

# **COLLEGE OF LAW**

## **STUDENT HANDBOOK**

**2016 - 2017**

*This document was updated February 2014. 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.*

---

# Table of Contents

I.	Registration Policies and Procedures .....	7
A.	Full Time Policy .....	7
B.	Limitations on Hours Loads .....	7
1.	15 Hours Rule.....	7
2.	Intersession Courses.....	7
3.	Clinical and Non-Clinical Externship Credit Hours Limitation .....	7
4.	Clinic, Externship, and Non-Law Course Hour Limitation.....	7
C.	Course Scheduling.....	8
1.	Bidding Process.....	8
2.	Guide to Courses .....	8
3.	LAWR and Small Section Guidelines .....	8
4.	Co-Curricular Hours .....	8
5.	Seminars .....	8
6.	Trial Advocacy.....	9
7.	Clinic.....	9
8.	Field Placement Externships.....	9
9.	Add/Drop Policy .....	11
10.	Courses Taken Outside the University of Iowa College of Law.....	12
11.	Special Rule Concerning Written Work Submitted for More Than One Purpose.....	13
12.	Overlapping Courses .....	14
13.	Duplicative Courses .....	14
14.	Auditing Classes.....	14
15.	Teaching Materials Policy .....	14
II.	Exams, Grades, and Academic Honors .....	14
A.	Exam Policy.....	14
1.	Exams.....	14
2.	Anonymous Grading.....	15
3.	Laptop Test Taking.....	15
4.	Exam Times, Locations and Procedures.....	15
5.	Scheduling of Exams .....	15
6.	Exam Accommodations .....	17
B.	Grades.....	18
1.	Grading Policy .....	18
2.	Grade Distribution Policy (effective September 2006).....	18

3.	LAWR and Upper-Level Courses .....	19
4.	Faculty Policy on Repeating Failed Courses .....	19
5.	Pass/Fail Grades.....	19
6.	Faculty Submission and Posting of Grades.....	20
7.	Miscellaneous Grading Marks.....	20
8.	Retention Rules .....	<b>Error! Bookmark not defined.</b>
9.	Class Ranking.....	24
10.	Transcripts.....	24
11.	Academic Honors .....	24
III.	Graduation Requirements.....	27
A.	J.D. Requirements .....	27
B.	Course Hours .....	27
C.	Course Requirements.....	27
D.	Writing Requirements .....	28
E.	Professional Skills Instruction Course Requirement .....	28
F.	Joint Degree Programs.....	29
IV.	Academic Policies .....	29
A.	Disability Policy .....	29
B.	Statement of Religious Diversity and the University Calendar.....	29
C.	Professional Ethics and Academic Responsibility Policy .....	29
D.	Policy on Misconduct.....	29
E.	Academic Complaint Procedure .....	29
F.	Withdrawal and Leave of Absence .....	30
G.	Class Attendance and Preparation.....	30
H.	Employment Limitation .....	30
V.	University Policies.....	30
A.	Code of Student Life .....	30
B.	Policy on Consensual Relationships Involving Students .....	30
C.	Policy on Sexual Harassment .....	31
D.	Policy on Violence.....	31
VI.	Building Policies.....	31
A.	General Building Policies .....	31
B.	Space Use Policy.....	31
C.	Facilities Use Policy.....	32
D.	Building Maintenance .....	32
VII.	Emergency Information .....	32

A.	Important Emergency Information.....	32
VIII.	College of Law Student Services and Support.....	32
A.	Academic Achievement Program.....	32
B.	Academic Advising.....	32
1.	Dean of Students.....	32
2.	Assistant Dean of Admissions.....	32
3.	Director of Career Services.....	32
4.	Ombudsperson.....	32
5.	Registrar.....	33
6.	Academic Achievement Program Director.....	33
7.	Faculty Advising.....	33
C.	Career Services.....	33
D.	Computer Services.....	33
E.	Copy Services and Printing.....	33
F.	Docket.....	<b>Error! Bookmark not defined.</b>
G.	Electronic Mail and Law School Notices.....	34
H.	Digital Signage.....	34
I.	Financial Aid.....	34
J.	Law Library.....	34
K.	Lost and Found.....	34
L.	Parking and Transportation.....	34
M.	Research Assistantships.....	34
N.	Video Operations.....	35
O.	Writing Resource Center.....	35
IX.	University Student Services and Support.....	35
A.	Campus Information.....	35
B.	Child Care.....	35
C.	Contact Information.....	35
D.	Counseling Services.....	35
E.	Directory.....	35
F.	Email, ISIS and ICON.....	35
G.	Health Services.....	35
1.	Insurance.....	35
2.	Medical Care.....	36
3.	Dental Care.....	36

H.	Housing .....	36
I.	ID Cards.....	36
J.	Lactation Facilities .....	36
K.	Legal Services for Students.....	36
X.	Student Activities and Organizations .....	36
A.	College of Law Calendars .....	36
1.	Master Calendar .....	36
2.	Academic Calendar.....	36
B.	Journals & Student Groups.....	36
C.	Events .....	36
D.	Space Use Policy.....	36
E.	Posting Policy .....	37
XI.	Appendix .....	37
A.	Writing Requirements .....	37
1.	General Requirement .....	37
2.	Student-Supervised Writing Programs.....	37
3.	Faculty-Supervised Writing Programs.....	37
B.	Policy on Accommodations for Students with Disabilities.....	41
1.	General .....	41
2.	Notice to Students of This Policy.....	42
3.	Entitlement to Accommodations for a Disability.....	42
4.	Student Obligations.....	42
5.	Procedure for Securing an Accommodation.....	43
6.	Decisions about Auxiliary Aids and Services.....	42
7.	Decisions about Exam Accommodations.....	43
8.	Confidentiality.....	44
9.	Procedures for Appeal .....	44
10.	Records.....	45
C.	Policy on Misconduct.....	45
1.	PREAMBLE; SCOPE .....	45
2.	STUDENT MISCONDUCT .....	47
ACADEMIC MISCONDUCT.....		47
NON-ACADEMIC MISCONDUCT .....		50
D.	PROCEDURES FOR ACADEMIC MISCONDUCT.....	51
301.	Applicability .....	51
302.	Decision-Makers .....	52

