

University of Oklahoma
College of Law
Student Handbook
2024-2025

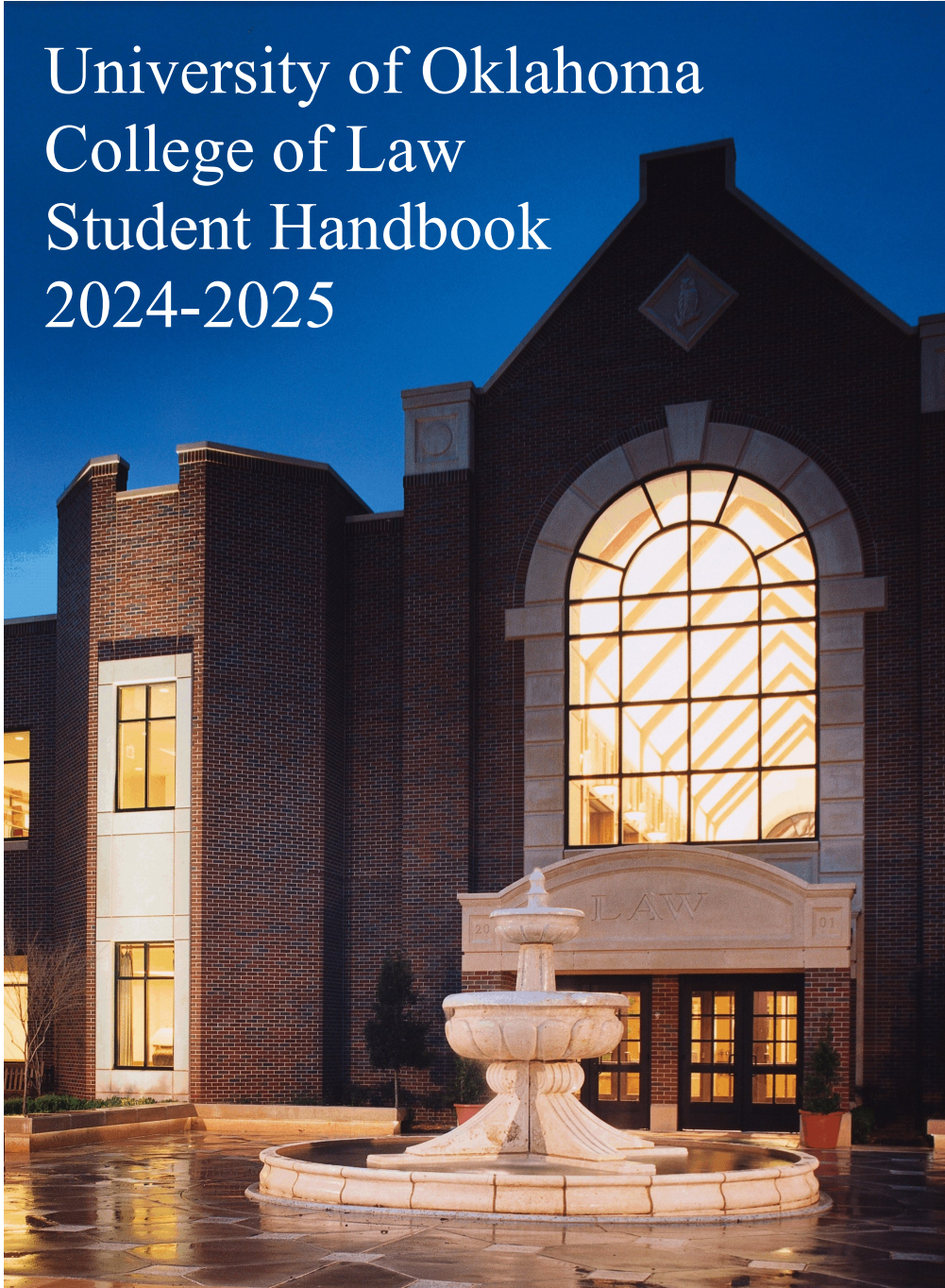


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INTRODUCTION

This handbook is your introduction to the College of Law, a professional graduate school with its own set of opportunities, duties, and responsibilities. The handbook will answer most of your questions. The Dean, Associate Deans, Administrative Staff, and officers of the Student Bar Association will be happy to help with any questions or concerns.

This book contains a number of provisions you should learn early on: attendance, examinations, scholarship, and graduation requirements. Pay particular attention to the Code of Academic Responsibility, which governs you throughout your career in the College. Provisions herein apply to the extent they do not conflict with other institution and/or campus-wide University policies.

USEFUL TELEPHONE NUMBERS

At the Law Center:

Admissions.....	325-7653
Dean's Office	325-4702
Associate Dean for Academics	325-4702
Assistant Dean for Students	325-4726
Registrar	325-4729
Career Services.....	325-4717
Law Library	325-4313
Law Library Reference Desk.....	325-5268
Oklahoma Law Review.....	325-5192
American Indian Law Review	325-2840
Legal Clinics	325-3702
Wellness Manager	325-3378
Director of LAE/Academic/Bar Support	325-3571

In the University:

Undergraduate Admissions.....	325-2252
Graduate Admissions.....	325-3811
Financial Aid Services	325-4521
Academic Records Office	325-4147
Bursar.....	325-3121
Bizzell Library.....	325-3341
Disability Services	325-3852
Counseling Services	325-2911

DEGREES

1. **DEGREE REQUIREMENTS:** To obtain the Juris Doctor degree, students at the College of Law must meet the following requirements:

- A. Successfully complete all required courses.
- B. Successfully complete the graduation writing requirement.
- C. Successfully complete additional work sufficient to total 90 credit hours.
- D. Attain a cumulative grade point average of at least a 5.00 (C) in all work taken in the College of Law. Transfer credit for course work completed at another law school requires that a student obtain a grade of “C” or better on all law work to be transferred.
- E. Successfully complete at least 60 hours at the College of Law.
- F. Complete all degree requirements within five years of initial enrollment.
- G. File an official Application for Graduation in the last semester of attendance.

2. **DUAL DEGREE PROGRAMS:** The College of Law offers students the opportunity to earn a dual degree from the College of Law and the College of Business Administration, the College of Law and the College of Public Health, and the College of Law and other colleges at the University of Oklahoma.

- A. College of Law/Master of Business Administration The business administration requirements for the dual J.D./M.B.A. degree are identical to the College of Business Administration’s M.B.A. requirements, with one exception: 12 credit hours of elective business courses will be satisfied by completing 12 credit hours of courses taken at the College of Law. The law requirements for the dual degree are identical to the College of Law’s J.D. requirements, with two exceptions: (1) 78 rather than 90 hours are required; and (2) a student may receive no more than four credit hours in approved curricular activities.
- B. College of Law/College of Public Health The College of Law and the College of Public Health at the University of Oklahoma Health Sciences Center Department of Health Administration and Policy currently offer a 114-credit hour dual degree program leading to both the J.D. and Master of Public Health in Health Administration and Policy. The objective of the program is to offer students at the College of Law who are interested in a public health law specialty the opportunity to combine into four years of study the three-year J.D. program offered by the College of Law and the two-year M.P.H. offered by the College of Public Health. 81 rather than 90 hours are required at the College of Law.

C. College of Law/Master of Science (M.S.) or Arts (M.A.) The College of Law permits students to pursue unique dual degree programs through other colleges at the University of Oklahoma. Applicants must be admitted separately to the graduate program on the Norman campus.

3. HONORS DEGREES: The College of Law bestows three degrees with honors. “Highest Honors” is conferred on students who graduate in the top 5 percent of the class, “Honors” on students graduating in the top 15 percent, and “Distinction” on students graduating in the top 25 percent who possess a cumulative grade point average of not less than 8.00.

CURRICULUM

1. REQUIRED COURSES: Ninety hours of course work are required to receive the Juris Doctor degree.

- A. During the first year, students must complete Civil Procedure I (3 hours), Civil Procedure II (3 hours), Constitutional Law (4 hours), Contracts (4 hours), Criminal Law (3 hours), Introduction to Brief Writing (1 hour), Legal Research and Writing (3 hours), Oral Advocacy (1 hour), Property (4 hours), and Torts (4 hours).
- B. During the second or third year, students must complete Evidence (3 or 4 hours), Professional Responsibility (3 hours), and the graduation writing requirement.
- C. During the second or third year of study, each student must take at least five courses from an upper-division elective menu of substantive bar tested courses: Administrative Law (3 or 4 hours), Bankruptcy (3 or 4 hours), Conflict of Laws (2 or 3 hours), one of Corporations (3 hours) or Business Associations (3 or 4 hours), Criminal Procedure: Adjudication (3 hours), Criminal Procedure: Investigations (3 hours), Family Law (3 hours), Federal Courts (3 hours), First Amendment (3 hours), Real Estate Transactions (3 or 4 hours), Remedies (2 or 3 hours), Secured Transactions (3 hours), Torts II (2 or 3 hours), Unincorporated Business Entities (3 hours), and Wills and Trusts (3 or 4 hours).
- D. In addition to five courses from the upper-division menu, students who first enrolled in the College of Law in or after the Summer 2016 semester are required to complete one or more experiential course(s) totaling at least six (6) credit hours which courses must satisfy ABA Standard 303(a)(3) as a simulation course, a law clinic, or a field placement. The Experiential Learning menu includes: Advanced Persuasive Writing (2 hours), Alternative Dispute Resolution (2 or 3 hours), American Indian Estates Clinic (3 hours), Appellate Advocacy Competition (1 hour), Civil Clinic (3 hours), Civil Pretrial Litigation (2 or 3 hours), Corporate Drafting (2 hours), Criminal Defense Clinic (3 hours), Entertainment Law (3 hours), Entrepreneurial Law Clinic (3 hours), Externships (3-12 hours), Human Rights Practicum (3 hours), Intermediate Legal Writing: Intro to Drafting (2 hours), Interviewing, Counseling & Negotiation (2 or 3 hours), Legal Spanish (2 hours), Litigation

Skills (3 hours), Motion Brief Drafting (2 hours), Negotiations (1 hour), Oil & Gas Contracts (3 hours), Oral Advocacy (1 hour), Practical Lawyering & MPTs (2 hours), Professional Writing for Litigators (2 hours), Prosecution Practicum (2 hours), Representing the Criminally Accused (2 hours), Supreme Court Theory & Practice (2 or 3 hours), Tax Practice & Procedure (3 hours), Title Examination (2 hours), Transactional Law Practicum I or II (3 hours each), Trial Techniques (2 or 3 hours), and any other courses approved in advance by both the Curriculum Committee and the Experiential Learning Committee as meeting the requirements for Experiential Learning credit under ABA Standard 303(a)(3) and its official interpretations.

2. **COURSE OFFERINGS:** A schedule of courses to be offered is prepared before enrollment for each semester. Enrollment materials will be available on Courtyard and on the website under Current Students-Registrar Forms. Enrollment for first year students will be done by the Registrar. Second- and third-year students will enroll in classes at <https://one.ou.edu>. Enrollment generally occurs in early November for the spring semester and in early April for summer and fall. Enrollment for the Summer Session at Oxford is done through the Registrar's Office in late April.

3. **INTERNATIONAL PROGRAMS:** The College of Law has developed a strong international component to the curriculum. It includes a number of international law-related courses, an annual summer program at Oxford, a summer program in Beijing (in conjunction with Indiana University Law School), and individual study-abroad opportunities through the Office of Education Abroad on the Norman campus.

4. **SUMMER SESSIONS OFFERED:** The College of Law currently offers two summer sessions; the regular summer session in Norman and a session at Oxford University.

5. **INFORMATION FROM STUDENT FILES:** No information in a student's law school file will be released to any person unless the student has given the Law Center either general or specific written permission to do so. Forms for a student to authorize the release of information from his or her file are provided by the law school at Orientation.

6. **FULL-TIME STATUS:** A law student is considered to be full-time if enrolled in a minimum of 10 (ten) credit hours during a fall/spring semester.

7. **TEACHING ANTI-NEPOTISM POLICY:** It is the policy of the College of Law to avoid both conflicts of interest and the appearance of such conflicts in our classrooms. Therefore, absent extraordinary situations, students cannot receive credit for a course taught by a first-degree, second-degree, or third-degree family member. Extraordinary situations require pre-enrollment approval of the Dean or the Dean's representative, and approval should only be granted when the credit is necessary to legitimate educational objectives; further, the credit should only be graded when graded credit is necessary to an appropriate graduation plan. Students and teachers both ought to be mindful of other relationships and connections that could cause conflicts of interest or the appearance thereof and avoid such enrollments whenever possible. If students, faculty, or staff become aware of such a conflict, they should report it to the College of Law administration.

For purposes of this section, relatives within the first-, second-, and third-degree of relationship to a teacher by consanguinity (blood) or affinity (marriage or domestic partnership) include the following: spouse, domestic partner, parent, parent of spouse, grandparent, grandparent of spouse, great-grandparent, great grandparent of spouse, uncle or aunt, uncle or aunt of spouse, brother or sister, brother or sister of spouse, son or daughter, son-in-law or daughter-in-law, grandson or granddaughter, grandson's or granddaughter's spouse, great grandson or great granddaughter, and great grandson's or great granddaughter's spouse. Step- and half relatives are considered to be related by affinity. A domestic partner is an unmarried adult who lives with the teacher in a mutual, exclusive, enduring relationship, and shares joint responsibility for the personal and financial welfare of the teacher. (adopted 2/16/2023).

EXAMINATIONS/GRADES

1. **EXAMINATION NUMBERS:** Each semester an examination number will be assigned to each student by the College of Law I.T. Department. This examination number is to be used on all final exams for that semester.

