

# University of Iowa COLLEGE OF LAW

## STUDENT HANDBOOK

2018 - 2019

*This document was updated September 2018.. This edition is available online at <http://www.law.uiowa.edu/students/handbook.php> in PDF form. If changes are made during the year, a new document will be posted (with the date of its publication available in the footer) and previous documents will be archived at that web page.*

The **Student Handbook** is designed to be a source book for your life as a student at the University of Iowa College of Law. Take the time to browse through its contents and note that it contains all the policies and procedures – on course selection, grading, retention, misconduct, to name just a few – that you’ll need to know while you’re a student.

As the Dean of Students, I am the administrator who is specifically charged to serve as a sounding board and advocate for student concerns. My role is to counsel and assist you. Whether you are concerned with progress toward your degree, course scheduling, classes outside the law school, personal problems or family matters, or anything that interferes with your having a successful experience at school, I’ll help or find someone else who can. When I hear about problems that are affecting students at the Law College, I’ll make sure that these concerns are heard by the faculty and other administrators. If the problem can’t be fixed, I’ll attempt to explain why.

I am also available to members of student organizations in the Law College who need information or counsel on developing programs, getting funding, and negotiating the bureaucratic operations of student activities at the University. Members and officers are welcome to stop by at any time.

I look forward to getting to know you and serve you.



Carin N. Crain  
Dean of Students

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## PART I

### IOWA COLLEGE OF LAW

#### ACADEMIC POLICIES AND PROCEDURES ADOPTED BY THE FACULTY<sup>1</sup>

##### I. Learning Outcomes of the University of Iowa College of Law<sup>2</sup>

Upon graduating from the University of Iowa College of Law, a student shall have competency in the following:

###### *Knowledge and understanding of substantive and procedural law*

1. Identifying and applying the foundational concepts of civil procedure, constitutional law, contracts, criminal law, property, and torts, and understanding the manner in which the law, both statutory and judge-made, changes.
2. Identifying and applying key concepts from a range of other areas of law not taught in courses required by the law school, but generally understood to be among those considered important for the practice of law.
3. Understanding the structure of the American legal system.

###### *Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context*

1. Identifying legal rules within legal authorities.
2. Synthesizing legal rules into an analytical framework.
3. Using legal authorities to assess the likely outcome of a case.
4. Identifying and using relevant research materials and providing proper attribution to them.

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<sup>1</sup> This document contains policies and procedures adopted by the Faculty of the University of Iowa College of Law that relate directly to students. Students enrolled in College of Law are also subject to University Policies as well as administrative policies and procedures implemented under the authority of the Dean of the College of Law.

<sup>2</sup> Adopted by the faculty on March 24, 2016 and April 29, 2016; Amended January 25, 2018.

5. Writing documents in a clear, well-reasoned, organized manner that is appropriate to the audience and the circumstances.
6. Speaking in a clear, well-reasoned, organized manner that is appropriate to the audience and the circumstances.
7. Spotting relevant legal issues in a fact-pattern.

*Exercise of the proper professional and ethical responsibilities to clients and the legal system*

1. Identifying the ethical considerations, disciplinary standards, and laws that govern the practice of law.
2. Applying the knowledge of professional ethics to the problems involving representation of clients and the resolution of ethical and other professional dilemmas.
3. Understanding the professional and ethical responsibilities of lawyers to the legal system, clients, the profession, and society.

*Other professional skills needed for competent and ethical participation as a member of the legal profession.*

1. Using self-evaluation of professional experiences to improve professional performance, experiences, and judgment.
2. Analyzing a legal issue of a student's choosing in a manner that meets the upper level writing requirements for graduation.

## II. Graduation Requirements for the J.D. Degree<sup>3</sup>

### A. Overview

To be eligible for a J.D. degree, a student must:

1. Meet the credit hour requirements;
2. Meet the length of study requirements;
3. Achieve a cumulative grade point average of at least 2.1;
4. Take and complete all required courses;
5. Satisfy the writing requirements; and
6. Satisfy the experiential course requirement.

### B. Credit Hour Requirements

A student must receive credit for 84 credit hours of course work. For purposes of these Graduation Requirements, “course” and “course work” refer to any credit-bearing activity recognized by the College of Law. Of the 84 credit hours required for graduation:

1. At least 64 must be earned through courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction (“faculty instruction courses”). Faculty instruction courses shall be so designated in the course registration materials. (The definition of “faculty instruction course” is subject to ABA Standards; among the courses that are excluded from the definition, as of January 2016, are co-curricular (student-run) courses, field placements, independent studies, supplementary writing, directed writing and research, and non-law courses.)
2. No more than 6 may be earned through participation in co-curricular (student-run) courses. Co-curricular courses shall be so designated in the course registration materials.

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<sup>3</sup> Graduation Requirements for The J.D. Degree, adopted by the faculty on October 8, 2015; amended May 19, 2016; November 30, 2016; September 29, 2017; December 4, 2017. Codified at Title II of the Academic Policies and Procedures Adopted by the Faculty. These requirements apply to students entering the College of Law first year students in the Fall of 2016 or later and students entering the College of Law as transfer students or two-year J.D. students in the fall of 2017 or later. Students entering the College of Law prior to these dates are subject to the prior version of the graduation requirements.

3. No more than 6 may be earned through independent studies, supplementary writing, and directed writing and research, except as permitted by the Dean or the Dean's designate.
4. No more than 9 may be earned through field placements, except that a student may, with the approval of the Dean or the Dean's designate, count up to 14 such credits toward graduation. A student may count toward graduation up to 3 credits from a summer legal placement in addition to the number otherwise permitted by this paragraph. For purposes of this paragraph, a "field placement" includes the student's on-site experience as well as any associated seminars, tutorials, and other forms of guided reflection on that experience.
5. No more than 28 may be earned through studies, activities, or field placements outside the United States.
6. No more than 12 may be earned through distance education courses, except that a student may, with the approval of the Dean or the Dean's designate, count up to 15 such credits toward graduation. Distance education courses shall be so designated in the course registration materials.
7. None shall be from distance education courses taken before the student enrolled at the College of Law.
8. None shall be for course work taken before the student enrolled in a law school.
9. No more than 34 may be from credits transferred from other ABA-accredited law schools, and no more than 30 such credits may be earned prior to enrolling at the College of Law.
10. None shall be transferred from non-ABA-accredited law schools in the United States, except as permitted by the Dean or the Dean's designate and applicable ABA Standards.
11. No more than 20 may be earned through non-law courses. Credit hours from a non-law course may count toward the J.D. degree only if they are approved by the Dean or the Dean's designate pursuant to the College of Law's policy on Non-Law Courses.
12. No more than 16 may be from courses taken during any one semester.

To receive credit for a course, a student must satisfactorily complete all course requirements established by the instructor. In courses with a final exam, the instructor may preclude a student from taking the final exam if the student has not first satisfied all of the instructor's course requirements as to class attendance, written work, special readings, oral reports, etc.



A course shall not count toward the number of credits required for graduation unless the student receives a course grade of 1.8 or higher, or, in a course taken Pass/Fail, a grade of Pass.

### **C. Length of Study Requirements**

A student must complete the required course work in no fewer than 27 months and, except in extraordinary circumstances and with permission of the Dean, no more than 84 months after the student has commenced law study at the College of Law or at a law school from which the College of Law has accepted transfer credit, whichever was earlier.

If the College of Law grants credit for prior law study at a law school outside the United States as permitted under ABA Standard 505(c), only the time commensurate with the amount of credit given counts toward the length of study requirements.

### **D. Required Courses**

Required law school courses include:

1. All first-year courses: Civil Procedure; Constitutional Law I; Contracts; Criminal Law; Introduction to Law and Legal Reasoning; Legal Analysis, Writing, and Research I and II; Property; and Torts;
2. Constitutional Law II;
3. A qualifying course in Professional Responsibility. Qualifying courses shall be so designated in the course registration materials.

Entering first-year students are required to take all of the first-year courses and one elective and cannot register for different courses or fewer hours without permission of the Dean of Students.

### **E. Writing Requirements.**

*See* Writing Requirements policy.

### **F. Experiential Course Requirement**

A student must complete one or more experiential courses totaling at least six credit hours. Experiential courses shall be so designated in the course registration materials.

### **G. Designation of courses**

The designation of a course as an experiential course, faculty instruction course, distance education course, writing course, co-curricular course, or qualifying Professional

Responsibility course shall be valid only for the particular semester(s) that the course is so designated.

A student may not count any course toward both the experiential and professional responsibility requirements. At least one of the courses a student counts toward the upper-level writing requirement involving direct and ongoing faculty supervision must not be counted toward the experiential or professional responsibility requirements.

## H. Credit for Courses Taken Outside the University of Iowa College of Law<sup>4</sup>

### 1. *Courses Taken Prior to Matriculation at the College of Law*

Except as provided below, no student shall receive credit hours toward the J.D. degree for courses taken prior to matriculation at this law school.

### 2. *Transfer Credit*

#### a) Credit for Previous Legal Studies

Subject to the limitations in Part B of the Graduation Requirements for the J.D. Degree, credit hours for studies undertaken as a J.D. degree student at another ABA accredited law school prior to enrolling at the College of Law may be transferred to the J.D. degree at the College of Law. No credit hours shall be transferred for any course in which a grade of less than a "D" was received. Grades received at another law school shall not be counted in ascertaining the student's weighted cumulative average for any purpose.

Subject to the limitations in Part B of the Graduation Requirements for the J.D. Degree, credit hours earned at a law school outside the United States may be counted toward the J.D. degree, provided that the Dean or the Dean's designate determines that the College of Law would have granted credit towards satisfaction of J.D. degree requirements if earned at the College of Law.

#### b) Transfer of Credits After Admissions.

College of Law students visiting at ABA-accredited law schools after enrollment at the College of Law may transfer credit hours subject to the limitations in Part B of the Graduation Requirements for the J.D. Degree. Students seeking credit for courses taken as a visitor at another law school must obtain permission from the Dean or the Dean's designate and comply with all relevant College and University policies regarding study at another institution

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<sup>4</sup> Amended language adopted by the faculty on January 24, 2018 (prior citations deleted).

College of Law students visiting at a law school outside the United States must first obtain the permission of the Dean or the Dean's designate, who shall ensure compliance with the relevant ABA Standards and Criteria. Students shall also comply with all relevant College and University policies regarding study abroad and at another institution. Credit hours transferred for such studies are subject to the limitations in Part B of the Graduation Requirements for the J.D. Degree.

### 3. *Transfer of Credit for Externships Earned at another School*<sup>5</sup>

Except in the case of students who bring externship credits with them when they transfer into the College of Law, a student seeking to receive academic credit at this college for a field placement program taken or arranged through another law school must secure the approval of the administrator and the Curriculum Committee prior to beginning the field placement program. The administrator may set and enforce appropriate deadlines for applications for approval of such field placements. If a field placement program arranged by another law school has been previously approved, the administrator may approve subsequent requests for credit through that program by the approval process described in the Policy on Field Placements. This approval process is not meant to discourage students from registering for externship programs at other schools, nor should the approval requirement be taken to suggest that the other school's program must conform in all respects to our own.

### 4. *Non-Law Courses*<sup>6</sup>

A student seeking to count credit hours from a non-law course toward the J.D. degree must obtain the approval of the Dean or the Dean's designate. The student must provide the Dean (or the Dean's designate) with a course description for the course. Credit hours for the course will be approved only if all of the following conditions are satisfied:

1. The student can demonstrate that the course either (a) contributes to the professional competency of an attorney, or (b) provides perspective that will broaden the student's understanding of some aspect of law or the legal process.
2. The subject matter of the course does not duplicate that of a course offered by the College of Law.
3. The subject matter of the course does not duplicate that of another course the student has taken in any program.

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<sup>5</sup> College of Law Field Placement Policy, adopted by the faculty on May 9, 2013; amended March 21, 2017.

<sup>6</sup> Amended language adopted by the Faculty of the College of the Law on December 4, 2017.

4. The student takes the course after matriculating in the College of Law's J.D. program.
5. The course is either (a) graduate level (currently level 5000 or above); or (b) supported by a compelling argument demonstrating how a particular lower-level course will specifically benefit the student's legal education.

A student's ability to count non-law credit hours toward the J.D. degree is also subject to the restrictions in the Graduation Requirements for the J.D. Degree, the College of Law's Joint Degree Program policy, and any other applicable University, College of Law, or departmental requirements.

A course that is taken outside the College of Law for credit hours towards a law degree will be graded according to the course's standard grading practices. These grades will appear on the student's transcript but will not be used in computing a law student's cumulative average. A pass, or a grade of "C" or higher, is required for law school credit.

Students who take courses outside the College of Law may be subject to course rules that are set by the partner program, and those rules may differ from rules in the College of Law. But law school policies on misconduct apply to joint degree students even with respect to the students' conduct in non-law courses.

Because non-law courses cannot count toward the J.D. degree without meeting the requirements of this policy, the College of Law strongly recommends that students seek the Dean's (or the Dean's designate) approval of any non-law course prior to enrolling in the course.

#### **H. Distance education courses<sup>7</sup>**

A "distance education course" is one in which the students are separated from the instructor or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between students and the instructor, either synchronously or asynchronously.

No distance course shall be offered unless the College of Law faculty has first approved the course's academic content, the method of course delivery, and the method of evaluating student performance. This includes any previously approved course that is being taught as a distance education course for the first time, as well as any distance education courses offered elsewhere in the University of Iowa or at other institutions. ABA Standard 306(a).

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<sup>7</sup> Course Approval and Crediting Policy, adopted by the faculty October 20, 2016.

This section is limited to distance education courses as defined in Standard 306(a). It does not apply to audio or video recording of regularly-scheduled classes pursuant to the College's General Policy on Recording Classes for Students when the course does not otherwise meet the definition of a distance education course. This section also does not apply to distance education components<sup>8</sup> offered to a student as a supplement to traditional classroom instruction when the academic credit received by the student is calculated on the basis of the amount of traditional classroom instruction provided for that student (i.e., without regard to the distance education component of the course). Neither Standard 306 nor this section applies to restrict instructors from including distance education components in courses in which at least two-thirds of the instructional hours are provided via regularly-scheduled class sessions. This section would apply, however, if it were anticipated that some students would be viewing more than one-third of the in-class instruction either remotely or at a different time than the scheduled class meeting.

This section does not apply to courses in which College of Law students are not separated from the instructor or each other for more than one-third of the instruction, even if students at other institutions may be taking the course as a distance education course.

No credit may be given toward the J.D. degree for any distance education course except as permitted by this policy, ABA Standard 306, and the College of Law's graduation requirements.

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<sup>8</sup>E.g., answering student questions via email or providing substantive course information via ICON or another on-line course information system.

### **III. Course Enrollment<sup>9</sup>**

#### **A. Full-Time Enrollment<sup>10</sup>**

The faculty believes that students receive a better legal education when they are devoting substantially all of their time to educational pursuits. For this reason, students at Iowa are expected to pursue their law training on a full-time basis. Consistent with its full-time policy, the faculty strongly recommends that students avoid jobs that require more than 20 hours of work per week.

No student shall enroll in fewer than 10 credit hours during the Spring or Fall semesters. For purposes of this requirement, courses taken during the January, March or May intersession count toward the Spring semester and courses taken during the August intersession count toward the Fall semester. In extraordinary circumstances or those of extreme hardship, students may obtain the permission of the Dean to enroll in fewer than ten credit hours per semester, or to withdraw from courses if that withdrawal would bring the student below the minimum credit hours. The fact that a student needs fewer than 10 credit hours to graduate shall be considered an acceptable circumstance for enrolling in fewer than 10 credit hours in a semester. Students who believe they may be unable to attend on a full-time basis should contact the Dean before registering for class.

#### **B. Entering First-Year Students<sup>11</sup>**

Entering first-year students are required to take all of the first-year courses and one elective and cannot register for different courses or fewer hours without permission of the Dean of Students.<sup>12</sup> Subject to prerequisites, first year students are required to select a 3-credit elective from the entire curriculum (excluding seminars), provided that individual faculty members can exclude first year students from their upper division courses.<sup>13</sup>

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<sup>9</sup> Course Enrollment Policy, adopted by the faculty on October 20, 2016.

<sup>10</sup> Full-Time Enrollment policy, adopted by the faculty on November 16, 2017.

<sup>11</sup> Subsection added to situate enrollment policies for first-year students.

<sup>12</sup> Graduation Requirements for The J.D. Degree, adopted by the faculty on October 8, 2015; amended May 19, 2016; November 30, 2016, September 29, 2017, December 4, 2017. Codified at Title II of the Academic Policies and Procedures Adopted by the Faculty. These requirements apply to students entering the College of Law first year students in the Fall of 2016 or later and students entering the College of Law as transfer students or two-year J.D. students in the fall of 2017 or later. Students entering the College of Law prior to these dates are subject to the prior version of the graduation requirements.

<sup>13</sup> Faculty Meeting Minutes, May 3, 2005.

**C. Enrollment in distance education courses**

No student shall be enrolled in a distance education course unless that student has first completed instruction equivalent to 28 credits toward the J.D. degree.

**D. Enrollment in field placement, clinic, and simulation courses<sup>14</sup>**

Except in the case of a Summer Legal Placement immediately following completion of a student's first year, no student shall be enrolled in a field placement or clinic unless that student has first received a passing grade in all of the required first-year courses identified in paragraph D(1) of the Graduation Requirements for the J.D. Degree. No student shall be enrolled in a Summer Legal Placement for the summer immediately following completion of a student's first year without receiving a passing grade in all of the required courses offered in the first semester of the first year. Additional prerequisites may be specified for individual field placements or clinics.

The Dean or the Dean's designate may in extraordinary cases grant exceptions to this requirement, but such exceptions shall not be granted unless, at a minimum, the student has successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Instructors in a simulation course shall ensure that each student enrolled in their course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

**E. Limitation on credits taken simultaneously**

No student shall be enrolled in coursework totaling more than 15 credits at any one time. The Dean or the Dean's designate may increase this limit to no more than 16 credits, subject always to the relevant ABA Standards. Courses taken during the March intersession count toward the 15-hour maximum for the Spring semester. Courses taken during the January, May, or August intersessions do not count unless a substantial amount of the work required for the course will be completed during the subsequent regular or summer session. In cases where the work for an intersession course carries over into a subsequent school session, a portion of the total hours will be allocated to the subsequent session at the discretion of the Dean of Students only for purposes of determining whether a student's course workload is consistent with the policy of this rule.

