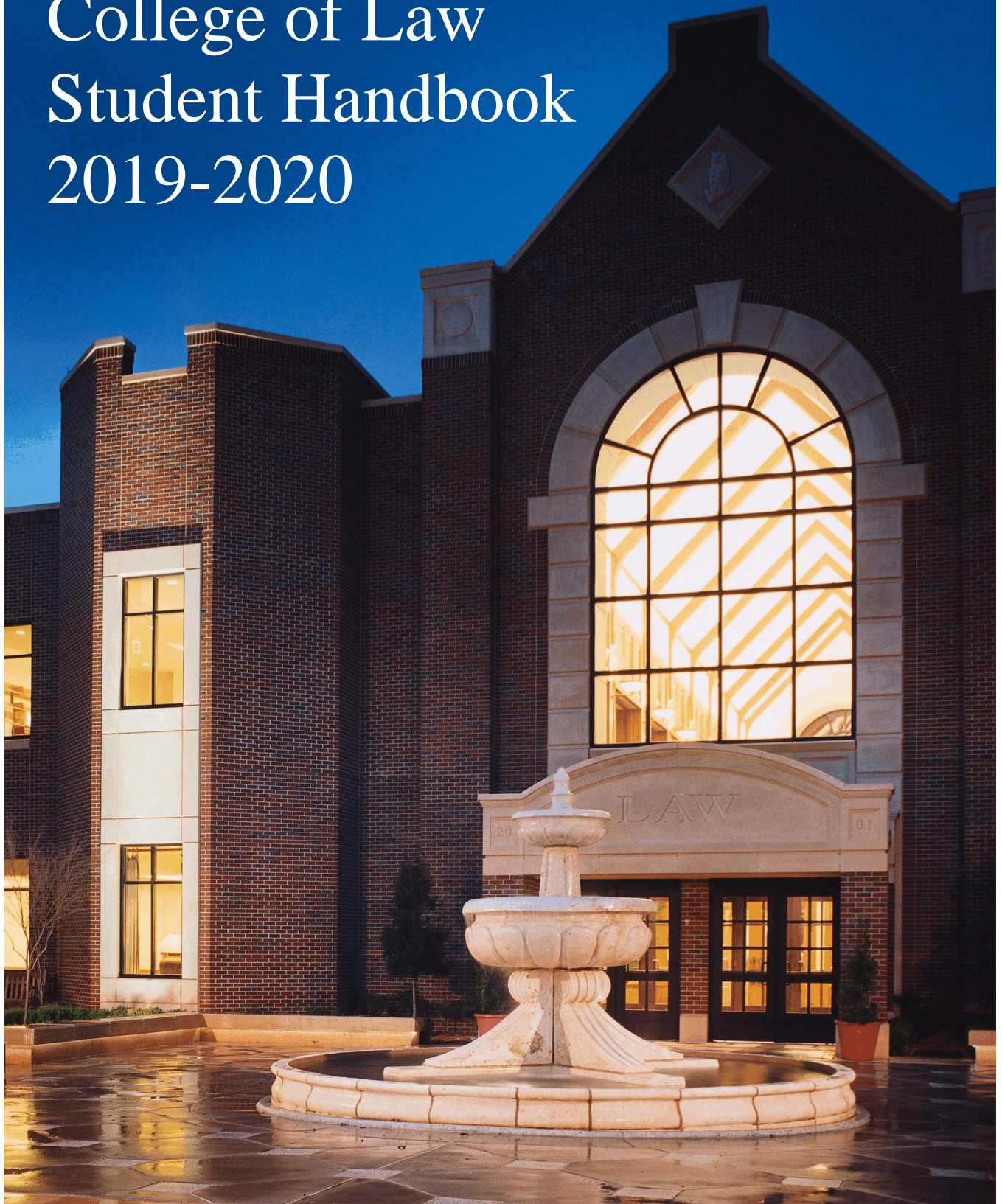


# University of Oklahoma College of Law Student Handbook 2019-2020



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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.

## 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

### 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 hours), Bankruptcy (3 or 4 hours), Conflict of Laws (3 hours), one of Corporations 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), and Wills and Trusts (3 or 4 hours).
- D. In addition to four/five courses from an upper-division elective 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 Clinic (3 hours), Evidence Lab (2 hours), Experiencing Public Health Law (3 credits), Externships (3-12 hours), Human Rights Practicum (3 hours), Intermediate Legal Writing: Intro to Drafting (2 hours), Interviewing, Counseling & Negotiation (2 or 3 hours), Litigation Skills (3 hours),

Oil & Gas Contracts (3 hours), Oral Advocacy (1 hour), Representing the Criminally Accused (2 hours), Supreme Court Theory & Practice (3 hours), Tax Practice & Procedure (3 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 Curriculum 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 the student intranet 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), the International Human Rights Clinic, and individual study-abroad opportunities through the Office of Education Abroad on the Norman campus.

4. 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 prejudiced or capricious academic evaluation. Since there are time limits within which claims must be made, student considering submission of a complaint should consult promptly with the Associate Dean for Academics. A complete copy of the present rules of the Board appear later in this handbook.

5. SUMMER SESSIONS OFFERED: The College of Law currently offers two summer sessions, the regular summer session in Norman and a session at Oxford University. By attending two summer sessions, a student may graduate after five regular semesters.

6. 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.

7. FULL-TIME STATUS: In accordance with University of Oklahoma financial aid policies, a law student is considered to be full-time if enrolled in a minimum of 10 (ten) credit hours during a fall/spring semester or enrolled in a minimum of 5 (five) credit hours during a summer semester.

## Exams/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 Examplify at no cost to the student. The student bears risks and responsibilities for taking his or her 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 I.T. Department 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 Intranet.

Students with disabilities may request an exception to this rule which is processed through the Associate Dean for Academics 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, in his or her 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 Academics, 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 Academics. 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 Academics 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 or her 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 may administer practice examinations during the fall semester. These exams are intended only to acquaint students with the analytical abilities required to write a good examination and do not count toward the final grade.

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 I.T. Department. 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 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 Academics.
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 the College of Law Student Intranet approximately six weeks after finals.

Individual class rankings are available to students in a separate report that can be obtained on the College of Law Student Intranet two days after 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 earn a semester grade point average of not less than an 8.000 (B) for all courses taken and who are enrolled in at least 12 credit hours, at least nine of which are in law courses which are letter graded. Students in the dual degree programs must earn a grade point average of 8.000 or better in not less than nine 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.”

### **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))
5. A law student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours. Notwithstanding the ABA deletion of this standard for accreditation, the College of Law elected to retain this rule as applicable to students of the College of Law

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 glassboards; Brody WorkLounges; 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.

Wifi 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 workstation 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 student 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](http://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 Intranet, 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 glassboards 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, include 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, include 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](mailto:law.help@ou.edu) or call 325-5188.



**College of Law Facilities**

1. **REQUESTS FOR USE OF FACILITIES:** Student groups who wish to use classroom or other space should make arrangements in Student Services, with 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 or her 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 may 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 Student Services Office. 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 Disability Resource Center website at <http://www.ou.edu/drc/> under the College of Law section or visit their offices in Goddard Health Center, Room 166, Phone: (405) 325-3852 and TDD 325-4173. That office establishes the accommodation(s) to be granted by the College of Law and will be communicated with the Associate Dean of Academics, 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.

## **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 of 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.

### **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. Externships are considered to meet during any week in which the student works in the externship placement. 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.

### **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 average of 5.00 (C) or better to be eligible to enroll in Directed Legal Research (see law grading system explained in Section 1.4).

### **1.4 Attendance**

The faculty of the College of Law believes that regular attendance in class is an indispensable part of a student's professional training as well as essential for a proper mastery of the subject matter of a course. In order to insure regular attendance, the professor for each course shall adopt an attendance policy which meets the requirements of the American Bar Association's

Section on Legal Education and Admission to the Bar and the Association of American Law Schools and announce this policy at the beginning of each semester.

Where a student is absent an excessive number of times in a course, based on the policy announced by the professor, 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 hours. 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, (s)he 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 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.

## **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 three members elected by the faculty in April of each year for three-year staggered terms.

### **1.7.2.2 First year regulation.**

#### **1.7.2.2.1**

A student who does not have a cumulative grade point average of 5.00 at the conclusion of the 1L Summer program or her/his first semester of law study will be placed on academic probation and under the jurisdiction of the Faculty Probation and Readmission Committee. If the student does not achieve a cumulative grade point average of 5.00 at the conclusion of his/her probationary semester, the student will be automatically dropped from the College as a regular student

#### **1.7.2.2.2**

Such a student may petition the Faculty Probation and Readmission Committee to be allowed to enroll as a probationary student for up to one additional year. Permission will be granted only in special circumstances. The Committee will not approve continuation on probation for any student whose cumulative grade point average is less than 4.00 except in extraordinary circumstances. Any denial by the Committee of permission to continue is final.

#### **1.7.2.2.3**

In addition to any other terms and conditions, the Committee may impose the following:

- a.* Require the student to retake available first year courses before taking other courses.
- b.* Require the student to limit her/his course load.
- c.* Require Committee approval of her/his schedule of courses and any changes in it during the probationary period.
- d.* Require student to work with an academic support advisor or professor at the College of Law.
- e.* Require the student to repeat any offered courses in which (s)he received a grade of D+ or below during her/his first year of law study.

#### **1.7.2.2.4**

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

#### **1.7.2.2.5**

If the probationary student does not both meet the conditions of probation and compile a cumulative grade point average of 5.00 or better at the conclusion of her/his probationary period, (s)he shall be forever excluded from the College. If the student both meets the conditions of probation and compiles a cumulative grade point average of 5.00 or better at the conclusion of her/his probationary period, (s)he will be allowed to continue in the College as a regular student.