2. **EXAMINATIONS ON LAPTOPS/IPADS:** Exam procedures are determined by the professor for the course, and details regarding the exam are included within the course syllabus or otherwise distributed in class. Your professor may permit or require students in the class to take an exam using a laptop/iPad or by handwriting. Laptop/iPad exams are conducted using Examsoft Exemplify software (<https://www.examsoft.com/okcl>), unless specified otherwise by your professor. The College of Law provides access to Exemplify at no cost to the student. The student bears risks and responsibilities for taking his/her/their exams on a laptop or iPad. The College of Law does not provide laptops for student use during exams. You may use your own personal laptop/iPad, or you may borrow or rent a laptop.

You are automatically registered each semester with Examsoft to take your exam on a laptop or iPad. The College of Law Faculty Support will send instructions via email every semester with download instructions and deadlines.

The College of Law will assign an exam number to you for use during exams. Exam numbers should be used to identify your exam on all types of exams, including laptop/iPad exams, handwritten essay exams, and multiple-choice exams. Your exam number will be emailed to you and you may also retrieve your exam number on the Student Courtyard.

Students with disabilities may request an exception to this rule which is processed through the Associate Dean for Academic Affairs and OU's Office of Disability Services. Additionally, individual faculty members may allow students in their classes to take their exams on their laptops using approved exam software.

3. **EXAMINATIONS:** One examination is usually given in each course, although the professor may, at his/her/their discretion, also administer a midterm or a practice exam. The length of the

examination usually – but not always – corresponds to the credit hours assigned each course, *e.g.*, Criminal Law, a three-hour course, usually has a three-hour exam.

It is imperative that all students enrolled for credit in a course take the final examination in such course at the time such examination is scheduled. A student who is unable to take an examination at the scheduled time should report such fact immediately to the Associate Dean for Academic Affairs, or if the Associate Dean is unavailable, to the professor in charge of the course involved. A student who fails to take an examination at its scheduled time will be given a grade of "F" in the course unless the student is excused by the Associate Dean for Academic Affairs. A student may take an exam at other than the scheduled time only for urgent and exceptional reasons and under conditions safeguarding the examination system and honor code. In no instance will an examination be rescheduled without the consent of the Associate Dean for Academic Affairs and the professor in charge of the course, and in no instance will an examination be taken before the scheduled time.

All examinations are governed by the Code of Academic Responsibility. Each person is on his/her/their own honor to act with honesty and integrity.

The College of Law keeps student examinations and papers for one year following the completion of the course in which the examination or paper was written. Faculty, at their discretion, may keep examinations for a longer period of time.

Faculty members teaching first-year courses during the fall semester are encouraged to administer a practice examination question during that semester. The time and manner of the practice examination shall be within the discretion of the faculty member, but each faculty member should provide feedback to all students in the class regarding an appropriate answer to the practice examination question.

4. GRADING PROCEDURE:

- A. Faculty members grade final examinations anonymously. Students' exams are identified by number. Students are assigned an examination number each semester by the College of Law. This number is kept confidential by the Registrar, except as otherwise provided below.
- B. Other factors such as papers, classroom performance, and attendance may also be used to determine the final course grade. The faculty member will announce during the first week of class those factors that will be considered. Such factors may or may not be determined on an anonymous basis.
- C. Faculty members may obtain class lists of student names matched with identifying numbers only after they have turned initial letter grades for the final exams in those classes to the Registrar.

- D. In certain courses such as directed legal research, clinical courses, skills courses, experiential learning courses, seminars, and law reviews, the anonymous grading procedure is not used. The anonymous grading procedure may be used for some, or all, of your Legal Research & Writing I or Introduction to Brief Writing assignments.
- E. Except in cases of mathematical or calculation error, faculty are prohibited from altering, through lowering or improving, a student's grade after the grade has been recorded by the Registrar. Any grade alteration for mathematical or calculation error must be approved by the Associate Dean for Academic Affairs and the Dean.
- F. **Mandatory Mean in First Year Classes**
 - i. All grades in required first-year classes must adhere to a mandatory mean of 8.3.
 - ii. Any calculated mean between 8.1 – 8.5, inclusive, shall be deemed to satisfy this standard.
 - iii. In calculating the mean, all grades below a C- (grades of D+, D, D-, and F) will be excluded.
 - iv. A professor teaching multiple sections in first-year classes may choose to meet these requirements by combining the courses into a single grading pool.

5. **GRADES:** Unless the course is graded S/U, each student is graded by a letter grade ranging from A+ to F. Each letter grade has a corresponding numerical value: A+ = 12, A = 11, A- = 10, B+ = 9, B = 8, B- = 7, C+ = 6, C = 5, C- = 4, D+ = 3, D = 2, D- = 1, F = 0.

To determine GPA, a student converts the letter grade to its corresponding numerical equivalent, multiplies the numerical grade by the number of credit hours in each course, adds all points together, divides by the number of credit hours (except S/U), and takes the average to three places beyond the decimal point.

If a student receives an “I” grade (Incomplete) in any course, the professor will tell the student what must be done to complete the course and will set a time limit within which the work must be done. This time may not exceed one year. If, by the end of the year, no change in grade has been submitted, the grade of “I” will automatically be replaced by an “F” on the student's record.

S/U courses are not included in the calculation of grade point averages.

Grades are available on Courtyard or through the ONE system.

Individual class rankings are available to students in a separate report that can be obtained on the College of Law Student Courtyard two business days after all semester grades are released.

6. **DEAN'S HONOR ROLL:** After each semester, the Dean's Honor Roll is published. The Honor Roll consists of those J.D. students who are in the top 30% of their graduating class based on that semester's GPA only (not cumulative) and who are enrolled in, at least, 12 credit hours, 9 of which are in letter graded law courses. Students in the dual degree programs must be enrolled in not less than 9 hours graded work in the College of Law and not less than 12 hours overall. The required

number of credit hours does not include courses which the student is repeating, or courses taken to eliminate an “I.”

7. **ACADEMIC APPEALS BOARD:** The Student Code for the University of Oklahoma provides for an Academic Appeals Board in each College, consisting of three students and three faculty members. The Board hears complaints from students regarding claims of prejudice or capricious academic evaluation. Since there are time limits within which claims must be made, students considering submission of a complaint should consult promptly with the Associate Dean for Academic Affairs. A complete copy of the present rules of the Board appears later in this handbook.

ABA GUIDELINES for ACCREDITATION

The American Bar Association requires that all accredited law schools comply with the following standards:

1. A law school shall require that the course of study for the J.D. degree be completed no earlier than 24 months (two years) and, except in extraordinary circumstances, no later than 84 months (seven years) after a student has commenced law study at the law school or a law school from which the school has accepted transfer credit. (Standard 311(b))
2. A law school shall require, as a condition for graduation, successful completion of a course of study of not fewer than 83 credit hours (at OU Law we require 90 hours). At least 64 of those credit hours shall be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction. (Standard 311(a))
3. A law school shall not permit a student to be enrolled at any time in course work that exceeds 20% of the total credit hours required by that school for graduation (at OU Law that means one may not take more than 18 law credit hours in the fall/spring semesters; and no more than 10 hours in summer). (Standard 311(c))
4. Credit for a J.D. degree shall only be given for course work taken after the student has matriculated in a law school. A law school may not grant credit toward the J.D. for work taken in a pre-admission program. (Standard 311(d))

The College of Law expects all students to comply with these rules.

Donald E. Pray Law Library

The Donald E. Pray Law Library is the largest public law library in the State of Oklahoma with access to more than 350,000 volumes and two dozen legal databases. However, the Law Library is more than simply a collection of books, databases, and links. It is a means of accessing a vast network of legal and government resources. Law librarians with expertise in legal research are available to assist students with the use of these resources. In addition, all law students receive specialized training in how to “find the law” during the required first-semester Legal Research &

Writing course, the second-semester Introduction to Brief Writing course, and an elective Advanced Legal Research course taught by law librarians.

The Law Library includes the Inasmuch Foundation Collaborative Learning Center. This space represents a transformation from traditional legal research and study to 21st century skills development and collaboration. It features two virtual reality stations; four multimedia study rooms; a “flipped” seminar classroom; a fully equipped computer lab with dual-monitor stations; moveable glass boards; Brody Work Lounges; a “genius station” for research support; a café; and cooperative learning spaces for student collaboration.

As legal publishing and scholarship continues to shift from print to electronic format, the Law Library strives to make a wide variety of electronic resources available. Major databases from Westlaw, LexisNexis, Bloomberg Law, Bureau of National Affairs, Commerce Clearinghouse, and HeinOnline are available to all patrons. Students receive individual passwords to the Westlaw, LexisNexis, and Bloomberg Law databases during 1L orientation and the first-semester Legal Research & Writing course, and several hours of training for these powerful and heavily used legal databases. Students also receive training on key Oklahoma databases, like the Oklahoma State Court Network.

Wi-Fi is available to law students throughout the Law Library. More than 100 seats have built-in power outlets and network connections. Two computer labs in the Law Library provide access to more than 40 workstations and several high-speed printers. A dozen public workstations provide quick access to e-mail between classes and also facilitate convenient access to electronic resources near the Reference and Circulation Desks. iPads, power cords, and other accessories are available for checkout at the Circulation Desk, and the library provides free book scanning at all photocopiers and a dedicated, overhead book scanner.

The Law Library features a wide variety of study spaces with more than 400 seats available. Large tables with power outlets accommodate both laptops and books. Carrels provide quiet study spaces, and comfortable lounge seating gives students a place to relax. A total of 15 group study rooms are also available, including eight “multimedia” study rooms which allow students to display their laptops on a large LCD monitor for group study and record themselves for skills courses, like moot court and Trial Techniques.

Additional information about the Law Library’s services, policies, and collections can be found on the Law Library web site at www.law.ou.edu/library.

Law Center Information Technology Services

The College of Law’s Information Technology (Law IT) department offers a variety of technology-related services for students, including computer labs, wireless network, classroom audio/video technology, courtroom technology, the Law Student Courtyard, and a student help desk. Law IT maintains three computer labs reserved for the exclusive use of law students. The Collaborative Learning Center Lab in the Law Library is equipped with dual touchscreen monitors, high speed printers, and rolling glass boards in a modern setting. The Crowe & Dunlevy Legal

Research & Writing Lab is an instructional lab used for courses that emphasize computer and online training. Computers in the labs have high-speed Internet access, including the Microsoft office suite. Near the classrooms, Law IT provides a dedicated print lab with two high speed printers and wireless printing which makes it easy to print materials needed for class. All computers in the labs have high-speed Internet access, including the Microsoft office suite.

Law IT maintains a secured wireless network for the use of Law Students, providing high-speed Internet access to students throughout Coats Hall. All laptops, phones, iPads, and other devices must be registered with Law IT in Room 3040 before they can be used on the wireless network.

The department is also integral to the administration of the Laptop Exam Program, which allows students to take their exams on their laptops. The College of Law requires Examsoft, a secure exam program, for all laptop exams, and this software is provided to all law students by the College of Law.

As a part of the College of Law's Digital Initiative program, all law students are provided with iPads and keyboard cases. Law IT provides support on the use of iPads by students and faculty.

Students can obtain assistance with technology in two locations. The main Law IT office is on the third floor of the law school in Room 3040. A student help desk is also maintained on the first floor near the classrooms and the Amicus Café. For more information on technology services provided by OU Law IT, please feel free to email law.help@ou.edu or call 325-5188.

College of Law Facilities

1. **REQUESTS FOR USE OF FACILITIES:** Student groups who wish to use a classroom or other space should make arrangements by use of the event form found on Courtyard. If problems arise, contact the assistant to the Assistant Dean of Students.
2. **PARKING AT THE LAW CENTER:**
 - A. Law Center parking located on the west side of Coats Hall is reserved for Faculty/Staff only. A student may not park there even if his/her/their car has a Faculty/Staff parking permit. The same parking limitations apply to Faculty/Staff areas in the south lot. The remaining parking bays in the south lot are reserved for law students except for those sections designated for visitors, for individuals displaying a state issued handicap parking permit, or for University service vehicles. If students park in visitor or University service vehicle parking spaces, their vehicle may be ticketed. Unauthorized parking in the handicap area may cause the vehicle to be both ticketed and towed. No cars may park on the South Oval of Coats Hall or next to the yellow lines along either side of the entry road into the south parking lot at any time.
 - B. Faculty, staff, and student parking spaces are available across the street on the north side of Coats Hall parallel to Timberdell Rd. No one can park on Maple Street in the spaces reserved for the OCCE cottages.

C. Visitors to the Law Center may park in the visitor parking spaces available in the south lot. No permits are required for visitor parking.

3. **LOST PROPERTY**: Lost property is kept in the Office of Student Engagement. Property will be disposed of if not claimed within 90 days.
4. **SERVICES FOR STUDENTS WITH DISABILITIES**: Students of the College of Law who require reasonable accommodation because of a disability should visit the Accessibility and Disability Resource Center website at <http://www.ou.edu/adrc/> ; Phone: (405) 325-3852 and TDD 325-4173; email adrc@ou.edu. That office establishes the accommodation(s) to be granted by the College of Law and will communicate directly with the Associate Dean of Academic Affairs, the Registrar, and any necessary professors.
5. **TOBACCO USE POLICY**: The use of all tobacco products in any form is prohibited by University policy within the building or within twenty-five feet of any entrance.
6. **EMPLOYMENT POLICY**: A law student may not be employed more than 20 hours per week in any week in which the student is enrolled full-time during any semester.