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<sup>14</sup> Revised policy adopted by the faculty on March 21, 2018.

#### **F. Enrollment in summer session courses**

No student shall be enrolled in courses totaling more than 12 credits during any one summer, excluding the May and August intersessions. The Dean or the Dean's designate may increase this limit to no more than 13 credits, subject always to the relevant ABA Standards.

#### **G. Overlapping courses**

Enrollment in courses whose scheduled meeting times overlap is ordinarily not permitted. Nevertheless, it may be allowed in limited circumstances where the law student has a compelling need to take two conflicting courses in a particular semester. No student may enroll in courses without the written permission of the instructors of both overlapping courses. An instructor may permit a student to miss sessions of his or her course on account of overlapping enrollment only after reaching an agreement with the student on how that student will fulfill the requirements of the course, despite the planned absences. Acceptable arrangements may include the required viewing of recordings of the classes missed, extra tutorial sessions, or the student's taking the course under an independent tutorial designation, under which the student would get reduced credit for attending the reduced number of class sessions. In no event, however, may the overlap exceed 1/3 of the credit hours of any course affected by the overlap.

#### **H. Duplicative courses**

A student will not be permitted to take a course if, after consulting relevant faculty, the Dean of Students concludes that the course substantially duplicates work done in other courses taken or being taken by the student.

#### **I. Auditing courses**

Students are allowed to audit classes with the permission of the instructor if the class is not filled within the pre-registration period. Auditing a course does not eliminate the payment of tuition and fees for the course.

#### **J. Co-curricular hours**

All students involved in a co-curricular activity for which more than one academic hour is earned must be registered for some part of the expected credit hour total in each semester in which they are substantially engaged in the activity.



#### **K. Enrollment in Seminar Courses<sup>15</sup>**

Seminars are ordinarily capped at ten students. Because seminar enrollments are limited, students are admitted by lot and also according to a preference system. Preference is given to students in the following order

1. Students who are 3L and need writing credits,
2. Students who need writing credits,
3. --with a preference for those who apply for two or three writing credits,
4. for students who do not need writing credits, 3L is given preference over 2L.

Students may register for three writing credits (and a total of five academic credits) only with the seminar Instructor's permission.

#### **L. Clinic Enrollment<sup>16</sup>**

Clinic enrollments during the fall and spring semesters for six to nine credit hours will be given identical priority beginning in the fall of 2016. Unless unanticipated circumstances prompt and earlier review, the clinic faculty will review enrollment figures in the fall of 2018 to determine whether it is feasible to continue to offer nine-credit enrollments.

In order to test and become familiar with this new system as it applies to fall-semester, second-year students, a total of four such students will be admitted to the clinic in the fall of 2016, each enrolling for six credit hours. The experience gained from that semester should enable the clinic faculty to operate a full-scale clinic for such students beginning in fall 2017.

#### **M. Special Rule Concerning Written Work Submitted for More than One Purpose<sup>17</sup>**

Where writing units or academic credit hours are sought for research or other work on a legal problem on which the student has previously or is simultaneously working for compensation or for writing units or academic credit hours in another course in the College of Law or elsewhere, the fact, nature, and extent of the related work must be fully and promptly disclosed to each faculty member awarding credit hours for the work. Where the attorney-client privilege precludes full disclosure of the related work product, at least the

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<sup>15</sup> Seminar Guidelines, adopted by the faculty on May 15, 2003.

<sup>16</sup> Faculty Meeting Minutes, March 24, 2016.

<sup>17</sup> Academic Rules and Practices, May 1983; amended January 25, 2018.

fact that the student has been involved with a related work product must be disclosed to each faculty member awarding credit hours.

#### **N. Course Dropping Policy<sup>18</sup>**

After the first two weeks a course meets, no student may drop the course without the consent of the instructor. In no event may a student drop any course after the distribution to that student of the final exam in the course. Instructors who wish to set policies in their courses of not permitting drops, beyond a particular period, except in hardship cases, are encouraged to announce such policies through written notices distributed during the first week of class. If a claimed hardship is one of disability, illness or other temporary medical condition, or a mental or psychological condition, the Dean or Dean's Designate shall determine whether the condition amounts to a hardship and shall decide, after consultation with the appropriate treating professional and the instructor, whether the student will be permitted to drop the class.

#### **IV. Attendance<sup>19</sup>**

Class attendance must be regular and punctual, and students must be prepared for participation in class. A student may be dropped from a course or failed, at the discretion of the instructor, for excessive absences, or for repeated lack of adequate preparation for or participation in class. In addition, students are expected to attend special class meetings and be punctual in submitting course assignments.

Instructors may establish more specific standards for attendance and shall notify students of any such standards at the beginning of the course.

#### **V. Writing Requirements<sup>20</sup>**

##### *1. General Requirement*

Each law student, in the second or third years of study, must complete four writing units pursuant to writing program described in sections 2 and 3 below, with the following limitations:

- 1.1 2 of the 4 units must be earned in courses (including seminars, externships, and clinic) or through independent research where there is direct and on-going faculty supervision. Journal papers which are read by faculty as part of the journal's policy

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<sup>18</sup> Academic Rules and Practices, May 1983, amended October 16, 1997.

<sup>19</sup> Attendance Policy, adopted by the faculty on October 20, 2016.

<sup>20</sup> Writing Requirements, adopted by the faculty in March 1987; amended May 14, 1998.

and briefs read by faculty for various moot court programs will not qualify as faculty supervised writing under this rule;

1.2 No more than 2 of the 4 units shall be awarded for legal drafting.

2. *Student-Supervised Writing Programs*

2.1 A maximum of 1 writing unit may be awarded for successful completion of Appellate Advocacy I, Van Oosterhout-Baskerville Moot Court competition and Jessup International Moot Court competition.

2.2 Writing units may be awarded for participation on the Moot Court board, on the Iowa Law Review, the Journal of Corporation Law, the Journal of Gender, Race, and Justice, or Transnational Law & Contemporary Problems.

2.3 Writing units awarded under this section shall be awarded exclusively on a credit/no credit basis.

3. *Faculty-Supervised Writing Programs*

3.1 Varieties of Writing Experience

3.1.1 Faculty have the discretion to award upper level writing units for any substantial analytical writing experience, whether the primary mission of the writing project is legal advocacy; the analysis and criticism of legal doctrine, theory or policy; the presentation of original research in law or related fields; or the drafting of legal documents.

3.1.2 No writing units shall be awarded for writing that was prepared in any significant degree either prior to the student's entry into the College of Law or in connection with a student's previous or present employment.

3.1.3 A student enrolled for law school credit in courses offered by faculty members in other colleges of the University may obtain up to a total of 2 writing units for writing done in connection with any such course or combination of courses if a full-time member of the law faculty reads the written work involved and determines that the project is of a kind eligible for crediting and otherwise meets all relevant standards set forth in this policy statement.

3.2 Settings in which Writing Hour is Available

3.2.1 Students may receive writing hour in a variety of academic settings, as set forth in subsections 3.2.2. and 3.2.3., below. Writing offered for credit in any setting is subject to the standards set forth in this statement of policy. In

any course in which a writing experience is either an option or a requirement, the faculty member shall inform the students at the beginning of the semester as to the potential effect the writing may have on the students' grades and on the number of academic hours available through that course.

### **3.2.2 Formats for Obtaining a Single Writing Unit**

**3.2.2.1** Clinical or nonclinical courses that are designated W courses for registration purposes require writing that is sufficient to earn one unit of writing credit. The writing required for W courses is either graded on a credit/no credit basis, or the numerical grade for the writing counts for less than 20% of the student's overall course grade. The writing unit earned does not carry any academic credit beyond the academic credit that is awarded based on the number of semester hours that the class meets.

**3.2.2.2** Clinical or nonclinical courses other than W courses may also require writing that is sufficient to earn one unit of writing credit. If the faculty member's assessment of such writing counts substantially towards the students' grades under paragraph 3.3.3.1., the faculty member may determine that the writing unit shall carry one academic credit beyond the academic credit that is awarded based on the number of semester hours that the class meets.

### **3.2.3 Formats in Which One to Three Writing Units May be Awarded**

**3.2.3.1** Faculty may award up to three writing units for independent research, which is numerically graded. Independent research carries academic hours equal to the number of writing units awarded. After securing an authorization by a faculty member who agrees to supervise a project, a student may sign up for one to three academic hours of independent research. When independent research involves a paper, the work must include research and the submission of at least one draft to the faculty member for comments. A second draft is generally required and additional drafts may be required by the faculty member. One academic hour and one writing unit will be awarded for papers that are at least 20 pages in length, double-spaced, exclusive of footnotes. Students may be awarded additional hours for longer papers. In general, for each academic hour, there must be an additional 20 pages of double-spaced text, exclusive of footnotes. However, exceptions may be made for projects involving substantial empirical work. No student may sign up for more than three hour hours for any single research project. When independent research involves the drafting of legal documents, the work must include research and the submission of at least one draft

to the faculty member for comments. Additional drafts may be required by the faculty member. One academic hour and one writing unit will be awarded for original drafting of documents (e.g., a will or trust) that are 4 to 10 pages in length, accompanied by one or more explanatory documents (e.g., a cover letter to the client) that are 4 to 10 pages in length. No student may sign up for more than three hour hours for any single drafting project.

**3.2.3.2** Faculty may award up to three writing units for ungraded independent writing, which is assessed on a credit/no credit basis, and which carries no academic credit. Faculty may award credit for ungraded independent writing that does not depend on research to the extent required for independent research. Students who wish to sign up for independent writing credit should complete a special form provided by the Registrar.

**3.2.3.3** Faculty may award up to three writing units in connection with seminars. Although a particular instructor may decide otherwise, seminars ordinarily enroll no more than 10 writing students each and may meet over one or two semesters. Each writing student is required to prepare a one-to-three unit paper, the assessment of which counts substantially towards the student's overall seminar grade. Depending on the nature of the student work involved, faculty members have discretion to award each writing student up to one academic hour for each semester hour that the seminar meets as a group and one academic hour for each writing unit earned.

### **3.3 Standards**

**3.3.1** Quantity: The normal expectation concerning the award of writing units is as follows:

**3.3.1.1** If the aim of the writing project is primarily the drafting of legal documents, the number of pages of original drafting work required will vary in relationship to the nature of the material drafted. One writing unit shall ordinarily be awarded for 4 to 10 double-spaced pages of original drafting work accompanied by one or more explanatory documents of 4 to 10 double-spaced typewritten pages, exclusive of footnotes.

**3.3.1.2** For writing projects not covered by paragraph 3.3.1.1 one writing unit shall ordinarily be awarded for each 20 pages of double-spaced typewritten text, exclusive of footnotes.

### 3.3.2 Feedback

**3.3.2.1** Unless a faculty member determines that requiring a rewrite of the particular project or projects for which writing credit is sought is inconsistent with the pedagogical design of the writing experience in question, writing units shall only be awarded for work that is subject to a rewrite requirement.

**3.3.2.2** In addition to providing written feedback on student writing projects, faculty members who supervise upper-level writing (a) may require their students to have individual conferences to discuss their writing, or (b) if such conferences are not required, shall inform their writing students that they are entitled to the opportunity to have such conferences.

### 3.3.3 Academic Hour for Writing Units

**3.3.3.1** At a faculty member's discretion, one academic hour may be awarded for each writing unit awarded by the faculty member (a) if the writing project involved is numerically graded as independent research, or (b) if the writing is done in connection with a course and the faculty member's assessment of the writing project counts substantially towards the student's grade in the course for which the writing is completed.

**3.3.3.2** With respect to faculty-supervised writing covered by section three of this policy statement, no academic hour shall be awarded for a writing unit awarded under section 3.1.3. or otherwise graded on a credit/no credit basis.

**3.3.4** Criteria for assessment: Students should realize that different faculty members supervising upper-year writing may apply different criteria for evaluating such writing, depending in part on the nature of the project involved. Faculty are encouraged to communicate those criteria to students, just as students are encouraged to inquire whenever they are uncertain of their instructors' expectations for their work. The following list indicates many of the qualities that are typically associated with good legal writing, and which, therefore, students may expect that faculty are likely to consider whenever they are relevant:

1. Ability to state clearly a plausible thesis, and to defend it resourcefully and persuasively, based on sound argument;
2. Ability to communicate ideas and data accurately and precisely;

3. Ability to organize a written presentation for maximum effectiveness in communication;
4. Ability to identify relevant issues and to show good judgment in the scope of coverage given to issues of differing importance;
5. Ability to advance a thesis without omitting reference to strong arguments that support the thesis;
6. Ability to defend a thesis against the most likely plausible arguments casting doubt on the thesis;
7. Ability to identify and comprehend relevant research materials and integrate into a written presentation, with appropriate attribution, the data or insights derived from those materials;
8. Ability to use legal authority appropriately;
9. Ability to distinguish between constitutional, statutory, or common law arguments and arguments or positions that are based on extralegal considerations;
10. Ability to follow the requirements of form, including spelling and grammar;
11. Ability to perform a task as instructed, including the ability to examine a problem from a particular assigned role, and the ability to follow formal requirements specific to the assigned task (e.g., page limits);
12. Ability to translate legal insight into legal documents prepared in connection with specific policy problems or legal transactions;
13. Ability to present argument, analysis, or data in a fresh way or from a distinctive perspective.

## VI. Grading<sup>21</sup>

### A. Numerical Grade<sup>22</sup>

Except as otherwise provided, a numerical grade shall be assigned to each student in each course. Unless otherwise provided, this numerical grade shall be recorded in the permanent records of the University as the grade received in the course and shall be shown, together with an average of all grades received in the semester (weighted in accordance with the number of semester hours in each course) on the grade sheet given to the student.

As a norm, the highest grade awarded at the College of Law will be 4.0. A grade as high as 4.3 may be awarded, however, to reflect an extraordinary performance by a student. Performance will not be deemed sufficiently outstanding to warrant a grade above 4.0 merely because the performance is substantially better than other performances in the class.

The lowest grade awarded at the College of Law will be 1.5. No academic credit shall be given for a grade below 1.8 or a grade of "Fail."

A numerical grade may be translated into a letter grade for purposes of comparison as follows:

4.3-4.2 = A+	2.9-2.7 = B-
4.1-3.9 = A	2.6-2.4 = C+
3.8-3.6 = A-	2.3-2.1 = C
3.5-3.3 = B+	2.0-1.8 = D
3.2-3.0 = B	1.7-1.5 = F

Professors may disenroll a student for cause, or reduce a student's grade for inappropriate academic conduct (e.g., plagiarism). Any such measure would be subject to appropriate due process. See Policy on Student Misconduct.

### B. Mandatory Grading Curve<sup>23</sup>

The faculty has adopted the following grading policy for all courses in the College of Law:

- (a) The following grading norms shall be followed in all courses in the College of Law, except as otherwise provided below:

The median grade in a class shall be 3.3, with the following distribution:

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<sup>21</sup> Prior to 2004, the College of Law used a 55-92 point scale. In 2004, the grading system was changed to a 1.4-4.3 point scale. That scale was further refined in 2005 to range from 1.5-4.3 points. The current curve was adopted in 2006. Consistent with past practice, pre-2004/2005 grade values in pre-2005 policies have been translated to post-2005 grade values.

<sup>22</sup> Adopted by the faculty on April 15, 2004; amended November 17, 2005.

<sup>23</sup> Adopted by the faculty on April 20, 2006.



4.2-4.3	[A+]	0 percent to 5 percent, with a norm of 2.5 percent
3.9-4.1	[A]	5 percent to 10 percent, with a norm of 7.5 percent
3.6-3.8	[A-]	10 percent to 20 percent, with a norm of 15 percent
3.3-3.5	[B+]	20 percent to 30 percent, with a norm of 25 percent
3.0-3.2	[B]	20 percent to 30 percent, with a norm of 25 percent
2.7-2.9	[B-]	10 percent to 20 percent, with a norm of 15 percent
2.4-2.6	[C+]	5 percent to 10 percent, with a norm of 7.5 percent
2.3 and under:	[C, D, F]	0 percent to 5 percent, with a norm of 2.5 percent

(b) When awarding grades at the extremes of the scale (i.e. "A+" grades or "D/F" grades), faculty members must exercise their own judgment concerning what performances are outstanding (A+) or seriously deficient (D, F). To the extent a faculty member's grades at the extremes are below the distributional norms, the distribution of grades at adjacent grade levels can be adjusted to achieve the overall distributional norms of 25% of grades at the A+/A/A-level and 25% of grades at "B-" or below.

(c) For upper-level courses with fewer than 30 students in which the final grade is based primarily on a final examination, an alternative curve is mandatory. The median grade in such courses shall be between 3.2 and 3.4, with the following distribution:

3.6-4.3	A+/A/A-	15-35%
3.3-3.5	B+	20-30%
3.0-3.2	B	20-30%
2.9 and below	B-/C+/C/D/F	15-35%

(d) The curve is not applicable in upper-level seminars and other upper-level classes in which a student's grade is based primarily on the student's performance on graded skills-oriented tasks (including writing) other than a final examination.

(e) The median grade in the LAWR course shall be between 3.2 and 3.4, with the following mandatory distribution:<sup>24</sup>

3.6-4.3	A+/A/A-	15-35%
3.3-3.5	B+	20-30%
3.0-3.2	B	20-30%
2.9 and below	B-/C+/C/D/F	15-35%

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<sup>24</sup> First-Year Legal Analysis, Writing & Research Guidelines, adopted by the faculty on May 11, 2005.

(f) There shall be no deviations from this policy without showing good cause to the Dean of the College of Law.