#### **1.7.2.2.6**

The Committee at its discretion may review the probation of any probationary student at the end of his/her first semester or summer session on probation and make such adjustments in the conditions of that probation as it deems appropriate. Further, the provisions of the first paragraph of this subsection notwithstanding, the Committee in its discretion may remove the student from probation or exclude him/her from the College at the end of his/her first semester or summer session on probation; 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 his/her probation or who conducts him/herself in a manner inconsistent with the terms or conditions of the probationary status.

### **1.7.2.3 Upper class regulations**

#### **1.7.2.3.1**

A regular student who does not have a cumulative grade point average of 5.00 (C) at the conclusion of any semester or summer session will be automatically dropped from the College.

#### **1.7.2.3.2**

Such a student may petition the Faculty Probation and Readmission Committee to be allowed to enroll as a probationary student for one additional year, subject to the provisions of Section 1.9. Granting or denial of permission and the terms and conditions of probation are to be determined in accordance with the rules and standards set out in 1.7.2.2 except that the Committee must require the student to repeat any offered required courses not previously repeated in which (s)he received a grade of D+ or below.

#### **1.7.2.3.3**

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

#### **1.7.2.3.4**

If the probationary student does not both meet the conditions of probation and compile a cumulative grade point average of 5.00 or better at the conclusion of her/his probationary period, (s)he shall be forever excluded from the College. If the student both meets the conditions of probation and compiles a cumulative grade point average of 5.00 or better at the conclusion of her/his probationary period, (s)he will be allowed to continue in the College as a regular student.

#### **1.7.2.3.5**

A transfer student shall meet the requirements of the student in the comparable year of law study.

#### **1.7.2.3.6**

A student who attends summer school will be dropped from the College unless (s)he meets the same academic requirements at the end of the summer session that were required of her/him that preceding semester.

#### **1.7.2.3.7**

A student must have a 5.00 (C) to be eligible for graduation.

#### **1.7.2.3.8**

Notwithstanding any other provision within this 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.

## **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 (s)he has 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 and the Course Professor, a regular student may re-enroll once in a course which (s)he 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 (s)he is enrolled at the University of Oklahoma College of Law.

### **1.9.2 Minimum Grade for Transfer Credit**

Former 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 (s)he transfers from another College of Law will not be counted in determining her/his cumulative grade point average or her/his 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 to one for credit if the change is made not later than the second week of classes of a 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 Availability of Grades**

Because of the time required for the grading of final examination papers, grades will not be available for approximately six weeks after the end of the examination period.

## **1.12 When a Student's Studies are Interrupted**

### **1.12.1 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.

### **1.12.2 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 final examinations must apply for readmission and be judged by the same criteria applied to those seeking original admission at the time that (s)he seeks to be readmitted. Readmission will remove any effect of grades previously recorded. For good cause shown, the Admissions Committee may make exception to this regulation.

### **1.12.3 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 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 (s)he can comply with this regulation.

## **1.13 Juris Doctor Degree Requirements**

### **1.13.1 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.

### **1.13.2 Required Courses**

Ninety hours of course work are 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 hours), Bankruptcy (3 or 4 hours), Conflict of Laws (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), and Wills and Trusts (3 or 4 hours).
- d. In addition to four courses from an upper-division elective 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) for Experiential Learning 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 Clinic (3 hours), Evidence Lab (2 hours), Experiencing Public Health (3 credits), Externships (3-12 hours), Human Rights Practicum (3 hours), Intermediate Legal Writing (2 hours), Interviewing, Counseling & Negotiation (2 or 3 hours), Litigation Skills (3 hours), Oil & Gas Contracts (3 hours), Oral Advocacy (1 hour), Representing the Criminally Accused (3 hours), Supreme Court Theory & Practice (3 hours), Tax Practice & Procedure (3 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 Curriculum Committee as meeting the requirements for Experiential Learning credit as under the ABA Standard 303(a)(3) and its official interpretations.

### **1.13.3 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.

### **1.13.4 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 Assistant 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 may complete a maximum of two semesters of externships, but no more than one of the two externships may exceed three hours.
- e. 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.

## **1.14 LLM Degree Requirements**

### **1.14.1 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 a 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.

## **1.15 MLS in Indigenous Peoples Law Degree Requirements**

### **1.15.1 General Requirements**

To obtain the MLS IPL Degree, students at the College of Law must meet the following requirements:

- a. Successfully complete all required courses;
- b. Successfully complete 33 credits of law courses
- c. Transfer credit for course work completed at another school requires that a student obtain a grade of “C” or better on all law work to be transferred.
- d. Attain a cumulative grade point average of at least a 7.00 (B-) 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.

## **1.16 MLS in Oil, Gas, and Energy Law Degree Requirements**

### **1.16.1 Credit Hours and Required Courses**

To obtain the MLS OGEL Degree, students at the College of Law must meet the following requirements:

- a. Successfully complete all required courses;
- b. Successfully complete 32 credits of law courses
- c. Transfer credit for course work completed at another school requires that a student obtain a grade of “C” or better on all law work to be transferred.
- d. Attain a cumulative grade point average of at least a 7.00 (B-) 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.

## **1.17 MLS in Healthcare Law Degree Requirements**

### **1.17.1 Credit Hours and Required Courses**

To obtain the MLS in Healthcare Law Degree, students at the College of Law must meet the following requirements:

- a. Successfully complete all required courses;
- b. Successfully complete 32 credits of law courses
- c. Transfer credit for course work completed at another school requires that a student obtain a grade of “C” or better on all law work to be transferred.
- d. Attain a cumulative grade point average of at least a 7.00 (B-) 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.

**University of Oklahoma  
College of Law  
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 of 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 student 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 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 for credit work that has been previously offered for credit, except as authorized by the instructor.
- l. A student may not offer for 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 or her 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 or she has 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 wrong doing." 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 Academics.
  - 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 Academics 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 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 or she attempts 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 Academics may elect to conduct a preliminary inquiry. During the preliminary inquiry, the Associate Dean for Academics 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 Academics may also elect to present allegations to the Council of Academic Responsibility without preliminary inquiry.
- c. The Associate Dean for Academics 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 Academics 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 Academics;
- 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 Academics 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 or her 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 Academics 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 or her 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 Academics, faculty member or Council member receives an allegation of a Code violation, he or she has 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 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 a 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 or her 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 of 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 or her 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 or she 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 Academics 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 or she 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 Academics, 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 Academics 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 or she is 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 or she has 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 or she has been subjected to prejudiced or capricious academic evaluation as defined by Rule 13, he or she 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 or she has been subjected to prejudiced or capricious academic evaluation as defined by Rule 13, he or she 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 or herself 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 or her 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 in 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 prejudiced 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 prejudiced 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 SBA or any other student organization

### **Discrimination Policy (Other than Sexual or Racial/Ethnic Harassment)**

The University has a policy of internal adjudication in matters relating to alleged discrimination. Any faculty member, staff member, or student, including without restriction, those on temporary or part-time status, who believes that he or she has been discriminated or retaliated against should file a complaint under the Grievance Procedure for Equal Opportunity.

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of discrimination and/or harassment will be treated as a separate and distinct violation of this policy.

To contact the University Office of Equal Opportunity:

Norman Campus  
Room 102, Evans Hall

325-3546

## **Racial and Ethnic Harassment Policy**

### **Introduction**

Diversity is one of the strengths of our society as well as one of the hallmarks of a great university. The University supports diversity and therefore is committed to maintaining employment and educational settings which are multicultural, multiracial, multiethnic, and all-inclusive. Respecting cultural differences and promoting dignity among all members of the University community are responsibilities each of us must share.

Racial and ethnic harassment is a growing concern across American college campuses. It has taken various forms, from criminal acts (assault and battery, vandalism, destruction of property) to anonymous, malicious intimidation, most often directed toward persons whose race and ethnicity is readily identifiable. In employment, racial/ethnic harassment is race discrimination which interferes with an employee's ability to perform his or her duties or creates a hostile or intimidating work environment, prohibited by law under Title VII of the Civil Rights Act of 1964. In the educational context, racial/ethnic harassment is race discrimination which interferes with the students' opportunities to enjoy the educational program offered by the University, prohibited by law under Title VI of the Civil Rights Act of 1964.

### **Policy Statement**

Principles of academic freedom and freedom of expression require tolerance of the expression of ideas and opinions which may be offensive to some, and the University respects and upholds these principles. The University also adheres to the laws prohibiting discrimination in employment and education. The University recognizes that conduct which constitutes racial/ethnic harassment in employment or educational programs and activities shall be prohibited and is subject to remedial or corrective action as set forth in this policy. This policy is premised on the University's obligation to provide an environment free from unlawful discrimination. The University will vigorously exercise its authority to protect employees and students from harassment by agents or employees of the University, students, visitors or guests.

Agents or employees of the University, acting within the scope of their official duties, shall not treat an individual differently on the basis of race or ethnicity in the context of an employment or educational program or activity without a legitimate nondiscriminatory reason, and, The University shall not subject an individual to different treatment on the basis of race or ethnicity by effectively causing, encouraging, accepting, tolerating, or failing to correct a racially or ethnically hostile environment of which it has notice.