Commented [LRJ1]: This is no longer an ABA requirement. It is a COL rule, so needs to be moved out of the ABA section.

Commented [MMD2R1]: Correct appears to have been dropped in 2014

LAW REVIEWS

American Indian Law Review

Published biannually, the American Indian Law Review serves as a nationwide scholarly forum for the presentation and analysis of developments in Indian law and Indian affairs generally. Adhering to the traditional law review format, the American Indian Law Review offers in-depth articles written by legal scholars, attorneys, and other expert observers. In addition, law students write on a wide variety of issues in the rapidly expanding field of Indian law. Each issue also includes a comprehensive summary of recent developments, including federal legislation, as well as reviews of current books and literature.

The American Indian Law Review is dedicated to giving all J.D. students at the College of Law the opportunity to exercise their legal skills and to gain experience in research and writing. Students may apply for membership after their second semester and may thereafter work towards staff membership by completing a note or comment of publishable quality.

Each year the American Indian Law Review sponsors the American Indian Law Writing Competition. This competition is open to law students throughout the United States and Canada. The top three entries are awarded money prizes, and the first-place entry is published in the Review.

The operation of two law reviews places the College of Law among a select and limited number of law schools in the country who have the resources to produce two quality legal publications. Such a task requires a combination of student initiative and ongoing support from faculty and administration. Additionally, the American Indian Law Review is recognized as playing a unique

role nationally, being limited by subject matter yet having a broader geographical orientation and distribution than most law reviews.

Oklahoma Law Review

The Oklahoma Law Review is published under the auspices of the University of Oklahoma College of Law to give expression to legal scholarship and to serve the profession and the public with timely discussion of legal problems. It is a quarterly periodical published by the members of the Law Review staff, with the advice of members of the faculty. The Law Review contains leading articles written by members of the bar and bench as well as by professors. Students' notes and comments, recent case developments, and book reviews are also published in the Review.

J.D. students may become candidates for membership on the Law Review staff by being scholastically ranked in the top ten of their first-year class or the top three of their first-year section, by successfully competing in a write-on program by which an additional number of students will be selected from the first-year class, or by submitting a note or comment before the beginning of the student's fourth semester in law school, regardless of grade average or class standing, which is accepted for publication in the Oklahoma Law Review. Membership on the Review offers students a unique opportunity to master the skills of legal research and writing while contributing to their profession.

Oil and Gas, Natural Resources, and Energy Journal (ONE J)

J.D. students enroll in ONE J during the regular enrollment period. Usually, ONE J limits student enrollment to twenty-six (26) students desiring to write in the fall semester of each academic year, plus the students serving as editors for the Journal. Enrollment is on a first-come-first-serve basis until enrollment closes with 26 students as writers. Enrollment in the spring semester for students desiring to write is much more limited than the fall semester and depends upon the decision of the Editorial Board about an appropriate workload for particular spring semesters. Students serving as editors for the Journal gain their positions through election (February/March) and appointment by the elected Editor-in-Chief. Editors come from students who served as writers for the Journal during the students' second year of law school. Editors are third-year law students.

Students may learn more about ONE J by consulting its web pages through the Law Review option on the University of Oklahoma, College of Law homepage.

SECTION 1: REGULATIONS OF THE COLLEGE OF LAW

1.1 Enrollment

No course may be added or dropped, nor a section changed, except upon approval of the Associate Dean for Academic Affairs. If a course is dropped without such approval, a grade of "F" in the course will be entered on the student's record.

Each student has an obligation to notify the Dean for Student Engagement and Registrar of any action that occurs after initial enrollment at OU Law if such action would have required disclosure pursuant to the "Character and Fitness" questions asked and answered on the law school application. The individual obligation to make such "Character and Fitness" disclosures continues until the first day of the first bar examination the student is eligible to take. If a student is unsure whether a disclosure must be made during schooling, please reach out to the Dean for Student Engagement to receive clarification. Failure to make a required disclosure within ten (10) days of the occurrence will be considered a violation of OU Law's Professionalism Code. OU Law is required to report certain actions to the University's Office of Student Conduct, Title IX Coordinator, and/or relevant state bars.

If the University becomes aware of any information that should have been disclosed prior to matriculation, said information will be forwarded to the current Admissions Committee to determine whether the decision to admit would have been different, and therefore, should be rescinded. Any student whose admission is rescinded shall not be entitled to reimbursement of tuition and fees or academic forgiveness on a transcript.

1.2 Quantity of Work for the Juris Doctor Degree

1.2.1 First Year Students

First-year students must enroll only in the prescribed first-year courses.

1.2.2 Second and Third Year Students

Second and third-year students may enroll in a maximum of eighteen credit hours in a regular (fall or spring) semester. During the summer semester, students may enroll in classes totaling a maximum of ten credit hours if such classes meet during the same portion of a summer session or up to 12 hours if the classes meet in separate sessions of the summer. For example, a student could enroll in six credit hours in the College of Law in Norman and six credit hours in the Oxford Program, if such programs (including exams) do not overlap in any week. Externships are considered to meet during any week in which the student works in the externship placement.

1.3 Directed Legal Research

1.3.1 Enrollment

Second and third-year students may enroll in Directed Legal Research or Law Review in accordance with the announcement made each semester.

1.3.2 Credit Hour Limit

Not more than four hours credit in Oklahoma Law Review, American Indian Law Review, ONEJ, or two hours credit in Directed Legal Research may be counted toward graduation. This is subject to the limitation that no student may receive more than four hours credit toward graduation in any combination of Oklahoma Law Review, American Indian Law Review, ONEJ, and/or Directed Legal Research.

1.3.3 Minimum GPA

A student must have a cumulative grade point average of 5.00 (C) or better to be eligible to enroll in Directed Legal Research (see law grading system explained in Section 1.7).

1.4 Attendance

ABA Standard 308 requires that every law school, “adopt, publish, and adhere to sound academic standards, including those for regular class attendance.” In compliance with ABA Standard 308 and relevant OU campuswide policies, faculty may designate regular class attendance standards in their course syllabi. However, if no such designation is made, the College of Law construes regular class attendance as in-person attendance at 80% of class hours.

Where a student is absent an excessive number of times in a course, based on the policy announced by the professor or 80% of class hours if not designated by a course syllabus, the Associate Dean for Academic Affairs, upon the recommendation of the professor, may withdraw the student from the course and deny credit, or the professor may lower the student's grade in the course, or the professor may give the student a failing grade in the course.

1.5 Examinations

1.5.1 Written Exam

In many classes, a single written examination will ordinarily be given at the end of each course. (In the middle of their first semester, first-year students will customarily be given trial examinations in the courses in which they are enrolled.)

1.5.2 Emergency Situations

It is imperative that all students enrolled for credit in a course take the final examination in such course at the time such examination is scheduled. A student who is unable to take an examination at the scheduled time should report such fact immediately to the Associate Dean for Academic Affairs, or if the Associate Dean is unavailable, to the professor in charge of the course involved. A student who fails to take an examination at its scheduled time will be given a grade of "F" in the course, unless the student is excused by the

Associate Dean for Academic Affairs. Only for urgent and exceptional reasons, under conditions safeguarding the examination system and under conditions consistent with the honor system when applicable, may this excuse involve taking the examination at other than the scheduled time. In no instance will an examination be given out of time except with concurrence of the Associate Dean for Academic Affairs and the professor in charge of the course involved. In all other instances in which a deferment is granted, the student will be given a grade of incomplete (I) in the course. In order to remove such grade and to receive credit for the course, the student must take and pass the next final examination scheduled in the course while the student is in attendance at the college. If a student is a candidate for a degree prior to the time that the course is again offered, an equitable arrangement for the removal of the grade of incomplete (I) will be provided upon the concurrence of the faculty member and the Associate Dean for Academic Affairs.

A student who becomes ill during an examination and who cannot continue the examination must report that fact immediately to the Associate Dean's Office or the professor in charge of the examination.

1.5.3 Access to Examinations

If a student wishes to see a copy of an examination in a course and the student's own paper, he/she/they must make a request within ten school days after the grades in the course are posted or otherwise released to students.

A student request to see an examination and the student's own paper shall be satisfied as soon as is practical. Within this policy, a professor may schedule examination reviews for students at times and according to individual procedures that are appropriate and convenient. Absence of the professor is not grounds for protracted delay in providing access to the student.

If a professor will be absent from the College of Law through the ten school days following posting or release of grades, a notice shall be posted not later than the first day of the ten-day period stating that students should make requests to see an examination and an individual student's own answers to the Dean's office.

A professor who will be absent from the College of Law through the appropriate period for examination reviews shall, not later than the first day students may make timely request to see examinations, make available to the administration a copy of each examination administered in the preceding semester or session and all of the students' examination papers. The administration shall secure these materials, shall only permit access as provided for above, and shall not permit any student to make copies of the materials unless the absent professor has in advance assented in writing to copying.

For purposes of this section, school days are days Monday through Friday in which the College of Law is in session during the Fall and Spring semesters.

Nothing in this section precludes a professor from establishing an individual policy permitting students to have access to more materials or at a later time than specified above.

1.6 Code of Conduct

Examinations are given under the Code of Academic Responsibility. Under the Code, examinations are not proctored by the professors, but each student is placed on his/her/their honor to abide by the Code, which represents the ethics and ideals of the legal profession. Each student is responsible for being familiar with the provisions of the Code of Conduct.

USE OF GAI/CHAT GPT Policy:

Law students may not submit any work product containing prose that was created or composed by a generative artificial intelligence (GAI) program (such as ChatGPT, including both free and enterprise-grade software, and GAI software add-ons), unless (1) explicitly authorized by an instructor within a course (e.g., as part of a research assignment); and (2) properly attributed with appropriate citation(s). Non-compliance with this policy will be treated as a violation of the academic code honor code.

1.7 Scholarship

1.7.1 Grades

The grades given in the College of Law and the numerical grade point value of each are as follows: A+ = 12, A = 11, A- = 10, B+ = 9, B = 8, B- = 7, C+ = 6, C = 5, C- = 4, D+ = 3, D = 2, D- = 1, F = 0.

1.7.2 College of Law Scholarship Requirements

1.7.2.1 Probation and Readmission Committee

The Faculty Probation and Readmission Committee shall consist of five members elected by the faculty in April of each year for three-year staggered terms.

1.7.2.2 Automatic Exclusion

Any student who ends any semester with a cumulative GPA of 4.00 or lower (excluding, if applicable, the ILS program) shall be automatically excluded from the College of Law with no opportunity to be placed on academic probation or to petition for readmission.

1.7.2.3 Academic Probation

Subject to 1.7.2.2, a student who does not have a cumulative grade point average of 6.00 at the conclusion of any semester (excluding, if applicable, the ILS program) will be placed on academic probation and under the jurisdiction of the Faculty Probation & Readmission Committee.

1.7.2.3.1 Conditions of Academic Probation

In addition to any other terms and conditions deemed appropriate, the Committee may impose any or all of the following terms of probation:

- a. Require the student to retake available first year courses before taking other courses.

- b. Limit the student from engaging in full or part-time employment outside of the law school.
- c. Require the student to limit their course load to a specified number of credit hours.
- d. Require Committee approval of the student's schedule of courses and any changes to it during the probationary period.
- e. Require the student to work with an academic support advisor and/or professor at the College of Law.
- f. Require the student to repeat any required courses in which they received a grade of D+ or below.
- g. Require the student to take a course targeted towards improving the chances of bar passage or success in law school.

1.7.2.3.2 Repeated Courses

If a course is repeated by a student on probation, all grades received shall be recorded as part of the student's permanent record.

1.7.2.3.3 Review & Revision

The Committee at its discretion may review the probation of any probationary student at the end of their first semester on probation and make such adjustments to the conditions of that probation as it deems appropriate. Additionally, the Committee is authorized at any time to take appropriate action (to include termination of probationary status and exclusion from the College of Law) against any probationary student who does not fulfill the terms and conditions of their probation or who conducts themselves in a manner inconsistent with the terms or conditions of their probationary status.

1.7.2.4 Exclusion & Readmission

If a student does not achieve a cumulative grade point average of 5.00 or above at the conclusion of any semester during which the student was on probation and at the conclusion of all semesters going forward, the student will be automatically dropped from the College of Law. Any student who at the time of exclusion has a cumulative GPA greater than 4.00 may petition the Faculty Probation and Readmission Committee for readmission to the College of Law no earlier than after two full (i.e., fall and spring but excluding summer) semesters have elapsed since the student's exclusion from the College. Readmission will be granted only in special circumstances upon the student showing both a compelling reason for their failure to satisfy the conditions of probation and a comprehensive plan for improving their academic performance. Any denial of a student's petition for readmission by the Committee is final and not subject to appeal. Students seeking readmission must submit a petition via email and U.S. postal service to both the Registrar of the College of Law as well as the Chair of the Probation & Readmission Committee no earlier than 90 days prior, and no later than 60 days prior to the first day of classes of the semester for which they seek readmission.

1.7.2.4.1 Conditions of Readmission

If the Faculty Probation and Readmission Committee grants a student's petition for readmission, the student will be allowed to enroll as a probationary student for up to one additional year subject to conditions set by the Committee. If, at the end of either semester on probation and at the conclusion of all semesters going forward, the student does not have a cumulative grade point average of 5.00 or above, the student will be automatically and permanently excluded from the College of Law and may not petition for readmission. This automatic and permanent exclusion is not subject to appeal.

1.7.2.5 Transfer Students

A transfer student shall meet the same Academic Probation and Exclusion & Readmission conditions from the end of their first semester of study at the College of Law onward.