### C. Alternate Grading Frameworks<sup>25</sup>

1. The following are categorical exceptions to the general rule that a numerical grade shall be assigned to each student in each course.
  - a. Credit-bearing activities designated as co-curricular activities, including credit hours for the Iowa Law Review, Journal of Corporation Law, Journal of Transnational Law & Contemporary Problems, the Journal of Gender, Race & Justice, Appellate Advocacy I, the Van Oosterhout/Baskerville Domestic Competition and the Jessup and Jessup International Moot Court Competitions, Moot Court Board and Trial Advocacy Board, shall be graded on a pass/fail basis.
  - b. Introduction to Law & Legal Reasoning and Tutorial for Foreign-Trained Lawyers: Introduction to US Law & Legal System shall be graded on a pass/fail basis.
  - c. Advanced Legal Research courses may be graded pass/fail or numerically at the option of the instructor.
  - d. Trial Advocacy courses may be graded pass/fail or numerically at the option of the instructor.
  - e. The SJD Tutorial and SJD Independent Research and Writing shall be graded on an Honors/Pass/Fail basis.
  - f. The field work component of a field placement shall be graded pass/fail.
  - g. The 3-credit summer legal placement program shall be graded pass/fail.
2. Other courses may be offered pass-fail, but only upon approval by the Faculty. An instructor seeking to offer a course on a pass/fail basis must demonstrate to the Faculty a compelling reason for departing from the standard policy that a numerical grade shall be assigned to each student in each course at the College of Law. Courses may not be approved as pass-fail on a lay-on-the-table basis.
3. Faculty are required to award a numerical grade for a failure in a pass-fail course.

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<sup>25</sup> Academic Rules and Practices, May 1983, amended Nov. 23, 1983; April 16, 1998; March 25, 1999; March 10, 2005; Dec. 14, 2017. *See also* Faculty Meeting Minutes, September 19, 1978.

4. A course that is taken outside the College of Law for credit towards a law degree shall be graded according to the course's standard grading practices. These grades will appear on the student's transcript but shall not be used in computing a law student's cumulative average. A pass or minimum grade of "C" is required for law school credit.

#### **D. Consequences of failing a course**

##### *1. Students who fail LAWR I or LAWR II<sup>26</sup>*

A student who earns a grade of lower than 1.8 in LAWR I or withdraws from LAWR I is not eligible to take LAWR II. A student who has not earned a grade of at least 1.8 in both LAWR I and LAWR II is referred to the Retention Committee.

##### *2. Students who fail a required or upper division course<sup>27</sup>*

No academic credit shall be given for a grade below 1.8 or for a grade of Fail. A student who fails a required course must repeat the course, with a different professor if possible. Both enrollments and both final grades earned in the course will appear on the students' transcript. If a student retakes a required course, both grades will be included in the calculation of the student's GPA. A student who earns less than a grade of 2.1 in the retaken course shall be referred to the Retention Committee.

A student who fails a non-required course may repeat the course with the permission of the Associate Dean for Academic Affairs. The grade on the retaking, however, shall be recorded as a "Pass" or "Fail" and shall not be used in computing the student's cumulative average. To receive a "Pass" in a course which is retaken, the student must earn a grade of 2.1 or better.

#### **E. Class Ranking<sup>28</sup>**

Students are not ranked until they complete their first year of study. Thereafter, rankings are done at the end of every semester, once all grades are reported. The following system of ranking students by their grade point averages shall be in effect:

- (a) The top ten percent in each class may be informed of their exact rank.
- (b) The grade point averages at the 12.5 percentile and 37.5 percentile will be posted; and

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<sup>26</sup> Faculty Meeting Minutes, May 17, 2011. Relocated from the Policy on Grading.

<sup>27</sup> Academic Rules and Practices, May 1983; amended December 17, 2010.

<sup>28</sup> Academic Rules and Practices, August 1983, *see also* Memorandum of September 18, 1979; Faculty Meeting Minutes, May 15, 1980. Amended January 25, 2018.

(c) The above will constitute the entire ranking system.

Students will be ranked following the fall semester and spring semesters each year. Final class standing will be based on the ranking in September and will include students who completed all graduation requirements in August, May and the previous December. For purposes of ranking underclass students, the same system shall be used based upon the expected date of graduation.

#### **F. Miscellaneous Grading Marks<sup>29</sup>**

The effect of marks other than Pass and Fail and numerical grades in all courses shall be as follows:

“W” equals withdrawn. This grade carries no course hours. This grade shall not be used in computing the cumulative average and shall be awarded only

- i. upon withdrawal from the College;
- ii. if the student remains registered in the College but is dropped from the course by the instructor; or
- iii. if the student remains registered in the College but withdraws from a course as permitted by these rules. Withdrawal without obtaining the requisite permission shall result in the awarding of a grade of 1.5 for the course.

"I" denotes incomplete. This grade carries no course hours toward a degree until changed to either a numerical grade or, where permitted, a pass/fail grade. This grade shall not be used in computing the cumulative average. A grade of "I" may be reported only in exceptional cases and then only if the unfinished part of the student's work in a course is small, the work is unfinished for reasons acceptable to the instructor, and the student's standing in the course is satisfactory. Grades of "I" which are not completed by the end of the semester following the initial entry of the "I," not including summer, shall automatically be converted by the Registrar to a 1.5 or an "F," depending on whether the course is graded or pass/fail, unless the supervising faculty member gives express written permission, upon a showing of good cause by the student receiving the "I," to extend the "I" for another semester. The burden of seeking an extension of the "I" shall be on the student, and not the Registrar or the supervising faculty member. In any event, an "I" shall not be extended beyond three semesters following the initial entry of the "I," whether or not the student is in residence. With the express written permission of the supervising faculty member, an "I" may be

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<sup>29</sup> Text taken from 2016-17 Student Handbook. Similar text appears in the May 1983 Academic Procedures. The main change from 1983 to the present is the elimination of the “OAE” grade and addition of “R” grade. This appears to have been an administratively adopted change.

converted to a "W" unless doing so would be inconsistent with other rules relating to grading policy.

A mark of "R" (denoting registered, course in progress) is reported if the student is registered for a year-long course or program (such as a seminar or a journal) and has completed the first semester of the course or program satisfactorily, but a grade cannot be assigned until the second half of the course or program is completed.

## **VII. Examination Policy**

### **A. Reading Period**

Whenever possible, the Dean will set aside one to three days for a study period between the end of regular classes and the first regularly scheduled upper class exam.<sup>30</sup>

### **B. Accommodations for students with limited English proficiency<sup>31</sup>**

Students at a substantial disadvantage taking an exam within the specified time limits by reason of limited English proficiency may receive additional time to complete an examination commensurate with the extent of the disadvantage and/or may be allowed the use of a language dictionary during the exam. A student seeking such an accommodation must make a request to the Dean or Dean's designate by the deadline announced each semester. The Dean or Dean's designate will then make a recommendation to the faculty member teaching the course in which the examination is to be given. The faculty member will determine the extent, if any, of accommodation for the student.

## **VIII. Policy on Eligibility Rules Adopted by Student Organizations<sup>32</sup>**

The faculty has authorized student academic organizations to adopt rules of eligibility designed to obtain adequate time commitments from a student selected to occupy a responsible position in the selecting student academic organization. Any such rules should be expressed in terms of the time commitment necessary to perform required duties and shall not be expressed as absolute bars against particular double commitments or activities. Rules of eligibility authorized by this vote shall not affect the eligibility of any student to register or enroll in any course except a course for which academic credits are earned through the performance of the duties required of a student holding a responsible position in a student

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<sup>30</sup> Faculty minutes, December 17, 1987.

<sup>31</sup> Adopted by the Faculty on February 14, 2018.

<sup>32</sup> Adopted by the faculty on May 10, 1988.

academic organization. Such rules shall, before becoming effective, be provided to the faculty and may be disapproved by a majority vote of the faculty.

## **IX. Policy on Field Placement Programs<sup>33</sup>**

The faculty of the College of Law recognizes the critical importance of experiential learning in creating opportunities for students to exercise and develop judgment, practical knowledge, professional skills and professional identity. An intensive, high-quality educational experience that involves the performance of legal tasks in a professional setting provides a valuable supplement to regular classroom work, simulation courses, co-curricular and extra-curricular activities, and legal volunteer placements.

This policy sets forth the conditions under which academic credit may be given for such field placement experiences.

### I. General

A field placement, which is also described as an externship, is an academic course in which a significant component of the student's educational experience includes the actual rendition of legal services or performance of other actual legal activity in a setting outside the College of Law. However, this definition does not include the College's clinical programs, in which the students are engaged in the rendition of legal services under the direct supervision of a faculty member.

Any academic credit awarded for a field placement is subject to the following limitations:

- a) except in the case of a Summer Legal Placement immediately following completion of a student's first year, no student is eligible to receive academic credit for a field placement until the student has received a passing grade in all of the required first-year courses identified in paragraph D(1) of the Graduation Requirements for the J.D. Degree;
- b) no student shall be enrolled in a Summer Legal Placement in the summer term immediately following completion of their 1L year without receiving a passing grade in all of the required first-year courses offered in the first semester of their 1L year;
- c) no student may receive more than a total of 9 hours of credit for an academic year field placement, except that a student may, with the approval of the Dean or the field placement program director, count up to 14 such credits toward graduation (including

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<sup>33</sup> Excerpts from Field Placement Policy adopted by the faculty on May 9, 2015; amended March 21, 2017; March 22, 2018.

the credit for any associated seminar or tutorial);

d) additional prerequisites may be specified for individual field placements.

Nothing in this policy shall be construed as superseding the policies for enrollment or graduation for the J.D. or other degrees.

## II. Educational Objectives of Field Placement Programs

Field placement programs are intended to provide students with in-depth exposure to the practice of law in a real-world setting. In any field placement, the student should be directly involved in activities characteristically performed by attorneys. Merely shadowing attorneys or engaging in passive observation, while an appropriate component of an field placement's educational experience, should never be the exclusive, nor even the predominant, activity for a student. The specific activities that would fulfill this purpose are manifold, for instance,

- research and writing,
- drafting, including legal documents, legislation and regulations, and policy proposals,
- client interviewing and counseling,
- fact investigation, negotiations, and
- court appearances or other comparable advocacy activities.

Some placements will by their nature limit the student's actual performance of lawyering activities to perhaps one or two of this non-exclusive list. For instance, judicial externships will always emphasize almost exclusively the legal research and writing skills practiced by attorneys. In those circumstances, the faculty and site supervisors should make every effort to ensure the students are at least offered the opportunity to observe and/or discuss a broader range of activities.

Externships are also intended to expose students to legal practitioners. Thus, any placement must guarantee that the student will have frequent and close interaction with attorneys. Finally, the placements are intended to expose students to the ethical issues raised in the actual practice of law. Every placement should offer an opportunity to confront and discuss ethical issues.

## III. Requirements for Field Placement Credit

Two components are required of any field placement for which credit will be given. The *experiential component* requires a certain number of on-site hours consisting of qualifying work under close supervision. The *academic and reflective component* consists of faculty-led instruction that include assignments that guide students in a disciplined evaluation of context, intention and action that allow the student to build on the experience. The goals of

the academic and reflective component will be determined by the faculty member and should include one or more of the following: developing a student's knowledge of substantive law or procedure related to the placement; enhancing the student's perspective on the legal system; developing the student's skills in matters related to the placement or to the practice of law generally; and/or considering ethical issues associated with the experience or with the practice of law generally.

a) Crediting

During the academic year, placements for up to five credits of on-site work shall have a seminar or tutorial of at least one credit, and placements for six or more credits of on-site work shall have a two-credit seminar or tutorial. During the summer, placements may also be taken for three credits, graded pass/fail, inclusive of the academic and reflective component.

b) Requirements for the experiential component

i) On-site hour requirement:

In order to receive academic credit for field placement, a student must work a minimum of 50 on-site hours for each hour of academic credit awarded for the experiential portion of the field placement. Additional hours may be required for certain placements, at the discretion of the director of the College's field placement program or the Curriculum Committee.<sup>34</sup> The work that the student performs in the field placement must be consistent with the College's educational objectives for externships, as stated above.

ii) Nature of the field placement:

Credited field placements must be for work that is for any of the following: a governmental body (including a court); a non-profit organization; a for-profit law firm; or a corporate counsel office in a for-profit firm.

iii) Compensation:

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<sup>34</sup> This policy anticipates that the Dean will appoint a field placement director. If, at any time, there is no field placement director, the Dean may appoint an associate dean or a faculty member to perform the director's duties. If there is no director, and no other person is appointed to perform the director's duties, those duties pertaining to approving field placements and reporting to the faculty on the field placement program will be performed by the Curriculum Committee or its chair. In addition, faculty field placement supervisors have an ongoing obligation in all circumstances (whether there is a field placement director or not) to monitor the quality of the field placements they supervise, to ensure that those placements comply with the requirements of this policy, and to report any problems to the field placement director or relevant administrator or, if there is none, to the Curriculum Committee.



Students shall not receive any compensation for work during their field placement (e.g., an hourly wage or salary). Students may accept grants, scholarships, or stipends from the College or sources other than the field placement itself, provided that the student reports the sources and amounts of those funds to the field placement director. Students also may receive reimbursement from their field placement organization for reasonable out-of-pocket expenses incurred as a result of participation in a field placement, provided that a summary of such expenses and reimbursements is furnished to the field placement director.

iv) On-site supervision:

Field Placement organization duties: Any organization hosting a field placement student must be committed to the educational possibilities of the placement and to providing the student with opportunities for performance and ongoing feedback on the student's work. The organization must identify a site supervisor for the student who is committed to these objectives, verified through completion of a written understanding between the student, site supervisor, and a faculty member, which will be provided along with other materials in a manual for Field Placement Supervisors. The site supervisor will also be required to complete written evaluations of the law student extern, and to consult with the faculty supervisor as required.

Faculty supervisor duties: The faculty supervisor is responsible for guiding the student in a statement of goals for the externship, for conducting a midterm conference among the faculty member, the site supervisor, and the student, and for grading the field placement experience on a pass/fail basis.

Student duties: Among other requirements set by the faculty and site supervisors, all students are required to submit weekly time sheets (redacted of confidential information) or other reports on the tasks they completed, to complete a mid-term assessment, and to complete a field experience final evaluation form.

Director (if any) duties: The director of the College's field placement program (if any) is responsible for ensuring that these commitments are met and to provide guidance as necessary regarding the requirements.

c) Requirements for the academic and reflective component.

Each field placement must be accompanied by a simultaneous academic and reflective component taught by a faculty supervisor, who may be an adjunct faculty member.

All field placement academic components must include opportunities for self-evaluation and ongoing, contemporaneous, faculty-guided reflection. For example, faculty members might require that all students produce, and share for discussion with the faculty member (or a group that includes the faculty member and other students), a series of writings related to various aspects of the student's placement experience.

Except for 3-credit summer legal placements, this academic and reflective component shall ordinarily consist of a one- or two-credit field placement seminar graded numerically by the faculty supervisor. In cases where it is not possible to arrange a seminar, the reflective and academic components may be provided through a field placement tutorial, so long as the tutorial satisfies the requirements for a seminar. In most cases, the field placement seminar or tutorial will be conducted by the supervising faculty member on a weekly or bi-weekly basis. Enrollment in such seminars or tutorials should ordinarily be capped at 12 (as in other College of Law seminars).<sup>35</sup>

#### d) Grading

Except for 3-credit summer legal placements, the academic and reflective component of a field placement experience shall be graded numerically under the College's regular grading policy. Methods of evaluation and grading shall be determined within the discretion of the faculty supervisor, consistent with course goals, and may include journaling, short papers, class presentations, class participation, and research papers.

The experiential component of the field placement will be graded pass/fail by the faculty supervisor. The faculty supervisor will obtain from the site supervisor a mid-term and final evaluation of the student's work.

#### Approval of field placements

Approval of field placements is the joint responsibility of the field placement program administrator, if any, and the Curriculum Committee. If there is no program administrator, the duties assigned to that person shall devolve upon the Curriculum Committee or its chair.

##### i) Field placements at locations that have not hosted an Iowa student within the previous three years.

Applications for a field placement at a location that has not recently (within the prior three-year period) hosted an Iowa field placement student must be made on a form prepared by the program administrator. All information requested on that form must be provided prior to approval of the field placement, unless the administrator determines that an informed

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<sup>35</sup> For students whose field placements are at a significant distance from Iowa City, there are a number of alternatives for satisfying the reflective and academic requirements for field placement credit. The student may participate in a field placement seminar or tutorial via video-conferencing or on-line education technology provided that the requirements for distance education courses are met. If a number of Iowa students are involved in field placements in a nearby city, the College might arrange for the field placement seminar to be offered in that city by a regular faculty member, a member of the adjunct faculty, or through a contractual arrangement with another law school or field placement organization.

decision about the field placement can be made without the missing information.

Applications for approval of an individual field placement, or a course involving multiple field placements, may be made by a student (in the case of an individual field placement opportunity), by a faculty member, or by the program administrator.

The field placement administrator shall have the authority to approve any student-initiated or administrator-initiated individual placements that clearly and directly meet the standards in this policy. The administrator may consult with the Curriculum Committee or its chair in close cases.

All first-time international field placements must be approved by the Curriculum Committee. All first-time placements in private, for-profit settings must also be approved by the Curriculum Committee. Previously-approved international or private placements must be resubmitted to the Curriculum Committee for approval if no Iowa student has participated in a placement at that location within the prior three years.

The administrator may set deadlines for field placement applications and may strictly enforce such deadlines.

Prior to final approval of a placement, the administrator must determine the means by which the reflective and academic components of the placement will be satisfied, and the administrator must verify that the site supervisor has adequate professional credentials, and training or experience, to effectively supervise the student's work and is willing to comply with the terms of this policy concerning supervision and evaluation of the student.<sup>36</sup> Where warranted, the administrator shall have the discretion to impose such additional conditions or requirements as are deemed appropriate.

ii) Field placements with organizations that have successfully hosted Iowa students within the past three years.

The administrator of the field placement program may accept and approve applications for credit for field placements at organizations that have recently hosted Iowa students by any process deemed satisfactory by the administrator. However, the administrator may approve subsequent placements at a previously-approved organization only if the administrator believes that previous placements at the organization have provided students with a high-quality educational experience and that the proposed placement will be

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<sup>36</sup> It is expected that a student's site supervisor will be an attorney with appropriate professional credentials. In some cases, however (e.g. a placement in an agency or organization that provides specialized services to a particular population), the supervisor may not be an attorney. Non-attorney supervision is acceptable only when the supervisor is highly-qualified in a field related to the subject matter of the field placement experience and when the student will have the opportunity to interact with attorneys in a professional setting during the field placement.

consistent with the goals and requirements of this policy.

