals Panel or the Facilitator/Moderator of the faculty. An argument shall be scheduled to allow at least one (1) week for review of all pleadings and the record unless the Assistant Dean of Students determines compelling personal circumstances dictate that an expedited hearing be held.
- (5) If the student does not waive oral argument, the ASC may make an oral argument through one of its members. If the ASC waives argument, it must have at least one member present to respond to questions from the appellate body.

(6) Appellant shall argue first, whether or not the ASC filed a memorandum in opposition. The length of arguments and time for questions shall be in the discretion of the appellate body but in the usual case the parties will have no more than fifteen (15) minutes each for argument.

(7) Neither party shall argue outside the evidence in the record unless it first requests and is granted permission to present new evidence. Such permission will be granted only if the evidence is material to the issue on appeal and was not available for inclusion in the record by the means provided in subdivision B(6) or E(3) of these rules through no fault of the offering party.

(8) Oral argument shall be private. Only parties, counsel, the Assistant Dean of Students, and the appellate body may be present.

G. DECISIONS OF APPEALS

(1) Deliberations of the appellate body shall be private and confidential.

(2) Members of the ASC who participated in making the decisions from which appeal is taken shall not be eligible to participate in deciding the appeal. Any person present at the oral argument but not eligible to participate in deciding the appeal must leave the room before the decision-making process.

(3) Decisions shall be reached by a majority vote of the members of the appeals body present and eligible to participate.

(4) In regard to each decision appealed from, the appellate body shall:

(a) Affirm the decision;

(b) Vacate the decision and remand the case to the ASC or a special committee with directions for further proceedings; or

(c) Modify or reverse the decision appealed from in part or in whole.

H. APPEAL FROM AUTOMATIC DISMISSAL

Appeal to the Appeals Panel from an automatic dismissal under Rule VI-A(3) may be made on one of the following two bases only. (The terms of probation which the student failed to satisfy are not the subject of this appeal; they were the proper subject of an appeal of their terms to the Appeals Panel under Rule VI J(2) and Rule VII-A(2). No individual or committee has the power to stay the effect of the automatic dismissal or the operation of Rule VI-H pending the appeal process.)

(1) First, forces beyond the student's control or foresight caused the failure to satisfy the terms of probation. Second, without those forces it is clear that the terms of probation would have been satisfied; or

(2) Failure to satisfy the terms of probation was caused by the failure of Pierce Law to provide an accommodation for the student's disability which was previously approved by Pierce Law.

Rule VIII INDEPENDENT STUDY, MULTIPLE CREDIT FOR SAME WORK PRODUCT, CREDIT FOR NONLAW, GRADUATE-LEVEL SCHOOL WORK, AND MAXIMUM CREDIT FOR CLINICAL OFFERINGS

A. INDEPENDENT STUDY (IS)

(1) **Purpose.** The purpose is IS is enable a second-or third-year student to pursue individualized or small-group research and study outside the established curriculum but under the supervision of a member of the full-time faculty. The amount of credit, the standards for earning it, and the aptness of topic shall be the same for IS as generally for course offerings in the curriculum.

(2) **Faculty Responsibility.** Responsibility for an IS lies solely with the supervising faculty member.