1.7.2.6 Summer Study

A student who attends summer school at the conclusion of their 1L, 2L, or 3L years will be subject to the same Academic Probation and Exclusion & Readmission conditions that were required of them that preceding semester.

1.7.2.7 Graduation Requirement

A student must have a cumulative grade point average of 5.00 (C) to be eligible for graduation.

1.7.2.8 Repeated Failure of Required Courses

Notwithstanding any other provisions within section 1.7.2, a student who fails any first year or upper level required course twice will be automatically permanently excluded from the law school without the right to petition for readmission. This automatic exclusion is not subject to appeal.

1.8 Repetition of Courses

1.8.1 Failed Courses

1.8.1.1 Required Courses:

A regular student who received an "F" in a required course must re-enroll in that course the next time it is offered unless this requirement is waived by the Dean.

1.8.1.2 Elective Courses:

A regular student may re-enroll in an elective course in which she/he/they has/have received an "F".

1.8.1.3 Re-enrollment of a Failed Course

In all cases in which a student re-enrolls in a failed course, both grades received shall be recorded as part of the student's permanent record.

1.8.2 Passed Courses

For good cause shown with permission of the Dean of Academic Affairs and the Course Professor, a regular student may re-enroll once in a course which she/he/they has passed but will not thereby be granted additional credit hours for the course. Both grades received shall be recorded as part of the student's permanent record.

1.8.3 Grade Point Average

For purposes of computing a student's grade point average and class rank, grades in repeated courses shall be averaged together. The student will be treated as receiving the average grade for the course and will be treated as having taken the course only once.

1.9 Transfer Credits

1.9.1 Single Enrollment

Without permission of the Associate Dean for Academic Affairs, a student cannot receive credit for work taken in another College of Law at the same time he/she/they is/are enrolled at the University of Oklahoma College of Law.

1.9.2 Minimum Grade for Transfer Credit

Students cannot receive credit for work done in another College of Law if they maintained less than a "C" in all work done in the other college (2.00 on a 4.00 grading system).

1.9.3 Prohibited Readmission

A student who once attended this College of Law and transferred to another College of Law and is not eligible to return to the other College of Law cannot be re-admitted to the University of Oklahoma College of Law.

1.9.4 GPA and Transfer Credit

A student's grades which he/she/they transfer(s) from another College of Law will not be counted in determining her/his/their cumulative grade point average or her/his/their class standing in this College.

1.10 Auditing

If approved by the Associate Dean for Academic Affairs, enrollment as an auditor is permitted in all courses, if space permits. An enrollment as an auditor may be changed back to one for credit if the change is made no later than the second week of classes of a fall/spring semester or the first week of a summer session, and if the professor approves. Fees for enrollment as an auditor are the same as fees for enrollment for credit.

1.11 When a Student's Studies are Interrupted

1.11.1 Returning Students

A student who drops out of the College of Law for more than one academic year shall be subject to all regulations of the College which are in effect at the time the student resumes

her/his studies in the College. For good cause shown, the Dean may make exceptions to this regulation.

1.11.2 Incomplete First Semester

A student who is admitted to the first year class at the College of Law and who withdraws and does not complete the first semester of work or who does not take any of her/his/their final examinations must apply for readmission and be judged by the same criteria applied to those seeking original admission at the time that he/she/they seek(s) to be readmitted. Readmission will remove any effect of grades previously recorded. For good cause shown, the Admissions Committee may make an exception to this regulation.

1.11.3 Maximum Time Permitted to Graduate

A student must meet all requirements for graduation from the College of Law within a period of five (5) calendar years from the date of her/his/their initial enrollment. For good cause shown, the Faculty Probation and Readmission Committee may make exceptions to this requirement. A person may be readmitted or accepted as a transfer student other than as a new student only if he/she/they can comply with this regulation.

1.12 Juris Doctor Degree Requirements

1.12.1 General Requirements

To obtain the Juris Doctor degree, students at the College of Law must meet the following requirements:

- a. Successfully complete all required courses;
- b. Successfully complete the graduation writing requirement
- c. Successfully complete additional work sufficient to total 90 credit hours.
- d. Attain a cumulative grade point average of at least a 5.00 (C) in all work taken in the College of Law.
- e. Transfer credit for course work completed at another law school requires that a student obtain a grade of "C" or better on all law work to be transferred.
- f. Successfully complete at least 60 hours at the College of Law.
- g. Complete all degree requirements within five years of initial enrollment.
- h. File an official Application for Graduation in the last semester of attendance.

1.12.2 Required Courses

Ninety hours of course work is required to receive the Juris Doctor degree. In addition, the following specific course requirements must be met:

- a. During the first year, students must complete Civil Procedure I (3 hours), Civil Procedure II (3 hours), Constitutional Law (4 hours), Contracts (4 hours), Criminal Law (3 hours), Introduction to Brief Writing (1 hour), Legal Research and Writing (3 hours), Oral Advocacy (1 hour), Property (4 hours), and Torts (4 hours).
- b. During the second or third year, students must complete Evidence (3 or 4 hours), Professional Responsibility (3 hours), and the graduation writing requirement.
- c. During the second or third year of study, each student must take at least five courses from an upper-division elective menu of substantive bar tested courses:

Administrative Law (3 or 4 hours), Bankruptcy (3 or 4 hours), Conflict of Laws (2 or 3 hours), one of Corporations (3 hours) or Business Associations (3 or 4 hours), Criminal Procedure: Adjudication (3 hours), Criminal Procedure: Investigations (3 hours), Family Law (3 hours), Federal Courts (3 hours), First Amendment (3 hours), Real Estate Transactions (3 or 4 hours), Remedies (2 or 3 hours), Secured Transactions (3 hours), Unincorporated Business Entities (3 hours), Torts II (2 or 3 hours), Unincorporated Business Entities (3 hours), and Wills and Trusts (3 or 4 hours).

- d. In addition to five courses from the upper-division menu, students who first enrolled in the College of Law in or after the Summer 2016 semester are required to complete one or more experiential course(s) totaling at least six (6) credit hours which courses must satisfy the requirements of ABA Standard 303(a)(3) as a simulation course, a law clinic, or a field placement. The Experiential Learning menu includes: Advanced Persuasive Writing (2 hours), Alternative Dispute Resolution (2 or 3 hours), American Indian Estates Clinic (3 hours), Appellate Advocacy Competition (1 hour), Civil Clinic (3 hours), Civil Pretrial Litigation (2 or 3 hours), Corporate Drafting (2 hours), Criminal Defense Clinic (3 hours), Entertainment Law (3 hours), Entrepreneurial Law Clinic (3 hours), Externships (3-12 hours), Human Rights Practicum (3 hours), Intermediate Legal Writing: Intro to Drafting (2 hours), Interviewing, Counseling & Negotiation (2 or 3 hours), Legal Spanish (2 hours), Litigation Skills (3 hours), Motion Brief Drafting (2 hours), Negotiations (1 hour), Oil & Gas Contracts (3 hours), Oral Advocacy (1 hour), Practical Lawyering & MPTs (2 hours), Professional Writing for Litigators (2 hours), Prosecution Practicum (2 hours), Representing the Criminally Accused (2 hours), Supreme Court Theory & Practice (2 or 3 hours), Tax Practice & Procedure (3 hours), Title Examination (2 hours), Transactional Law Practicum I or II (3 hours each), Trial Techniques (2 or 3 hours), and any other courses approved in advance by the both Curriculum Committee and the Experiential Learning Committee as meeting the requirements for Experiential Learning credit as under the ABA Standard 303(a)(3) and its official interpretations.

1.12.3 Limit on Pass/Fail Classes

No student shall be permitted to count more than ten (10) credit hours graded on a pass/fail basis toward the completion of the J.D. degree with the following exception: A student who earns more than five (5) hours credit in Externships/Issues in Professionalism may not take more than five (5) credit hours pass/fail in courses other than Externships/Issues on Professionalism.

1.12.4 Externships and Clinics

- a. A student may complete a maximum of three semesters of Clinics. A student may enroll in the same subspecialty Clinic for a maximum of two semesters. Enrollment in Clinics for more than three semesters will be granted only under special circumstances and with the

written permission of both the supervising Clinic Faculty member and the Associate Dean of Experiential Learning.

b. A student enrolling in the Civil or Criminal Defense Clinic for the first time shall have completed or be concurrently enrolled in Litigation Skills.

c. A student enrolling in the American Indian Estates Clinic for the first time shall have completed or be concurrently enrolled in American Indian Estates.

d. A student enrolling in the Entrepreneurial Law Clinic for the first time shall have completed or be concurrently enrolled in Entrepreneurship and the Law.

e. A student may complete a maximum of two semesters of externships, but no more than one of the two externships may exceed three hours.

f. A student enrolling in a three-credit externship for the first time shall concurrently enroll in Issues in Professionalism. For students enrolling in an externship exceeding three credits, the Issues in Professionalism curriculum will be incorporated into the externship curriculum.

1.13 In-person LL.M. Degree Requirements

1.13.1 General Requirements

To obtain the LL.M. Degree, students at the College of Law must meet the following requirements:

- a. Successfully complete all required courses;
- b. Successfully complete 24 credits of law courses
- c. Unless a student already holds a Juris Doctor degree, each student must complete Introduction to American Legal System and LL.M. Legal Research and Writing.
- d. Attain a cumulative grade point average of at least an 8.00 (C) in all work taken in the College of Law.
- e. Complete all degree requirements within five years of initial enrollment.
- f. File an official Application for Graduation in the last semester of attendance.

SECTION 2: CODE OF ACADEMIC RESPONSIBILITY

Title I The Purpose and Scope of the Code

2.1. Purpose of Code

The purpose of this Code of Academic Responsibility is to define academic misconduct and other ethical violations, to prescribe penalties and procedures for enforcement of academic discipline, and to provide for appellate review.

2.2. Scope of Code

- a. The Code of Academic Responsibility applies to all students at the College of Law of the University of Oklahoma.
- b. Each student shall sign a pledge to comply with this Code at the time of enrolling in the College of Law. The pledge shall notify students that the College may be required to notify bar associations when a student is found guilty of violating this Code.

Title II Principles of Academic Responsibility

2.3. Accepted Principles of Honesty

- a. It shall be a violation of this Code for a student to act in conscious disregard of accepted principles of honesty in any academic pursuit or prize competition.
- b. Conscious disregard. To establish a violation of this section, the Council of Academic Responsibility must present proof of a student's conscious disregard of accepted principles of honesty. Conscious disregard is a mental state embracing either
 - i. intent to deceive, manipulate or defraud;
 - ii. guilty knowledge; or
 - iii. moral awareness that the alleged conduct violated known or accepted principles of honesty.
- c. Specific intent. Nothing in this Code shall be construed to require proof of specific intent in addition to proof of conscious disregard. Specific intent is the offender's active and conscious desire to achieve certain prohibited consequences by acting or failing to act.
- d. Proof of conscious disregard. Nothing in this Code shall be construed to require a confession by the accused or any other direct evidence of conscious disregard, which may be inferred from the conduct of the accused and other circumstantial evidence.

**Commentary to § 2.3
Definition of Principles of Honesty**

Fraud and dishonest conduct appear in many forms. Legislatures and courts have avoided attempts to provide fixed and comprehensive definitions of fraudulent conduct, in part because the term "fraud" is not definable except in the most general terms and usually by reference to the state of mind of the person accused of dishonesty. In the words of the Supreme Court of Oklahoma, *Singleton v. LePak*, 425 P.2d 974 (Okla. 1967):

Fraud is a generic term, which embraces all the multifarious means which human ingenuity can devise and all resorted to by one individual to get an advantage over another. No definite and invariable rule can be laid down as a general proposition defining fraud, as it includes all surprise, trick, cunning, dissembling, and unfair ways by which another is cheated. . . .
Id. at 978 (quoting *Bigpond v. Mutaloke*, 105 P.2d 408 (Okla. 1940)). *See also, e.g.*, *Commonwealth v. Monumental Properties*, 329 A.2d 812 (Pa. 1974); *Barquis v. Merchants Collection Ass'n*, 496 P.2d 817, 830 (1972) (sweeping legislative ban on fraud and deception is designed "to enable judicial tribunals to deal with the innumerable 'new schemes which the fertility of man's invention would contrive'") (quoting *American Philatelic Soc'y v. Claibourne*, 46 P.2d 135, 140 (1935)); *Kugler v. Romain*, 279 A.2d 640 (N.J. 1971).

As a result, no comprehensive list of such principles is possible. The following examples are designed to provide fair notice to the students of the College of Law of the breadth and scope of the Code's prohibitions against dishonesty. A student is presumed to have guilty knowledge or moral awareness by engaging in the conduct listed below:

- a. No student shall give, secure, or exchange any information about the contents of or answers to an examination, in advance of or during such examination, except as authorized by the instructor.
- b. No student shall consult books, papers, computer files, other electronic data, or notes of any kind during an examination, except as authorized by the instructor.
- c. A student who has taken an examination and a student who will take that same examination may not discuss its contents with each other.
- d. A student may not retain a copy of any examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor; nor may a student take notes during an examination on the contents of an essay or objective examination for the purpose of preserving questions for use by another student, except as expressly authorized by the instructor.
- e. No student shall fail to stop writing an examination with knowledge that the time allotted for writing the examination has elapsed.
- f. No student shall hide, steal, or mutilate any materials belonging to the library, the University, another student, a faculty member or other member of the law school or university community.
- g. No student shall submit plagiarized work in an academic pursuit or prize competition (plagiarism being the incorporation of written work, either word for word or in substance from any work of another, unless the student writer credits the original author and identifies the original author's work with quotation marks, notes, or other appropriate written designation).