### **Corrective Actions**

Violations of this policy shall result in corrective action(s) designed to reestablish an employment or educational environment which is conducive to work or learning. Corrective actions will include disciplinary action directed by the executive officer having responsibility for the offender, where appropriate. Corrective actions will be tailored to redress the specific problem and may range from apologies, mandatory attendance at specific training programs,

reprimands, suspension, or demotion, to expulsion or termination. Corrective actions shall be based upon the facts and circumstances of each case and shall be in accordance with the terms and guidelines of the applicable campus grievance procedures.

Violations of this policy by students will be considered as violations of the Student Code and will subject student offenders to the corrective action(s) provided by the Code.

### **Administrative Action**

The University recognizes its obligation to address incidents of racial/ethnic harassment on campus when it becomes aware of their existence, even if no complaints are filed; therefore, in such circumstances, the University reserves the right to take appropriate action unilaterally under this policy.

With respect to students, the University Vice President for Student Affairs and Dean of Students or other appropriate persons in authority may take immediate administrative or disciplinary action which is deemed necessary for the welfare or safety of the University community. Any student so affected must be granted due process including a proper hearing. Any hearing involving disciplinary suspension or expulsion shall be conducted by a campus disciplinary council in accordance with the applicable student handbook. Students who receive lesser administrative or disciplinary action may request a review of the action by the University Vice President for Student Affairs and Dean of Students. Such requests must be in writing and filed within seven calendar days following summary action. The University Vice President for Student Affairs and Dean of Students will issue a written determination to the student within three working days following the date the request is received.

With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party's regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign said duties or responsibilities or place the individual on leave of absence, with or without pay, pending the completion of the investigation or grievance procedure.

### **Retaliation**

Threats or other forms of intimidation or retaliation against complaining witnesses, other witnesses, any reviewing officer, or any review panel shall constitute a separate violation of this policy which may be subject to direct administrative action.

### **Complaint Process**

The complaint procedures delineated herein apply to all students, faculty, staff, guests, or visitors. Complaints alleging violation of the racial and ethnic harassment policy will be reviewed and investigated by the appropriate University office. Complaints may be resolved informally or may proceed through the applicable formal complaint proceedings. Complaints may be filed in the following manner:

1. Complaints against students or student organizations, faculty or staff, or contractors working on University premises shall be filed with the Office of Equal Opportunity for review and investigation. The University Equal Opportunity Officer, or his or her designee, may assist in the informal resolution of the complaint or in processing a complaint through the applicable campus procedures.
2. Complaints against visitors or guests should be directed to the Campus Police Department on the campus where the incident occurred. The Campus Police will forward informational copies of all reports and inquiries dealing with discrimination, harassment, or hate crimes to the Office of Equal Opportunity.

### **Responsible Official**

The University Equal Opportunity Officer is charged with the responsibility for administering this policy. The Office of Equal Opportunity will serve as a repository for all records of complaints, investigative reports, and remedies/corrective actions in connection with this policy. The University Equal Opportunity Officer is the overall coordinator of all University activities dealing with discrimination in employment or education.

To contact the University Office of Equal Opportunity:

Norman Campus  
Room 102, Evans Hall  
325-3546



## Sexual Harassment/Sexual Assault Policy

### Statement

The University explicitly condemns sexual harassment of students, staff, and faculty. Sexual harassment is unlawful and will subject those who engage in it to University sanctions as well as potential civil and criminal penalties.

When criminal action is pursued in addition to an administrative grievance under this policy, the University Office of Equal Opportunity may coordinate its investigative actions with the University or local law enforcement authorities to ensure that criminal prosecution is not jeopardized. The University Equal Opportunity Officer may defer administrative action at the request of University or local law enforcement authorities pending completion of the criminal investigation. Where review by the University Equal Opportunity Officer or other University executive officer determines that immediate administrative action is necessary for the safety, health and well being of the University community, such action may be taken in advance of resolution of criminal charges.

Because some members of the University community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Faculty and supervisors in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to the professional relationship. It is the responsibility of faculty and staff to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive, or exploitive. Sexual harassment also can involve relationships among equals as when repeated advances, demeaning verbal behavior or offensive physical contact interfere with an individual's ability to work and study productively.

The University is committed to providing an environment of study and work free from sexual harassment and to insuring the accessibility of appropriate grievance procedures for addressing all complaints regarding sexual harassment. The University reserves the right, however, to deal administratively with sexual harassment issues whenever becoming aware of their existence. Records of all complaints, except for hearings before the Faculty Appeals Board, shall be transmitted to and maintained by the University Equal Opportunity Officer as confidential records.

The University encourages victims to report instances of sexual assault or other sex offenses, forcible or non-forcible. In addition to internal grievance procedures, victims are encouraged to file complaints or reports with Campus Police or local law enforcement agencies **by telephoning 911**, as soon as possible after the offense occurs in order to preserve evidence necessary for the proof of criminal offenses. The Campus Police Department is available to assist victims in filing reports with other area law enforcement agencies.

## **Definition of Sexual Harassment**

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in the following context:

1. when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing, or
2. when submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual, or
3. when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

## **Examples of Prohibited Conduct**

Conduct prohibited by this policy may include, but is not limited to:

Unwelcome sexual flirtation; advances or propositions for sexual activity.

Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes that are considered offensive by the other individual.

Sexually degrading language to describe an individual.

Remarks of a sexual nature to describe a person's body or clothing. This includes comments about an individual's body or appearance that go beyond a mere compliment, including off-color jokes that are clearly unwanted or considered offensive by the other individual.

Participation in fostering a work or academic environment that is generally intimidating, hostile or offensive because of unwelcome or unwanted sexually oriented conversation, suggestions, requests, demands, physical contacts or attention or displays of sexually oriented pictures, drawings, calendars or jokes.

Display of sexually demeaning objects or pictures.

Offensive physical contact, such as unwelcome touching, pinching, brushing against the body.

Coerced sexual intercourse.

Sexual assault.

Rape, date or acquaintance rape, or other sex offenses, forcible or nonforcible.

Actions indicating that benefits will be gained or lost based on response to sexual advances.

## **Retaliation**

Any attempt to penalize or retaliate against a person for filing a complaint or participating in the investigation of a complaint of sexual harassment will be treated as a separate and distinct violation of this policy.

## **Sanctions**

Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

## **Complaint Procedure**

Complaints alleging a violation of the Sexual Harassment/Sexual Assault Policy shall be handled in accordance with the Grievance Procedure for Equal Opportunity.

To contact the University Office of Equal Opportunity:

Norman Campus  
Room 102, Evans Hall  
325-3546

## **Consensual Sexual Relationships Policy**

### **Rationale**

The University's educational mission is promoted by professionalism in faculty-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of faculty members and students that harm this atmosphere undermine professionalism and hinder fulfillment of the University's educational mission. Trust and respect are diminished when those in positions of authority abuse, or appear to abuse, their power. Those who abuse, or appear to abuse, their power in such a context violate their duty to the University community.

Faculty members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for further studies or their future employment, or conferring any other benefits on them. Amorous relationships between faculty members and students are wrong when the faculty member has professional responsibility for the student. Such situations greatly increase the chances that the faculty member will abuse his or her power and sexually exploit the student. Voluntary consent by the student in such a relationship is suspect, given the fundamentally asymmetric nature of the relationship. Moreover, other students and faculty may be affected by such unprofessional behavior because it places the faculty member in a position to favor or advance one student's interest at the expense of others and implicitly makes obtaining benefits contingent on amorous or sexual favors. Therefore, the University will view it as unethical if faculty members engage in amorous relations with students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship.

As with faculty, staff may also be in a position to exert authority and control over students. Staff, too, must be conscious of the potential for abuse of power inherent in their relationships with students. Students rely on staff for assistance and guidance in dealing with issues such as scheduling of classes, financial aid, tutoring, housing, meals, employment, educational programs, social activities, and many other aspects of University life. Those who deal with students are expected to provide them with support and positive reinforcement. Staff who would deal with students in a sexual manner abuse, or appear to abuse, their power and violate their duty to the University community.

### **Definition**

As used in this policy, the terms "faculty" or "faculty member" mean all those who teach at the University, and include graduate students with teaching responsibilities and other instructional personnel. The terms "staff" or "staff members" mean all employees who are not faculty, and include academic and non-academic administrators as well as supervisory personnel. The term "consensual sexual relationship" may include amorous or romantic relationships, and is intended to indicate conduct which goes beyond what a person of ordinary sensibilities would believe to be a collegial or professional relationship.

## **Policy**

### **A. Faculty/Student Relationships**

1. Within the Instructional Context — it is considered a serious breach of professional ethics for a member of the faculty to initiate or acquiesce in a sexual relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is being supervised by the faculty member.
2. Outside the Instructional Context — Sexual relationships between faculty members and students occurring outside the instructional context may lead to difficulties. Particularly when the faculty member and student are in the same academic unit or in units that are academically allied, relationships that the parties view as consensual may appear to others to be exploitative. Further, in such situations the faculty member may face serious conflicts of interest and should be careful to distance himself or herself from any decisions that may reward or penalize the student involved. A faculty member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the faculty member has or has had an amorous relationship will be deemed to have violated his or her ethical obligation to the student, to other students, to colleagues, and to the University.

- B. Staff/Student Relationships — consensual sexual relationships between staff and students are prohibited in cases where the staff member has authority or control over the student. A staff member who fails to withdraw from participation in activities or decisions that may reward or penalize a student with whom the staff member has or has had an amorous relationship will be deemed to have violated his or her ethical obligation to the student, to other students, to colleagues, and to the University.

## **Complaint Procedure**

Complaints alleging a violation of the Consensual Sexual Relationships Policy shall be handled in accordance with the Grievance Procedure for Equal Opportunity.