303.	Alternative decision-making channels .....	52
304.	Initiation of complaint and initial procedures .....	53
305.	Evaluation of the complaint.....	53
306.	Notice and initial decision .....	53
307.	Responsible faculty member procedures and decision.....	54
308.	Written decision .....	55
309.	Appeal .....	55
310.	Transmission of record of proceeding before the responsible faculty member .....	55
311.	Panel function and goals .....	56
312.	Procedures following University's disciplinary proceedings.....	56
313.	Panel proceedings .....	56
314.	Scope of review .....	57
315.	Decision of panel .....	57
316.	Grade lowering as recommendation.....	58
317.	Decanal review .....	59
318.	Reports and records.....	59
319.	Representation by faculty or administrators.....	59
E.	Procedure for Non-Academic Misconduct.....	60
1.	Claims of Non-Academic Misconduct .....	60
2.	Oversight of Non-Academic Misconduct Cases.....	61

# I. Registration Policies and Procedures

## A. Full Time Policy

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. This policy coincides with the Accreditation Standards of the American Bar Association and the Association of American Law Schools. In extraordinary circumstances, it may be possible for a student to enroll for fewer than 10 hours per semester. Students who believe they may be unable to attend on a full-time basis should contact the Dean's office before registering for class. University of Iowa College of Law Faculty Meeting Minutes adopted (Apr. 7, 1983).

For tuition purposes, 12 hours is considered full-time. For insurance and verification purposes, 10 hours is considered full-time. Please contact the Financial Aid office if taking fewer than 12 hours.

## B. Limitations on Hours Loads

### 1. 15 Hours Rule

A student may enroll during any fall or spring semester for no more than 15 hours, nor for more than 12 hours during any two adjacent summer sessions, for credit that will be applicable to the student's J.D. degree. The Dean or Dean's designate may increase this limit to no more than 16 hours for one or more fall or spring semesters and to no more than 13 credit hours for adjacent sessions during one or more summers, subject always to the relevant ABA Standards as they may exist from time to time. University of Iowa College of Law Faculty Meeting Minutes adopted (Feb. 17, 2005). Amended September 24, 2013 University of Iowa College of Law Faculty Meeting Minutes.

### 2. Intersession Courses

Courses taken during the March intersession count toward the 15-hour maximum. 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. University of Iowa College of Law Faculty Meeting Minutes added (Feb. 17, 2005).

### 3. Clinical and Non-Clinical Externship Credit Hours Limitation

No student may enroll for more than 15 hours of credit in clinic work or in non-clinical externship including summer placements. However, this limit may be waived with permission of the clinic faculty and the Dean of Students in order to allow students to complete cases or other projects in process.

### 4. Clinic, Field Placement, and Non-Law Course Hour Limitation

A student may take no more than a total of 20 hours of course work for law school credit in clinic, field placement, and non-law courses. This rule applies to joint degree candidates as well as to other students. University of Iowa College of Law Faculty Meeting Minutes amended (March 1, 2013).

## C. Course Scheduling

### 1. Bidding Process

Class lists will be determined with the incorporation of a student choice factor (in the form of assigned points) and graduation priority. The procedure is as follows:

The student body will be divided into two groups based on prospective graduation dates.

Group 1: Students expecting to graduate in December, May, or August of the upcoming year;

Group 2: Students expecting to graduate in December, May, or August of the year following the upcoming year.

Group 1 students will be allotted 15 points per semester, and Group 2 students will be allotted 10 points per semester. Each student can then "bid" by allocating points towards his/her preferred limited enrollment course(s).

University of Iowa College of Law Faculty Meeting Minutes adopted (Apr. 9, 1984).

Students should carefully determine which course(s) they want the most. Obviously, the more desirable a student finds a course, the more points the student should allocate to it on the preference sheet. Assigning a point value of 0 will not get a name added to a course if there are openings. Once course lists are posted, students not enrolled in a desired course should notify the Registrar that they want to be added to the course if a slot is available. Once the course size limit is met, students can no longer be added but will be placed on a waiting list.

### 2. Guide to Courses

The guide to courses can be found online at

<http://www.law.uiowa.edu/documents/courses.pdf>

### 3. LAWR and Small Section Guidelines

Please see the guidelines here:

<http://www.law.uiowa.edu/documents/LAWR%20Guidelines%20Approved.pdf>

### 4. 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. University of Iowa College of Law Faculty Meeting Minutes adopted (Mar. 10, 2005).

### 5. Seminars

Because seminar enrollments are limited, students are admitted both by lot and according to a preference system. Preference is given to students in the following order:

- a. Students who are 3L and need writing units,
- b. Students who need writing units, with a preference to those who apply for two or three writing units,
- c. For students who do not need writing units, 3L is given preference over 2L.



Under the present practice, students are graded on the basis of the research paper, supplemented at the instructor's discretion on the basis of the student's class participation and other requirements for particular seminars.

Students may register for 3 writing hours (and a total of 5 academic hours) only with the seminar instructor's permission. Seminar instructors may not limit student research papers to 1-hour (20-page) papers without prior approval of the Curriculum Committee.

Seminars are ordinarily capped at 10 students. The instructor of a seminar may permit a larger number of students, and, although the instructor has no control over who is admitted to a seminar up to 10 students, the instructor has discretion in selecting students in excess of the cap for pedagogical reasons.

Above the ordinary 10-student cap, a seminar instructor has discretion to enroll students who will not write a research paper but who will be evaluated on the basis of an exam or other specified means.

#### 6. Trial Advocacy

General preference is given to students in order of graduation date. Preference is also given to those students who have accumulated points for the Trial Advocacy lottery. Students can accumulate points by either serving as witnesses or jurors for the mock trials held at the conclusion of each session of Trial Advocacy. There is no limit on the number of points students can accumulate for the lottery, and students are strongly encouraged to participate on a repeated basis to increase their chances for enrollment.

#### 7. Clinic

Open lotteries are generally held for students who have completed the equivalent of three law school semesters (a minimum of 39 credit hours) and are in good academic standing (a GPA of 2.1 or higher). Lotteries normally take place a few weeks before general registration for a given semester. Students already enrolled in clinic have preference to continue with ongoing cases; preference is given to students who sign up for the maximum number of permissible hours. For information on credit from the Legal Clinic go to <http://www.law.uiowa.edu/clinic/enroll.php##hour>

#### 8. Field Placements Externships

Iowa's Field Placement Program offers high-quality educational experiences that involve students in the performance of legal work in government or non-profit agencies, criminal prosecution or defense offices, state and federal judges' chambers, international law offices and agencies, as well as in a limited number of private practice and corporate settings. In addition to earning credit for their field work, students in field placements participate in a seminar or tutorial, led by a faculty member, where they maximize the learning that they gain from the field experience.