- h. No student shall make any material misrepresentation to faculty or administration respecting law school matters.
- i. A student shall not falsely accuse another student of violating this Code, either with the knowledge that the accusation is false or in reckless disregard of the accusation's truth.
- j. A student may not offer for credit any work prepared by another.
- k. A student may not offer credit work that has been previously offered for credit, except as authorized by the instructor.
- l. A student may not offer credit work prepared in collaboration with another, except as authorized by the instructor.
- m. A student may not take an examination for another student, nor may a student permit his/her/their own examination to be taken by another.
- n. A student may not invade the security maintained for the preparation and storage of examinations.
- o. A student who learns that he/she/they have come in contact with an examination subject to security must immediately inform the Dean or Associate Dean for Academics or the instructor.
- p. A student shall not falsify attendance sheets.
- q. A student shall not sign an attendance sheet for another student.
- r. A student shall not use Lexis, Westlaw or other library services for unauthorized work or activities.

Conscious Disregard & Scienter

The requirement of conscious disregard is intended to be identical to the legal requirement of scienter as commonly defined. *See, e.g.,* DAVID WALKER, OXFORD COMPANION TO THE LAW 1107 (1980) (defining scienter as "knowingly"); *Aaron v. Securities and Exchange Comm'n*, 446 U.S. 680, 686 n.5 (1980) (scienter means "a mental state embracing intent to deceive, manipulate, or defraud"). The term "conscious" often has a similar meaning. RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1968) defines "conscious" to mean "2. fully aware of or sensitive to something. . . . 4. known to oneself; felt: conscious guilt. 5. aware of what one is doing: a conscious liar. . . . 8. Obs. inwardly sensible of wrongdoing." In notes at the end of this definition, the authors of the RANDOM HOUSE DICTIONARY added that "knowing" was a synonym, along with the following commentary: "Conscious, aware, cognizant refer to an individual sense of recognition of something within or without oneself. CONSCIOUS implies to be awake or awakened to an inner realization of a fact, a truth, a condition, etc."

2.4. Accepted Principles of Good Faith

- a. It shall be a violation of this Code for a student to act in conscious disregard of accepted principles of good faith.
- b. Accepted principles of good faith include but are not limited to the following:
 - i. No student shall harass any other member of the law school community.
 - ii. No student shall harass or retaliate or threaten to harass or retaliate against any other member of the law school community because the community member made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this Code.
 - iii. For purposes of this subsection, harassment is:

1. Personal insults or "fighting words" addressed to a specific individual or individuals, which are designed to and likely to provoke an immediate breach of the peace; or
 2. Severe and pervasive verbal or physical conduct which is directed at a specific member or members of the law school community and which is designed to inflict and is likely to inflict emotional or psychological distress on the targeted individual or individuals; or
 3. Severe and pervasive verbal or physical conduct directed at a specific member or members of the law school community that unreasonably interferes with the work or educational performance of the targeted individual or individuals; or
 4. Severe and pervasive verbal or physical conduct directed at a specific member or members of the law school community that creates an intimidating, hostile, or offensive environment for the targeted individual or individuals.
- c. It is the intent of this section to ensure that each member of the law school community shall have the fair and equal opportunity to enjoy the benefits of association with the College without being hindered by invidious discrimination or prejudice.
- d. Expressive liberty. This section does not prohibit:
- i. Any person's expression of views and opinions on matters of public interest unless it is proved that the expressive conduct is a sham or mere pretext for inflicting the harms or injuries identified by subsection (b); or
 - ii. Expressive conduct protected from severe sanctions, punishment or other undue burdens by the Constitution of the United States or the Constitution of Oklahoma. The College reserves its rights to express views, including the right to post or publish reprimands, critical of expressive conduct believed to be unreasonable and discriminatory in character even if such conduct is otherwise protected by the Constitutions of the United States or of Oklahoma from severe sanctions, punishment, and other undue burdens.

2.5. Misconduct Obstructing Administration of Examinations

A student taking an examination must not obstruct the administration of an examination. A student must comply with all reasonable instructions and regulations of the professor and the College respecting an examination.

Commentary to § 2.5

It is impossible to list all possible applications of the principles stated in §2.5. Each regulation or rule shall provide notice to the student of prohibited conduct. If a student is guilty of conscious disregard of a rule or regulation, the student may have violated § 2.3 of this Code. This section is designed to authorize sanctions in the absence of scienter or conscious disregard.

Compliance with the principles of § 2.5 includes but is not limited to the following:

- a. A student shall not fail to turn in examination materials at the appointed time.
- b. A student shall not talk in any room during an examination except to, or at the direction of, a faculty member or other individuals administering an examination.
- c. A student shall not deliberately create an unreasonable distraction during an examination.
- d. A student shall not eat or smoke during an examination, except in rooms or areas designated.

- e. A student shall not remove an examination or examination answers from the College of Law, except with the prior approval of the instructor.
- f. A student shall not violate the rules designed to ensure that all grading of examinations is anonymous.
- g. A student shall not bring into any examination room any materials, including books, papers or notes, or any other aid of any kind, except that expressly permitted by the instructor.
- h. A student shall not violate the rules established by the administration and the faculty of the College of Law regarding the use of computers or memory typewriters during an examination.

2.6. Misconduct Obstructing Enforcement of the Code

- a. Each student has an ethical responsibility to report any known or suspected violation of this Code to a member of the Council of Academic Responsibility or to another appropriate faculty member or administrator of the College of Law. Failure on the part of any student to satisfy this responsibility for enforcement of the Code is a violation of the Code.
- b. No student shall improperly obstruct enforcement of this Code. Compliance with this principle includes but is not limited to the following:
 - i. All students shall cooperate with the preliminary inquiry of the Associate Dean for Academic Affairs.
 - ii. A summoned student other than a defendant may not, without a reasonable excuse, fail to appear and give testimony before the Council of Academic Responsibility or the Hearing Tribunal.
 - iii. A student may not knowingly misrepresent material facts to the Associate Dean for Academic Affairs during a preliminary inquiry, or before the Council of Academic Responsibility or the Hearing Tribunal.
 - iv. A student may not fail to comply with a final order of the Hearing Tribunal.
 - v. No student shall request a person to refrain from voluntarily giving relevant testimony in an investigation, proceeding, or hearing under this Code unless:
 - 1. The student is acting as representative of an accused student pursuant to § 2.15.d.ii. or § 2.30.d;
 - 2. The person is a relative or an employee or other agent of the accused student; and
 - 3. The representative reasonably believes that a person's interests will not be adversely affected by refraining from giving such information.
 - vi. No student, whether or not acting as representative of an accused student pursuant to § 2.15.d.ii. or § 2.30.d, shall improperly obstruct access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value or counsel or assist another person to do any such act.

2.7. Misconduct in Pursuit of Employment

- a. A student may not seek to obtain unfair advantage in pursuit of employment by means of misrepresentations respecting the student's academic or professional record.
- b. Conscious disregard. To establish a violation of this section, the Council must present proof of conscious disregard of accepted principles of honesty. Conscious disregard is a mental state embracing either:
 - i. intent to deceive, manipulate or defraud;
 - ii. guilty knowledge; or

- iii. moral awareness that the alleged conduct violated known or accepted principles of honesty.
- c. Specific intent. To establish a violation of this section, the Council must present proof that the offender actively and consciously desired to obtain unfair advantage.
- d. Proof of conscious disregard and specific intent. Nothing in this Code shall be construed to require a confession by the accused or any other direct evidence of conscious disregard or specific intent. Conscious disregard and specific intent may be inferred from the proven conduct of the accused and other facts and circumstances.

2.8. Attendance Records

A student shall sign the attendance roll in a class only if present for the entire class period, except with the express permission of the professor. A student shall not sign the attendance roll for another student.

2.9. Miscellaneous Principles

- a. A student may not possess, transfer or duplicate keys to the College of Law or to any office in the College of Law, including the law library, without proper authorization.
- b. A student violates this Code when he/she/they attempt(s) or conspires to violate the Code.

2.10. Library

No other violation of library rules shall be covered by this Code, but each student shall remain subject to the rule-making authority of the law librarian, the Dean, or such other authority at the university created or empowered to deal with violations of library rules.

2.11. Recording of Classes, Conferences or Meetings

- a. Students are prohibited from recording, in any format, any class session, meeting, or conference with a professor without that professor's explicit permission. When recording is explicitly permitted, students shall not share or disseminate the recording in any way without the explicit permission of the professor, and the student shall abide by whatever limitations are expressed in that grant of permission, including, for example, any requirement limiting the type or amount of dissemination or mandating the ultimate destruction of the recording.
- b. Students are prohibited from recording, in any format, any meeting or conference with staff members without the participants' explicit permission. When recording is explicitly permitted, students shall not share or disseminate the recording in any way without the participants' explicit permission, and the student shall abide by whatever limitations are expressed in that grant of permission, including, for example, any requirement limiting the type or amount of dissemination or mandating the ultimate destruction of the recording.

Title III
The Council of Academic Responsibility

2.12. Preliminary Inquiry

- a. Upon receipt of an allegation of a Code violation or for other good cause, the Associate Dean for Academic Affairs may elect to conduct a preliminary inquiry. During the preliminary inquiry, the Associate Dean for Academic Affairs may proceed informally to gather information and to seek possible ways to resolve allegations prior to and in lieu of formal investigation.
- b. The Associate Dean for Academic Affairs may also elect to present allegations to the Council of Academic Responsibility without preliminary inquiry.
- c. The Associate Dean for Academic Affairs shall report any preliminary inquiry, as well as the results of such inquiry to the Council of Academic Responsibility.
- d. After receiving the report of the Associate Dean for Academic Affairs respecting a preliminary inquiry, the Council of Academic Responsibility may
 - i. issue a letter of admonition;
 - ii. decide to conduct a formal investigation; or
 - iii. dismiss the allegation without further action.

2.13. Duties of the Council of Academic Responsibility

The Council of Academic Responsibility shall take care that this Code is fully enforced. The Council's enforcement duties are to:

- a. Decide whether to issue a letter of admonition after preliminary inquiry of the Associate Dean for Academic Affairs;
- b. Conduct a formal investigation of alleged violations of this Code;
- c. Decide whether an allegation of a Code violation shall be presented to the Hearing Tribunal;
- d. Appoint a representative of the Council to prosecute a case before the Hearing Tribunal;
- e. Offer such recommendations as the Council believes appropriate to the Hearing Tribunal or to the faculty respecting the matters covered by this Code;
- f. Notify any faculty member who has reported an alleged violation of
 - i. The results of the Council's investigation,
 - ii. The Council's decision whether to present an allegation to the Hearing Tribunal,
 - iii. The Council's recommendations to the Hearing Tribunal, and
 - iv. Any compromise or settlement proposed by or approved by the Council pursuant to § 2.20 of this Code;
- g. Notify the appropriate faculty member
 - i. of any allegation of a Code violation in the faculty member's course, and
 - ii. of all other information required by subsection (f) of this section.
- h. Recommend to the Dean whether a student who has been suspended from the University through a University disciplinary procedure (other than one conducted by the College of Law) which suspension required the student to apply for readmission to the College of Law following such suspension should be readmitted in light of the nature of the charges underlying the suspicion.

2.14 Membership of the Council of Academic Responsibility

- a. The Council shall consist of three members. The members are:
 - i. The Associate Dean for Academic Affairs of the College of Law or other faculty member to represent the Dean's office, except for the Dean;
 - ii. A tenured or tenure-track member of the faculty appointed by the Dean to serve for one academic year; and
 - iii. One second- or third-year law student appointed by the Dean from among three nominees of the Student Bar Association to serve for one academic year.
 - iv. The Dean shall also appoint one tenured or tenure-track faculty member and one student for one academic year to serve as alternate to the faculty member and student appointed pursuant to 2.14.a.ii. and iii. In the event that faculty member or student cannot serve generally or with respect to a particular case.
 - v. In the event that the faculty member or student of the Council appointed pursuant to 2.14.a.ii. or iii. and the alternate appointed pursuant to 2.14.a.iv. cannot complete his/her/their term of office or cannot serve with respect to a particular case, the Dean may appoint another faculty member or student either to serve with respect to a particular case or to complete the remainder of a faculty member's term.
- b. The Associate Dean for Academic Affairs or other faculty member representative of the Dean's office shall serve as chair of the Council unless the Dean elects to designate the faculty representative as chair.
- c. Notwithstanding the expiration of his/her/their term, a member of the Council may continue to serve until final judgment is rendered in any proceeding in which that member has actively participated.