To contact the University Office of Equal Opportunity:

Norman Campus  
Room 102, Evans Hall  
325-3546

## **Grievance Procedure for Equal Opportunity**

### **A. Who May Use Procedure**

The grievance procedure embodied herein shall be available to any person who, at the time of the acts complained of, was employed by, was an applicant for employment, or was enrolled as a student at The University of Oklahoma.

### **B. Filing of Complaint**

Persons who have complaints alleging discrimination based upon race, color, national origin, sex, age, religion, political beliefs, sexual orientation, disability or status as a veteran or complaints alleging sexual harassment, consensual sexual relationships, retaliation, or racial and ethnic harassment (together, "discrimination and harassment or retaliation") may file their complaints in writing with the University Equal Opportunity Officer.

Complainants who exercise their right to use this procedure agree to accept its conditions as outlined. Where multiple issues exist, (i.e. sexual harassment and violation of due process or grade appeal), the complainant must specify all of the grounds of the grievance of which the complainant should have reasonably known at the time of filing. A grievance filed under this procedure may normally not be filed under any other University grievance procedure. Depending on the nature of the issues involved, the complainant will be advised by the University Equal Opportunity Officer or his/her designee about the appropriate procedure(s) to utilize.

### **C. Timing of Complaint**

Any complaint must be filed with the University Equal Opportunity Officer within 180 calendar days of the act of alleged discrimination or harassment. The University Equal Opportunity Officer may reasonably extend all other time periods.

### **D. Administrative Action**

- 1) The University recognizes its obligation to address incidents of discrimination and harassment on campus when it becomes aware of their existence even if no complaints are filed; therefore the University reserves the right to take appropriate action unilaterally under this procedure.
- 2) With respect to students, the University Vice President for Student Affairs and Dean of Students or other appropriate persons in authority may take immediate administrative or disciplinary action that is deemed necessary for the welfare or safety of the University Community. Any Norman Campus student so affected must be granted due process including a proper hearing. A campus disciplinary council, in accordance with Title 13, Section 1.2. of the Student Code shall conduct any hearing involving disciplinary suspension or expulsion. Lesser administrative

or disciplinary action may be appealed to the University Vice President for Student Affairs and Dean of Students. Such requests must be in writing and filed within seven calendar days following the summary action. The University Vice President for Student Affairs and Dean of Students will issue a written determination to the student within three working days following the date the request is received.

- 3) With respect to employees, upon a determination at any stage in the investigation or grievance procedure that the continued performance of either party's regular duties or University responsibilities would be inappropriate, the proper executive officer may suspend or reassign said duties or responsibilities or place the individual on leave of absence pending the completion of the investigation or grievance procedure.

#### **E. Withdrawal of Complaint**

The complainant may withdraw the complaint at any point prior to the adjournment of a formal hearing.

#### **F. Confidentiality of Proceedings and Records**

Investigators and members of the Hearing Panel are individually charged to preserve confidentiality with respect to any matter investigated or heard. A breach of the duty to preserve confidentiality is considered a serious offense and will subject the offender to appropriate disciplinary action. Parties and witnesses also are admonished to maintain confidentiality with regard to these proceedings.

All records, involving discrimination or harassment, upon disposition of a complaint, shall be transmitted to and maintained by the University Equal Opportunity Officer as confidential records except to the extent disclosure is required by law.

#### **G. Proceedings**

##### **1. Investigation**

Upon receipt of a complaint, the University Equal Opportunity Officer is empowered to investigate the charge, to interview the parties and others, and to gather any pertinent evidence. The investigation should be completed within 60 calendar days of receipt of the complaint, or as soon as practical. If a time period is extended for more than 10 calendar days, the University Equal Opportunity Officer will provide written or oral notice of reason for extension to all parties involved. The investigator shall prepare a record of the investigation.

In arriving at a determination of a policy violation, at any stage of the proceedings, the evidence as a whole and the totality of the circumstances and the context in which the alleged incident(s) occurred shall be considered. The determination will be made from the facts on a case-by-case basis.

Upon completion of the investigation the University Equal Opportunity Officer is authorized to take the following actions:

- a) Satisfactory Resolution--Resolve the matter to the satisfaction of the University and both the complainant and the respondent. If a resolution satisfactory to the University and both parties is reached through the efforts of the Officer, he or she shall prepare a written statement indicating the resolution. At that time the investigation and the record thereof shall be closed.
- b) Dismissal--Find that no policy violation occurred and dismiss the complaint, giving written notice of said dismissal to each party involved. Within 15 calendar days of the date of the notice of dismissal, the complainant may appeal said dismissal in writing to the University Equal Opportunity Officer by requesting a hearing according to the provisions of Section G.2. If no appeal is filed within the 15 calendar day period, the case is considered closed.
- c) Determination of Impropriety
  - 1) Make a finding of impropriety and notify the parties of the action to be taken. Either party has the right to appeal said determination in writing within 15 calendar days of the date of the notice of determination to the University Equal Opportunity Officer by requesting a hearing according to the provisions of Section G.2. If no appeal is filed within the 15 calendar day period, the case is considered closed.
  - 2) In the case of a complaint against a faculty member, the administrative investigator may determine that the evidence is sufficiently clear and serious so as to warrant the immediate commencement of formal proceedings as provided in the Abrogation of Tenure, Dismissal before Expiration of a Term Appointment, and Severe Sanctions sections of the Faculty Handbook. If the President concurs with the administrator's finding, the case may be removed at the option of the accused from the grievance proceedings contained herein and further action in the case shall be governed by the Abrogation of Tenure, Dismissal before Expiration of a Term Appointment, and Severe Sanctions section in the Faculty Handbook. Otherwise, this policy and procedure shall apply.

## **2. Hearing**

### **Request for a Hearing**

- 1) Appeals and complaints unresolved following an investigation may result in a hearing before a hearing panel selected from the membership of the Committee on Discrimination and Harassment as described below. For the Norman campus, faculty-versus-faculty grievances with multiple issues are



heard by the Faculty Appeals Board. The request for a hearing is to be addressed to the University Equal Opportunity Officer.

- 2) The request for a hearing must contain the particular facts upon which the policy violation allegation is based as well as the identity of the appropriate respondent(s). The University Equal Opportunity Officer shall give a copy of the request to the proper respondent(s).
- 3) The respondent's written response to the request for a hearing must be sent to the University Equal Opportunity Officer within 10 calendar days of receiving notice that a formal hearing has been requested. A copy of the response shall be given to the party requesting the hearing.

### **Selection of a Hearing Panel**

Within 10 calendar days following receipt of the written request for a hearing, the University Equal Opportunity Officer shall initiate the process to determine the members of the Hearing Panel.

A five-member hearing panel will be chosen by the parties to the complaint from: on the Health Sciences Center, the twenty-four (24) member Committee on Discrimination and Harassment; and on the Norman Campus, from the sixteen (16) member Committee on Discrimination and/or the fifty (50) member Faculty Appeals Board.

A Committee on Discrimination and Harassment shall be established on each campus and composed of: on the Health Sciences Center, eight (8) staff members, eight (8) students, and eight (8) faculty members; and on the Norman Campus, eight (8) staff members and eight (8) student members, with faculty representation being selected from the Faculty Appeals Board. On the Norman Campus, five (5) staff will be appointed by the Staff Senate and five (5) students will be appointed by UOSA; the President will appoint three (3) staff and three (3) students. At the Health Sciences Center, eight (8) faculty will be appointed by the Faculty Senate, eight (8) staff members will be appointed by the Staff Senate, and eight (8) students by the Student Government Association. The terms of appointment shall be for three (3) years with initial terms of 1, 2, and 3 years in each category to provide the staggered membership, except that each student shall be appointed for a one-year term.

The selection process shall be in the following manner: the complainant and the respondent select five (5) names each from the pool. The names will be listed in rank order with name number one (1) on each list being the preferred panelist. The University Equal Opportunity Office staff will contact the individuals in the order selected. The first two names on each list that are available to serve will make up the Hearing Panel. Those selected choose a fifth name from the pool to serve as chair. If the four panelists cannot agree on the fifth, the names of the five additional

Committee members will be drawn by lottery. Each panelist will strike one name off the list of five names. The remaining person shall be the fifth panelist. Either party to the complaint may ask the University Equal Opportunity Officer to disqualify any member of the Hearing Panel. Such requests will be in writing and show sufficient grounds for removal. Furthermore, no panelist shall be expected to serve if he/she feels that a conflict of interest exists. Replacements shall be selected in the same manner as the original panel.

### **Orientation Conference**

Within 10 calendar days of receiving notification, or as soon as practical, the Chair shall convene the Hearing Panel for an orientation and discussion of the grievance and a decision as to whether there exist adequate grounds for an informal hearing. The University Equal opportunity Officer shall be present during the orientation conference. Each panel member shall be given a copy of the hearing guidelines, written complaint, the request for a hearing, and the written response.

### **Informal Hearing**

If the Hearing Panel determines that adequate grounds for an informal hearing exist, the Chair shall convene the Hearing Panel for an informal hearing. The parties involved will be present at the informal hearing. No witnesses will be heard.

At all meetings, each party may be accompanied by an adviser. In the event that a party chooses to be advised by an attorney he/she may do so at his/her expense. If an adviser is used, the name of the person so assisting must be furnished to the Panel and the other party 10 calendar days in advance of the informal hearing. Advisers may advise their clients at the informal hearing but may not directly address the Hearing Panel.