The law school's field placement program offerings include:

91:267 Field Placement: General. (3 – 14 semester hours)

Year- round. Students earn credit in a wide range of placements, including private, for-profit settings. Some placements are routinely offered and arranged by the law school, and others are arranged by students and approved by faculty. Some placements are local and students take them along with their other classes. Other students' placements are full-time, located across the country and around the world.

91:395 Summer Legal Placement. (3 semester hours)

Student-arranged and faculty-approved opportunities for direct involvement in activities characteristically performed by attorneys; in-depth exposure to the many facets of the practice of law; career exploration and professional development. Specially designed for, but not limited to, students who have just completed their 1L year.

91:399 Field Placement: Judicial. (6 – 14 semester hours)

Students work closely with a federal district court judge or state appellate judge, conducting research and drafting a wide variety of legal memoranda, orders and opinions. Students assist in hearings and perform other duties generally associated with a judicial clerkship. Students meet weekly with a faculty supervisor to discuss the student's work in chambers and take part in bi-weekly classroom discussions with other externs.

In addition to corporate placements secured by individual students and approved by faculty under 91:267: Field Placements: General, this placement is regularly available:

91:450 Field Placement: Corporate Law Practicum. (various credits)

One student is selected each year for nomination for a placement at a Delaware court.

In addition to international placements secured by individual students and approved by faculty under 91:267: Field Placements: General, these placements are regularly available:

91:267 Field Placement: International Criminal Law at The Hague (semester- or year-long: various credits).

Placements with various international criminal institutions located in The Hague, The Netherlands, including the International Criminal Tribunal for Yugoslavia, the International Criminal Tribunal for Cambodia and the International Criminal Court.

91:267 Field Placement: London (spring semester, in conjunction with the London Law Consortium, 660:824.)

Students volunteer 10 to 20 hours a week for a nonprofit organization, law firm, or other legal setting under the direct supervision of a lawyer. They also attend a weekly seminar and write a research paper. Students are placed or find their own placement. 3 – 5 s.h. See important details here, including VISA requirements.

## Limitations on Credits

Students are limited to a combined total of 30 credit hours for field placement work, co-curricular coursework (e.g. work on a journal, moot court, or other student-organized activity), and courses taken outside the law school. See also ABA Standard 304, interpretation 304-B.

Students are limited to 14 credits for a field placement. University of Iowa College of Law faculty policy adopted May 9, 2013.

Students may not apply to their degree more than 20 credits from a combination of clinic, field placements, and non-law classes. They may not apply towards graduation more than 15 credit hours of clinic and field placements combined. University of Iowa College of Law faculty policy adopted May 9, 2013.

For more information about Field Placement, the Field Placement Policy, applications, and approvals, see: <http://www.law.uiowa.edu/students/fpp>

## 9. Add/Drop Policy

### a. *Regularly Scheduled Courses and Seminars*

Beginning with Spring semester 2013 students will be able to drop and add courses via ISIS 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 will 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 ISIS, 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.

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 of Students 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. University of Iowa Faculty Meeting Minutes amended (Oct. 16, 1997).

A student who, after two weeks, drops an elective course for non-hardship-related reasons may not enroll in the dropped course during a future semester without the written permission of the instructor of the course in which the student seeks to enroll. Add/drop deadlines and policies for courses taken elsewhere in the university are set by the departments offering the courses.

### 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.

## 10. Courses Taken Outside the University of Iowa College of Law

Except as noted below, credit shall be awarded for courses taken outside of the College of Law in a manner consistent with the ABA Standards. Where the ABA Standards or interpretations would prohibit anything in this policy, the ABA Standard or interpretation will apply.

### *a. Courses Taken Prior to Admission to the College of Law*

Except in the case of a transfer student from another law school, no student shall receive academic credit toward the J.D. degree for courses taken prior to matriculation at this law school. University of Iowa College of Law Faculty Meeting Minutes adopted (May 13, 1993) amended (Jan. 20, 2005). See also ABA Standard 311(e).

### *b. Transfer Credit*

#### *Transfer Credit for Admission*

A maximum of 28 semester hours (or 1/3 the semester hours required by this college to earn the J.D.) may be transferred from an ABA- accredited law school. No semester 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. However, a "D" grade from another accredited school shall be entered on the student's record as a grade of 1.8 and shall be counted in the weighted cumulative average. University of Iowa College of Law Faculty Meeting Minutes adopted (Apr.17, 2003). University of Iowa College of Law Faculty Meeting Minutes amended March 1, 2013.

A maximum of 28 semester hours (or 1/3 the semester hours required by this college to earn the J.D. degree) earned at a law school outside the United States may be counted toward the J.D. degree, provided the requirements of relevant ABA Standards are met. See ABA Standards 307(b) and 505(f). University of Iowa College of Law faculty policy amended March 1, 2013.

#### Transfer of Credits After Admissions

College of Law students visiting at ABA-accredited law schools may transfer credits consistent with the transfer credit grading provisions above. College of Law students visiting at a law school outside the United States must meet the requirements of the relevant ABA Standards. University of Iowa College of Law faculty policy amended March 1, 2013.

Students seeking credit for courses taken as a visitor at another law school must first obtain permission from the Dean of Students and comply with all relevant college policies.

### *c. University of Iowa Non-College of Law Courses*

For students not enrolled in a combined-degree program, the maximum combined semester hours that may be applied toward the Juris Doctor degree for co-curricular activities and courses taken outside the College of Law is six hours. University of Iowa College of Law Faculty Meeting Minutes added (May 14, 1998).

Students seeking credit for courses taken outside the College of Law must first obtain permission from the Dean of Students and have her approve the course. If special permission of the instructor is indicated, the student must also secure the instructor's permission. Such courses will be approved if they either contribute directly to the professional competency of an attorney or provide additional perspective that will directly broaden the student's understanding of law, the legal process, or any particular legal subject.

The following limitations on accreditation of non-College of Law courses apply:

- i. Students shall provide the Dean of Students with a course description of the proposed non-College of Law course.
- ii. No course may be taken in another part of the University if its subject matter duplicates that of a course offered by the College of Law.
- iii. All courses must be graduate level (currently level 5000- or above), provided, however, that if a student can present a compelling argument demonstrating how a particular lower level course will specifically benefit his or her legal education, that course may be approved for law school credit.
- iv. No student shall repeat a course taken as an undergraduate or graduate student for law school credit
- v. Letter grades earned in non-law courses will be recorded on the student's transcripts unless pass/fail status is specifically requested and approved by the department offering the course. Such grades, however, will not be used in computing a law student's cumulative average. A pass or minimum grade of "C" is required for law school credit.