If the administrator has reason to doubt the quality of any placement, the administrator should follow the approval process for new placements and take any other steps necessary to ensure the quality of the placement opportunity before approving it for credit.

#### **X. Joint Degree Program<sup>37</sup>**

A joint degree candidate is a student who is simultaneously enrolled in both the College of Law's J.D. program and in another graduate or professional program at the University of Iowa. A student who seeks to be classified as a joint degree candidate must obtain the approval of the Dean or the Dean's designate.

A joint degree candidate may count toward the J.D. degree up to twelve credit hours from non-law courses that the student is also counting toward the non-law degree, as long as the courses (1) were taken in the department issuing the non-law degree or were required courses for that degree, and (2) satisfy the College of Law's policy on Non-Law Courses. Graduate departments establish their own requirements for the joint degree program, including the number of credit hours from College of Law courses that will count toward the non-law degree. Consult individual departments for more information.

#### **XI. Withdrawal from the College of Law<sup>38</sup>**

First-year students who withdraw during the academic year or who fail to re-enroll for the second semester are not eligible as a matter of right to return to school. Such students must compete for a place in the class with other applicants in the year they wish to return. In passing on an application for readmission, the reason for the withdrawal and the quality of work done prior to withdrawal or failure to re-enroll will be considered. For the purposes of the above rule, a student is deemed a first-year student if he or she has fewer than 30 hours of credit at the time of withdrawal or failure to enroll.

Unless they have been granted a leave of absence by the Dean of Students,<sup>39</sup> second- and third-year students who fail to enroll for any semester during the academic year must obtain permission from the Admissions Committee if they wish to re-enroll. Requests for permission to re-enroll must be submitted no later than 90 days prior to commencement of classes in the semester or summer session for which a student seeks re-enrollment.<sup>40</sup>

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<sup>37</sup> Adopted by the Faculty of the College of Law on Dec. 4, 2017.

<sup>38</sup> Text taken from the 2016-17 Student Handbook; *see also* Academic Policies and Practices, May 1983. Amended January 25, 2018.

<sup>39</sup> Changed from "Dean" sometime after 2001.

<sup>40</sup> Faculty Meeting Minutes, September 19, 2005.

The Dean of Students, for good cause shown, may grant a second- or third-year student a leave of absence for up to one year. First-year students may be granted leaves of absence only under extraordinary circumstances, such as medical or family emergency, or as a reasonable accommodation for a disability.

## **XII. Retention Rules<sup>41</sup>**

The following rules apply only to those students who are currently enrolled in the College of Law:

1.(a) A student who fails to maintain a cumulative average of 2.1 after the completion of two semesters following matriculation, regardless of hours registered or earned, shall be ineligible to continue registration in the College of Law. For purposes of this rule, the first summer in the accelerated program constitutes a semester. A semester in which a student is granted a leave of absence is not considered a semester for purposes of this rule. Students who fail to maintain the minimum cumulative average required by this paragraph may petition the faculty Retention Committee for reinstatement under paragraphs 3-6 of this Retention Policy.

(b) Except in extraordinary circumstances and with permission of the Dean, a student who fails to complete all the requirements for a J.D. degree within 84 months (7 calendar years) of the student's initial matriculation at Iowa, or (in the case of a transfer student) at another law school shall be ineligible to continue registration at the College of law and shall not be eligible for reinstatement under paragraphs 3-6 of this Retention Policy.

If the College of Law grants credit for prior law study at a law school outside the United States as permitted under ABA Standard 505(c), only the time commensurate with the amount of credit given counts toward the length of study requirements.

2.(a) A student who fails to make reasonable progress toward a J.D. degree shall be ineligible to continue registration in the College of Law. Failure to make reasonable progress toward a J.D. degree shall be defined as follows:

(i) Failure to complete the first year requirements, with a grade or pass/fail, within 24 months of a student's initial matriculation in the University of Iowa College of Law or at another law school from which the College of Law has accepted transfer hours;  
OR

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<sup>41</sup> Amended text adopted by the faculty on November 18, 2004; amended May 2, 2011; amended September 29, 2017; amended November 16, 2017. This text incorporates the December 2005 grade adjustment and deletes reference to the previous 55-92 point grading scale.

(ii) Failure in any fall or spring semester to complete 10 semester hours toward a law degree, except insofar as the Dean of Students has granted a leave of absence to the student or permitted the student to register for or complete fewer than 10 hours.

(b.) A student who fails to make reasonable progress under paragraph 2(a)(ii) solely because of one or more grades of incomplete in a particular semester shall be eligible to continue registration in the law school, provided that each incomplete received during a particular semester must be replaced by a grade of at least 1.8 by the end of the semester (not including the summer) following the initial entry of the grade of incomplete or the student will become ineligible to continue registration in the law school.

(c.) The preceding provisions of this rule (Rule 2) apply irrespective of the reasons for a student's failure to make reasonable progress toward a degree. Students who withdraw from courses, who are repeating courses they previously failed, who are receiving credit for transferred course work, or who are engaged in non-credited course work of any sort must meet the reasonable progress standards established above.

(d.) Students who fail to make reasonable progress toward a degree under paragraphs 2(a)-(c) may petition the faculty Retention Committee for reinstatement under paragraphs 3-6 of this Retention Policy. However, no petition for reinstatement may be granted to a student who has failed to satisfy the 84-month limit set out in paragraph 1(b). The 84-month limit is a maximum limit and all time since a student's original matriculation shall count in the calculation of this limit, even if the student has been granted a leave of absence, has been allowed to take a reduced load, or is not attending classes for other reasons.

3. A student ineligible to continue registration under paragraph 1(a) or paragraph 2 may petition the faculty Retention Committee for reinstatement. Petitions for reinstatement must be filed within 30 days after mailing of the letter to the student's address (as indicated on the student's official transcript), formally notifying the student of ineligibility to continue registration. The student's complete record, academic and otherwise, shall be examined by the Committee and, upon the student's request, the Committee shall interview the student whose record is being considered. The Committee may consult with some or all of the student's instructors. After finishing its investigation, the Committee may reinstate the student under the standards provided in paragraph 5. The Committee may impose such conditions on the reinstatement as will serve the best interests of the student and the school, provided, however, that all the reinstatements will be conditional upon the student achieving in each subsequent semester an average of 2.1 or more on a minimum of 12 semester hours of work. The 12 hour requirement may be waived when warranted as a reasonable accommodation to a student with a disability.

4. For purposes of retention, averages shall be computed at the end of the semester (counting the full summer session as one semester). Averages shall be computed on the basis of all grades received. The fact that a retention decision will not be made until after the beginning of a summer session or academic semester for which the student has enrolled shall not be

considered by the Committee in its investigation and consideration of a student's petition for retention.

5. The Committee may act to reinstate a student if it determines that (a) for students who are ineligible to return under Paragraph 1 of this policy, their prior performance would have resulted in a cumulative average of 2.1 but for adverse circumstances which reasonably accounted for past performance; (b) for students who are ineligible to return under Paragraph 2(a)(i) of this policy, that they would have completed the required first year courses within two years but for adverse circumstances which reasonably accounted for their failure to make satisfactory progress toward a degree; and (c) for all students who are ineligible to return for whatever reason, they are likely to maintain a 2.1 average in subsequent semesters, to make reasonable progress toward graduation, and to satisfy the requirements for graduation in a timely manner. Among the factors that will be considered in making these judgments are (1) extraordinary hardship, such as extended illness or disability, and other personal problems productive of serious emotional strain or loss of study time; (2) significant improvement in performance from semester to semester, coupled with good faith efforts by the student to improve his or her academic performance; or (3) identifiable deficiencies in the student's academic background that have been or can be shown to be corrected or substantially improved at the time of the retention decision.

Except in the most extraordinary cases, a student who has achieved neither a 2.0 cumulative average nor a 2.1 average in the second semester should not expect to be reinstated on probation.

A student denied reinstatement may appeal to the faculty as a whole by filing a written notice to the Dean within 10 days of the adverse decision. The faculty will consider the student's appeal at the next regularly scheduled faculty meeting no fewer than thirty days from the date of the appeal except on exceptional circumstances in the discretion of the Dean. The Dean will give the student a minimum of fifteen days' notice of the date the faculty will consider the student's appeal. The student may appear at the meeting with or without counsel, or other representative, to make an oral presentation to the whole faculty and may, in addition to the oral presentation or in lieu of the oral presentation, submit written materials the student deems appropriate. At the conclusion of the student's presentation, if any, the faculty will go into executive session to consider the appeal on the merits.

6. The Retention Committee, at each earliest opportunity, shall report to the full faculty on each case involving the question of reinstatement it investigates and on what action it has taken in each case.

### XIII. Policy on Misconduct<sup>42</sup>

#### TITLE I: PREAMBLE AND SCOPE

##### § 101. Preamble

Academic misconduct violates fundamental norms of legal education, the legal profession, and the development of citizen-lawyers. Academic misconduct compromises the quality and reduces the effectiveness of the educational mission. Academic misconduct also disadvantages those who play by the rules. For example, measures of academic performance are used by prospective employers and others to compare students. Academic misconduct is inconsistent with standards of the legal profession which require honesty, candor, and fair play.

In addition to avoiding academic misconduct, law students are expected to conduct themselves ethically and responsibly as members of a community of learning. In part, this ideal requires students to avoid dishonest conduct aimed at achieving unfair advantages outside the academic setting, as with employers. Moreover, students should conduct themselves in a manner that respects the rights of all individuals in the law school community to exercise fully their freedom to teach, learn, work and express their views without undue interference by others.

While enrolled in the College of Law, students are bound by a variety of University policies aimed at preserving the integrity of the educational mission of the University of Iowa. These are typically compiled annually in a University publication available to students and entitled *Policies and Regulations Affecting Students*. Students interested in the rationale behind such rules should consult the explanations accompanying University regulations. In addition, the College of Law has adopted the following regulations, which apply general University norms more specifically to the College of Law setting.

The sanctions that may be imposed by the College of Law for academic or non-academic misconduct reflect the seriousness of its individual and collective harm. It should be emphasized, however, that these sanctions may be slight in comparison to the direct and indirect adverse effects that academic misconduct may have in a range of future settings. Good moral character is required for admission to the bar, and both academic and non-academic misconduct may be a matter of substantial concern to boards of bar examiners. More generally, lawyers are held to high standards of integrity across the full spectrum of their professional activities, and academic or non-academic misconduct while a student may

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<sup>42</sup> Adopted by the faculty on April 24-26, 1994; amended April 9, 1998; February 18, 1999; September 21, 2006; October 19, 2006; October 6, 2011.



cast a shadow upon an otherwise unblemished personal reputation. Law students who aspire to become lawyers and respected members of society should endeavor to develop a personal sense of honesty and integrity and avoid involvement in any kind of misconduct.

### **§ 102. Scope**

These regulations apply to all students enrolled on a full-time, part-time, or visiting basis in the University of Iowa College of Law, or who are enrolled in any course or other program for which the University of Iowa College of Law awards academic credit.

### **§ 103 Honor Pledge**

As a condition for matriculation at the College of Law, each student shall execute a written pledge that (a) the student has read the rules on academic and non-academic misconduct in the College of Law student handbook; (b) on the basis of that reading, the student understands the standards of ethical conduct contained in those rules; (c) the student pledges to comply with those ethical standards; and (d) the student understands the potential sanctions for violation of the law school's academic and non-academic misconduct rules.

Potential sanctions for violations of the law school's academic and non-academic misconduct rules include, but are not limited to, a failing course grade, lowering of a course grade, community service, the production of an essay, deregistration, suspension, or expulsion from the College of Law. Students should be aware that the law school may be required to disclose to bar authorities any proceeding under this policy (regardless of its outcome) upon the execution of a written release by the student, which a bar committee may require as a condition for taking the bar exam.

## **TITLE II: STUDENT MISCONDUCT**

### **§ 201. Culpable states of mind**

In the absence of another express standard, a student shall be deemed to have violated any of the rules of conduct in this Title if the student knew, or a reasonable student would have known, that the student was performing the act being proscribed.

## **PART A: ACADEMIC MISCONDUCT**

### **§ 202. Plagiarism**

Submitting any plagiarized writing to an instructor or supervisor for academic or writing hours constitutes academic misconduct. Plagiarism is an objective offense and does not require any specific subjective intent. Plagiarism includes the following forms of conduct:

- (a) Quoting another's words without placing those words in quotation marks and attributing the words to the original author.
- (b) Paraphrasing another's words without attributing the words to the original author.
- (c) Expressing another's specific ideas or specific analysis without attributing them to the original author.
- (d) Submitting another's work as your own.

## COMMENTS

1. *The prohibition on plagiarism applies to papers at any stage of preparation (i.e., including drafts) once they are submitted to an instructor or supervisor for review.*
2. *While plagiarism does not require intent, the presence or absence of intent may be relevant to the appropriate sanction. If lack of intent is to be considered in determining an appropriate sanction, the burden to show the lack of intent is on the person charged with plagiarism.*
3. *There is no minimum number of words that can be borrowed from another without attribution. A unique phrase of as few as two or three words may require quotation marks and attribution. As a general rule, however, any string of seven words or more should always be placed in quotation marks and attributed. When any doubt exists, attribution should be provided.*
4. *The prohibition on expressing the ideas of another without attribution calls for the exercise of judgment in its application. Obviously, certain ideas are in the public domain, so to speak, and require no attribution. Where, however, a writer uses a particular argument or adopts a rhetorically specific idea from another person, the source should be credited even when no direct quotations are used. In case of doubt, students should err on the side of attribution.*
5. *The prohibition on plagiarism applies to any paper submitted in circumstances involving any eventual possibility of academic or writing hours. This includes, but is not limited to, writing assignments, moot court briefs, seminar papers, papers for student-edited journals, exercises for student-run academic programs, clinical written work (both in-house and externship programs) and independent study papers.*
6. *Avoiding plagiarism fulfills one of a student's basic ethical obligations in conducting academic work. Taken most literally, however, avoiding plagiarism is unlikely to fulfill most faculty members' expectations as to the level of independent thought worthy of research hours. Students may avoid plagiarism, and yet be denied course hours for papers consisting entirely of even properly annotated paraphrases of other people's work, if those paraphrases appear with but minimal alterations in other authors' analytic structures and arguments.*

### § 203. Dishonesty on writing assignments

- (a) A student shall not engage in unauthorized collaboration or use unauthorized materials or methods in completing a writing assignment.
- (b) A student shall not submit any work or portion thereof for hours in more than one class or program unless the student makes full disclosure to, and obtains the prior written consent of all persons to whom the work is being submitted for credit.

#### COMMENTS

1. *In imposing limits on class assignments or exams instructors employ their best judgments about those conditions which result in the greatest educational benefit from the academic exercise. Sometimes those constraints are similar to those that exist in the legal profession; sometimes they are not. Thus, some instructors may permit collaboration with others or the use of outside materials on a given assignment. Other instructors may prohibit consultation with class members or others or any recourse to other materials as the condition for an assignment. Violating those proscriptions diminishes the quality of the student's educational experience while simultaneously providing the student with an unfair advantage in completing the assignment.*
2. *It is a student's obligation to be aware of the rules, instructions, or directives communicated to the class by the instructor. Instructors should inform students in writing concerning the degree of allowed collaboration, permissible use of outside materials, and other regulations governing the completion of a writing assignment.*
3. *When an instructor permits it, it is not cheating to seek the non-substantive assistance of professionals within the College of Law who are available to assist in the development of students' research and writing skills. These include, for example, the Director of the Writing Center and her staff, and research librarians (for the location of relevant materials).*

### § 204. Cheating on exams

Cheating on exams constitutes academic misconduct. Cheating on exams includes:

- (a) Using materials during an exam that the instructor does not permit to be used.
- (b) Attempting to obtain or provide assistance during an exam, for example, by looking at another's exam materials or by communicating with another.
- (c) Obtaining information from any source about the contents of a regular or make-up exam in advance of the exam.

(d) Providing improper assistance to another by communicating the contents of an exam or answers to another when the provider knows or should have known that such communication is occurring.

(e) Violating exam instructions in a material way that could reasonably be expected to give the student an unfair advantage.

## COMMENTS

1. *The prohibition on use of improper materials during an exam assumes that no materials are permitted unless they are expressly authorized by an instructor. Thus, if the instructor provides no information about materials permitted to be used during an exam, nothing may be used. In situations involving any uncertainties, students are responsible for asking the instructor if the use of particular materials will be permitted during the exam.*
2. *The prohibition on obtaining advance information about the content of an exam does not extend to any information provided by the instructor.*
3. *Although the prohibition on providing improper assistance encompasses only knowing misconduct, students should exercise caution about discussing the contents of exams in public settings when the possibility exists that others may be taking the exam at a later date.*
4. *As a matter of good practice, the faculty has adopted certain guidelines for itself regarding exams. Under such guidelines, in the absence of good cause:*

*a) Instructors should inform students at least one week in advance of the exam of any materials that students will be permitted to use during the exam. This information should be in writing and should be posted on the instructor's bulletin board or at some other accessible place in the law building.*

*b) Instructors should avoid discussions of an exam with individual students that could give those students an unfair advantage. Any material discussion of a pending exam should be made available to all members of the class.*

*Students should be aware, however, that a faculty member's failure to follow these guidelines will not excuse an incident of cheating.*

5. *At the time of their request for a make-up exam, students shall be required to sign a statement that they will not seek or obtain any information about the exam from anyone who has already taken the exam. Furthermore, at the time the make-up exam is taken, students shall be required to sign a statement that they have not received any information about the exam from anyone who has already taken the exam.*

## § 205. Falsification or misrepresentation

- (a) A student shall not falsify, forge, alter, or misuse any law school record or document.
- (b) A student shall not misrepresent any material fact to any College of Law official, staff member, or instructor, in order to gain an unfair academic advantage or a benefit or service to which the student would otherwise not be entitled.
- (c) A student shall not falsify material or misrepresent facts, cases, methods, or other material information in connection with academic or scholarly activities.