If the Panel decides at its informal hearing that there is no basis for a hearing, it shall report the determination in writing to the proper Executive Officer with a copy to the President and the University Equal Opportunity Officer. The Executive Officer shall render his or her decision on the matter in writing to each of the parties involved in the informal proceedings.

### **Formal Hearing**

In the event that the hearing panel determines the need for a formal hearing, the Chair will convene the panel and the parties for a formal hearing. The Hearing Panel procedures shall be established with reference to the Hearing Guidelines and shall provide that the parties may present all the evidence that they consider germane to the determination. Further, the parties may call witnesses to testify and may cross-examine witnesses called by the other party. The hearing shall be closed unless all principals in the case agree to an open hearing. Audio tape recordings of the proceedings shall be arranged by the Chair and paid for by the University. Transcripts may be charged to the requesting party. In cases of alleged sexual assault on students, the accuser and the accused are entitled to the same

opportunities to have others present during a campus disciplinary proceeding and both shall be informed of the outcome.

The Chair shall notify the parties of the date, time and location of the formal hearing. Parties are responsible for giving such notice to their witnesses. The hearing shall be scheduled to reasonably ensure that the complainant, respondent, and essential witnesses are able to participate.

In the event the matter is resolved to the satisfaction of all parties prior to completion of the formal hearing, a written statement shall indicate the agreement recommended by the parties and shall be signed and dated by each party and by the Chair. The recommendation will be referred to the appropriate executive officer for final determination.

### **Panel's Findings and Recommendations**

In the event that no solution satisfactory to the parties is reached prior to the completion of the hearing, the Panel shall make its findings and recommendations known to the proper executive officer, with copies to the President of the University and the University Equal Opportunity Officer. The Panel's report, with its findings and recommendations, shall be prepared and properly transmitted within seven (7) calendar days after conclusion of the hearing.

### **Executive Officer's Decision**

Within 15 calendar days of receipt of the Hearing Panel's findings and recommendations, the proper executive officer shall inform the complainant and the respondent of the findings of the Hearing Panel and the officer's decision. A copy of the officer's decision shall be transmitted to the Chair of the Hearing Panel, with copies to the President of the University and the University Equal Opportunity Officer. In the event the allegations are not substantiated, reasonable steps in consultation with the accused may be taken to restore that person's reputation.

### **Appeal to the President**

The Executive Officer's decision may be appealed to the President within 15 calendar days of being notified of prospective action or of action taken, whichever is earlier. If the President does not act to change the decision of the executive officer within 15 calendar days of receiving the appeal, the decision of the executive officer shall become final under the executive authority of the President.

**The specific provisions proscribing these policies and detailed procedures are set forth in the Faculty Handbooks of the respective campuses of the University of Oklahoma, and the Staff handbook. Any modification to a Regent's policy in these handbooks must be made through action of the Board of Regents**

To contact the University Equal Opportunity Office:

Norman Campus  
Room 102, Evans Hall  
325-3546

## **Rules Governing Admission to the Practice of Law In Oklahoma**

### **APPLICANT'S DUTY OF CANDOR**

Each applicant for admission to the bar has a duty to be candid and make full, careful and accurate responses and to disclosures in all phases of the application and admission process. Each applicant must respond fully to all inquiries. It is not proper for an applicant to give either a highly selective or sketchy description of past events reflecting on the applicant's qualifications for admission to the bar. An applicant who violates this duty may be denied admission to the bar.

#### **Rule 1. Qualifications to Practice Law in Oklahoma.**

To be admitted to the practice of law in the State of Oklahoma, the applicant:

Section 1. Shall have good moral character, due respect for the law, and fitness to practice law;

Section 2. Shall be at least 18 years of age;

Section 3. Shall have met all the conditions and requirements hereinafter set forth which may be applicable;

Section 4. Shall take the following oath and file the same with the Clerk of the Supreme Court:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Oklahoma; that I will do no falsehood, or consent that any be done in court, and if I know of any I will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; I will not wittingly, willingly or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; I will delay no person for lucre or malice, but will act in the office of attorney in all courts according to my best learning and discretion with all good fidelity as well to the court as to my client, so help me God."

Section 5. Shall have signed the Roll of Attorneys; provided, however, that if the applicant is unable, by reason of absence, to sign the Roll, applicant may grant the power of attorney to the Administrative Director of the Board of Bar Examiners to sign said Roll of Attorneys for applicant.

## Rule 2. Admission upon Motion without Examination.

For purposes of this Rule, the term "reciprocal state" shall mean a state which grants Oklahoma judges and lawyers the right of admission on motion, without the requirement of taking an examination.

The following persons, when found by the Board of Bar Examiners to be qualified under Section I and 2 of Rule One, may be admitted by the Supreme Court to the practice of law in the State of Oklahoma upon the recommendation and motion of the Board, without examination:

Section 1. Persons who have been lawfully admitted to practice and are in good standing on active status in a reciprocal state, are graduates of an American Bar Association approved law school, and have engaged in the actual and continuous practice of law for at least five of the seven years immediately preceding application for admission under this Rule. For the purposes of this section, "practice of law" shall mean:

- (a) Private practice as a sole practitioner or for a law firm, legal services office, legal clinic or similar entity, provided such practice was subsequent to being admitted to the practice of law in the jurisdiction in which that practice occurred;
- (b) Practice as an attorney for a corporation, partnership, trust, individual or other entity, provided such practice was subsequent to being admitted to the practice of law in the jurisdiction in which the practice occurred and involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, or preparing, trying or presenting cases before courts, executive departments, administrative bureaus, or agencies;
- (c) Practice as an attorney for the federal, state, local government (including a territory, district, commonwealth or possession of the United States), branch of the armed services, or sovereign Indian nation with the same primary duties as described in Section I (b) above;
- (d) Employment as a judge, magistrate, referee, or similar official for the federal, state or local government (including a territory, district, commonwealth or possession of the United States); provided that such employment is available only to attorneys;
- (e) Full time employment as a teacher of law at a law school approved by the American Bar Association; or
- (f) Any combination of the above.

The period of "practice of law" as defined above in subparagraphs 1(a) and 1(b) shall have occurred outside the State of Oklahoma. Applicants for admission without examination shall furnish such proof of practice and licensing as may be

required by the Board. No applicant for admission without examination under this rule will be admitted if the applicant has taken and failed an Oklahoma bar examination without having later passed such examination.

Section 2. Applicant shall provide at his or her own expense a report by the National Conference of Bar Examiners.

Section 3. Applications must be upon forms prescribed by the Board of Bar Examiners.

Section 4. It is the purpose of this rule to grant reciprocity to qualified judges and lawyers from other jurisdictions and to secure for Oklahoma judges and lawyers like privileges. If the former jurisdiction of the applicant does not grant to Oklahoma judges and lawyers the right of admission on motion, then this Rule shall not apply and the applicant must, before being admitted to practice in Oklahoma, comply with the provisions of Rule Four. If the former jurisdiction of the applicant permits the admission of Oklahoma judges and lawyers upon motion but the Rules are more stringent and exacting and contain other limitations, restrictions or conditions of admission and the fees required to be paid are higher, the admission of applicant shall be governed by the same Rules and shall pay the same fees which would apply to an applicant from Oklahoma seeking admission to the bar in the applicant's former jurisdiction.

Section 5. Any person who is admitted to the practice of law in a reciprocal state who becomes a resident of Oklahoma to accept or continue employment by a person, firm, association or corporation engaged in business in Oklahoma other than the practice of law, whose full time is, or will be, devoted to the business of such employer, and who receives, or will receive, his or her entire compensation from such employer for applicant's legal services, may be granted a Special Temporary Permit to practice law in Oklahoma, without examination, if the applicant would be fully qualified to take the bar examination in Oklahoma under the rules of the Supreme Court, and so long as such person remains in the employ of, and devotes his or her full time to the business of, and receives compensation for legal services from no other source than applicant's said employer. Upon the termination of such employment or transfer outside the State of Oklahoma, the right of such person to practice law in Oklahoma shall terminate unless such person shall have been admitted to practice law in this state pursuant to some other rule. The application must comply with Section 2 of Rule Two and be accompanied by a certificate from the clerk of the highest appellate court of the state in which the applicant last practiced, showing that applicant has been admitted, and is a member in good standing of the bar of that state; and a certificate from the employer of such applicant showing applicant's employment by such employer and that applicant's full time employment will be by such employer in Oklahoma. The Special Temporary Permit shall recite that it is issued under this Rule, and shall briefly contain the contents thereof Such Special Temporary Permit shall be subject to Rule Ten of these Rules.

Section 6. A person who is admitted to the practice of law in another state, and who is employed as a law professor at an Oklahoma law school accredited by the American Bar Association, may be granted a Special Temporary Permit to practice law in Oklahoma,

without examination, while such person is so employed and devotes his or her full time to the teaching of law in such employment. The practice of law under such Special Temporary Permit shall be limited to assisting attorneys licensed in Oklahoma as a consulting or testifying expert, representing clients only in a law school clinical program, or providing pro bono services. Upon the termination of such employment, the right of such person to practice law in Oklahoma shall terminate unless such person shall have been admitted to the practice of law in this state pursuant to some other rule. Compliance with Section 2 of Rule Two is not required, but the application must be accompanied by a certificate from the clerk of the highest appellate court of the state in which applicant last practiced showing that the applicant has been admitted and is a member in good standing of the bar of that state; and a certificate from the Dean or Registrar of that law school employing such applicant, showing the date of the applicant's employment, the terms of such employment, and the applicant's professorial rank. Such Special Temporary Permit shall be subject to Rule Ten of these Rules.