2.15 Formal Investigation

- a. The Council shall meet in closed session. The members shall keep in confidence the content and nature of the meetings, except to the extent the Hearing Tribunal or another adjudicative body compels disclosure.
- b. When the Dean, Associate Dean for Academic Affairs, faculty member or Council member receives an allegation of a Code violation, he/she/they has/have the ministerial duty to notify the chair of the Council of Academic Responsibility.
- c. The chair has the ministerial duty to present any report of alleged violations to the Council. The Council shall decide by majority vote whether to conduct a formal investigation of allegations. The Council shall notify the accused student of its decision to conduct a formal investigation.
- d. During the Council's formal investigation, an accused student has no right to appear in person or by representative at any meetings of the Council unless the Council determines that such an appearance is useful to its deliberations. If the Council determines that the response of the student is useful or appropriate to complete a formal investigation, and upon the request of the Council, the accused student shall make a written response which contains a full and fair disclosure of all the facts and circumstances pertaining to the respondent student's alleged misconduct unless the

respondent's refusal to do so is predicated upon expressed constitutional grounds. Deliberate misrepresentation in such response shall be grounds for discipline. The failure of an accused student to answer within twenty (20) days after service of the Council's notice or inquiries, or such further time as may be granted by the chair of the Council, shall be grounds for discipline. The Council shall make such further investigation as the Council may deem appropriate before taking any action. If and only if the Council orders a response or appearance, the accused student shall have the following rights:

- i. The right to a statement of the allegations;
 - ii. If the Council decides to permit an appearance, the right to be represented by counsel or some other representative, though not the right to have counsel or a representative supplied by the College of Law; and
 - iii. The right to present evidence.
- e. The Council, after formal investigation, shall either:
- i. Dismiss the case;
 - ii. Decide to prosecute the case before the Hearing Tribunal;
 - iii. Issue a letter of admonition; or
 - iv. After negotiations, enter into a settlement or compromise agreement. This decision shall be made at a formal meeting closed to the public with all members required to be present. A majority vote is required to prosecute an alleged violation before the Hearing Tribunal.
- f. The Council must decide to prosecute, if at all, and give notice as hereinafter prescribed, within ninety days of receiving an allegation of a Code violation or specific information that identifies a specific student as an alleged violator, unless the student consents to an extension of time.
- g. The Council, if it decides to prosecute, shall give actual notice by delivering a formal complaint in writing to the alleged offender. This complaint shall include a statement of the allegations but need not be in any particular form. A copy of this complaint shall also be forwarded to the chair of the Hearing Tribunal.
- h. If the Council decides not to prosecute and to dismiss a case, the Council may post notice of its decision, but shall not disclose the identity of any accused student or witness.
- i. The Council may adopt rules of procedure to supplement this section.

2.16 Duties of the Chair

- a. The chair shall call and preside over all meetings of the Council.
- b. The chair shall also:
 - i. Present all reports of alleged violations to the Council;
 - ii. Serve written notice to alleged offenders of the time and place of appropriate hearings and of the alleged offenders' rights during a formal investigation and during proceedings before the Hearing Tribunal;
 - iii. Have the power to summon witnesses from among the University community and to subpoena documents from members of the university community, subject to other applicable laws and policies governing the university;

- iv. Do such other things as may, in his/her/their judgment, be needed to enforce this Code and to effectuate the spirit and intent of this Code; and
 - v. Notify the Council of all actions taken by the chair.
- c. All orders, decisions and actions by the chair shall be subject to review by the Council.

2.17. Disqualifications

No member of the Council shall participate in any case if that member is disqualified because of a conflict of interest or any other appropriate reason.

2.18. Vacancies

Vacancies on the Council shall be filled in the manner prescribed for the position which is vacant under the terms of sections 2.14a and 2.14d.

2.19. Representative of the Council of Academic Responsibility

The Council of Academic Responsibility shall select an individual to represent the Council and to prosecute the case alleging Code violations before the Hearing Tribunal. The Council's representative may or may not be a member of the Council.

2.20. Compromise or Settlement of a Complaint

- a. Nothing in this Code shall be construed to prohibit compromise or settlement of complaints alleging violations of this Code.
- b. The Council shall have the power to approve or reject proposed compromises or settlements negotiated by the Council's representative and the representative of an accused student. If the Council's representative and the representative of an accused student agree to such a compromise or settlement, the agreement must be approved by a majority of the Council of Academic Responsibility. The Council's settlement authority exists at all stages of a case, but is subject to the following limitations:
 - i. After the Hearing Tribunal has rendered a judgment and prior to a decision by the Appeals Board, any compromise or settlement must be approved by the Hearing Tribunal;
 - ii. After the Appeals Board has rendered a judgment, any compromise or settlement must be approved by the Appeals Board.
- c. Evidence of offering to compromise or settle a complaint is not admissible to prove or disprove a violation of this Code. Evidence of conduct or statements made in compromise or settlement negotiations is likewise not admissible.

Title IV The Hearing Tribunal

2.21. Jurisdiction

The Hearing Tribunal shall have jurisdiction over all cases involving allegations of Code violations. Pursuant to this jurisdiction, the Hearing Tribunal shall hold a hearing to determine whether or not this Code has been violated and to prescribe penalties or remedies for any violations.

2.22. Membership

- a. The Hearing Tribunal shall have six members. The members are:
 - i. One member of the faculty appointed by the Dean to serve as chair for two academic years;
 - ii. Two members of the faculty appointed by the Dean to serve for two academic years; and
 - i. Three students appointed by the Dean from among six second-year law students nominated by the Student Bar Association to serve for one academic year or until replacements are appointed by the Dean.
- b. An alternate for each member of the Hearing Tribunal shall be appointed by the Dean to serve for one academic year.
- c. Under no circumstances shall a member or alternate of the Hearing Tribunal also be a member or alternate of the Council or the Appeals Board.
- d. Notwithstanding the expiration of his/her/their term, a member of the Hearing Tribunal may continue to serve until final judgment is rendered in any proceeding in which that member has actively participated.
- e. Vacancies on the Hearing Tribunal shall be filled in the manner prescribed for the position which is vacant under the terms of this section.

2.23. Disqualifications

- a. No member of the Hearing Tribunal shall review any case if that member is disqualified because of conflicts of interest or other appropriate reasons.
- b. Either the representative of the Council or the accused student may request disqualification of a member of the Hearing Tribunal.
- c. Each member of the Hearing Tribunal must decide whether he/she/they can judge the case with fairness and objectivity.
- d. The Hearing Tribunal may, by majority vote of all members of the Hearing Tribunal other than the challenged member, disqualify a member of the Hearing Tribunal for appropriate reasons.

2.24. Confidentiality of Tribunal Proceedings

The Hearing Tribunal shall meet in closed session unless the student charged with violating the Code requests an open hearing. The members shall keep in confidence the contents and nature of the meetings unless the Appeals Board or other adjudicative body compels disclosure.

2.25. Scheduling of Hearing

The Hearing Tribunal shall hold its initial hearing on any formal written complaint within thirty (30) calendar days of its receipt by the chair unless reasonable cause for delay is shown by the accused student or the Council's representative.

2.26. Hearing Procedures

In conducting a hearing, the Hearing Tribunal:

- a. Shall proceed informally and provide reasonable opportunities for witnesses to be heard;
- b. Shall receive all probative oral, documentary, and real evidence without regard to the legal rules of evidence, except that the Hearing Tribunal may exclude irrelevant, immaterial, and unduly repetitious evidence, and shall give effect to the rules of privilege recognized by law;
- c. Shall, on request of either the accused student or the Council's representative, exclude witnesses from the hearing when not testifying;
- d. Shall engage a court reporter to make a record of its hearings so as to enable review of its proceedings in the event of appeal;
- e. Shall presume an accused student innocent of the alleged violation until the Hearing Tribunal, four members concurring, is convinced that the student violated the Code by clear and convincing evidence;
- f. Shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of admitted evidence;
- g. Shall decide the issue of guilt before determining an appropriate penalty; and shall offer the student adjudged to be guilty, at a separate hearing after a decision on the issue of guilt, an opportunity to offer evidence or argument regarding an appropriate penalty;
- h. Shall not be bound to follow penalty recommendations made by the Council, and may impose any penalty authorized by this Code upon majority vote, taking into consideration the Council's recommendation, the facts of the case, the gravity of the offense, and any prior misconduct;
- i. Shall state in writing, signed by each concurring member of the Hearing Tribunal, each finding of guilt or innocence and the penalty determined, if any;
- j. May write an opinion giving reasons for its decision in cases warranting an opinion; and
- k. Shall deliver a copy of the findings and opinions, if any, to the Dean, to the chair of the Council and to the accused student.

2.27. Clear and Convincing Evidence

To prove a fact by clear and convincing evidence means to demonstrate that the existence of a disputed fact is highly probable and free from serious doubt.

Commentary to § 2.27

The adoption of the clear and convincing evidence standard by the College of Law is recognition of the importance that is placed on high ethical standards by the legal profession. A law student's interest in maintaining a reputation of honesty and integrity and, therefore, not being found to have violated this Code of Academic Responsibility is an important and substantial interest. Therefore, the Council bears the burden of proving by "clear and convincing evidence" sufficient facts to persuade the Hearing Tribunal that a violation of this Code occurred.

The definition of clear and convincing evidence is taken from Oklahoma Uniform Jury Instruction (OUJI) - Civil (2d) No. 3.2. Clear and convincing evidence is more demanding than proof by the typical civil standard of preponderance of the evidence, which is proof that a fact is more probable than not. It is less demanding than proof by the standard of "beyond a reasonable doubt," which is the standard in criminal cases. *See Addington v. Texas*, 441 U.S. 418 (1979). When determining whether the Council has presented clear and convincing evidence of guilt, the Hearing Tribunal must have a greater degree of confidence in the correctness of its factual conclusions than under the preponderance of evidence standard, but the Hearing Tribunal may have less confidence than that confidence required for decision under the beyond reasonable doubt standard.

Under Oklahoma law, clear and convincing evidence "is that measure or degree of proof which will produce in the mind of the trier of fact the firm belief or conviction as to the truth of the allegations sought to be established." *In re C.G.*, 637 P.2d 66, 71 n.12 (Okla. 1981). This standard requires proof not only that the existence of a disputed fact is probable, but that it is highly probable. *See also* LEO H. WHINERY, 2 OKLAHOMA EVIDENCE: COMMENTARY ON LAW OF EVIDENCE, §§ 8.20, 8.23 (West 1994).

2.28. Finality of Tribunal Decisions

The Hearing Tribunal's decision is final in any case not appealed.

2.29. Default Judgments

The Hearing Tribunal may proceed with a hearing and render a default judgment in any case in which a student defendant fails to appear after receiving reasonable notice of a hearing of allegations. Such a default judgment may be appealed as this Code provides but is final if no appeal is taken.

2.30. Rights of the Student before the Hearing Tribunal

A student accused of violating the Code has the following rights in all proceedings before the Hearing Tribunal:

- a. The right to a statement of allegations;
- b. The right to a fair hearing;
- c. The right to appear personally before the Hearing Tribunal;
- d. The right to counsel or a representative of the accused's choice (although not the right to be supplied with an attorney-at-law at the expense of the College of Law), or a representative chosen by the Hearing Tribunal from among the student body;
- e. The right to present oral, documentary, or real evidence;
- f. The right to examine and cross-examine witnesses;
- g. The right to choose whether the hearing shall be open to the public, or closed and confidential;
- h. The right to be presumed innocent until the Hearing Tribunal has considered all evidence and is convinced that the student violated the Code by clear and convincing evidence;
- i. The right to a copy of the Hearing Tribunal's written decision, and opinion, if any, to be delivered or mailed as soon as practicable; and
- j. The right to waive any of these rights by notice of such waiver in writing to the Hearing Tribunal, or by failure to appear after being duly served.

2.31. Duties of the Chair

The chair of the Hearing Tribunal shall:

- a. Receive written complaints from the Council alleging violations of the Code;
- b. Set the date, time, and place for hearings of the Hearing Tribunal;
- c. notify the members of the Hearing Tribunal, the Council, the accused student, and other appropriate individuals, such as witnesses known to the chair, of the date, time, and place of hearings;
- d. Notify the accused student of all rights before the Hearing Tribunal as provided by Section 2.30;
- e. Appoint a representative from among the student body at the request of the accused student, if the accused student is not otherwise represented, as provided in Section 2.30d;
- f. Have the power to summon witnesses from within the university community and to subpoena relevant documents in the possession of members of the university community, subject to other applicable laws and policies governing the university;
- g. Have the power to order a prehearing conference, to be scheduled no later than five days prior to a scheduled hearing, at which the parties may be required to exchange a list of witnesses;
- h. Preside over Tribunal hearings;
- i. Direct the course of hearings;
- j. Instruct the members of the Hearing Tribunal on the principles of law to be applied to a particular case;
- k. Take care that a court reporter is employed to develop a written record of tribunal proceedings;
- l. Rule on challenges, motions, pleas, and the admissibility of evidence and testimony;
- m. Assign the duty of preparing decisions and opinions and approve the final product;
- n. Notify the proper persons, including the Dean, the Associate Dean for Academic Affairs, and the tenured and tenure-track faculty of the Hearing Tribunal's decisions and of any penalties imposed; and
- o. Take care that the final orders and decisions of the Hearing Tribunal are executed, including but not limited to directing the change of official records of a student adjudged to be guilty of a violation where such change is required by a final decision and penalty.

2.32. Ex Parte Communications

Ex parte communications with the members of the Hearing Tribunal by any party, by any member of the Council or alternate, by any student, by any witness or by any faculty member or administrative officer of the college concerning matters relevant to a case before the Hearing Tribunal are strictly prohibited. All such communications shall be disclosed by the Hearing Tribunal to the parties. Every pleading, motion, or other paper filed with the Hearing Tribunal shall be served on all other parties.