#### COMMENTS

1. *Students should be aware that misrepresentation includes a calculated failure to correct a false statement, even if the statement was originally in good faith, when an opportunity exists for correction in order to avoid giving the student some unfair academic advantage.*
2. *The prohibition on falsifying or misrepresenting facts, cases, or methods is not intended to encompass honest and zealous advocacy. Our advocacy system contemplates that advocates will present and argue existing law and facts in the light most favorable to their clients. Code of Professional Responsibility EC 7-23.*
3. *For purposes of paragraph 205.ii, student office holders responsible for the administration of co-curricular programs are deemed to be officials of the College of Law.*

#### **205a. Misconduct in Clinical Practice**

A violation of the Iowa Rules of Professional Conduct (IRPC) committed by a law student in the course of legal work performed in the Clinical Law Programs shall constitute academic misconduct.

#### COMMENTS

1. *Rule 31.15 (1) of the Iowa Rules of Court, Permitted Practice by Law Students, provides that [a] law student enrolled in a reputable law school certified to the supreme court of Iowa by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, engage in the practice of law or appear as counsel in the trial or appellate courts of this state. (Emphasis added) Thus students engaged in clinic practice are practicing attorneys and may be subject to bar discipline for violations of the IRPC. In clinic orientation sessions and throughout their clinic work, students are made aware of their responsibility to follow the IRPC. A copy of the IRPC is made available to each clinic student at the beginning of his or her work in the clinic.*
2. *Clinic faculty members (and field supervisors in the case of externs) having direct supervisory responsibility over the work of clinic students must make reasonable efforts to ensure that the students' work conforms to the demands of the IRPC (IRPC 32:5.1 (b)). At a minimum, supervisors share responsibility for violations of the IRPC committed by students if the*

*supervisor knows of and orders or otherwise approves the violation (IRPC 32:5.1 (c)). In keeping with the spirit of these provisions of the IRPC, students who commit IRPC violations at the behest of or with the cooperation of a supervisor should be exempt from law school discipline attributable to the violations.*

3. *Where a student's violation of the IRPC is not covered by Comment 2 immediately above, and where the student is solely or primarily responsible for the violation, the student shall be subject to law school discipline for academic misconduct. See IRPC 32:5.1, Comments 7 and 8, IRPC 32:5.2.*

### **§ 206. Other unfair academic behavior**

A student shall not engage in any conduct that a student knows or a reasonable student should know will unfairly advantage or disadvantage any student academically. An unfair academic advantage is an improper gain by a student in an academic endeavor to the detriment of other students or a benefit that would not have been available absent the improper conduct.

#### COMMENT

*Academic misconduct is prohibited even if it occurs beyond the physical premises of the College of Law. For example, a student assigned to work on an interdisciplinary assignment for a College of Law course would be violating this section if the student hid relevant materials in any University of Iowa library for the purpose of depriving other students of fair access to those materials.*

## **PART B - NON-ACADEMIC MISCONDUCT**

### **§ 207. Falsification or misrepresentation**

(a) A student shall not falsify, forge, alter, or misuse any law school record or document. Nor shall any student falsify, forge, alter, or misuse any document in connection with an application for admission or financial aid.

(b) A student shall not misrepresent any material fact regarding that student's academic performance or status with regard to the College of Law or any College of Law program in order to gain an unfair professional advantage.

#### COMMENT

*Students should be aware that misrepresentation includes a calculated failure to correct a false statement, even if not originally culpable, when an opportunity exists for correction in order to avoid giving the student some unfair professional advantage. Thus, for example, a student who*

*knows at the time of a job interview that an earlier representation to the employer of the student's class rank is no longer accurate is obliged to correct the inaccuracy.*

### **§ 208. Misuse or misappropriation of property**

(a) A student shall not, without permission, damage, alter, or deface, or take the notes, books, papers, other academic materials, or other property of another member of the law school community.

(b) A student shall not tear, mutilate, alter, write on, or otherwise deface or destroy College of Law library materials, or hide or conceal such materials.

(c) A student shall not remove materials from the College of Law library without complying with library rules and regulations.

### **§ 209. Obstruction or disruption of facilities, services, or programs**

No student shall obstruct or disrupt College of Law teaching, research, administration, disciplinary processes, or other functions or events, or obstruct or prevent access to College of Law programs, services or facilities by those entitled to use such programs, services or facilities.

### **§ 210. Interference with rights of others**

No student shall engage in conduct prohibited by (a) the Policy on Sexual Harassment, The University of Iowa Operations Manual, Part II, Chapter 4.1(b)(1); (b) Paragraph 10 of the General Regulations Applying to Students, The University of Iowa Operations Manual, Part IV, Chapter 1; or (c) the Policy on Violence, The University of Iowa Operations Manual, Part II, Chapter 10, Section 3.

### **COMMENT**

*The University rules here incorporated by reference into the disciplinary code of the College of Law include the University's prohibitions against assault; threat, physical or sexual abuse, harassment, endangerment, and damage to the personal property of another, in addition to the University's ban on specified acts proscribed also by the Iowa Criminal Code.*

### **§ 211. Other non-academic misconduct**

A student shall not engage in any conduct that a student knows or reasonably should know will unfairly advantage or disadvantage any student professionally. Examples of such unfair professional advantages include improper gains in employment opportunities to the detriment of other students or in employment benefits that might not have been available absent the improper conduct.

## TITLE III - PROCEDURES FOR ACADEMIC MISCONDUCT

### § 301. Applicability

These Procedures apply to any student academic misconduct as defined in the Academic Rules and Practices, University of Iowa College of Law, Policy on Misconduct, Title II, Academic Misconduct, sections 201-06.

#### COMMENT

*Nothing in the College of Law's Misconduct Policy affects a faculty member's responsibility and authority to make academic judgments about the quality of student work. When student academic misconduct is believed to have occurred, it is often difficult to separate the effect of that misconduct on the student's academic performance from the rest of the student's academic performance. Insofar as it is possible to disentangle academic misconduct from the rest of the student's academic performance, the faculty member should exercise reasonable judgment in good faith in the enforcement of the Misconduct Policy and otherwise remains free to exercise customary academic judgment in evaluating a student's work.*

### § 302. Decision-Makers

(a) The Responsible Faculty Member is the faculty member who teaches the course or, as determined by the Dean, supervises or has primary responsibility for the activity in connection with which misconduct is alleged to have occurred.

(i) The Panel on Student Conduct (or Panel) shall consist of two faculty members and one student member.

(ii) The faculty members shall be appointed by the Dean after consultation with the faculty; and the student member shall be appointed by the Dean after consultation with the officers of the Iowa Student Bar Association.

(iii) Each faculty member shall be appointed for two years in alternating years (except one of the first two appointees shall be appointed for only one year); and faculty members shall not be appointed to consecutive terms.

(iv) Each student member shall be appointed for one year and shall be a second year student at the beginning of the regular term for which appointed.

(v) If a case continues beyond the termination of a Panel Member's term, that Panel member may continue to serve on the Panel until the case has been decided.



(vi) If, for any reason, a Panel member does not serve the full term, the Dean, after consultation, shall appoint a successor, who, in the Dean's discretion, shall be appointed to fill out the term of the predecessor or shall be appointed as an early appointment for the next regular term.

(vii) After consultation with the officers of the Student Bar Association, the Dean shall also appoint a second-year student Alternate Member, who shall participate in the Panel's investigation and deliberations but who shall have no vote except as a substitute for the regular Student Member when the regular Student Member is unable to vote.

#### COMMENT

*When a member continues beyond the term to complete a case into the term of a successor, there may be four or five panelists eligible to serve at the same time, but newly appointed panelists will not actually participate in a case that has continued from the previous term and on which a panelist has continued to serve beyond his or her appointed term.*

#### § 303. Alternative decision-making channels

A complaint alleging student misconduct will proceed to decision through one of the following decision-making channels:

(a) The complaint may be referred to the Panel at the discretion of the Responsible Faculty Member without any preliminary evaluation of the complaint by the Responsible Faculty Member.

(b) The complaint shall be referred to the Panel if, based on the nature and seriousness of the alleged misconduct (as indicated by the complaint, any evidence accompanying the complaint, and a brief preliminary investigation if any is conducted by the Responsible Faculty Member), it appears that the sanction is likely to be more serious than grade lowering and/or course deregistration.

(c) The complaint, if not referred to the Panel under subsection 3a, shall be retained by the Responsible Faculty Member if, based on the nature and seriousness of the alleged misconduct (as indicated by the complaint, any evidence accompanying the complaint, and a brief preliminary investigation if any is conducted by the Responsible Faculty Member), it appears that the sanction is likely to be no more serious than grade lowering and/or course deregistration.

(d) If, at any point during a proceeding under subsection 3c, the Responsible Faculty Member concludes that a sanction more severe than what is permitted under subsection 3c will be appropriate, at that point the complaint shall be treated as a

complaint requiring referral to the Panel under subsection 3b, and the complaint shall be referred to the Panel forthwith.

#### COMMENT

*The option under subsection 3a is available for a faculty member who would be the Responsible Faculty Member but who prefers not to evaluate the merits of a complaint related to alleged misconduct in that faculty member's course or area of academic responsibility.*

#### § 304. Initiation of complaint and initial procedures

(a) Any student, faculty member, or administrator of the Iowa College of Law may initiate a complaint, in writing, alleging student academic misconduct with the Dean of Students or with the Responsible Faculty Member. A complaint initially received by the Dean of Students shall be referred forthwith to the Responsible Faculty Member for appropriate action under these procedures.

(b) If the Responsible Faculty Member wishes to exercise discretion under subsection 3a, the complaint shall be referred to the Panel forthwith.

#### § 305. Evaluation of the complaint

The Responsible Faculty Member or the Panel having initial responsibility to evaluate the complaint shall promptly determine whether the complaint (with any accompanying evidence) provides adequate grounds for proceeding under the Misconduct Policy.

(a) In evaluating the complaint, the Responsible Faculty Member (or, in a case coming within subsection 303(a), the Panel) may determine that, because of the minimal or technical nature of the misconduct or other mitigating considerations, the misconduct should be treated pedagogically without invoking the procedures otherwise applicable under the Misconduct Policy.

(b) If it is concluded that there are inadequate grounds to justify proceeding or if the misconduct is treated as a pedagogical matter under subsection 305(a), the Dean of Students shall be notified and the matter shall be deemed closed.

#### COMMENTS

- 1. The authorization in subsection 305(a) to treat the misconduct pedagogically means that any action taken by the Responsible Faculty Member as a result of academic misconduct should be treated as an integral part of the teaching function.*
- 2. Because the applicability of subsection 305(a) depends on a judgment that any misconduct is minimal or technical or otherwise subject to mitigating considerations, an appropriate resulting sanction, if any, would be commensurately minor in severity.*

3. *A judgment by the Responsible Faculty Member that action under section 305(a) is appropriate entails a conclusion that the student's action does not reflect adversely upon the student's character or integrity or eventual fitness to practice law.*

### **§ 306. Notice and initial decision**

(a) If the Responsible Faculty Member or the Panel having initial responsibility to evaluate the complaint concludes that there are adequate grounds to proceed, the Responsible Faculty Member or Panel will promptly give the student alleged to have engaged in misconduct a copy of the complaint and inform the student, in writing:

(i) of the specific provision or provisions in the College of Law Misconduct Policy alleged to have been violated, and

(ii) of the location of this Policy (in the Student Handbook or otherwise). The student's participation in and exercise of any rights under these Procedures will not entail any loss of the student's rights under the Iowa Administrative Procedure Act.

(b) A copy of the complaint and the written information shall be given to the Dean of Students at the same time that it is given to the student. If the Dean of Students finds that the conduct identified in the complaint may not be within the definition of academic misconduct in the University Code of Student Life (UCSL), the Dean of Students shall immediately forward a copy of the complaint to the University Vice-President for Student Services (VPSS).

(c) On the basis of the complaint and any accompanying evidence and, if necessary, a brief preliminary investigation conducted in a manner determined at the discretion of the Responsible Faculty Member, the Responsible Faculty Member shall make an initial decision to retain the case and proceed under subsection 303(c) or refer it to the Panel under subsection 303(b).

(i) If the VPSS notifies the Dean of Students that the University will exercise its jurisdiction over the case under its Judicial Procedure for Alleged Violations of the UCSL (Judicial Procedures), the Responsible Faculty Member or the Panel will be so informed by the Dean of Students and no further action will be taken under the College of Law procedures until the conclusion of the University's proceeding.

(ii) If the VPSS notifies the Dean of Students that the University will not exercise jurisdiction over the case (or does not respond within seven (7) business days of receipt of the copy of the complaint from the Dean of Students), the Responsible Faculty Member or the Panel will be so informed by the Dean of Students and the case will continue under these procedures. University of Iowa College of Law Faculty Meeting Minutes added (Feb. 18, 1999).

(iii) When the University has exercised its jurisdiction and returned the case to the College of Law, the Dean of Students shall refer the case to the Panel for further action under section 311.

#### COMMENTS

1. *Ordinarily, complaints involving misconduct in violation of sections 202, 203(a), and 204 of the College's academic misconduct policy will not be subject to the notice requirement under section 306(b), because the misconduct identified in those sections is also identified as academic misconduct in the University Code of Student Life.*
2. *In making a determination whether the misconduct contained in a complaint may not be within the University definition of academic misconduct, the Dean of Students may consult with any persons the Dean of Students believes may be helpful in reaching that determination.*
3. *A decision by the Dean of Students to notify the VPSS does not suspend proceedings on the complaint in the College of Law. Proceedings should continue until the VPSS notifies the College that the University is exercising jurisdiction.*

#### § 307. Responsible faculty member procedures and decision

When a Responsible Faculty Member proceeds to an initial decision under subsection 303(c), the procedures provided may be informal but shall include the following elements:

- (a) The Responsible Faculty Member shall conduct a thorough and impartial investigation in light of the nature and seriousness of the misconduct alleged.
- (b) Subject to the Responsible Faculty Member's determination of the appropriate scope and extent, the student shall have the right
  - (i) to respond, orally and/or in writing, to the allegation(s) by identifying evidence that would support the student's position and/or by denying or explaining any evidence that would support the allegation of misconduct;
  - (ii) to be accompanied, assisted, and/or represented by any other person except as limited by section 319.

#### § 308. Written decision

- (a) As expeditiously as possible under the circumstances, which will ordinarily be within 45 days of the written notice given to the student under subsection 306(a), the Responsible Faculty Member shall make a decision under subsection 303(c) and prepare a concise statement explaining the decision.

The explanatory statement shall include:

- (i) an identification of the provision or provisions of the Misconduct Policy allegedly violated and a description of the alleged misconduct;
  - (ii) the nature of the investigation that has been conducted (including names of all persons questioned);
  - (iii) a concise summary of the evidence that has been obtained (attaching a copy of the complaint and any written or other documentary evidence);
  - (iv) the evidence relied upon in determining that misconduct did or did not occur;
  - (v) if misconduct is found, the sanction to be imposed and the reasons for the sanction (including the influence of sanctions imposed for similar conduct as revealed in the written Notices filed under section 318).
- (b) The statement shall be given to the student and a copy shall be given to the Dean of Students.
- (c) If misconduct is found, and if no appeal from the Responsible Faculty Member's decision is taken within 30 days, the Responsible Faculty Member shall also prepare and submit the Notice described in section 318.

#### COMMENTS

1. *Proceeding expeditiously under subsection (a) will often mean completing a case in a shorter time than 45 days. The 45-day period is stated only as the ordinary time within which the case can be completed to allow for the many circumstances that may affect a conscientious effort to proceed as expeditiously as possible under the circumstances. Relevant circumstances would include teaching schedules and other conflicting faculty duties and the academic calendar, including both vacations and exam periods.*
2. *In determining relevant facts, the Responsible Faculty Member will use a preponderance of the evidence standard, under which a fact will be found to exist when the evidence available makes it more likely than not that the fact is true.*

#### § 309. Appeal

- (a) A student found to have engaged in misconduct by a Responsible Faculty Member under subsection 308(a) may appeal that decision by filing with the Dean of Students a concise statement requesting an appeal to the Panel on Student Conduct within 30 calendar days of receiving the copy of the Responsible Faculty Member's decision. The statement shall indicate whether the appeal is being taken from the finding of misconduct, the sanction imposed, or both; and it shall state the grounds of the appeal.

(b) No one other than a student found to have engaged in misconduct shall have the right to appeal the Responsible Faculty Member's decision.

### **§ 310. Transmission of record of proceeding before the responsible faculty member**

(a) When a complaint is referred to the Panel on Student Conduct under subsection 303(b) or (d), the reference will include:

- (i) a copy of the complaint;
- (ii) a description of the nature of any investigation that has been conducted up to the time of reference (including names of all persons questioned); and
- (iii) a concise summary of any evidence that has been obtained (attaching any written or other documentary evidence).

(b) When a decision of the Responsible Faculty Member is appealed by the student under subsection 309(a), the Dean of Students shall give each member of the Panel a copy of the Responsible Faculty Member's explanatory statement and shall notify the Responsible Faculty Member of the appeal.

### **§ 311. Panel function and goals**

The Panel on Student Conduct is both an investigatory and decision-making body. It has broad discretion to adopt procedures that are designed to achieve several goals: fairness for the student alleged to have engaged in misconduct; consistency of treatment; sensitivity to variations in fact and context; efficiency of operation; and the enforcement of the law school's Misconduct Policy.

### **§ 312. Procedures following University's disciplinary proceedings**

When a case has been suspended pending conclusion under the University's Judicial Procedures and is returned to the College of Law for possible further action under section 306, the procedures otherwise applicable (beginning with section 13) shall be followed, subject to the following qualifications:

- (a) any findings of fact made under the Judicial Procedures shall be binding;
- (b) if, based on these findings of fact, there is no longer a reasonable basis from which to conclude that misconduct has occurred, the matter shall be deemed closed and no record of the complaint will be maintained;
- (c) the Panel shall determine the appropriate scope of any investigation in light of the findings of fact determined in the Judicial Procedures;

(d) the explanatory statement required under section 15(a) shall include a brief description and explanation of the effect of the binding facts from the Judicial Procedures on the case in the College of Law and shall include a brief statement of the reason for adding to any sanction imposed by the University.