Students who take courses outside the law college are advised that they may be subject to course rules that are set by the instructor's college and that these rules may be different from rules in the law college. For example, rules governing the last date for dropping and adding courses are governed by the college offering the course, while rules governing misconduct are governed by the law college. The University Provost Office's full policy regarding cross-enrollment can be found at:

<http://www.education.uiowa.edu/dean/policies/cross-enrollment>

*d. Study Abroad Opportunities*

A list of study abroad opportunities is available online at

[http://www.law.uiowa.edu/academics/studyabroad\\_other.php](http://www.law.uiowa.edu/academics/studyabroad_other.php)

11. Special Rule Concerning Written Work Submitted for More Than One Purpose

Where writing or academic credit is sought for research or other work on a legal problem on which the student has previously or is simultaneously working for compensation or for academic hour 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 hour for the work. Where the attorney-client privilege precludes full disclosure of the related work product, at least the fact that the student has been involved with a related work product must be disclosed to each faculty member awarding credit.

## 12. Overlapping Courses

Enrollment in overlapping courses 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. University of Iowa College of Law Faculty Meeting Minutes *added* (Oct. 21, 1993). A faculty member 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 tapes 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. University of Iowa College of Law Faculty Meeting Minutes *added* (Oct. 21, 1993). The Registrar will inform the Curriculum Committee annually of the number of students who enroll in overlapping courses. University of Iowa College of Law Faculty Meeting Minutes *adopted in full* (Dec. 16, 1993).

## 13. 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.

## 14. Auditing Classes

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.

## 15. Teaching Materials Policy

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.

# II. Exams, Grades, and Academic Honors

## A. 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 insure anonymity in grading. Students must write their exam number on scratch paper and any other materials distributed at the start of the exam and collected at its conclusion.

Each instructor will submit a grade for each identification number. (This grade listing will be kept on file for two years at the College of Law.) 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 Soft 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. 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.

### *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. Missed Exams

Any student who fails to take an exam in a course and is not excused pursuant to the preceding section shall receive a grade of 1.5 for that course.

v. 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 and scratch paper. 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.

- vi. Communication Prohibited  
Students may not communicate with other students during an exam.
  
  - vii. 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.
  
  - viii. 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.
  
  - ix. 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.
  
  - x. 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
- a. Policies for Accommodations for Students with Disabilities  
See Policy for Accommodations for Students with Disabilities *infra* page 39.
  
  - b. Policies for Accommodations for Students speaking limited English  
Students at a substantial disadvantage taking an exam within the specified time limits by reason of not speaking English as their primary language may receive additional time to complete the exam commensurate with the extent of the disadvantage. A student seeking such additional time must make a request to the Dean of Students by the deadline announced each semester.

Student requests for extra time on the basis of having English as a second language will be determined by the following policy: an undergraduate degree from an English speaking college or university shall be considered prima facie evidence that the student is not qualified for extra time because English is his or her second language. Generally speaking, additional time given will be reduced each semester as a student becomes more proficient in law study in English.

## B. Grades

### 1. Grading Policy

*(Effective for students entering the College in May 2004 and thereafter)<sup>1</sup>*

Grades will be awarded on a scale of 1.5 to 4.3. No academic credit shall be given for a grade below 1.8 or for a grade of Fail. A 2.1 average (the lowest C average) will be required for retention and graduation. 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 LAWR I and LAWR II is referred to the Retention Committee. (University of Iowa College of Law Faculty meeting minutes adopted May 17, 2011.) 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

### 2. Grade Distribution Policy (effective September 2006)

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:

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

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.

---

<sup>1</sup> In November 2005, the faculty decided to adjust the grading scale and grading curve applicable to the students who entered the College in May 2004 and thereafter. This change included a retroactive adjustment of the grades of students entering in May 2004 or thereafter. Thus, transcripts for those students issued after December 9, 2005 will show correct grades. Earlier transcripts for those students are no longer correct. The new policy (as of November 17, 2005) is set out above.

### 3. LAWR and Upper-Level Courses

For LAWR and upper-level courses with fewer than 30 students in which the final grade is based primarily on a final exam, 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	<b>A+/A/A-</b>	15-35%
3.3-3.5	<b>B+</b>	20-30%
3.0-3.2	<b>B</b>	20-30%
2.9 and below	<b>B-/C+/C/C-D/F</b>	15-35%

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 exam.

There shall be no deviations from this policy without showing good cause to the Dean of the College of Law. University of Iowa College of Law Faculty Meeting Minutes adopted (Apr. 20, 2006).

### 4. Faculty Policy on Repeating Failed Courses

Adopted by the faculty on December 17, 2010. Effective beginning in the Fall Semester 2011.

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 student's 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. (University of Iowa College of Law Faculty Meeting Minutes adopted December 17, 2010. Effective August 2011.)

### 5. Pass/Fail Grades

Students who are enrolled in a course for which a pass/fail mark is to be awarded must be aware that the faculty supervisors or instructors are required to assign a numerical grade (i.e., between 1.5 and 1.7) for failing academic performance. The individual faculty member has discretion to allow the student to withdraw rather than receive a failing grade.

Pass/fail grades in specific courses:

- a. Credits for the Iowa Law Review shall be awarded on a pass/fail basis as follows:
  - i. Two credits for satisfactory completion of two writing units. University of Iowa College of Law Faculty Meeting Minutes amended (Mar. 25, 1999).
  - ii. Three credits for titled editors, except that the Editor-in-Chief shall receive four credits.

- iii. These credits shall be allocated between semesters at the student's discretion except that students must be registered for some part of the expected credits in each semester in which they are substantially engaged in the activity.
- b. Credits for the Journal of Corporation Law, Journal of Transnational Law & Contemporary Problems, and the Journal of Gender, Race & Justice shall be awarded on a pass/fail basis as follows:
  - i. Two credits for satisfactory completion of two writing units.
  - ii. Three credits for titled editors who have completed two credits as a writer.
  - iii. These credits shall be allocated between semesters at the student's discretion except that students must be registered for some part of the expected credits in each semester in which they are substantially engaged in the activity.
- c. Appellate Advocacy I and other Moot Court courses shall be taken on a pass/fail basis and shall each carry one credit. Members of the Moot Court Board shall also be graded on a pass/fail basis and shall receive no more than two hours of academic credit.
- d. Trial Advocacy may be graded pass/fail or numerically at the option of the instructor. University of Iowa College of Law Faculty Meeting Minutes added (Nov. 23, 1983).
- e. The clinic program will be graded under normal grading procedures.
- f. Independent Research and tutorials will be graded under normal grading procedures.