Title V

Penalties

2.33. Penalties

The Hearing Tribunal may impose any of the following penalties in light of the facts, the severity of the offense, mitigating circumstances and the dictates of fairness:

- a. Reprimand;
- b. Probation;
- c. A monetary penalty not to exceed \$250 over and above the value of any property damage or value of any property destroyed or taken and not returned;
- d. Temporary or permanent suspension of rights or privileges deriving in whole or in part from the university;
- e. Temporary or permanent suspension of eligibility for official extracurricular activities;
- f. Temporary or permanent suspension of eligibility for any student office or honor;
- g. Cancellation of credit for scholastic work done;
- h. Reduction of the grade assigned in a course, unless the professor or instructor has exercised the right to specify a grade penalty pursuant to § 2.5;
- a. Suspension from the College of Law or the university;
- i. Prevention of an individual adjudged to be guilty of a violation from resuming student status in appropriate cases;
- j. Expulsion;
- k. Recommendation that the regents withdraw recognition of the student's degree, and that the Dean and the President take all actions appropriate upon official withdrawal of recognition;
- l. Such alternative penalties or remedies as are appropriate to a particular case, including but not limited to restitution and community service; and
- m. Any combination of the foregoing penalties which, in the judgment of the Hearing Tribunal, is deemed appropriate to punish the student for the offense or offenses committed.

2.34. Penalties: Definitions and Miscellaneous Provisions

- a. An admonition consists of a formal written warning by the Council of Academic Responsibility to be included in the student's file. The letter of admonition is a warning to the student. It is not a finding of probable cause, a finding of guilt, a penalty, or any other form of disciplinary action. An admonition is reported to bar associations or other similar entities.
- b. A reprimand is a formal written censure to be included in the student's file. The reprimand is a penalty or remedy for a violation of this Code. A reprimand is reported to bar associations or other similar entities.
- c. The College recognizes its legal duty to notify bar associations and other appropriate similar entities when a student has been found to have violated any provision of this Code.
- d. Disciplinary probation is for a definite period and indicates that further violations may result in suspension or expulsion.

- e. Cancellation of credit for scholastic work done and reduction of a grade assigned in a course are imposed only for courses in which the defendant was found guilty of academic dishonesty.
- f. A money penalty is assessed in cases such as those involving misappropriation of university property, use of university property without authorization, or abuse of or destruction of university property or of the property of a member of the law school community.
- g. Suspension from the university means that a suspended student may not receive credit at the university for work done at either this or any other educational institution during the period of suspension, except when allowed by the Hearing Tribunal.
- h. Preventing an individual adjudged to be guilty of a violation of the Code from resuming student status is the minimum penalty that shall be imposed on a person subject to this Code who is not a student at the time disciplinary proceedings are instituted and who fails to appear before the Hearing Tribunal for the hearing of a complaint against that person. This penalty is the same as the penalty of suspension from the university except that the period of the penalty continues until the affected individual submits to the jurisdiction of the Hearing Tribunal. Submission to this jurisdiction involves either accepting the adjudication of violation made earlier or requesting a new hearing by the Hearing Tribunal for the purpose of contesting that adjudication of violation.
- i. Expulsion from the university means permanent severance from the university.

Title VI Appeals Board

2.35 Right of Appeal

- a. A student adjudged to be guilty of a violation of the Code has the right to appeal to the Appeals Board of the College of Law. The Appeals Board may affirm, modify, or set aside the judgment of the Hearing Tribunal.
- b. If a student is found guilty of violating the Code, the Council of Academic Responsibility may appeal or cross-appeal the judgment of the Hearing Tribunal regarding remedies ordered or penalties imposed.

2.36 Membership of Appeals Board

- a. The Appeals Board shall consist of five members.
- b. The Dean shall appoint four members of the Appeals Board from the faculty of the College of Law. Each faculty member shall serve three years. The Dean shall arrange appointments and terms of service so that one or two members are appointed each academic year for full three-year terms. The Dean shall appoint replacements for additional vacancies for either the remainder of unexpired terms or for a particular case if faculty members are unable to serve or are recused.
- c. The Student Bar Association shall designate fifteen second-year law students to serve as potential members of the Appeals Board for a one-year term. The Dean shall appoint

the student representative on the Appeals Board for a particular case by selection from among the potential members designated by the Student Bar Association.

- d. The Dean shall appoint one person to serve as chair from among those faculty members who served on the Appeals Board during the immediately preceding academic year. The chair shall serve for one academic year or until a replacement is appointed by the Dean.
- e. Notwithstanding the expiration of his or her term, a member of the Appeals Board may continue to serve in any case in which that member has actively participated until final judgment is rendered.

2.37 Disqualifications on Appeal

- a. No person who is serving on the Council or the Hearing Tribunal shall be a member of the Appeals Board.
- b. No person who participated in the proceedings of the Council or the Hearing Tribunal in a particular case may be a member or potential member of the Appeals Board in the same case.
- c. No member of the Appeals Board shall review any case if that member is disqualified because of conflicts of interest or other appropriate reasons.
- d. Either the representative of the Council or the accused student may request disqualification of a member of the Appeals Board.
- e. Each member of the Appeals Board must decide whether he/she/they can judge the case with fairness and objectivity.
- f. The Appeals Board may, by majority vote of all members of the Appeals Board, disqualify a member of the Appeals Board for appropriate reasons.

2.38 Notice of Appeal

Appeal is taken by giving written notice to the chair of the Appeals Board, the chair of the Hearing Tribunal and the chair of the Council within ten (10) school days after the date on which the Hearing Tribunal issues its written decision under § 2.26.i. The written notice need not be in any particular form, but must identify the student's name and the grounds for appeal.

2.39 Effect of Timely Appeal

- a. Notice of appeal timely given does not suspend the imposition of penalty until the appeal is finally decided, except as follows:
 - i. A student may not be suspended or expelled while an appeal is pending;
 - ii. A student may not be required to complete community service while an appeal is pending; and
 - iii. A student may not be prevented from continuing studies or assigned work while an appeal is pending.
- b. The College shall delay graduation and other recognition of work of a student adjudged to be guilty of violating the Code despite a pending appeal, if the Hearing Tribunal has assessed a penalty delaying graduation or other recognition of work completed.

2.40 Preparation of Record on Appeal

If notice of appeal is timely, the chair of the Hearing Tribunal shall prepare the record of Tribunal proceedings and deliver copies of the record to the Dean, the student appellant, the chair of the Council of Academic Responsibility and the chair of the Appeals Board. If the decision is affirmed, the appellant shall pay the cost of preparing a transcript, unless the chair of the Appeals Board determines that the student is unable to pay.

2.41 Contents of Record on Appeal

The record on appeal is the record of all proceedings before the Hearing Tribunal. This record is confidential and consists of:

- a. A copy of all notices to the accused student and to the Council's representative;
- b. A transcription of the hearing record, and all documentary and other evidence offered and admitted in evidence;
- c. Written motions, pleas, and any other materials considered by the Hearing Tribunal;
- d. The Hearing Tribunal's written decision; and
- e. The Hearing Tribunal's opinion, if any.

2.42 Standard of Review

- a. The Appeals Board shall consider an appeal on the basis of the record on appeal.
- b. Factual issues. The Appeals Board shall sustain the Hearing Tribunal's findings regarding disputed factual issues, unless the Appeals Board concludes that the findings were clearly erroneous. When reviewing factual determinations on the basis of the record on appeal, the Appeals Board shall consider all evidence in a light most favorable to the prevailing party and it shall not disturb the factual findings, unless the Appeals Board reaches the definite and firm conviction that a mistake has been committed. The Appeals Board may not conduct a trial de novo regarding factual issues in any case.
- c. Review of sufficiency of evidence. When the Appeals Board reviews the sufficiency of evidence supporting the Hearing Tribunal's judgment that a student violated this Code, the Appeals Board shall determine whether it was clearly erroneous for the Hearing Tribunal to conclude that all essential allegations were proven by clear and convincing evidence. The critical inquiry required by this subsection is whether a reasonable trier of fact could have found that the facts constituting the essential elements of the offense were highly probable.
- d. Legal issues. The Appeals Board shall consider all issues of law, including interpretation of the Code, de novo.
- e. Remedies or penalties. The decision of the Hearing Tribunal regarding penalties or remedies shall be affirmed unless the Appeals Board concludes that the penalties and remedies constituted an abuse of discretion.
- f. Mixed questions of law and fact. If the Appeals Board reviews a mixed question of law and fact, the clearly erroneous standard of subsection (b) is appropriate, if the Appeals Board concludes that the question involves primarily a factual inquiry. If,

however, the Appeals Board concludes that the mixed question primarily involves the consideration of legal issues, then de novo review is appropriate.

2.43 Oral Argument on Appeal

The student appellant and the Council's representative may request in writing an opportunity to appear and present argument before the Appeals Board. Oral argument on appeal before the Appeals Board shall be scheduled no more than twenty (20) school days following a timely notice of appeal, unless the chair of the Appeals Board grants an extension of time for good cause. The student appellant may appear by a representative consistent with §2.30.d. Ordinarily, oral argument for a party appearing before the Appeals Board should last no longer than one-half hour.

2.44 Finality

The decision of the Appeals Board shall be final within the College of Law. There is no appeal to the faculty of the College of Law or to the Dean of the College of Law.

2.45 Appeal to the President

A decision of the Appeals Board may be appealed to the President of the University of Oklahoma, if the Appeals Board's decision affirms or approves any penalty or remedy under §2.33 other than a reprimand. The President's decision shall be final. Pending appeal to the President, the decision of the Appeals Board may be stayed in whole or in part by the Dean.

2.46 Confidentiality of Appeals Board Proceedings

The Appeals Board shall meet in closed session unless the student charged with violating the Code requests an open hearing. The members shall keep in confidence the contents and nature of the meetings unless the President or other adjudicative body compels disclosure.

Title VII Powers and Duties of the College of Law

2.47 Jurisdiction

- a. The Associate Dean for Academic Affairs, the Council of Academic Responsibility, the Hearing Tribunal, and the Appeals Board shall have subject matter and personal jurisdiction to investigate and resolve any and all allegations of Code violations brought against students and former students according to the provisions of this Code.
- b. A student who is discovered to have made misrepresentations to law school officials during the process of applying for admission to law school shall not be subject to the provisions of this Code, but shall be subject to expulsion or other appropriate discipline by the Dean and Admissions Committee of the College of Law.

2.48 Academic Regulations

Nothing in this Code shall be construed to restrict the powers and duties of the faculty and administration of the College of Law to adopt reasonable rules and regulations to protect the integrity and fairness of all examinations, academic programs, academic evaluations, and competitions.

2.49 Faculty Duties

- a. A professor or instructor who observes or is notified of an alleged violation of this Code in a particular course shall have the academic freedom to specify a grade penalty to be imposed after and only if the student involved is found guilty by the Hearing Tribunal, defaults in the responsibility to respond to allegations, or admits the allegations. The professor or instructor may specify a grade penalty by notifying the Associate Dean for Academic Affairs in writing at any appropriate time prior to the final decision of the Hearing Tribunal.
- b. A professor or instructor shall assign a grade, to be effective after an accused student has been found not guilty of violating this Code, on the basis of legitimate and adequate academic grounds independent of any allegation or belief that a student violated the Code. Ordinarily and to the extent feasible, while a case involving allegations of Code violations is pending, a professor or instructor should complete grading of an accused student's examination or other academic work. Also, to the extent feasible, the College and professor should take care to attempt to preserve the anonymity of the student's examination in compliance with the College's grading policy. It is understood that the discovery of an alleged violation may compromise the anonymity of grading. The professor or instructor should assign a grade other than a specified grade penalty governed by subsection (a) of this section according to the College's schedule for reporting grades.
- c. The College may implement any reasonable procedure for reporting and recording a grade for a student accused of violating this Code while proceedings are pending.

2.50 Notice to the Law School Community

Each academic year, the office of the Dean shall publish or post a list of cases occurring in the previous five academic years. The list shall include cases in which students were found guilty of violations of this Code, cases in which students were found not guilty of violations, and cases which were settled by negotiated agreement. This list shall include a summary description of penalties imposed or remedies ordered for violations. The office of the Dean shall take care to redact any information that would identify students accused or adjudged guilty, but the College assumes no responsibility for unintended identification of students beyond that imposed by law.

Title VIII

2.51 Miscellaneous Definitions

2.51.1 "Dean"

“Dean” means the Dean of the College of Law or the Dean's delegate or representative.

2.51.2 "Associate Dean"

“Associate Dean” means the Associate Dean for Academics, or the Associate Dean's delegate or representative.

2.51.3 "Student"

“Student” means a person enrolled at the College of Law of the University of Oklahoma, or a person who was enrolled at the College of Law, or a person accepted for admission at the College of Law at the time he/she/they is/are alleged to have violated this Code.

2.51.4 "School Days"

“School Days” are days Monday through Friday in which the College of Law is in session during the fall and spring semesters.

2.51.5 "Prize competition"

“Price Competition” includes any competition for an extracurricular award, honor, or prize, including but not limited to competition for scholarships, intra-school moot court and trial competitions, competition for financial aid and competition in relation to law review.

Approved by the Faculty of the College of Law on April 12, 1995.

Approved by the Regents of the University of Oklahoma on July 17, 1995.

SECTION 3: Rules of Procedure Governing Proceedings Before the Academic Appeals Board

3.0 Preamble

The University of Oklahoma's Norman Campus Faculty Handbook Sec. 4.16.1 provides: “Each Academic Appeals Board will hear cases in which the issue to be resolved is prejudiced and capricious evaluation or alleged inability to speak English to the extent necessary to adequately instruct students.” These rules of procedure have been promulgated for the orderly implementation of this policy.

3.1 Rule 1: Jurisdiction

A claim by a student that he/she/they has/have been subjected to any alleged prejudiced or capricious academic evaluation shall be considered by the Academic Appeals Board of the University of Oklahoma College of Law in accordance with these Rules of Procedure.