## COMMENTS

- 1. The University acknowledges the College of Law's interest in a case that has been through the University's procedures under the Code of Student Life because student misconduct within the College is inextricably related to ethical norms of the profession for which the student is preparing. As the first paragraph of section 101 of the College's misconduct policy states, Academic misconduct is inconsistent with standards of the legal profession which require honesty, candor, and fair play.*
- 2. In determining whether the University's sanctions have adequately vindicated the College of Law's interests, the Panel should take into account the professional norms of honesty and integrity expected of those who are members of the legal profession and which, as described in section 101 of the misconduct policy, are pervasively reflected in the College's academic misconduct rules.*
- 3. In giving binding effect to findings of fact under the Judicial Procedures, any factual determinations that were necessary to the outcome of the proceeding under the Judicial Procedures should also be treated as binding in any further proceedings on the case in the College of Law.*

### **§ 313. Panel proceedings**

(a) In pursuing the goals set forth in section 311, the Panel shall conduct a thorough and impartial investigation in light of the nature and seriousness of the misconduct alleged and, in carrying out its investigation, may obtain the assistance of other persons as appropriate under the circumstances.

(b) Subject to the Panel's determination of the appropriate scope and extent, the student shall have the right

(i) to respond, orally and/or in writing, to the allegation(s) by identifying evidence that would support the student's position and/or by denying or explaining any evidence that would support the allegation of misconduct;

(ii) to be accompanied, assisted, and/or represented by any other person except as limited by subsection 319;

(iii) to testify and to present testimonial and/or documentary evidence.

## COMMENT

*These procedures apply both to cases in which the Panel makes the initial investigation and decision and to cases which the Panel decides on appeal. In exercising its discretion in investigating cases on appeal, the Panel may be influenced by the investigation already conducted by the Responsibility Faculty Member as described in the explanatory statement required by subsection 308(a).*

### § 314. Scope of review

(a) Review of Facts. When the Panel is deciding an appeal from a Responsible Faculty Member's initial decision under subsection 308(a), it shall not make a de novo decision concerning the relevant facts but shall give such weight to the Responsible Faculty Member's decision as, in its discretion, the Panel believes is justified under all of the circumstances. In exercising this discretion, the Panel shall take into account the following factors:

- (i) the thoroughness of the Responsible Faculty Member's investigation;
- (ii) the content of the Responsible Faculty Member's written explanation of her or his determination;
- (iii) the nature and amount of the evidence relied upon by the Responsible Faculty Member; and
- (iv) the extent to which the fact determination implicated judgments about academic matters within the Responsible Faculty Member's expertise, including matters related to the subject matter and pedagogy involved.

(b) Review of Sanctions. When the Panel is deciding an appeal from a Responsible Faculty Member's initial decision under subsection 308(a), it shall defer to the Responsible Faculty Member's choice of sanction except to the extent that:

- (i) the Panel's fact findings are significantly different from those of the Responsible Faculty Member;
- (ii) the Responsible Faculty Member's choice of sanction is grossly disproportionate to the misconduct; or
- (iii) the Responsible Faculty Member's choice of sanction is substantially out of harmony with other cases involving comparable misconduct (as indicated by an evaluative comparison with the Notices filed under section 318).



## § 315. Decision of panel

(a) The Panel shall make a preliminary decision and prepare a concise statement explaining the decision as expeditiously as possible under the circumstances, which will ordinarily be within 45 days from the date on which the written notice was given to the student under subsection 306(a) (for cases decided under subsection 303(a) or 303(b)), from the date on which a case is referred under subsection 303(d), from the date on which the University notifies the College that it has completed its processing of a case in which the University has exercised jurisdiction pursuant to section 306, or from the date on which an appeal is filed by a student under subsection 309(a).

The explanatory statement shall include:

(i) an identification of the provision or provisions of the Misconduct Policy allegedly violated and a description of the alleged misconduct;

(ii) the nature of the investigation that has been conducted (including names of all persons questioned);

(iii) a concise summary of the evidence that has been obtained (attaching a copy of the complaint and any written or other documentary evidence);

(iv) the evidence relied upon for determining that misconduct did or did not occur (including an explanation of the effect given to the prior investigation and fact finding by the Responsible Faculty Member);

(v) if misconduct is found, the sanction to be imposed and the reasons for the sanction (including the effect given to the sanction imposed by the Responsible Faculty Member and the influence of sanctions imposed for similar conduct as revealed in the written Notices filed under section 318).

(b) Distribution. The explanatory statement of the preliminary decision shall be given to the student alleged to have engaged in misconduct, and a copy shall be given to the Responsible Faculty Member. The explanatory statement of the preliminary decision shall not otherwise be distributed.

(c) Response to comments. The student and the Responsible Faculty Member shall be given a short time, specified by the Panel at the time its preliminary decision is distributed, to comment on the preliminary decision and explanatory statement. Following the specified time period and based on any comments received, the Panel may revise its decision and/or explanatory statement or make its preliminary decision final, with or without conducting any further investigation.

(d) Final decision. When the Panel makes its decision final, the Panel shall distribute copies of its explanatory decision (after any revision) to the student, to the Responsible Faculty

Member, and to the Dean of Students. The Panel shall also prepare and submit the Notice described in section 318.

## COMMENTS

- 1. The ordinary 45-day time period under subsection (a) will start running from the time that the Panel itself has served notice under subsection 306(a) if it is a case referred to the Panel forthwith under subsection 303(a), and it will start running from the time that the Responsible Faculty Member has served the notice under subsection 306(a) if it is a case (under subsection 303(b)) referred to the Panel because of the seriousness of the alleged misconduct. Otherwise, a new 45-day time period starts running only when the Panel gets a case, initially investigated by the Responsible Faculty Member, either by reference (under subsection 303(d)) because the serious nature of the alleged misconduct appears during that investigation, because the University exercised jurisdiction as contemplated under section 306, or on appeal after a decision by the Responsible Faculty Member.*
- 2. In determining the relevant facts under subsection (b), the Panel will use a preponderance of the evidence standard, under which a fact will be found to exist when the evidence available makes it more likely than not that the fact is true.*
- 3. Nothing in subsection 315(b) limits the Panel's discretion to inform a witness of its tentative findings in carrying out its investigation in order to insure that it receives the most complete and accurate relevant evidence from that witness.*

### **§ 316. Grade lowering as recommendation**

If, in any case before the Panel, the Panel determines that the appropriate sanction includes a grade reduction that has not been previously imposed by the Responsible Faculty Member, or a grade reduction that is greater in amount than that previously imposed by the Responsible Faculty Member, for the misconduct of the same student in the same case, that part of the Panel's decision shall be a recommendation only. The Responsible Faculty Member may accept or reject the recommendation.

### **§ 317. Decanal review**

A student found to have engaged in academic misconduct in a final decision by the Panel may, within 30 days of the Panel's final decision, request the Dean to review the Panel's decision by filing a request for such a review in a writing which states succinctly the reason for the request. On the basis of such a request, the case shall be reviewable by the Dean in the Dean's discretion. In exercising that discretion, the Dean

- (a) shall give great weight to the Panel's decision and its explanatory statement,
- (b) may affirm, reverse, or modify the Panel's decision,

- (c) may direct the Panel to give further consideration to specified matters, and
- (d) shall explain his or her decision in a written statement, for which the Panel's explanatory statement may be adopted and/or incorporated in whole or in part.

### **§ 318. Reports and records**

- (a) Whether the final decision of the Responsible Faculty Member or the Panel determines that the student has or has not engaged in academic misconduct, the explanatory statement of the Panel and/or the Responsible Faculty Member (supplemented by the Dean's explanatory statement, if any) will be kept in a permanent file in the Dean's Office.
- (b) When a final decision under these Procedures has determined that a student has engaged in misconduct in violation of the law school's Misconduct Policy, a Notice will also be submitted to the Dean. The Notice, based on the explanatory statement of the Panel or Responsible Faculty Member, shall exclude all references that could identify any student charged with misconduct or any student named as a witness in the explanatory statement and shall contain only the provision(s) of the Misconduct Policy that was/were violated, a succinct description of the misconduct and the sanction imposed, and a succinct summary of the evidence relied upon and the reason for the sanction. Subject to modification or reversal by the Dean under section 317 and subject to the Dean's determination that the Notice complies with legal requirements designed to protect student privacy, the Dean will post the Notice for informational purposes for a period of 60 days.
- (c) The Notice will also be kept in a permanent file in the Dean's Office, and on reserve in the Law Library, where it will be available to all members of the law school community.

#### COMMENT

This policy should not be read to require the permanent maintenance of records that no longer serve any useful function in furthering the purposes of the Academic Misconduct Policy or, at such time, to foreclose administrative decisions about record retention and management.

### **§ 319. Representation by faculty or administrators**

Faculty members or administrators of the College of Law may not represent students charged with misconduct under the College's Misconduct Policy.

#### COMMENTS

- 1. The purpose of this provision is to prevent faculty members from becoming adversaries of other faculty members or students and to reduce the likelihood of the occurrence of a conflict of interest between a faculty member's duty to the College of Law and the duty to a represented student.*

2. *Consistent with this purpose, represent, as used in this provision, should be read broadly to include every form of participation, informal as well as formal, whether or not speaking for the student, at every stage of the proceedings triggered by the filing of a complaint, whether prior to or part of the investigatory or decision-making process.*
3. *This provision does not prevent a faculty member or administrator from giving general advice, based on the student-teacher/administrator relationship, to a student against whom a misconduct complaint has been filed when that advice is requested by the student and when giving the advice does not entail an adversarial role under the Academic Misconduct Policy.*
4. *Any faculty member or administrator from whom advice is requested by such a student would have to exercise a reasonable, good faith judgment in drawing the line between permitted advising and prohibited representing.*

## **TITLE IV - PROCEDURE FOR NON-ACADEMIC MISCONDUCT**

### **A. Claims of Non-Academic Misconduct**

1. If a complaint of non-academic misconduct is received from any source, the faculty member or academic administrator exercising jurisdiction over the complaint under paragraph 2 below, shall promptly evaluate the complaint and determine whether the allegations in the complaint (with any accompanying evidence) provide adequate grounds for a proceeding under the law school's non-academic misconduct policy. If it is concluded that there are inadequate grounds to justify a proceeding, the matter shall be deemed closed, and no record of the complaint will be maintained. If the faculty member or academic administrator concludes that there are adequate grounds to justify a proceeding, a preliminary investigation will be made.
2. If the complaint concerns acts or omissions in a specific course or student supervised program, the instructor in the course or faculty advisor of the program may elect to conduct the preliminary investigation. If the faculty member does not so elect, the matter will be investigated by the associate dean for student affairs, unless the Dean appoints another academic administrator to investigate the complaint. The student about whom the complaint was made will be informed, in writing, of the specific provision or provisions in the College of Law Misconduct Policy alleged to have been violated and of the location of the College's Policy and Procedure governing such matters (in the Student Handbook or otherwise). In the subsequent course of these proceedings, the student shall have the right to be accompanied, assisted, and/or represented by any other person other than faculty members or administrators of the College of Law. If a complaint of non-academic misconduct is alleged to have occurred in a context other than a specific course or student supervised program, the matter will be investigated by the associate dean for student affairs or other academic administrator appointed by the dean. If the Dean of Students determines that the conduct alleged in the complaint may fall under the definition of non-academic misconduct in the University's Code of Student Life, the Dean of Students will immediately consult with the

University Vice-President for Student Services (VPSS) concerning the exercise of initial jurisdiction over the complaint. If that office elects to prosecute the complaint, jurisdiction over the complaint returns to the law school upon termination of the VPSS's prosecution.

a. If, as the result of the preliminary investigation, it is found that no probable cause exists to believe that prohibited acts or omissions occurred, the matter shall be deemed closed.

b. If, as the result of the preliminary investigation, it is found that probable cause exists to believe that non-academic misconduct occurred, the investigator may propose a sanction to the student and indicate that a statement of the facts as found by the investigator will be placed in the student's file. The student and her or his counsel may read such statement of facts before deciding whether to accept or reject the proposed sanction. (The investigator's statement will not be placed in the student's file if the student rejects the proposed sanction).

c. If the student accepts the proposed sanction, the investigator forwards the statement and proposed sanction to the Dean. The Dean may approve the proposed disposition and act to implement it, or, in his or her discretion, the Dean may reject the proposal, in which case further proceedings are required, including consideration by the investigator of a different proposed sanction.

d. If the investigator does not propose a sanction to the student, or if the student or the Dean rejects the proposed sanction, the Dean will refer the matter to the Panel on Student Conduct, which will investigate and resolve the complaint in a manner which accords due process taking into account the policy and spirit of section 311. After completing its proceedings, the Panel may determine that non-academic misconduct did not occur. If the Panel determines that non-academic misconduct did occur, it will file a report of its determination with the Dean and will recommend to the Dean what action or actions, if any, the College of Law should take. The recommended action, while not limited to the following, may include a failing course grade and suspension or expulsion from school. See Honor Pledge, Section 103.

e. The Dean may implement the recommendations or, in his/her discretion, may refer the matter to the faculty for review of the Panel's recommendations. The student may appeal the Panel's recommendation to the law faculty and shall have a right to be heard and represented by counsel before the faculty. If the student appeals the Panel's recommendation to the faculty or the Dean refers the matter to the faculty, the faculty may approve, disapprove, or modify the Panel's recommendations. Following a faculty review, at either the student's or the Dean's initiative, the Dean will implement the faculty recommendation.

f. Notwithstanding the foregoing allocation of responsibilities, at her or his discretion the appropriate academic administrator may, with or without preliminary evaluation, refer to the Panel on Student Conduct any complaint of non-academic misconduct, in which event the Panel will investigate and resolve the matter according to the foregoing procedures.

g. When a final decision under these Procedures has determined that a student has engaged in misconduct in violation of the law school's Misconduct Policy, a Notice will also be submitted to the Dean. The Notice shall exclude all references that could identify any student charged with misconduct or any student named as a witness and shall contain only the provision(s) of the Misconduct Policy that was/were violated, a succinct description of the misconduct, and the sanction imposed, and a succinct summary of the evidence relied upon and the reason for the sanction. Subject to modification or reversal by the Dean and subject to the Dean's determination that the Notice complies with legal requirements designed to protect students privacy, the Dean will post the Notice for informational purposes for a period of 60 days. The Notice will be kept in a permanent file in the Dean's Office, and on reserve in the Law Library, where it will be available to all members of the law school community.

## **B. Oversight of Non-Academic Misconduct Cases**

1. Within sixty days following the mid-May close of each academic year, the Dean of Students or another academic administrator with responsibility for handling complaints of non-academic misconduct under Section A of this rule shall report to the Academic Standards and Review Committee (ACRC) (or its successor in interest) (a) his or her disposition during the preceding academic year of all such complaints, including cases that are handled informally during student orientation as a result of student requests to amend their law school applications for failure to disclose all requested information, and (b) the disposition of all non-academic misconduct cases processed by the Panel on Student Conduct during the preceding academic year. The academic administrator's report shall summarize all such claims and outcomes, and include for each case a brief narrative description of its facts and outcome.

2. Upon its receipt of the academic administrator's annual report, the ACRC shall transmit the report to the faculty.

## **XIV. Policy on Accommodations for Students with Disabilities<sup>43</sup>**

### **A. General**

1. The University of Iowa College of Law strives to provide equal access to all academically qualified students in compliance with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 and does not discriminate against students on the basis of disability. Commensurate with the nature and extent of a student's disability, the College will provide students with disabilities reasonable accommodations consistent with federal law, state law, and University and College policy.

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<sup>43</sup> Adopted by the faculty on on June 4, 2009.

Students may request accommodations for any University of Iowa sponsored curricular, co-curricular, or extra-curricular program, including those in the College of Law.<sup>44</sup>

The College is committed to making all of its programs, activities and services accessible to students with disabilities.

2. Each request for an accommodation will be evaluated individually and must be supported by a current and specific assessment submitted by an appropriate professional. With respect to accommodations for law school exams, the College will respect faculty discretion to decide how to test the knowledge and skills essential to their courses while preserving the fairness of exams for all students. Requests for exam accommodations that lower academic standards, fundamentally alter the academic program, or impose an undue burden will not be approved. The College and law students alike shall abide by this policy when addressing disability accommodations.
3. To resolve questions about exam accommodations in an appropriate orderly manner, the College should give students ample notice of this policy at the commencement of and throughout their studies; the faculty should make known to students at the earliest practicable time information about the formats of their exams and the conditions under which they will be given; and students who believe they may be entitled to exam accommodations should make their circumstances known to the Dean of Students of the College of Law at the earliest practicable time.

#### **B. Notice to Students of This Policy**

The Dean of Students will notify the law school community of this policy at the beginning of every semester of study.

#### **C. Entitlement to Accommodations for a Disability**

For the purposes of this policy and in accordance with state and federal law, a student with a disability is one who has a physical or mental impairment that substantially limits one

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<sup>44</sup> The College of Law's co-curricular and extra-curricular programs include but are not limited to: Appellate Advocacy I, Trial Advocacy Board, Law Review, Law Review Editorial Board, Moot Court Board, Advanced Moot Court Competition, Van Oosterhout Baskerville Moot Court Competition, National Moot Court Competition, Journal of Corporation Law, Journal of Corporation Law Editorial Board, Transnational Law & Contemporary Problems Journal, Transnational Law & Contemporary Problems Journal Editorial Board, Journal of Gender Race & Justice, Journal of Gender Race & Justice Editorial Board, Jessup International Moot Court Competition and Jessup International Moot Court Team.

or more of the student's major life activities. A student with such a disability may request a reasonable accommodation as defined below. If the disability puts the student at a disadvantage while participating in an academic program, such accommodations may relate to exams, auxiliary aids, and services.<sup>45</sup>

A Reasonable Accommodation:

1. Remedies, or alleviates, a specific disadvantage that, as a result of the disability, a student will experience while participating in a College-sponsored activity or while taking an exam, and
2. Does not seriously undermine the ability of an exam to test the knowledge or skills essential to the course, does not result in the lowering of academic standards or a fundamental alteration in the academic program, and does not impose an undue burden, such as excessive expense for the University of Iowa.