#### 6. Faculty Submission and Posting of Grades

Faculty members teaching small classes (40 or fewer students) are expected to submit their grades two weeks after the exam is given.

Three weeks are allowed for larger classes. 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.

Each faculty member shall post in some form the grade distribution for each course he or she teaches. Such posting of grades shall be done anonymously. The instructor makes available to students their respective grades by posting through the Iowa Student Information System ("ISIS"). No grades or grade distributions should be posted before the end of the last day of the exam period.

Students must take responsibility for getting their grades by checking ISIS at <http://isis.uiowa.edu>

#### 7. Miscellaneous Grading Marks

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

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

## 8. Retention Policy

### (i) Retention Rules

The following rules apply only to those students who are currently enrolled in the College of Law:<sup>2</sup>

#### 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. 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.) 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

---

<sup>2</sup> For purposes of the grades referred to herein please see Grading Policy *supra* page. 14.

continue registration at the College of Law and shall not be eligible for reinstatement under paragraphs 3-6 of this Retention Policy.

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

(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 ) ( i i ) 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 1.7 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 of this policy. 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, 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 causing 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.
6. 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.
7. 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 student may appear with or without counsel, or other representative, to make an oral presentation to the whole faculty and may make such written submissions as he or she 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.

8. 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.

#### 9. Class Ranking

For information regarding class rankings, please see:

<http://www.law.uiowa.edu/students/classrank.php>

#### 10. 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.

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

To request an official or unofficial transcript, please see:

<http://www.law.uiowa.edu/alumni/transcripts.php>

#### 11. Academic Honors

##### a. Dean's Award, Faculty Award, and Jurisprudence Award for Academic Excellence

- 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. (University of Iowa College of Law Faculty Meeting minutes adopted May 21, 2009)

##### b. Graduation with Honors

- 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.
- 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)

For more information about the Boyd Service Award, please visit <http://www.law.uiowa.edu/students/boydservice.php>.

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.

e. University Awards

i. 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.

ii. 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.

f. College of Law Awards

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

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

- iii. 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.
- iv. 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.
- v. 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).
- vi. 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.
- vii. 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.
- viii. 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.
- ix. The Michelle R. Bennett Client Representation Award recognizes outstanding service in the College's clinic program.
- x. The Russell Goldman Award is presented to the member of the graduating class who has the most improved academic performance after the first year.
- xi. 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.
- xii. The Iowa College of Law Appellate Advocacy Award is presented to the student who has made the most outstanding achievement in appellate advocacy.
- xiii. The International Academy of Trial Lawyers Award recognizes the student who has distinguished himself or herself in the area of trial advocacy skills.
- xiv. The Iowa Academy of Trial Lawyers Award is presented to the most outstanding student advocate in the Roy L. Stephenson Trial Advocacy Competition.
- xv. 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.
- xvi. The ALI/ABA 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).
- xvii. 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.
- xviii. The American Bankruptcy Institute Medal for Excellence in Bankruptcy Studies is presented in recognition of excellence in bankruptcy studies.
- xix. 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.

- xx. 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.
- xxi. The College's nomination for the Burton Award for Legal Achievement is awarded to a student in recognition of a clear, concise, and comprehensive legal writing style, in a paper published in the prior calendar year.
- xxii. The ABA-Bloomberg BNA Award Program for Excellence includes awards in the areas of Labor and Employment, Intellectual Property and Health Law.

### III. Graduation Requirements

#### A. J.D. Requirements

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

1. Receive course credit for 84<sup>3</sup> semester hours; (no more than 6 of which may be earned by participation in co-curricular or non-law school activities<sup>4</sup>); University of Iowa College of Law Faculty Meeting Minutes adopted (Sept. 20, 2007).
2. Take and complete all required courses;
3. Satisfy the writing requirements;
4. Complete the course of study required for the degree in no fewer than 27 months and no more than 84 months after the student has commenced law study at the law school or at a law school from which transfer hour has been accepted; University of Iowa College of Law Faculty Meeting Minutes enacted (Apr. 7, 1983) amended (Feb. 17, 2005); see also ABA Standard 311(c);
5. Achieve a cumulative grade point average of at least 2.1.
6. Satisfy the requirements of receiving 'substantial instruction in other professional skills generally regarded as necessary for effective and responsible participation in the legal profession,' as set forth in ABA accreditation Standard 302(a)(4) and ABA Standard Interpretations 302-2 & 302-3. Adopted by Faculty - April 15, 2010.

#### B. Course Credits

Receiving credits in a course is dependent upon the successful completion of a final exam or all assigned work, or both. In order for a student to take the final exam, all requirements established by the instructor as to class attendance, written work, special readings, oral reports, etc., must be satisfied.

#### C. Course Requirements

Required law school courses include:

1. All first year courses: Civil Procedure, Constitutional Law I, Contracts and Sales Transactions, Criminal Law, Introduction to Law and Legal Reasoning, Legal Analysis Writing and Research I & II, Property, Torts
2. Constitutional Law II
3. A course emphasizing professional ethics
4. A course emphasizing professional skills

---

<sup>3</sup> Effective for the class beginning in the summer of 2007. Ninety semester hours are required for all students who began their studies before the summer of 2007.

<sup>4</sup> Limitation applies to students who began study at the Law College on May 18, 1998 through Fall 2006. A student may apply for up to 7 academic credits earned through participation in co-curricular activities, but then is limited to earning no more than 5 credits through non-law classes.

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

#### D. Writing Requirements

See *infra* page 36.

#### E. Professional Skills Instruction Course Requirement

The College's professional skills instruction graduation requirement may be satisfied by completing one professional skills instruction course. To qualify as a professional skills instruction course, an academically-houred upper division course must require or otherwise involve (a) approximately fourteen hours of instruction (b) in qualifying professional skills (c) using required instructional methods:

1. *Required Quantity of Instruction*

The combined quantity of required instructional methods (i.e., instructional, experiential, and observation, feedback, and assessment (taken together)) must satisfy the requirements for one hour of academic credit (approximately 14 contact hours).