3.2 Rule 2: Membership of Board

i. The Board is composed of three faculty members appointed by the Dean for a term of one academic year and three student members appointed for a term of one academic year. Each member will serve from the date of that member's appointment and until that member's successor is appointed. A majority of the Board may transact any business of the Board. In the event that any member of the Board cannot complete his or her term of office or cannot serve with respect to a particular case, the Dean may appoint another faculty member or student, as applicable, either to serve with respect to a particular case or to complete the remainder of the faculty member's term.

3.3 Rule 3: Grievance Procedure Prior to Board Deliberations

The purpose of this rule is to provide an effective and reliable method:

- a. To notify the Dean and faculty member(s) accused of prejudiced or capricious academic evaluation of a student's grievance;
- b. To identify the alleged factual basis for such grievances prior to any hearing before the Academic Appeals Board; and
- c. To provide an opportunity for informal resolution of the grievance by the student, the instructor and the Dean or Dean's designee.

3.3.1 Step 1 of Grievance Procedure

If a student believes that he/she/they has/have been subjected to prejudiced or capricious academic evaluation as defined by Rule 13, he/she/they must request to inspect the paper or other subject of the academic evaluation within ten (10) school days after the date of release of grades in the course in which the prejudiced or capricious conduct is alleged to have occurred. No grievance shall be processed if it is shown that the student has not made a timely request for inspection, unless exceptional circumstances exist which prevent a student from complying with this rule, such as being called into the military service.

3.3.2 Step 2 of Grievance Procedure

If a student believes that he/she/they has/have been subjected to prejudiced or capricious academic evaluation as defined by Rule 13, he/she/they shall submit a written notice of grievance. This notice of grievance need not be in any particular form but shall contain a brief statement identifying the faculty member(s) involved, the course in which a disputed grade has been given, and the alleged prejudiced or capricious conduct. The student shall submit copies of this notice to:

- a. The Chair of the Board
- b. The Dean

- c. Faculty member(s) involved within twenty (20) school days after the date of release of grades in the course in which the prejudiced or capricious conduct is alleged to have occurred.

If a written notice of grievance is not submitted within that time, the Chair shall deny any request for a hearing on the student's grievance, unless exceptional circumstances exist which prevent a student from complying with this rule, such as being called into the military service. The rulings of the Chair as to timeliness are subject to majority review by the Board. Failure of a student to request an inspection of a paper or other subject of academic evaluation, or failure to so inspect, shall not be considered as exceptional circumstances which prevent a student from complying with this rule.

3.3.3 Step 3 of Grievance Procedure

When a student submits a written notice of grievance complying with Step 2 of this rule, the Dean or Dean's designee shall seek a response to the grievance from the faculty member(s) accused of prejudiced or capricious evaluation. If the grievance is not settled by the faculty member's response, or if there is no response, it shall be presumed that the grievance is denied by the faculty member(s). The Dean or Dean's designee may request the parties or their representatives to meet with the Dean or Dean's designee to discuss the grievance, to ascertain the factual basis for the grievance, and to seek a settlement or compromise of the grievance.

3.3.4 Termination of Grievance procedure:

If a grievance is not settled pursuant to Steps 1, 2 or 3, the grievance shall be deemed unresolved and the grievance procedure of this Rule shall be terminated as of the end of the tenth (10th) school day following the student's written notice of grievance.

3.4 Rule 4: Submitting a Request for Hearing on a Claim of Prejudiced or Capricious Academic Evaluation

- a. Any unresolved student grievance which has been processed pursuant to Rule 3 and which alleges prejudiced or capricious academic evaluation as defined by Rule 13 shall be referred to the Board upon a student submission of a written request for a hearing. This written request must be submitted to the Dean, the Chair and the faculty member(s) involved within five (5) school days after termination of the grievance procedure. The request for a hearing need not be made in any particular form but shall contain a brief statement indicating the faculty member(s) involved, the course in which alleged prejudiced or capricious academic evaluation has occurred, and a brief statement of facts upon which the student relies to accuse the faculty member(s) of prejudiced or capricious academic evaluation. The Chair and the Dean shall note on the request the date of its submission.
- b. The Board shall deny any request for a hearing on a claim based on an untimely submission unless exceptional circumstances exist which prevent a student from complying with this rule, such as being called into military service.

- c. The Board shall also deny any request for a hearing on a claim if in its judgment the student's request does not allege facts supporting a claim of prejudiced or capricious academic evaluation as defined by Rule 13; or if a proposal to satisfactorily resolve the claim has been formulated under Rule 3, or if the matter in its opinion is covered by the Honor Code, as in the case of alleged cheating.

Rule 5: Answers and Motions; Powers of the Chair

- a. Within ten (10) school days after submission of a Request for Hearing, the faculty member(s) accused of prejudiced or capricious academic evaluation may respond to the allegations of the student either:
 - i. by appropriate answer setting forth the facts and circumstances of the challenged academic evaluation
 - ii. by motion to dismiss the student's appeal for failure to state sufficient allegations of prejudiced or capricious academic evaluation for which the Board can provide relief
 - iii. by motion to dismiss for a student's failure to comply with these Rules
 - iv. by motion for a more definite statement; or
 - v. by some other appropriate motion. The Faculty member(s) shall submit such answer or motions to the Chair and the student.
- b. Any party opposing a motion shall within five (5) school days of service of the motion submit arguments in writing or a notice of opposition or request for hearing.
- c. The Chair of the Board in his or her discretion may rule on motions subject to review by a majority of the Board. The Chair of the Board will rule on motions and other matters preliminary to hearings promptly after they are submitted in writing and should do so based upon the arguments presented in the writing. The Chair may, in his or her discretion, order a hearing on motions, which order shall be subject to review by a majority of the Board.
- d. Any party to an appeal seeking Board review of the Chair's rulings on a motion shall, within five (5) school days of notice of the Chair's ruling, submit to the Chair and all other parties a motion for reconsideration and arguments supporting the motion.

3.6 Rule 6: School Days – Definition

For purposes of these Rules, school days are days Monday through Friday in which the College of Law is in session during the Fall and Spring Semester.

3.7 Rule 7: Representation by Counsel

A student may represent himself/herself/them before the Board or may be represented by another student enrolled in the University of Oklahoma College of Law. In addition, the faculty member(s) and student involved may be represented before the Board by faculty members or legal counsel if they so desire.

3.8 Rule 8: Pre-hearing Conference

The Chair may in his/her/their discretion direct the parties or their representatives to meet with the Chair for a conference to consider:

- a. Simplification and definition of issues;
- b. Possibility of obtaining admissions of fact and other evidence that will avoid unnecessary proof;
- c. Possibility of settlement or compromise;
- d. Such other matters as may aid in the disposition of the action.

3.9 Rule 9: Schedule of Hearings

Hearings before the Board shall be promptly scheduled, normally not less than five (5) school days, nor more than ten (10) school days, after the matter is ready for hearing by reason of resolution of all motions and requests made. Both the student and faculty member(s) involved may request a continuance, which may be granted or denied at the discretion of the Chair, subject to review by majority of the Board. Unless exceptional circumstances exist, the Board shall not grant more than one continuance to any party and shall not grant a continuance in excess of five school days to any party.

3.10 Rule 10: Hearings - Rules of Evidence

Hearings shall be conducted informally by the Board and, except for requirements of relevance or any valid claim of privilege, the exclusionary rules of evidence shall not apply to hearings before the Board.

3.11 Rule 11: Hearings - Cross-examination and Testimony

Both the student and the faculty member(s) involved may offer evidence and, in the case of testimonial evidence, each party shall have the right of cross-examination. The Board may request that relevant testimonial or documentary evidence be submitted to the Board subject to Rule 15, may call witnesses of its own choosing, and may examine witnesses called by the parties. Witnesses may be sequestered either upon the request of the student or faculty member(s) or by the Board upon its own motion.

3.12 Rule 12: Hearings – Confidentiality

- a. Any hearing before the Board shall be closed to the public unless both the student and faculty member(s) agree that the hearing shall be open to the public. A public hearing may be closed at any time, if, in the judgment of the Board, a closed hearing will best serve the rights of all concerned.
- b. Any evidence or information received during closed hearings of the Board shall be held in absolute confidence by the participants and the members of the Board.

- c. All meetings and executive sessions of the Board called for the purpose of reviewing evidence and making findings in all matters pending before the Board shall be held in absolute confidence by parties to the proceedings and members of the Board.
- d. All parties and Board members shall respect the absolute confidentiality of evidence or information obtained in discovery pursuant to Rule 15.

3.13 Rule 13: Prejudiced and Capricious Academic Evaluation

- a. The Board shall not grant any relief to a student appellant unless the student presents clear and convincing evidence that a faculty member or members have engaged in prejudiced or capricious academic evaluation of the student's performance in a course or academic program in which the student was enrolled.
- b. Prejudiced and capricious academic evaluation is culpable misconduct by a professor in which the professor either:
 - i. Makes an academic evaluation motivated by a personal prejudice or other improper bias against the student;
 - ii. In bad faith, bases academic evaluation on factors other than the student's performance in the course;
 - iii. In bad faith, fails to exercise personal judgment in the evaluation of the student's performance; or
 - iv. Otherwise makes an academic evaluation in bad faith.
- c. The essence of any claim that a professor engaged in culpable misconduct amounting to prejudiced or capricious academic evaluation is an accusation that the professor has acted in bad faith. "Bad faith" means that the professor was dishonest in fact and consciously failed to observe reasonable standards of fair dealing in the professions of education and law.
- d. Nothing in these rules shall be construed to permit the Board to review the prudence, wisdom, or accuracy of academic evaluations. For example, except as is necessary to adjudicate allegations of culpable misconduct in bad faith, the Board shall not be permitted to consider evidence that the student performed "better" in other examinations, that the student performed "better" than other students in the same course, or that an examination's coverage of subject matter was not "representative" of the entire course.

3.14 Rule 14: Relief

If the Board, four members concurring, is persuaded that the instructor has engaged in prejudiced or capricious evaluation, the Board may then recommend appropriate relief, which may include reexamination in the course, re-grading, or any other adjustment appropriate to the circumstances.

3.15 Rule 15: Discovery

The student and the faculty member(s) may seek orders of discovery from the Board for information in control of the parties relevant to issues before the Board.

- a. No discovery shall be ordered that invades the privacy of other students to grades or other evaluations received by them.
- b. The Board may order that the student be permitted to inspect, but not copy, test questions, the student's own examination or papers, and grading.
- c. The student shall not be permitted to examine the answers or papers of other students, unless the Board has had a hearing and found that it is probable that the professor has engaged in prejudice or capricious misconduct.

3.16 Rule 16: Appeal

Appeal may be taken to the College of Law Faculty by either party from a final decision of the Board.

- a. Appeal is taken by giving written notice thereof to the Dean, the Chair, and all parties within ten (10) school days from the date of the rendition of the final decision of the Board.
- b. Upon receipt of notice of appeal, the Chair of the Board shall cause a report of the findings of the Board to be prepared and delivered to the Dean prior to the next regularly scheduled meeting of the Law Faculty following the giving of the notice of appeal.
- c. Hearings on appeal before the Law Faculty shall be scheduled not more than twenty (20) school days following the giving of the notice of appeal. Each party to an appeal shall have a right to appear and present argument before the Faculty.
- d. The party taking appeal from the decision of the Board may request trial de novo or an additional evidentiary hearing on a particular issue(s). The Faculty may, in its discretion, order a trial de novo or an additional evidentiary hearing on a particular issue(s). Unless the Law Faculty orders a trial de novo or an additional evidentiary hearing on a particular issue(s), the Faculty shall consider an appeal on the basis of the Board's findings.

3.17 Rule 17: Final Disposition

The College of Law Faculty has the responsibility for a final disposition of all disputes alleging a prejudice or capricious academic evaluation of a student.

3.18 Rule 18: Written Records of Board Decisions and Interpretations

The Board and the College of Law shall maintain a written record of all decisions rendered under these Rules, including written memoranda of interpretations of these Rules. Written records of decisions and memoranda of interpretations shall not include information identifying the student or faculty parties or witnesses. Such records and memoranda shall be confidential pursuant to Rule 12.

3.19 Rule 19: Effective Date of Rules

These Rules shall be effective upon approval by the Faculty and applicable to all grievances arising after the date of the Faculty's approval. These Rules may not be amended or replaced except with Faculty approval.

Approved by the Academic Appeals Board. 24 October 1983.

Approved by the Faculty of the College of Law. 10 November 1983.

Student Organization Constitutions

Please contact the Student Government Association (SGA) office on main campus to view the constitution of SGA or any other student organization. Supplemental Guidelines will be published by the College of Law each academic year.

Institutional Equity Office Policies: <https://www.ou.edu/eoo/policies-and-procedures>

Office of Student Conduct Policies: <https://www.ou.edu/studentconduct/students-rights-and-responsibilities>

Approved July 1958. Revised March 28, 1967; December 16, 1974; June 29, 1977; July 25, 1984; December 5, 1988; October 23, 1989; March 24, 1993; June 28, 1996; June 30, 2003; April 1, 2004; October 25, 2007 (effective November 1, 2007), April 22, 2010 (Approved revised policy effective Fall 2011- earlier implementation is possible through an exception requested by the President and approved by the Chancellor; revised June 24, 2010 (approved slight change to the Military Personnel section of the policy (implementation Fall 2011 unless approved by exception by the Chancellor); May 25, 2012 (Approved slight change to the Definitions section of the policy). December 6, 2012 (Approved slight change to the Military Personnel section). September 4, 2014; May 29, 2015. April 3, 2014 (Approved change to probation standards). August 25, 2017 (Updated MLS and LLM degree requirements). June 10, 2019 (Implemented conversion of LRW II to Brief Writing & Oral Advocacy).