### Rule 3. Examination Compulsory.

No person other than those referred to in Rule Two shall be admitted to the practice of law in this state except upon recommendation of the Board of Bar Examiners obtained after such person shall have successfully taken the examination in writing, or as otherwise prescribed. Only those persons possessing the qualifications and fulfilling the conditions hereinafter prescribed shall be permitted to take an examination for admission to the practice of law in the State of Oklahoma.

### Rule 4. Admission by Examination.

Section 1. When examination of an attorney of another jurisdiction is required of one who is not eligible for admission upon motion as provided in Rule Two hereof, such attorney may be permitted by the Board of Bar Examiners to take an examination prescribed in Rule Five upon meeting the requirements of this Rule, except that such attorney shall not be required to register as a law student. However, such attorney shall be required to provide at his or her own expense a report by the National Conference of Bar Examiners.

Section 2. No person shall be entitled to take an examination for admission to practice law in this state unless such person shall have registered as a law student filing the verified application for registration by the 15th day of October of the student's second year of law school on forms prescribed by the Board of Bar Examiners setting forth such information as the as the Board requires including:

- (a) Certificate of graduation with a Bachelor of Arts or Science degree (with a minimum of 120 college hours, at least 90 hours representing resident study) from a college whose credit hours are transferable to the University of Oklahoma, Oklahoma City University or University of Tulsa, with transcript attached of undergraduate college work.

(b) Two (2) sets of fingerprints which may be submitted to both the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation for appropriate record reviews.

(c) Recent photograph.

(d) NCBE Student Application Report for Character and Fitness at his or her own expense.

The Board may, in its discretion, register nunc pro tunc students who have been enrolled in a law school accredited by the American Bar Association upon compliance with all applicable rules herein.

The application provided by this section shall be valid for a period of ten (10) years. In the event the applicant has not activated the application within this ten (10) year period, the application will no longer be valid and the file containing the application and required information will be destroyed.

Section 3. Application to take the bar exam shall be filed at least six months prior to the date of examination on forms prescribed by the Board of Bar Examiners setting forth such information as the Board requires. No applicant shall be permitted to take the bar examination until the applicant furnishes to the Board of Bar Examiners proof of law school study with a certified transcript attached and a certificate of the law school dean or associate dean that the applicant has met the requirements for graduation with a Juris Doctor degree from a law school in the United States of America, its territories or possessions, accredited by the American Bar Association.

A person who matriculates at a law school which was accredited when applicant enrolled therein, and who completes the course of study and is graduated there from, shall be deemed a graduate of an accredited law school, even though the school's accreditation was withdrawn while the applicant was enrolled therein.

No applicant may be admitted by examination until he or she shall furnish evidence that a score satisfactory to the Board of Bar Examiners on the Multistate Professional Responsibility Examination has been attained.

Admission must be effected within one year after the date the applicant successfully completes the Bar Examination unless extended by the Board of Bar Examiners.

#### Rule 5. Examination.

All applicants for admission by examination who shall have attained a grade of at least 75% in the subject of "Code of Professional Responsibility" and who shall attain an average grade of at least 75% on the examination given by the Board of Bar Examiners covering combinations of the subjects hereinafter specified, and who are otherwise



qualified under these Rules, shall be recommended by the Board of Bar Examiners for admission to the practice of law in this state.

Any applicant who is otherwise qualified to be recommended for admission to the Bar except by reason of failure to pass satisfactorily the section of the Oklahoma Bar Examination in “Code of Professional Responsibility” shall be eligible for re-examination on the subject “Code of Professional Responsibility”. Such re-examination shall be conducted by the Board at a time and place to be fixed by the Board and may be written or oral or both. If, upon such reexamination, the applicant receives a satisfactory grade in the subject “Code of Professional Responsibility” and is found by the Board to have continued otherwise qualified to be recommended for admission to the Bar, such applicant shall thereupon be so recommended. Any applicant who fails to receive a satisfactory grade upon such reexamination shall be required to reapply for permission to take a further examination in “Code of Professional Responsibility”, which may be given at the discretion of the Board.

The following examination shall cover combinations of the following subjects:

1. Code of Professional Responsibility
2. Commercial Law, which may include:
  - (a) Contracts
  - (b) Uniform Commercial Code
  - (c) Consumer Law
  - (d) Creditor's rights, including bankruptcy
3. Property
4. Procedural Law, which may include:
  - (a) Pleadings
  - (b) Practice
  - (c) Evidence
  - (d) Remedies (damages, restitution and equity)
5. Criminal Law
6. Business Associations, which may include:
  - (a) Agency
  - (b) Partnerships (including joint ventures)
  - (c) Corporations
7. Constitutional and Administrative Law
8. Torts

9. Intestate Succession, wills, trusts, estate planning, including federal estate and gift taxation

10. Conflicts of law

11. Family law

There shall be held two bar examinations each year, at dates, times, places and duration to be prescribed by the Board of Bar Examiners.

#### Rule 6. Additional Examinations.

In the event of the failure of an applicant to pass any examination, such applicant, if otherwise qualified under these Rules, may be permitted to take any number of subsequent examinations upon filing an additional application with the Board of Bar Examiners proving continued good moral character and fitness to practice law.

#### Rule 7. Fees

The following non-refundable fees shall be paid to the Board of Bar Examiners at the time of the filing of the application:

##### (a) Registration:

Regular	\$125
Nunc Pro Tunc	\$500

(b) By each applicant for admission upon motion, the sum of \$1,500.

(c) By each applicant for admission by examination under Rule 4, § 1:

##### FEBRUARY BAR EXAM

Application filed on or before:

1 September	\$1,000
1 October	\$1,050
1 November	\$1,150

##### JULY BAR EXAM

Application filed on or before:

1 February	\$1,000
1 March	\$1,050
1 April	\$1,150

(d) By each applicant for a Special Temporary Permit under Rule Two, § 5, the sum of \$750

(e) By each applicant for admission by a Special Temporary Permit under Rule Two, § 6, the sum of \$100

(f) By each applicant for a Temporary Permit under Rule Nine, \$150

(g) By each applicant for admission by examination other than those under subparagraph © hereof:

#### FEBRUARY BAR EXAM

Application filed on or before:

1 September	\$300
1 November	\$350
1 October	\$450

#### JULY BAR EXAM

Application filed on or before:

1 February	\$300
1 March	\$350
1 April	\$450

### Rule 8. Request for List of Individual Grades.

Any applicant who has failed the bar examination may, upon request, obtain from the Board of Bar Examiners a list showing the grades which were awarded on each question given in said examination and copies of applicant's answers to essay questions. The applicant shall pay a \$75 processing fee payable to the Board of Bar Examiners. The written request must be made within thirty (30) days following the announcement of results of the examination.

Applicants who have passed the bar examination may not obtain copies of their answers to the essay questions. However, a successful applicant can obtain his or her Multistate score by making written request to the Board of Bar Examiners, accompanied by a check payable to the Board of Bar Examiners in the amount of \$35. The request for Multistate score must state the applicant's full name, social security number, and the date the applicant took the bar examination.

### Rule 9. Temporary Permits.

Temporary permits to practice law until the conclusion of the next succeeding bar examination and report of the results thereof may be granted upon the recommendation of the Board of Bar Examiners after a showing of public convenience and necessity and in the private sector where a case of extreme hardship is shown, provided the applicant has taken and passed the Multistate Professional Responsibility Examination. All applicants for temporary permit to practice law shall file with the Board of Bar Examiners an application for such temporary permit in addition to regular application for admission to the bar examination. The Board shall, as soon as practicable, report its recommendation on

such application for temporary permit to the Supreme Court, together with a copy of such application.

#### Rule 10. Expiration of Temporary Permit.

The temporary permit of any person who takes the bar examination shall expire on the date that the successful applicants at that examination are sworn in provided that the temporary permit of any person who fails the bar examination shall be revoked effective immediately upon the announcement of the results of such bar examination by the Administrative Director of the Board of Bar Examiners.

#### Rule 11. Hearing as to Fitness.

Section 1. Should the Board of Bar Examiners determine to refuse to grant approval to an applicant to take the bar examination, or to refuse to grant an applicant admission to practice without examination, or to refuse to recommend any applicant for admission to practice on any ground except failure to pass the bar examination, then a written notice shall be mailed to such applicant stating the section (or sections) under Rule One upon which the refusal is based. The notice must adequately inform the applicant of the nature of the evidence against him, although the Board need not list every item and source of information upon which it relies in rejecting the applicant. The initial rejection notice may be modified by the Board prior to the hearing provided for in Section 2 of this Rule as long as the applicant has sufficient opportunity to fairly meet the evidence to be introduced against him. Subject to the foregoing, the refusal notice puts in issue all matters which may relate, directly or indirectly, to the applicant's eligibility to practice law in the State of Oklahoma.

Section 2. In the event the applicant wishes to take issue with the Board's decision, applicant shall be entitled to a hearing before the Board by delivering a written request for a hearing to the Board within twenty (20) days after the notice of refusal has been mailed to the applicant. The applicant shall have the right to be represented by counsel, and present evidence, at the time and place fixed by the Board for the hearing. In connection with the hearing, the Board shall have the power to take and hear testimony, administer oaths and affirmations, and, at the request of the applicant or the Board, the Clerk of the Supreme Court of Oklahoma shall issue subpoenas for witnesses and subpoena duces tecum.

Section 3. The Board shall have the power to order a hearing on its own motion either before or after it takes action on any application.

Section 4. The Board shall furnish a certified court reporter to transcribe all proceedings at a hearing under this Rule. However, if the applicant desires a transcript of the proceedings, he or she shall order the transcript from the court reporter at applicant's own expense, and a copy shall be furnished the Board at the appellant's expense.