2. *Qualifying Professional Skills; One or more of the following:*

- a. Interviewing, counseling, negotiation, or face investigation
- b. Arbitration practice, mediation practice, trial advocacy, or appellate advocacy
- c. Drafting (e.g. commercial documents, wealth transfer documents, legislation, administrative regulations)
- d. Litigation skills (e.g., pleadings, motion practice, deposition practice, discovery, case planning)
- e. Advanced legal research
- f. Business planning, tax planning, or estate planning
- g. Organization and management of legal work
- h. Organization and implementation of nonprofit and governmental activities
- i. Organization and execution of actual or simulated judicial work
- j. Applied technology
- k. Applied empirical method
- l. Other equivalent skills

3. *Required Instructional Methods; All of the following*

- a. An instructional component (e.g., assigned readings, lecture, discussion, demonstration)
- b. An experiential component (e.g., simulation, role-playing, work on actual cases or projects, production of written documents)
- c. Instructor observation, feedback, and assessment of the experiential component (observation may be contemporaneous or subsequent (e.g., video recording to be observed at a later time) and feedback and assessment (either oral or written) may be one-on-one or collective)

Upon an instructor's certification that the above requirements necessarily will be satisfied for all students completing a particular course, such course will be identified as satisfying the upper division professional skills instruction requirement in appropriate places (e.g., course catalog, registration materials). In circumstances involving an integrated sequence of courses, such certification of a subsequent course may be based on the satisfaction of the above criteria by the combined instruction necessarily involved in completion of the entire course sequence.

In non-classroom courses where differences in particular placements may result in the above criteria being satisfied for some students but not for others, an instructor's certification of an individual student's satisfaction of the upper division professional skills instruction requirement should specify the particular basis for such certification. To avoid misunderstandings at the point of enrollment, the possibility that such certification may not be available in all placements in the course should be explicitly noted.

The activities necessary for qualification as a professional skills instruction course ordinarily will serve as the basis for corresponding academic credit, but such activities cannot be "double-counted" to concurrently satisfy any other potentially overlapping graduation requirements (e.g., satisfaction of upper division writing requirements through drafting). In some circumstances, however, separate satisfaction of different graduation requirements might be warranted by an appropriate allocation of activities (e.g., professional skills instruction requirement satisfied by one-hour "portion" of two-hour drafting seminar, with other "portion" eligible for writing credit). In such instances, an instructor's certification of both requirements must specify a particularized allocation of course activities.

[http://www.law.uiowa.edu/documents/studenthandbook\\_PSI\\_Reqt.pdf](http://www.law.uiowa.edu/documents/studenthandbook_PSI_Reqt.pdf)

#### F. Joint Degree Programs

Information on joint degree programs can be found at:

<http://www.law.uiowa.edu/academics/jointdegree>

### IV. Academic Policies

#### A. Disability Policy

The College of Law is committed to making its academic and other programs accessible to students with disabilities consistent with federal and state law and University policy. Students with disabilities who wish to request accommodations for instruction programs such as classroom arrangements, clinics, or externships or extra- or co-curricular programs should speak with the Dean of Students as early as possible. Generally, the college's exam accommodation disability policy will guide decision making for other accommodations. See Policy for Accommodations *infra* page 39.

#### B. Statement of Religious Diversity and the University Calendar

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

#### C. Professional Ethics and Academic Responsibility Policy

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

#### D. Policy on Misconduct

See *infra* page 45.

#### E. Academic Complaint Procedure

In the event that a complaint about academic matters cannot be resolved by speaking with the relevant faculty member(s), students may pursue complaints on academic matters within the

College of Law by contacting (i) the Dean of Students, (ii) the Senior Associate Dean of Academic Affairs, or (iii) one of the college's ombudspersons. Students may also contact the Office of University Ombudsperson, as outlined in the University Operations Manual section 11-29.7.

#### F. Withdrawal and Leave of Absence

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 27 hours of hour at the time of withdrawal or failure to enroll.

Unless they have been granted a leave of absence by the Dean of Students, 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.

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.

Students withdrawing from the College of Law, after the payment of tuition, are entitled to a pro-rata refund of that tuition dependent on the effective date of withdrawal. See the Financial Aid Office for details.

#### G. Class Attendance and Preparation

Class attendance must be regular and punctual, and students must be prepared for participation in class discussions. 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 class. In addition, students are expected to attend special class meetings and be punctual in submitting course assignments. ABA Standard 311(f).

#### H. Employment Limitation

A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.

### V. University Policies

#### A. Code of Student Life

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

#### B. Policy on Consensual Relationships Involving Students

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

C. Policy on Sexual Harassment

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

D. Policy on Violence

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

## VI. Building Policies

A. General Building Policies

<http://www.uiowa.edu/~our/opmanual/v/35.htm>

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 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, and other University organizations if a recognized law student organization sponsors them and provides at least one member to staff the recognized organization's table(s) at all times. Tables in the lobby are reserved on a first-come/first-served basis up to three months in advance. The tables in the lobby are not to be used by non-University organizations for selling products or services for profit. Tables will be reserved as tables #1, #2, #3, and #4. Table #1 is the table closest to the elevators on the left side of the lobby as one enters the building and table #2 is the table in front of the Boyd bust. Tables #3 and #4 can be set up on either side of the front entrance along the windows.

The College's entire facilities policy is available from Gordon Tribbey, Assistant Dean for Finance and Administration. Groups are limited to the use of one table per day. Exceptions may be made with the approval of the Dean of Students.

If a table is not already set up, it is the responsibility of the student group to locate a table for its use. In general, tables for such use are stored by the loading docks on the west end of the law building second floor.

Any promotional materials used by groups using these tables cannot be affixed to the walls behind the tables or to windows. Materials may be secured to the table itself or otherwise displayed. The full facilities policies and procedures statement for the Boyd Law Building can

be viewed on the College's web site.

### C. Facilities Use Policy

<http://www.uiowa.edu/~our/opmanual/v/35.htm>

### D. 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. 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.

## VII. Emergency Information

### A. Important Emergency Information

<http://emergency.uiowa.edu/content/severe-weather>

## VIII. College of Law Student Services and Support

### A. Academic Achievement Program

<http://www.law.uiowa.edu/academics/aap>

### B. Academic Advising

#### 1. Dean of Students

The Dean of Students is Carin Crain. She is the member of the administrative staff whom students should see to discuss problems related to course enrollment and scheduling not solvable by the Registrar. In addition to providing academic advice, the Dean of Students counsels and refers students concerning personal, family, and professional problems that are interfering with students' law school careers. Dean Crain administers the policy relating to academic and exam accommodations for students with disabilities. Students who anticipate requesting accommodations or who otherwise have questions are encouraged to consult with her as early as possible in the academic year as possible. Dean Crain is also the joint degree advisor.

#### 2. Assistant Dean of Admissions

The Assistant Dean of Admissions is Collins Byrd. He is a full-time member of the college staff who serves on the admissions committee and carries out admissions policies set by the faculty.