**D. Student Obligations**

1. Student's Obligation to Request Accommodations

A student who believes that he/she has a disability warranting accommodation must complete and submit a written request for an accommodation to the Dean of Students. This request is required notwithstanding any request made during the admission process or with college administrators after admission to the College, or any communication with the University as an undergraduate.

2. Student's Obligation to Request Exam Accommodations

A student requesting an exam accommodation under this policy must submit a written request for the accommodation to the Dean of Students at least 50 days before the scheduled exam period. A later request may be made where there is good cause for failing to notify before the 50 day period.

3. Written Request for Accommodations

Requests for accommodations shall be made to the Dean of Students in writing using forms created for that purpose that are available in the office of the Dean of Students. The request shall describe and document the disability, describe its impact, and provide a rationale for the accommodation(s) requested. The forms used for this purpose

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<sup>45</sup> "Auxiliary aids and services" include, for example, note takers, preferential classroom seating, voice amplification, and books provided in an alternative format. 28 CFR § 35.104.



shall be consistent with ADA policy and the forms prescribed for this purpose by the University of Iowa Student Disability Services.

4. Establishing eligibility for an accommodation

The student has the burden of establishing the existence of a disability and the reasonableness of the requested accommodation.

**E. Procedure for Securing an Accommodation**

1. *Dean of Students to meet with Student*

After a student request has been filed, the Dean of Students shall consult with the student about possible accommodations.

2. *Dean of Students to Consult with Experts*

At least once during the academic year, the Dean of Students shall, without disclosure of the student's identity, consult with the appropriate University service—such as Student Disability Services, University Counseling Service, or Student Health Service—about each written student request for an academic accommodation. The Dean of Students may also consult other experts as needed, such as the student's physician or therapist. The Dean of Students shall determine and document the extent to which these specialists agree with the recommendations of the professional acting on behalf of the student.

**F. Decisions About Auxiliary Aids and Services**

Upon determining that a student has a disability that puts the student at a disadvantage during participation in an academic program, the Dean of Students shall be responsible:

- (1) for deciding whether a proposed accommodation would remedy, or help to remedy, the specific disadvantage the student would suffer during participation in the academic program as a result of the disability; and
- (2) for consulting as needed with appropriate individuals or entities about whether a proposed accommodation is reasonable; and
- (3) for deciding which proposed accommodation, such as a note taker, preferential classroom seating, voice amplification, or books provided in an alternative format, etc. is reasonable as defined in Section C and should be offered to the student.

**G. Decisions about Exam Accommodations**

(a) The Dean of Students shall be responsible:

- (1) for deciding whether a proposed accommodation would remedy or help to remedy the specific disadvantage the student would experience on the exam in question as a result of the disability, and
- (2) for deciding whether a proposed accommodation is reasonable as defined in Section C, and
- (3) where the matter is in doubt, for consulting with the appropriate entities about whether a proposed accommodation is reasonable, and
- (4) for recommending to the faculty member an accommodation that is necessary and reasonable to meet the needs of the student.

(b) Consistent with the obligation to maintain the anonymity of the student as set out in Section F, the Dean of Students shall promptly notify the faculty member(s) concerned. The notice shall inform the faculty member(s) of:

- (1) the general nature and duration of the disability and its effect on the student in relation to the exams in question as documented by the professionals evaluating the student,
- (2) the accommodations requested by the student and the justifications offered in support of the request,
- (3) previous disability accommodations granted in law school or earlier in the student's academic career,
- (4) the accommodations suggested by the professional(s) who examined the student and the recommendation(s) of the Student Disability Service, the University Counseling Service, Student Health Service, and any other experts with whom the Dean of Students may have consulted on the case, and
- (5) the Dean of Students' preliminary accommodation recommendation.

(c) Faculty Review and Final Ruling

- (1) The faculty member shall evaluate the recommendation of the Dean of Students to determine if it would significantly undermine the capacity of the exam to test the knowledge and skills essential to the course, result in a lowering of academic standards, or if the accommodation would otherwise fail to be reasonable as defined in Section C. If, upon the basis of this evaluation, the faculty member dissents from the recommendation of the Dean of Students, the faculty member shall communicate and explain in writing to the Dean of Students the basis of his or her dissenting opinion and an alternate accommodation, if any, recommended by the faculty member.

- (2) Upon consideration of the entire record, including any recommendation of the faculty member, the Dean of Students shall make a final ruling on the student's accommodation request.

(d) Notification of Accommodation Decision

- (1) If the Dean of Students concludes either that the student does not have a disability that would cause the student to be disadvantaged in exam taking, or that the requested accommodation is not reasonable, the Dean of Students shall give the student a brief written statement of the reasons for the decision and place a copy of the statement in the student's confidential disability file.
- (2) If the Dean of Students recommends an accommodation, he or she shall give the student a brief written statement of the decision and place a copy of the statement in the student's confidential disability file. The Dean of Students shall also ensure that such accommodations are implemented.

**H. Confidentiality**

- (1) Information on a student's disability and any accommodation provided is confidential and shall be disclosed only when necessary to advance the student's educational interests.
- (2) The Dean of Students shall not disclose the identity of a student to any involved faculty member(s) unless the disclosure is inevitable due to the nature of the disability, the student consents to such disclosure, or good cause exists for the disclosure. In supplying information to a faculty member about a proposed accommodation, even though a student's identity may not be revealed, the Dean of Students may reveal the information specified in Section E, paragraph 4(b).

**I. Procedures for Appeal**

- (1) Timely Appeal Required

An affected student or faculty member who is dissatisfied with a final accommodation decision of the Dean of Students may, within seven working days, file an appeal to the disability review committee.

- (2) Review Committee

- (a) Each academic year, the Dean of the College of Law shall appoint a standing disability review committee consisting of three faculty members to

provide general oversight of the operation of this policy and to review cases in which a student or faculty member is dissatisfied with the final decision of the Dean of Students concerning a requested accommodation.

(b) If a student or faculty member seeks review of a decision concerning an accommodation:

(1) The committee shall affirm the final decision by the Dean of Students unless, in light of all of the information available to the Dean of Students, the Dean's decision is clearly erroneous under the reasonableness standard provided in Section C of this policy.

(2) If the committee declines to grant an accommodation acceptable to the student or faculty member who sought review of the decision, it shall give the student or faculty member a brief written statement of the reasons for its decision. A copy of the statement shall be given to the Dean of Students to be placed in the student's disability file.

## **J. Records**

The Dean of Students shall maintain a record of accommodation requests, arranged to minimize the possibility of disclosing particular students' identities, documenting:

(1) for each semester, summer session, or interim session:

(a) the total number of requests for accommodations received, the number of requests for which some accommodation was made, the number for which no accommodation was made, and in the case of exam accommodations, the grade received by the requesting student on each exam (whether or not an accommodation was granted); and

(b) a classification of the data described in the preceding paragraph by general disability type, accommodation type, grades received in the case of exam accommodations, and the reasonably identifiable cost to the College of Law.

(2) for each student requesting an accommodation:

(a) the general nature of the disability and its effect on the student;

(b) for each case on which an exam accommodation was requested:

1. the course, faculty member, and semester, summer session, or interim session involved;

2. what accommodations were requested by the student; and
3. what accommodations, if any were approved, and their reasonable identifiable costs to the College of Law.

## **XV. Academic Awards and Honors<sup>46</sup>**

### **A. Academic Honors**

The College of Law shall grant the following awards and honors:

- a. Dean's Award, Faculty Award, and Jurisprudence Award for Academic Excellence<sup>47</sup>
  - i. The Dean's Award for Academic Excellence is awarded to the student with the highest grade in a class of at least 15 students.
  - ii. The Faculty Award for Academic Excellence is awarded to the student with the second-highest grade in a class of at least 40 students. In the event that more than one student earns the Dean's Award, no Faculty Award will be conferred.
  - iii. The Jurisprudence Award for Academic Excellence is awarded to the student with the highest grade in a seminar enrolling at least 8 students. Students enrolled in a colloquium, practicum, or similar curricular offering are eligible for these awards.
- b. Graduation with Honors<sup>48</sup>
  - i. In recognition of superior scholarship, the J.D. degree may be granted with special honors as follows:
    - (a) With Highest Distinction: cumulative weighted average of 3.9 or more;
    - (b) With High Distinction: top 12.5% of the graduating class;
    - (c) With Distinction: top 37.5% of graduating class.

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<sup>46</sup> 2016-17 Student Handbook. Amended January 25, 2018.

<sup>47</sup> Faculty Meeting Minutes, May 21, 2009.

<sup>48</sup> Academic Rules and Practices, August 1983; amended April 16, 1998; *see also* Memorandum of September 18, 1979; Faculty Meeting Minutes, May 15, 1980.

- ii. Eligibility for special honors is based on final GPA.
- iii. The following system of ranking students by their grade point average shall be in effect:
  - (a) The top ten percent in each class may be informed of their exact rank;
  - (b) The grade point averages at the 12.5 percentile and 37.5 percentile will be posted; and
  - (c) The above will constitute the entire ranking system
- iv. All students who will receive degrees between December 1 and August 31 of the next year will be ranked together. For purposes of ranking underclass students, the same system shall be used based upon expected date of graduation.

c. *Boyd Service Award*

The Boyd Service Award recognizes law students who provide volunteer services to charitable, religious, civic, community, governmental, and educational organizations in furtherance of those organization's missions to improve the community.

It is given to law students at the completion of their studies during graduation. Recipients receive a seal on their diploma and wear cords during the graduation ceremony. The Boyd Service Award cords are the only cords worn by students at graduation.

The level of distinction is based on the number of volunteer hours completed during the student's entire law school career, with the guidelines as follows:

- Highest Honors: 200 hours total (at least 100 of community service)
- High Honors: 150 hours total (at least 75 of community service)
- Honors: 100 hours total (at least 50 of community service)

d. *Order of the Coif*

The Order of the Coif, a national legal honor society, has a chapter at The University of Iowa. The Order is dedicated to scholarship and advancement of high ethical standards in the legal profession and membership is highly coveted. A Chapter may elect to membership in the Order any graduating senior (1) who has completed at least 75 percent of his or her law studies in graded courses and (2) whose grade record ranks in the top 10 percent of all the graduating seniors of the school. Under a new interpretation of the Coif Constitution (November 2013), transfer students are not excluded from eligibility for Coif membership, and will be considered as having completed their first year of law studies in graded courses for calculating (1) above.

## **XVI. Additional policies Applicable to S.J.D. Students**

### **A. Description of S.J.D program at the University of Iowa College of Law; Requirements<sup>49</sup>**

The S.J.D. program at the University of Iowa College of Law is intended for students who wish to conduct original and advanced legal research under faculty supervision. S.J.D. students are expected to write a dissertation of publishable quality making a significant and original contribution to legal scholarship. The dissertation should be a book-length manuscript or a series of related articles of equivalent intellectual ambition and scope.

Admission to the S.J.D. program will be granted only if a tenured member of the faculty of the College of Law is available and agrees to serve as the chair of the student's dissertation committee (the "S.J.D. chair"). The S.J.D. chair and other members of the dissertation committee supervise and evaluate the student's research and writing on the dissertation topic.

S.J.D. candidates are responsible for maintaining contact with the S.J.D. chair and other members of the dissertation committee throughout the S.J.D. program with respect to the progress of their work.

### **Eligibility for Admission to the S.J.D. Program:**

To be eligible to apply to the SJD program at the University of Iowa College of Law you must meet one of the following requirements:

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<sup>49</sup> Adopted by the Faculty of the College of Law on September 20, 2012; Amended March 24, 2016. Approved by the Provost of the University of Iowa on January 18, 2013 ; approved by the Iowa Board of Regents on April 24, 2013; ABA Acquiescence on September 19, 2013.

1. Have completed an LL.M. degree at the University of Iowa or at another law school of comparable rigor, or be currently enrolled in such a program and on track to receive the LL.M. degree before starting the S.J.D. program.
2. Have completed a J.D. degree in the United States, or be currently enrolled in a J.D. program and on track to receive the J.D. degree before starting the S.J.D. program.

All applicants must show strong evidence of scholarly research and writing abilities.

### **Requirements for the S.J.D. Degree:**

Once a student is admitted to the S.J.D. program, there are five requirements for earning the S.J.D. degree:

- (1) *The Year of Residency:* The S.J.D. student must spend at least one academic year (two semesters) in residence at the College of Law in the S.J.D. program. The course of study in that year differs depending on whether the student already has an LL.M. or equivalent master's-level degree.

- (a) *Students who already have an LL.M. or equivalent master's-level degree.* During the year of residency, the student must complete 18 semester hours of credit. The student must enroll in the S.J.D. tutorial for five credits (Honors/Pass/Fail) each semester (in other words, IO credits during the year) to conduct research and writing under the supervision of his or her S.J.D. dissertation committee ("S.J.D. committee"). The work in the S.J.D. tutorial will focus on formulating a detailed dissertation proposal, beginning research for and writing of portions of the proposed dissertation, and completing one or more chapters of the dissertation. The balance of the 18 required credits will be earned on a Honors/Pass/Fail basis through research and writing relating to the student's dissertation, supervised by the student's S.J.D. chair. However, in the discretion of the student's S.J.D. committee, some of those credits may be allocated to courses or seminars that the committee thinks the student needs to take to strengthen his or her ability to write a successful dissertation, and those courses shall be taken on a graded basis if they are graded for the other students taking those courses. S.J.D. students who have not earned an LL.M. or J.D. degree or equivalent in a U.S. law school but whose dissertation work may include U.S. law may be required to take the College's orientation course for foreign-trained lawyers. The S.J.D. student's work in these Honors/Pass/Fail courses shall be awarded Honors for all 18 credits if the work is judged by the student's



S.J.D. committee to be of a quality and quantity sufficient to justify promotion to S.J.D. Candidacy (see (2) below). If it is not of sufficient quality and quantity for promotion but the student's S.J.D. committee judges it to be of sufficient quality and quantity to justify the award of graduate credit, the student shall receive a Pass for all 18 credits. If the student's S.J.D. committee does not find that the work meets that standard, the student shall receive a failing grade on all 18 credits.

*(b) Students who do not already have an LL.M or equivalent master's-level degree.* During the year of residency, the student must complete 24 semester hours of credit. Eighteen of these semester hours will be the same as for an S.J.D. student under paragraph (l)(a). Two additional credits will be for completion of the orientation course to the U.S. legal system for foreign-trained lawyers unless the student has already earned a J.D. degree from a U.S. law school. The student must also enroll in the LL.M. Seminar, a research and writing course during which the student will write a research paper qualifying for at least two credits (four credits if a native speaker of English or has a J.D. degree from a U.S. law school) on a topic distinct from the topic of the S.J.D. thesis. The student will take such additional S.J.D. research and writing credits with the student's S.J.D. chair as necessary to bring the student's total number of registered credits for each semester to 12. The S.J.D. tutorial and independent research and writing credits shall all be graded on the same Honors/Pass/Fail basis as described above in (l)(a). Any other coursework taken for credit shall be subject to the normal rules of the College of Law with respect to grading.

*(2) Admission to S.J.D. Candidacy:* Admission to S.J.D. candidacy is a formal step that must be achieved before the student has the right to continue in the S.J.D. program to complete a dissertation. The decision about admission to S.J.D. candidacy will be made by the student's S.J.D. committee on the basis of the work done during the student's year of residency at Iowa in the S.J.D. program. In order to admit the student to S.J.D. candidacy, the committee must determine that the student's work on the dissertation topic during the semesters of residency is of sufficiently high quality that it is reasonable to believe that the student will be able to complete a publishable dissertation on the topic. As part of the assessment process, the S.J.D. committee will hold an oral examination of the candidate. The oral examination will normally be held toward the end of the student's year of residency at the College and will focus on the work that the candidate has completed on the dissertation by that time, the candidate's general knowledge and understanding relating to the subject matter of the dissertation, and the candidate's further plans for completing the dissertation. If the

committee is not able to admit the student to S.J.D. candidacy at the conclusion of the first year of residency, the committee may give an extension of up to one calendar year if it finds a sufficient basis to believe that the student likely will be able to satisfy the foregoing standard within that time. As part of that extension of time for further assessment, the committee may require the student to submit additional writing and/or to participate in a second oral examination.

- (3) Presentation of Dissertation Work: Each S.J.D. student is required to make at least one substantive presentation of his or her dissertation work at a meeting of the S.J.D. tutorial, to a specially constituted group of faculty, or in a public meeting, as arranged with the student's S.J.D. committee.
- (4) Completion of the Dissertation: Students admitted to S.J.D. candidacy are encouraged to apply for permission to continue their research and writing in the College 's Law Library if they can continue to stay in Iowa City, and such applications will normally be granted. However, students admitted to S.J.D. candidacy are free to complete the dissertation wherever they wish. In any event, they must continue to coordinate with their S.J.D. committee and continue to register each spring and fall semester as an S.J.D. candidate in the College. Within five calendar years from the date of admission to S.J.D. candidacy, the student must complete the dissertation and have it approved by the S.J.D. committee. In order to approve the dissertation, the committee must determine that the dissertation is of publishable quality. If the committee believes that the work needs revisions or additions to bring it to the requisite level of quality, the committee may give the student an extension of time and the student must meet the deadlines set by the committee for the revisions.
- (5) Oral Defense of the Dissertation: Before the student's S.J.D. committee decides whether to approve the student's completed dissertation for award of the S.J.D. degree, the student must successfully defend the dissertation in an oral defense led by the student's S.J.D. committee. Except in rare and highly compelling circumstances, the defense will be conducted in person in Iowa City.

# Part II: Additional Policies of the College of Law

## I. LAWR Guidelines

Please see the guidelines here:

<https://law.uiowa.edu/sites/law.uiowa.edu/files/LAWR%20Guidelines%20Approved.pdf>

## II. Course Add/Drop Procedures

### A. Regularly Scheduled Courses and Seminars

Beginning with Spring semester 2013 students will be able to drop and add courses via MyUI during the first five days of classes. Students will not be required to submit add or drop forms during the first calendar week of class; add or drop slips will be required starting at 12:01 a.m. on the Monday of the second week of class. If a course is closed on MyUI students should be directed to use the same manual procedure, fill out an add/drop form, obtain the instructor's consent and signature and process the form through the College's Registrar's Office.