Section 5. For hearings held under this Rule, a quorum shall consist of five members of the Board of Bar Examiners including the chairman or acting chairman. Any decision must be

made by a majority of the members present excluding the chairman who is not a voting member except in the case of a tie vote.

Section 6. The Board's decision upon such hearing shall be made in writing and shall, upon request prior to the commencement of hearing, contain findings of fact and conclusions of law and a copy thereof shall be served upon the applicant or applicant's attorney. An aggrieved party may appeal to the Supreme Court from an adverse decision made pursuant to this Rule Eleven by filing twelve (12) copies of a Notice of Appeal with the Clerk of the Supreme Court of Oklahoma and one (1) copy of a Notice of Appeal with the Board of Bar Examiners. The Notice of Appeal shall set forth the facts and reasons on which it is based and the applicant shall attach to the notice a copy of the findings of fact and conclusions of law made by the Board of Bar Examiners. At the same time the Notice of Appeal is filed, the applicant shall also file a good and sufficient cost bond to be approved by the Clerk of the Supreme Court in an amount sufficient to defray the costs of the appeal, including transcript. The Notice of Appeal and cost bond shall be filed by the applicant with the Clerk of the Supreme Court within thirty (30) days after the Board's order has been served upon applicant. Within sixty (60) days after the Court Reporter has advised the applicant and the Board that the transcript of the Rule Eleven hearing has been completed, the applicant must file twelve copies of applicant's Brief in Chief in support of applicant's request for relief with the Clerk of the Supreme Court and one copy of applicant's Brief in Chief with the Administrative Director of the Board of Bar Examiners. Within forty (40) days after receipt of the applicant's Brief in Chief the Board must file its Answer Brief with the Clerk of the Supreme Court. Within thirty (30) days after receipt of the Board's Answer Brief, the applicant may file a Reply Brief with the Clerk of the Supreme Court.

Section 7. The burden of establishing eligibility for admission to the Bar of this state, to registration as a law student, or to take an examination, shall rest on the applicant at all stages of the proceedings.

#### Rule 12. Independent Investigation.

In determining the right of any applicant to admission, the Board of Bar Examiners shall have the power to make such independent investigation and require such additional showing as it may deem proper and it shall take into consideration in determining the right of the applicant to admission, such facts as it may have ascertained in such investigation. Any member of the Board participating in such an investigation of an applicant shall not serve in the adjudicatory capacity concerning the applicant.

#### Rule 13. Denial Under Rule Eleven for Failure to Demonstrate Good Moral Character, Due Respect for the Law, and Fitness to Practice Law - Minimum Time Requirement for Reapplication.

If the decision by the Board to deny an application is based, in whole or in part, on the failure of the applicant to demonstrate good moral character, due respect for the law, or fitness to practice law, the applicant may reapply for admission within a period of sixty (60) months next after the date of mailing the initial rejection notice pursuant to Rule 11, Section 1, unless for good cause shown, a shorter time period is ordered by the Board.

Rule 14. Confidentiality of Records, Investigations and Results.

The Board of Bar Examiners shall not disclose the contents of any records which it maintains on any applicant, including but not limited to information obtained by the Board in connection with investigations into the moral character of an applicant, and including the results of any such investigation except as follows:

- (a) When the Board deems it necessary to disclose to a third party during the course of an ongoing investigation of an applicant by the Board.
- (b) In response to a valid subpoena issued by a court of competent jurisdiction having authority under the laws of the State of Oklahoma to issue and enforce subpoenas.
- (c) To an admission authority of a bar association, or committee thereof, either state or federal, of any jurisdiction which exercises disciplinary or investigation authority over attorneys or applicants.
- (d) Pursuant to an order of the Oklahoma Supreme Court.

An applicant shall have no right to demand disclosure of complaints submitted to the Board or information obtained by the Board in the course of an investigation unless and until the applicant has received notice from the Board pursuant to Section 1 of Rule 11 that his/her application has been denied. In such event, the applicant shall be entitled to all information in his/her file, used or obtained by the Board, not otherwise privileged, which is relevant to the reasons for the denial of the application.

Reports prepared for the Board by its attorney or by an examiner or associate examiner are privileged and are not required to be disclosed to the applicant or third party without an order from the Supreme Court. The Board shall have the right to voluntarily disclose to the applicant any information in the applicant's file.

Nothing set forth in this Rule shall prohibit the Board from refusing to turn over information it deems imprudent to disclose pursuant to a request under subparagraph (c) above or from making an objection to the disclosure of information pursuant to subparagraphs (b) or (d) above.

In the event the Board of Bar Examiners provides confidential information pursuant to the provisions of subparagraph (b), (c) or (d) above, the Board shall give the applicant or attorney written notice of such action prior to the disclosure of the information by mailing such notice to the applicant's last known address.

Rule 15. Revocation.

All rules or regulations governing the subject matter herein covered previously in effect are hereby cancelled, annulled, revoked, and hereafter to be of no force or effect.

### **In-State/Out-of-State Status of Enrolled Students in the Oklahoma State System of Higher Education**

#### **3.17.1 Purpose**

Oklahoma statute 70 O.S., Supp. 2003, §3218.2 authorizes the State Regents to establish tuition and fees charged at public institutions to in-state/out-of-state postsecondary students. The policy statement establishes definitions, principles, criteria, and guidelines to assist institutional officials in the classification of postsecondary students as in-state/out-of-state students. Also, the policy statement should be helpful to prospective students in the determination of their in-state/out-of-state status prior to enrollment or for those out-of-state students seeking to be reclassified as in-state. Determination of in-state status for purposes of attendance at an institution in the state is based primarily on domicile as defined below.

Since 1890, it has been public policy in Oklahoma to provide comprehensive, public higher education opportunities for citizens to improve themselves, to upgrade the knowledge and skills of the Oklahoma work force, and to enhance the quality of life in Oklahoma generally. Therefore, residents of Oklahoma are afforded subsidies covering a portion of their educational costs at state colleges and universities. Out-of-state students are also provided educational subsidies, although at lower levels than those provided for permanent in-state students.

Out-of-state tuition waivers provide Oklahoma institutions the ability to attract and graduate out-of-state students with academic abilities and talents who contribute to the economic development, vitality and diversity of the state's campuses. Additionally, Oklahoma institutions located near the state's borders are especially sensitive to serving demographic areas where population, tax dollars, property ownership, etc. cross state borders frequently. Out-of-state tuition waivers allow institutions to serve the community and surrounding area to the benefit of the institution and its students without detriment to Oklahoma residents.

#### **3.17.2 Definitions**

The following words and terms, when used in the Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Dependent Person” is one who is under the care, custody, and support of a parent or legal guardian.

“Domicile” is a person's true, fixed, permanent home or habitation. It is the place where he or she intends to remain and to which he or she expects to return. A person can have more than one residence, but only one domicile. Domicile has two components--residence and the intent to remain. When these two occur, there is domicile.

“Documented foreign national” is a person who was born outside the jurisdiction of the United States (U.S.), is a citizen of a foreign country, and has not become a naturalized U.S. citizen under U.S. Law, but has entered the U.S. by way of legal documentation such as a visa.

“Full-Time Active Duty Military Personnel” for the purposes of this policy, are members of the armed forces who are on active duty for a period of more than 30 days (means active duty under a call or order that does not specify a period of 30 days or less). Personnel and their spouse and dependent children may be classified upon admission as in-state as long as they are continuously enrolled. “Armed Forces” means Army, Navy, Air Force, Marine Corps and Coast Guard. Such term does not include full-time National Guard duty.

“Full-Time Professional Practitioner or Worker” is a U.S. Citizen or Lawful Permanent Resident who has come to Oklahoma to practice a profession on a full-time basis, conduct a business full-time, or work on a full-time basis.

“Full-Time Student” is an undergraduate student enrolled in a minimum of 12 credit hours per semester in an academic year or a minimum of six credit hours in a summer session. A full-time graduate student is one enrolled in a minimum of nine credit hours per semester or as required by the institution.

“Home of Record” is the location where the reservist enlisted, reenlisted, or was commissioned into the military.

“Independent Person” is one who is responsible for his or her own care, custody, and support.

“In-State” status is a classification for a postsecondary student one who has lived continuously in Oklahoma for at least 12 months not primarily as a postsecondary student, has established domicile in Oklahoma, and meets requirements associated with in-state status including sections 3.17.4, 3.17.7 and 3.17.9. Students classified upon admission as in-state are eligible to apply for state scholarship and financial aid programs.

“Lawful permanent resident” is a naturalized alien who has been granted official immigration status as a lawful permanent resident of the U.S. This is evidenced by a lawful permanent resident card (also called a “green card”).

“Out-of-State” status means an individual does not meet in-state requirements defined in this policy unless otherwise allowed by exceptions or provisions in policy.

“Out-of-State Tuition Waiver” is the portion that is waived in excess of that paid by students classified as in-state. This is referred to as “Nonresident Tuition Waiver” in State Regents’ *Fiscal Policy*.



“Undocumented Student” is a person who was born outside the jurisdiction of the U.S., is a citizen of a foreign country, and has not become a naturalized U.S. Citizen under U.S. Law and has entered the U.S. without documentation. Refer to 3.17.6

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

“U.S. Citizen” is a person born in the United States, a U.S. Territory or a former U.S. Territory or who has been granted citizenship by the U.S. Government.