#### 3. Office of Career Services

The office has two Career Advisors, an Employment Coordinator and an Assistant who provide services that include career advising, programming, on-campus interviewing, job postings and outreach to employers. The office meets with prospective students and continues to be involved throughout law school and ultimately with graduates as alumni.

#### 4. Ombudsperson

Each year one or two tenured faculty members are selected by the Iowa Student Bar Association to serve as the law school ombudspersons. Any problem or grievance that a student may have concerning another student or faculty member should be taken to an ombudsperson. All complaints will be handled in the strictest confidence, and no student need fear retribution from any faculty member. The names of the ombudspersons for the academic year will be



posted prominently in the Student Affairs glass case opposite the Administrative Suite on the second floor of the Boyd Law Building. Any problem or grievance that a student may have concerning another student or faculty member should be taken to and followed through with only one of the ombudspersons.

5. Registrar

Deb Paul, the College's Registrar, is the administrative staff member who is in charge of student record-keeping. In this capacity, the Registrar should be your initial contact when seeking information about course enrollment, scheduling, joint degree program status, progress toward graduation, registration, letters of good standing, grades, academic policies and procedures, and certification for bar exam. She may also be able to help with other miscellaneous questions you may want to ask.

6. Academic Achievement Program Director

Brian R. Farrell is Director of the Academic Achievement Program, Director of the Citizen Lawyer Program, and Assistant Director of the Center for Human Rights. He helps coordinate the 1L Core Series and student pro bono opportunities, among other things.

<http://www.law.uiowa.edu/academics/aap>

7. Faculty Advising

The Law School provides curricular counseling through a system of individually assigned faculty advisors. Faculty advisors meet with their advisees during the first few weeks of the first term of study. Thereafter, students are encouraged to contact faculty advisors with questions or difficulties that cannot be handled satisfactorily by any of the law school's other established counseling resources.

C. Career Services

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

D. Computer Services

<http://www.law.uiowa.edu/library/computerservices/computerservices.php>

E. Copy Services and Printing

Copying and printing services are available in the Law Library at a cost of \$.08 per page. Students can purchase PaperCut cards at the Circulation Desk and then redeem them via the web, using their HawkID and password. Once a card is redeemed, the student's copying and printing account lists the balance available. As a student copies or prints, the cost per page is deducted from the account balance. PaperCut cards are available in \$1.00, \$5.00, \$10.00, or \$20.00 increments; students may pay cash, by check, or they may charge the card via their University of Iowa ID card (U-bill). For the latter, the minimum value that must be charged is \$5.00. Students may print using library computer workstations available in the computer lab, in closed carrels, or by using their personal laptops. For high quality and/or large volumes of copying, there is a University-operated copy service in Room 180 on the first floor of the law building where you may charge copying to your U-bill. For additional information about printing, visit this website: <http://www.law.uiowa.edu/students/exams>

## F. 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. 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.

## G. Digital Signage

Members of the College of Law community may post information about their events on digital signage monitors located throughout the building. You may submit digital signage online at: <http://blogs.law.uiowa.edu/digitalsignage/>. To review the complete guidelines, please see: <http://www.law.uiowa.edu/documents/digitalsignage.pdf>. In general, signs need to be 8.5 x 11 landscape.

Web Calendar entries – Please submit calendar entries at: <http://blogs.law.uiowa.edu/digitalsignage/>. If you have multiple calendar entries for posting, you can e-mail them to [jill-deyoung@uiowa.edu](mailto:jill-deyoung@uiowa.edu).

## H. Financial Aid

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

## I. Law Library

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

## J. 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 Iowa Memorial Union Parking Ramp office on the Monday of each following week. The Iowa Memorial Union Parking Ramp office is on Madison Street, across from the IMU. Hours for that service are Monday- Friday, 7:30-a.m. to 4:30p.m. The telephone number is 319-335-1475.

## K. Parking and Transportation

For information about parking at the College of Law, please see

[http://www.uiowa.edu/~parking/parking\\_services\\_student\\_permits.html](http://www.uiowa.edu/~parking/parking_services_student_permits.html)

For information on public transportation see <http://www.uiowa.edu/~cambus/>  
<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.

## L. Research Assistantships

See Financial Aid *supra* at 33.

M. Video Operations

<http://www.law.uiowa.edu/students/services/video>

N. Writing Resource Center

<http://www.law.uiowa.edu/students/writing-center>

**IX. University Student Services and Support**

A. Campus Information

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

B. Child Care

<http://hr.uiowa.edu/family-services/child-care>

Minor children at the law school must be in the company of their parents, or a designated adult, at all times. Parents are strictly responsible for the conduct and safety of their children while at the law school. In special situations, children may be able to attend a class with parents. Advance permission should be obtained from the instructor.

C. Contact Information

Students who need to change or restrict their personal contact information must do so through ISIS. Once in ISIS, click on the Student Records link, then click on Restrict or Unrestrict Student Information to make the necessary modifications.

D. Counseling Services

<http://www.uiowa.edu/ucs>

E. Directory

<http://dnaapps.uiowa.edu/PublicDirectory/>

F. Email, ISIS and ICON

Email can be accessed at <http://email.uiowa.edu>.

Iowa Students Information Service ("ISIS") is used for class schedules, registration, and U-bills. It can be accessed at <http://isis.uiowa.edu>.

Iowa Courses On-Line ("ICON") is used by some professors to post assignments, feedback, or grades, can be accessed at <http://icon.uiowa.edu>

G. Health Services

1. Insurance

<http://hr.uiowa.edu/benefits/health-insurance-graduate-students>

2. Medical Care  
<http://studenthealth.uiowa.edu/>

3. Dental Care  
<http://hr.uiowa.edu/benefits/dental>

H. Housing  
<http://www.law.uiowa.edu/students/services/housing.php>

I. ID Cards  
[www.uiowa.edu/~idcard](http://www.uiowa.edu/~idcard)

J. Lactation Facilities  
Please contact Carin Crain, Dean of Students, for support within the College of Law. For general information about University of Iowa facilities, please see  
<http://hr.uiowa.edu/family-services/lactation-resources-and-facilities>

K. Legal Services for Students  
<http://imu.uiowa.edu/legal>

## **X. Student Activities and Organizations**

A. College of Law Calendars

1. Master Calendar  
<http://www.law.uiowa.edu/calendar>
2. Academic Calendar  
Go to [http://www.law.uiowa.edu/documents/Academic\\_calendar\\_law.pdf](http://www.law.uiowa.edu/documents/Academic_calendar_law.pdf)

B. Journals & Student Groups  
<http://www.law.uiowa.edu/journals-orgs>

C. Events  
Student groups at the College of Law host a variety of events throughout the year, from speakers to bake sales. For a sampling of annual events by student groups and the College of Law, please see the links below.