Note that add/drop deadlines and policies for courses taken elsewhere in the university are set by the departments offering the courses. However, students should be aware of the application of other College of Law policies, including the faculty policy on full-time enrollment.

### B. Moot Court Programs

Students wishing to drop Van Oosterhout-Baskerville, Jessup, and Appellate Advocacy I without a showing of cause may do so prior to the distribution of the problem and the finalization of participants in their rounds. After the problem has been distributed, only the faculty advisor may authorize a drop, and then only upon a showing of cause.

## III. Exam Policy

### 1. Exams

With a few exceptions, one exam is given in each course. Exams are administered at the end of each semester on a schedule published each academic year. Students are expected to adhere to the College of Law codes and policies regarding exams. In no event may a student drop any course after the distribution to that student of the final exam in the course.

2. Anonymous Grading

Before taking an exam, each student will receive an identification number to ensure anonymity in grading.

Each instructor will submit a grade for each identification number. Students must not identify themselves in any way on the exam answer or other materials that the instructor might see. To preserve anonymous grading, students may not discuss the exam with their instructors until the exam has been graded and released. Students should pose questions to a proctor during an exam or to the Dean of Students after the exam. After the exam grade is recorded, the instructor's assistant will receive from the Registrar, the student names corresponding to each identification number. The instructor will then assign class participation consistent with announced course policy. The Dean's Office will then be notified of the final grades for each student. The students will receive only the final grades.

3. Laptop Test Taking

Students may use one laptop computer equipped with pre-purchased exam software, available for purchase to answer exam questions only in courses participating in the laptop exam program. To preserve the integrity of the exam process, students may not bring any other electronic devices into the exam room unless expressly permitted by their instructor.

4. Exam Times, Locations and Procedures

Exams will usually begin at either 8:15 a.m. or 12:45 p.m. Students should be in the appropriate room prepared to receive instructions at one of those times. Laptop users and writers enrolled in the same course will generally take their exams in the same room. If students' hardware or software malfunctions during an exam they should begin to handwrite the remainder of their exam answers. Exam blue books will be available in each room. Students who experience hardware or software malfunctions will not receive additional time to complete their answers. Computers may not be used for access to class notes, outlines, or any other reference materials during an exam.

5. Scheduling of Exams

In all cases where make-up exams may be permitted by these rules, students must follow the deadlines for requesting alternate exam dates as sent out in notices from the Dean's office.

a. Rescheduling/or Exam Conflicts

Students who have more than one exam scheduled for the same day, two exams within 24 hours (i.e., Tuesday afternoon and Wednesday morning), or who have exams scheduled on four consecutive days may reschedule the

third exam. Students who have exams three days in a row may reschedule one exam only with permission from the instructor.

If a student is permitted to reschedule an exam, it will be administered on the next available makeup day following the regularly scheduled exam date.

b. Unexpected Absences from Exams

If, before or during an exam, a student believes that he or she is unable to take or complete the exam because of serious illness, emergency, or personal tragedy, the student must immediately report his or her inability to the Dean of Students. Otherwise, it will be considered insufficient grounds for the granting of permission to take the exam at a later time. An unexcused absence from an exam shall result in an assignment of a grade of 1.5 for that course. Any request for make-up accommodations should include written verification of the event that caused the absence.

c. Scheduled Absences from Exams

i. Observation of Religious Holidays

If an exam conflicts with a recognized religious holiday or observance, students must notify the Dean of Students in writing to request permission to take a make-up exam. The statement of Religious Diversity and the University Calendar can be accessed at

<http://dos.uiowa.edu/policies/statement-of-religious-diversity-and-the-university-calendar/>

ii. Other Scheduled Events

To preserve the integrity of the exam process, requests to reschedule exams to allow students to attend other events will rarely be approved. To be considered, requests must include the following information:

1. Description of a significant life event requiring the student's attendance;
2. Statement that the student did not have a role in scheduling the event; and
3. Evidence establishing that the student notified the Dean of Students as soon as scheduling occurred.

iii. Make-Up Exams

Any student who has been excused from a regularly scheduled exam must refrain from discussing the content of the missed exam with anyone and must not receive any information about the content of the

missed exam. Immediately before taking a make-up exam, the student must certify the following:

*I understand that I was permitted to reschedule this exam on the condition that I have not received any information about it. I now certify that I have neither discussed the contents of this exam nor received any information about the exam.*

*I understand that Section 204 of Title II Part A of the Policy on Misconduct prohibits cheating on exams. Violation of this policy may subject me to disciplinary action.*

iv. Materials Permitted During an Exam

Closed-Book Exams

Students may only have materials related to the exam at their desks during an exam, such as pens and a laptop when permitted. Proctors will provide exam books. All materials provided must be returned at the end of the exam. Any other personal belongings must be placed at the front of the room.

Open-Book Exams

Instructors may limit the quantity or type of material students may have at their desks during an exam. For example, they may prohibit the use of commercial reference materials. Students may not, however, access any materials from their computers. Students must refer any questions about permitted material to the instructor before the exam begins.

v. Communication Prohibited

Students may not communicate with other students during an exam.

vi. Late Arrival to an Exam

Students who begin an exam after the scheduled start time will not receive additional time to complete the exam unless the professor expressly permits.

vii. Academic Misconduct

Students who believe they have observed exam-related academic misconduct should immediately contact the Dean of Students, a proctor, or a member of the Dean's Office staff.

viii. Departure from the Exam Room

Students should make every effort to remain in the exam room during the exam because departures can disrupt others. If students must leave the exam room, they must leave the exam questions, answers, and all other items in the exam room. Before departing from the exam room, students must sign out with the proctor and sign in upon return.

Absences from the exam room should be few and brief and conducted in accordance with the following guidelines:

1. To avoid the appearance of impropriety, students who have left an exam room may not communicate with others;
2. Students may not access any exam-related materials during this period.
3. Students who finish their exams with five or fewer minutes remaining in the exam may not leave the exam room early.

ix. Failure to Return Exam Materials

After completing an exam and before leaving the exam room, students shall identify their exam materials with their exam number and return them to the proctor. Such materials include: the exam questions, answer book, answer sheet, and scratch paper.

6. *Exam Accommodations:*

See the Policy on Accommodations for Students with Disabilities (XIV of the Academic Policies and Procedures) and Policy on accommodations for students with limited English proficiency (VII.B. of the Academic Policies and Procedures).

7. Faculty Submission and Posting of Grades

*Generally, faculty members are expected to submit their grades three weeks after the exam is given.* When faculty have exams from two classes to grade, the time period for the second exam begins at the end of the time period for the first.

Students must take responsibility for getting their grades by checking MyUI at <https://myui.uiowa.edu/my-ui/home.page>

8. Transcripts

Student grades will not be given to individuals outside the University (and within the University who do not have a legitimate need to know) unless the student has given the law school written permission to do so. This limitation includes prospective employers.

To request an official or unofficial transcript, please see:  
<https://registrar.uiowa.edu/transcripts>

#### **IV. Policies relating to the use of the Boyd Law Building**

##### **A. University Building Policies**

<https://opsmanual.uiowa.edu/administrative-financial-and-facilities-policies/conditions-use-university-facilities>

##### **B. Space Use Policy**

With the exception of individual students or study groups that reserve classroom space for study activities, only University academic or administrative units and recognized student organizations may reserve space in the Boyd Law Building. Under special circumstances and subject to rental fees, the Dean or designee may authorize other uses consistent with the mission of the College.

The University of Iowa and the College of Law are communities whose members hold a variety of religious and philosophical views. As a public institution we respect the separation of church and state and hold as one of our core values a commitment to vigilantly protect free expression of thought. Institutionally-sponsored religious symbols are not appropriate in the College of Law. Uses of the law school lobby area and other public areas of the law school by student organizations or in relation to academic activities of the law college may not include display of or be accompanied by religious symbols that are likely to be seen as implying institutional endorsement of a religion or religious viewpoint.

##### **Lobby Table Reservation**

The lobby area of the Boyd Law Building is available for use by recognized law school student organizations recognized by University of Iowa Student Government, other University organizations may use the lobby area if a recognized law student organization sponsors them and provides at least one member to staff the non-recognized organization's table(s) at all times. Tables in the lobby area are reserved on a first-come/first-served basis up to three months in advance. The tables in the lobby area are not to be used by non-University organizations for selling products or services for profit. Tables will be identified and reserved as tables #1, #2, #3, and #4. Table #1 is the table closest to the elevators on the left (west) side of the lobby as one enters the building and table #2 is the table in front of the Boyd bust (east side of lobby). Tables #3 and #4 can be set up on either side of the front entrance along the south windows. If a table is not already set up, it is the responsibility of the student group to locate a table for its use. Groups are limited to the use of one table per day. Exceptions may be made with the approval of the Associate Dean



for Students or designee.

Any groups using these tables cannot affix promotional materials to the walls behind the tables or to windows. Materials may be secured to the table itself or otherwise displayed.

**C. Building Maintenance**

The University is committed to an extensive maintenance program for the building. If, during normal working hours, you see anything that is in disrepair, please report it to Rene Schilling-Arps in the Dean's Office or email [Rene-Arps@uiowa.edu](mailto:Rene-Arps@uiowa.edu). If the building is damaged or repairs are needed at times other than normal business hours, please contact Campus Security, telephone number 319-335-5022. Please report any vandalism to Campus Security.

**V. University of Iowa Policies**

Students at the College of Law are reminded that they are also subject to general University policies. Students should pay particular attention to the following policies:

**A. Statement of Religious Diversity and the University Calendar**

<http://dos.uiowa.edu/policies/statement-of-religious-diversity-and-the-university-calendar-2/>

**B. Professional Ethics and Academic Responsibility Policy**

<http://www.uiowa.edu/~our/opmanual/iii/15.htm>

**C. Code of Student Life**

<http://dos.uiowa.edu/policy-list/current/student-responsibilities-6/code-of-student-life-2012-2013-academic-year/>

**D. Policy on Consensual Relationships Involving Students**

<http://www.uiowa.edu/~our/opmanual/ii/05.htm>

**E. Policy on Sexual Harassment**

<http://www.uiowa.edu/~our/opmanual/ii/14.htm>

**F. Policy on Violence**

<http://www.uiowa.edu/~our/opmanual/ii/10.htm>

# Part III: Useful Information

## I. Guide to Courses

The guide to courses can be found online at

<https://law.uiowa.edu/academics/courses-and-curriculum-0>

## II. Student Activities and Organizations

### A. College of Law Calendars

1. Master Calendar

<http://www.law.uiowa.edu/calendar>

2. Academic Calendar

<https://law.uiowa.edu/academics/academic-calendar>

### B. Journals & Student Groups

Student Groups: <https://law.uiowa.edu/student-experience/student-organizations>

Journals: <https://law.uiowa.edu/student-experience/journals>

### C. Posting Policy

Notices and other materials are allowed only on bulletin boards. Do not post items on doors, windows, walls, elevator panels, or any other surface not specifically designated for posting. All posted materials should be dated.

Administrative staff will remove undated materials or materials that are posted in inappropriate places.

## III. Teaching Materials

In some courses and seminars, teaching materials are used, either as the regular study materials for the course or to supplement an existing text. These teaching materials are normally made available to students for purchase at the beginning of the semester, summer term, or intersession through the ISBA Bookstore located in Room 218 on the second floor of the Boyd Law Building. Students are charged for these materials to cover the duplication costs. If a substantial amount of material is provided after the course is underway, the duplication costs will be added to students' U-bills.

## IV. Services and Support

### A. Copy Services and Printing

There are two black and white printers located on the 2<sup>nd</sup> floor of the Law Library. Printing costs \$.03 per side. A color printer is located in the Lauridsen Family Law Commons on the 1<sup>st</sup> floor of the Boyd Law Building; color printing costs \$.15 per

side. Printing is charged directly to your U-bill. Scanners are located on the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> floors of the Law Library. There is no charge to use the scanners. A coin-operated photocopy machine is located near the Reference Desk on the 2<sup>nd</sup> floor of the Law Library. Copying costs \$.10 per page.

For additional information see:

<http://libguides.law.uiowa.edu/computing/StudentPrinting>

## **B. Electronic Mail and Law School Notices**

The law school administration and faculty members use electronic mail as the primary communication method for information about registration, career services, financial aid, and other important areas. Individual programs and faculty also use the ICON/CANVAS platform, accessible at <https://icon.uiowa.edu/>.

The University provides a free e-mail account to all students. The Law School will use the University e-mail account address to contact students. Students are responsible for checking their University account. Sessions will be held for new students as part of the orientation program, during which students will activate their University accounts and learn about other on-line services available to them, such as networked printing.

## **C. Event Planning and Digital Signage**

Members of the College of Law community may post information about their events on digital signage monitors located throughout the building. Directions for submitting event information: <https://law.uiowa.edu/event-planning>

## **D. Financial Aid**

<http://www.law.uiowa.edu/students/finaid>

## **E. Law Library**

<https://library.law.uiowa.edu/>

## **F. Writing Resource Center**

<https://law.uiowa.edu/writing-resource-center>

## **G. Lost and Found**

The law library maintains a Lost & Found service behind the Circulation Desk for the entire Law Building. The Library Assistant IV, Circulation Supervisor will send items placed in Lost & Found during the week and not claimed to the University Lost and Found Office located on the southeast side of University Capital Centre (UCC) on the lower level. Hours are 8-4 p.m. Monday-Friday. <https://uiowa.edu/homepage/lost-and-found>

## H. Parking and Transportation

For information about parking at the College of Law, please see <https://transportation.uiowa.edu/>

For information on public transportation see <https://transportation.uiowa.edu/cambus>, or <http://www.icgov.org/transit> and <http://www.coralville.org/index.aspx?nid=80>

Bicycle racks are located south of the law school, adjacent to Lot 34, and north of the law school, at the lower level entrance to the law building. Adjacent to Lot 34 is an air pump and bicycle tools for your use.

## V. List of College of Law Awards

### A. University of Iowa Awards

#### 1. Hancher-Finkbine Medallion

Awarded to outstanding graduates who are selected from two nominations forwarded by each of the schools and colleges within the University. Recipients exemplify outstanding learning, leadership, and loyalty.

#### 2. Philip G. Hubbard Human Rights Award

Based on outstanding contributions to human rights and to equal opportunity as described in the University's Human Rights Policy.

#### 3. Center for Diversity and Enrichment Award

Demonstrates significant contributions to diversity, inclusion and leadership at University and surrounding community.

### B. College of Law Awards

#### 1. John F. Murray Award is awarded to recognize the highest academic standing in the graduating class. A

#### 2. Awards for Outstanding Scholastic Achievement recognize four graduates for outstanding performance in both the academic and co-curricular programs of the College.

#### 3. The Iowa State Bar Association Prize is awarded to a student with the attitude, ability, and other qualities that indicate success as a future leader of the Iowa Bar.

#### 4. The Donald P. Lay Faculty Recognition Award is presented to the student who has made distinctive contributions to the College of Law community, the College's educational programs, or the College's co-curricular programs.

#### 5. The Willard "Sandy" Boyd Law Prize is presented to the student who has demonstrated outstanding ability and creativity in the development of written legal scholarship.

6. The Alan I. Widiss Faculty Scholar Award is presented to the student in the graduating class who has written the most outstanding and distinctive scholarly paper. University of Iowa College of Law Faculty Meeting Minutes adopted (Apr. 19, 2001).
7. The Robert S. Hunt Legal History Award is presented in recognition of an outstanding scholarly paper in the field of legal history by a graduating student.
8. The Randy J. Holland Award for Corporate Scholarship is presented to a member of the graduating class who has the best scholarly paper on corporate law.
9. The Antonia "D.J." Miller Award for Advancement of Human Rights recognizes outstanding contributions by a student to the advancement of human rights in the law school community.
10. The Michelle R. Bennett Client Representation Award recognizes outstanding service in the College's clinic program.
11. The Russell Goldman Award is presented to the member of the graduating class who has the most improved academic performance after the first year.
12. The National Association of Women Lawyers Award is awarded to an outstanding third year student who has contributed to the advancement of women in society and women in the legal profession and who has attained high academic achievement.
13. The Iowa College of Law Appellate Advocacy Award is presented to the student who has made the most outstanding achievement in appellate advocacy.
14. The International Academy of Trial Lawyers Award recognizes the student who has distinguished himself or herself in the area of trial advocacy skills.
15. The Iowa Academy of Trial Lawyers Award is presented to the most outstanding student advocate in the Roy L. Stephenson Trial Advocacy Competition.
16. The Erich D. Mathias Award for International Social Justice is presented in recognition of outstanding contribution or demonstrate commitment to attaining international social, economic, and cultural justice by a third year student.
17. The ALI/CLE Scholarship and Leadership Award is presented to the student who best represents a combination of scholarship and leadership and the qualities embodied by the American Bar Association (ABA) and the American Law Institute (ALI).
18. The ABA/BNA Award for Excellence in the Study of Intellectual Property is awarded in recognition of excellence in the study of Intellectual Property Law.
19. The ABA/BNA Award for Excellence in Labor and Employment Law is awarded in recognition of excellence in the study of Labor and Employment Law.

20. The ABA/BNA Award for Excellence in the Study of Health Law is awarded in recognition of excellence in the study of Health Law.
21. The American Bankruptcy Institute Medal for Excellence in Bankruptcy Studies is presented in recognition of excellence in bankruptcy studies.
22. The Dean's Achievement Award is awarded to a student who, through his or her achievements, has exemplified, promoted, or contributed to cultural, racial, or ethnic diversity in the law school.
23. The ABA-Bloomberg BNA Award Program for Excellence includes awards in the areas of Labor and Employment, Intellectual Property and Health Law.
24. The Cain-Love Award goes to the JGRJ student who has demonstrated a commitment to social justice and is in the top half of the class.
25. The Arthur Bonfield Award is awarded to a 2L or 3L student who has demonstrated an aptitude for creative legal scholarships and has interest in the research mission of the College of Law.
26. The Judge William Stuart Award is awarded to a student in the top 10% of the class and who shows integrity and constitutional principles.
27. The Innovation Business & Law (IBL) Award is presented to a graduating law student who has contributed to the IBL Center's mission, and excellence in the areas of innovation and business law.