Student Events <http://www.law.uiowa.edu/community/lawevents.php>

The Levitt Lecture Series <http://www.law.uiowa.edu/community/levitt.php>

D. Space Use Policy  
See supra at 29.

## E. 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.

# XI. Appendix

## A. Writing Requirements

### 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 and briefs read by faculty for various moot court programs will not qualify as faculty supervised writing under this rule;<sup>5</sup>

**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.<sup>6</sup>

**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

---

<sup>5</sup> Limitation 1.1 applies only to those law students who commenced study on May 18, 1998, or later.

<sup>6</sup> The availability of credit may vary with the particular student-supervised writing program involved and is governed by the limitation set forth in section 1.1, supra. Students should consult the Registrar or each program's faculty advisor for precise information on the availability of credit.

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<sup>7</sup> 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;

---

<sup>7</sup> To count substantially toward a student's course grade, the weight attached to a writing project shall be no less than the number of academic hours to be awarded to the writing project divided by the number of academic hours to be awarded for the entire course, including the writing component. For example, if a student seeks four academic credits for a course that meets three hours, based on the student's completion of one additional hour of supervised writing, then the student's grade on the one hour of writing must count at least 25% (one academic hour for writing divided by four academic hours for the entire course, including writing) towards his or her overall grade for the course.



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.

## B. Policy on Accommodations for Students with Disabilities

### 1. General

- a. 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. 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>8</sup>

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

- b. 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.
- c. 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.

---

<sup>8</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.

## 2. 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.

## 3. 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 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>9</sup>

A Reasonable Accommodation:

- 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
- 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.

## 4. Student Obligations

### a. *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.

### b. *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.

### c. *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 shall be consistent with ADA policy and the forms prescribed for this purpose by the University of Iowa Student Disability Services.<sup>10</sup>

### d. *Establishing eligibility for an accommodation*

---

<sup>9</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.

<sup>10</sup> The University's guidelines for such forms are available at <http://www.uiowa.edu/~sds/>

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

5. Procedure for Securing an Accommodation

a. *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.

b. *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.

6. 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:

- a. 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
- b. for consulting as needed with appropriate individuals or entities about whether a proposed accommodation is reasonable; and
- c. 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.

7. Decisions about Exam Accommodations

The Dean of Students shall be responsible:

- a. 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
- b. for deciding whether a proposed accommodation is reasonable as defined in Section C, and
- c. where the matter is in doubt, for consulting with the appropriate entities about whether a proposed accommodation is reasonable, and
- d. for recommending to the faculty member an accommodation that is necessary and reasonable to meet the needs of the student.

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:

- a. 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,
- b. the accommodations requested by the student and the justifications offered in support of the request,
- c. previous disability accommodations granted in law school or earlier in the student's academic career,

- d. 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
- e. the Dean of Students' preliminary accommodation recommendation.

#### Faculty Review and Final Ruling

- a. 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.
- b. 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.

#### Notification of Accommodation Decision

- a. 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.
- b. 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.

### 8. Confidentiality

- a. 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.
- b. 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).

### 9. Procedures for Appeal

- a. **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.
- b. **Review Committee**
  - i. 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.

- ii. If a student or faculty member seeks review of a decision concerning an accommodation:
  - 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.
  - 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.

## 10. Records

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

- a. for each semester, summer session, or interim session:
  - i. 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
  - ii. 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.
- b. for each student requesting an accommodation:
  - i. the general nature of the disability and its effect on the student;
  - ii. for each case on which an exam accommodation was requested:
    - the course, faculty member, and semester, summer session, or interim session involved;
    - what accommodations were requested by the student; and
    - what accommodations, if any were approved, and their reasonable identifiable costs to the College of Law.

## C. Policy on Misconduct

### 1. PREAMBLE; 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 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. University of Iowa College of Law Faculty Meeting Minutes (Oct. 19, 2006).

## 2. 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.

## 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:

- i. Quoting another's words without placing those words in quotation marks and attributing the words to the original author.
- ii. Paraphrasing another's words without attributing the words to the original author.
- iii. Expressing another's specific ideas or specific analysis without attributing them to the original author.
- iv. Submitting another's work as your own.

## COMMENTS

- 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.
- 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.
- 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.
- 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.
- 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.
- 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**

- i. A student shall not engage in unauthorized collaboration or use unauthorized materials

- or methods in completing a writing assignment.
- ii. 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

- 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.
- 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.
- 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:

- i. Using materials during an exam that the instructor does not permit to be used.
- ii. Attempting to obtain or provide assistance during an exam, for example, by looking at another's exam materials or by communicating with another.
- iii. Obtaining information from any source about the contents of a regular or make-up exam in advance of the exam.
- iv. 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.
- v. Violating exam instructions in a material way that could reasonably be expected to give the student an unfair advantage.

#### COMMENTS

- 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.
- The prohibition on obtaining advance information about the content of an exam does not extend to any information provided by the instructor.
- 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.



- 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:
  - 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.
  - 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.
- 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**

- i. A student shall not falsify, forge, alter, or misuse any law school record or document.
- ii. 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.
- iii. A student shall not falsify material or misrepresent facts, cases, methods, or other material information in connection with academic or scholarly activities.

#### COMMENTS

- 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.
- 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.
- 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. University of Iowa College of Law Faculty Meeting Minutes (Sept. 21, 2006).

#### COMMENTS

- 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.
- 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.
  - 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.

#### COMMENTS

- 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.

#### 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.

#### COMMENTS

- 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.

**D. 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. (University of Iowa College of Law Faculty Meeting Minutes adopted October 6, 2011.)

#### COMMENTS

- 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.
- 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.
- 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). University of Iowa College of Law Faculty Meeting Minutes added (Feb. 18, 1999).
- 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

- 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.
- 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.
- 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

- 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.
- 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

- 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.
- 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.
- 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

- 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.
- 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.
- 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

- 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.
- 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.
- 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.

- 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.

Effective Date: These procedures will be effective for all proceedings initiated by a complaint filed on or after May 17, 1998.

## E. Procedure for Non-Academic Misconduct

### 1. Claims of Non-Academic Misconduct

- a. Amended on September 21, 2006
- b. 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.
- c. 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. Amended on (Oct. 19, 2006).
  - i. 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.
  - ii. 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).

- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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. University of Iowa College of Law Faculty Meeting Minutes (Oct. 19, 2006).

## 2. Oversight of Non-Academic Misconduct Cases

- a. 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.

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