### 3.17.3 Principles

As part of the admission process, institutions are responsible for determining students’ in-state/out-of-state status consistent with this policy. Administrators interview students, review documentation and are in the best position to determine whether the student may be classified as in-state. Each institution must designate an appropriate administrative official (most often the Admission Officer) as responsible for administration of this policy. Clarification and additional information including documentation examples and frequently asked questions are in the *Academic Affairs Procedures Handbook*.

The burden of proof to establish in-state status shall be upon the student. Since residence or domicile is a matter of intent, each case will be judged on its own merit by the appropriate administrative official(s) consistent with this policy. Mere assertion by a student such as checking “In-State” on the application for admission is insufficient. The appropriate administrative official must review relevant documents, consider the policy principles and procedures, circumstances, and documentation to determine in-state status. While no set criteria, documentation, or set of circumstances can be used for this purpose, the principles outlined below guide the process.

A. Attendance at a postsecondary educational institution, albeit a continuous and long-term experience, does not establish in-state status. Therefore, a student neither gains nor loses in-state status solely by such attendance.

B. Students attending an Oklahoma college or university may perform many objective acts, some of which are required by law (i.e. payment of taxes), and all of which are customarily done by some out-of-state students who do not intend to remain in Oklahoma after graduation, but are situational and necessary and/or voluntary (i.e. registering to vote, obtaining a driver's license). Such acts and/or declarations alone are insufficient evidence of intent to remain in Oklahoma beyond the college experience.

C. An out-of-state student attending an Oklahoma college or university on more than a half-time basis is presumed to be in the state primarily for educational purposes.

D. An individual is not deemed to have acquired in-state status until he or she has been in the state for at least a year primarily as a permanent resident and not primarily as a student and has established domicile. Likewise, an individual classified as in-state shall not be reclassified as out-of-state until 12 months after leaving Oklahoma to live in another state.

E. Unless residency has been established in another state, an individual who resided in Oklahoma at the time of graduation from an Oklahoma high school and has resided in the state with a parent or legal guardian for the two years prior to graduation from high school will be eligible for in-state status and as allowed in 3.17.7 and 3.17.8

F. Each spouse in a family shall establish his or her own status on a separate basis. Exceptions include the following: when an out-of-state status individual marries a person with in-state status, the out-of-state individual may be considered in-state after documentation of the marriage and proof of domicile are satisfied without the 12 month domiciliary waiting period, and as provided in sections 3.17.7 or 3.17.8.

G. Initial classification as out-of-state shall not prejudice the right of a person to be reclassified thereafter for following semesters or terms of enrollment as an in-state provided that he or she establish domicile as defined in this policy. Institutions must establish procedures for students to appeal out-of-state status classification.

H. Institutions may, but are not required to, waive out-of-state tuition (also known as Nonresident Tuition Waiver) in accordance with current State Regents' *Tuition and Fees Policy* 4.18.5B that allows any institution in the State System to waive a portion of the out-of-state tuition which amount shall not exceed the difference between out-of-state tuition and the amount paid by in-state students.

I. When a student transfers from one institution to another, the institution to which the student transfers is not bound by the in-state/out-of-state classification previously determined and may request documentation to determine the student's in-state/out-of-state status.

#### 3.17.4 Dependent and Independent Persons

A. The legal residence of a dependent person is the postsecondary student's parents or the residence of the parent who has legal custody or the parent with whom the student habitually resides. If the student is under the care of those other than the parents, the legal residence is that of the student's legal guardian.

B. In-state/out-of-state classifications of postsecondary students with extenuating circumstances (e.g., divorced parents with joint custody when one parent or legal guardian lives out-of-state and/or claimed as a dependent on a tax return, etc.) may be considered on a case-by-case basis. Guidance for administrative officers charged with classifying students will be provided in the procedures manual.

- C. A dependent person may establish independent person status through circumstances including, marriage, formal court action, abandonment by parents, etc. To qualify, a dependent person must have completely separated from the parental or guardian domicile and prove that such separation is complete and permanent. Additionally, the individual must provide evidence that they are responsible for their housing and living expenses. Mere absence from the parental or guardian domicile is not proof of its complete abandonment. If an applicant can provide adequate and satisfactory evidence of independent status and domicile, they may be granted in-state status.
- D. If an independent person can provide evidence of coming to Oklahoma to establish domicile, the applicant may be granted in-state status at the next enrollment occurring after expiration of 12 months following the establishment of domicile in Oklahoma.

### 3.17.5 Documented Foreign Nationals

Documented foreign nationals may attend as postsecondary students if they have appropriate educational visas. These individuals are eligible for in-state classification if they become lawful permanent residents, have resided in Oklahoma for at least 12 consecutive months, and meet domicile requirements as set forth in this policy.

Documented foreign nationals who are present in the U.S. with visas that allow full-time employment for extraordinary ability in sciences, arts, education, business, athletics, as an executive, manager, or specialist of a treaty nation company operating in the U.S. are eligible for out-of-state tuition waivers as long as they remain in full-time working status. Dependents of these documented foreign nationals who are lawfully present in Oklahoma based on the documented foreign national's visa are also eligible for out-of-state tuition waivers.

### 3.17.6 Undocumented Students

In accordance with Title 70, O.S., Section 3242 (2007) (also known as HB1804 of the First Regular Session of the 51st Legislature), an individual who cannot present to the institution valid documentation of United States nationality or an immigration status permitting study at a postsecondary institution but who:

- A. Graduated from a public or private Oklahoma high school;
- B. Resided in this state with a parent or legal guardian while attending classes at an Oklahoma public or private high school in this state for at least two (2) years prior to graduation; and
- C. Satisfies admission standards for the institution.

Individuals who meet the above requirements are eligible for enrollment and/or out-of-state tuition waivers in that individual:

1. Provides to the institution a copy of a true and correct application or petition filed with the United States Citizenship and Immigration Service (USCIS) to legalize the student's immigration status, or

2. Files an affidavit with the institution stating that the student will file an application to legalize his or her immigration status at the earliest opportunity the student is eligible to do so, but in no case later than:

- a. one (1) year after the date on which the student enrolls for study at the institution, or
- b. If there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the USCIS provides such a formal process, and

3. If the student files an affidavit pursuant to subsection B above, presents to the institution a copy of a true and correct application or petition filed with the USCIS no later than:

- c. one (1) year after the date on which the student enrolls for study at the institution, or
- d. If there is no formal process to permit children of parents without lawful immigration status to apply for lawful status without risk of deportation, one (1) year after the date the USCIS provides such a formal process, which copy shall be maintained in the institution's records for that student.

4. Any student who completes and provides the institution with a copy of a true and correct application or petition filed with USCIS to legalize the student's immigration status shall not be disqualified on the basis of the student's immigration status from any scholarships or financial aid provided by this state as long as the student meets the following:

- a. Graduated from a public or private Oklahoma high school;
- b. Resided in this state with a parent or legal guardian while attending classes at an Oklahoma public or private high school in this state for at least two (2) years prior to graduation; and
- c. Satisfies admission standards for the institution.

4. This policy shall not impose any additional conditions to maintain eligibility for an out-of-state tuition waiver at a postsecondary educational institution within The Oklahoma

State System of Higher Education on a student who was enrolled in a degree program and first received an out-of-state tuition waiver and/or access to state scholarships at that institution during the 2006-2007 school year or any prior year.

### 3.17.7 Uniformed Services and Other Military Service/Training

#### A. Active Uniformed Services and Discharged or Released from Active Uniformed Service from whom Oklahoma is the Home of Record

The following shall be eligible for in-state status:

1. Members of the uniformed services, along with their dependent children and spouse, who provide evidence that they are full-time active duty status of more than thirty (30) days in the uniformed services stationed in Oklahoma or temporarily present through military orders. Further, when members of the armed services are transferred out-of-state, the member, their spouse and dependent children shall continue to be classified as instate as long as they remain continuously enrolled.
2. Regardless of the residency of the student, dependent children or spouse of a person who is currently serving as a member of the active uniformed services of the United States on full-time active duty status of more than thirty (30) days for whom Oklahoma is the home of record.
3. Person, or dependent children or spouse of a person, who was discharged or released from a period of not fewer than ninety (90) days of active uninformed service, less than five (5) years before the date of enrollment in the course(s) concerned and for whom Oklahoma is the home of record.
4. Former full-time active uniformed services personnel who remain in Oklahoma after their service may retain their in-state status without the 12 month requirement if they establish domicile as defined in this policy.

#### B. Discharged or Released from Active Uniformed Service (Regardless of the Home of Record)

Pursuant to Title 70, O.S., Section 3247 (as amended), the following section expands and is compliant with the eligibility criteria prescribed in the Veterans' Access, Choice, and Accountability Act of 2014.

A student who files with the institution within the State System at which the student intends to register a letter of intent to establish residence in the state and who resides in the state while enrolled in the institution shall be eligible for in-state status (i.e., in-state tuition), regardless of the residency of the student or home of record, if the student:

1. Is a person who:

a. was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed service, less than five (5) years before the date of enrollment in the course(s) concerned, and

b. is pursuing a course of education with educational assistance under Chapters 30 or 33 of Title 38 of the United States Code while living in Oklahoma; or

2. Is a person who:

a. is entitled to assistance under Section 3311(b)(9) or 3319 of Title 38 of the United States Code by virtue of a relationship to a person who was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed services, and

b. enrolls in the course(s) concerned within five (5) years of the date the related person was discharged or released from a period of not fewer than ninety (90) days of active duty uniformed services.

#### C. Military Reserve Member on Full-Time Active Duty

Regardless of the residency of the student, dependent children or a spouse of a person who is currently serving as a member of the military reserve on full-time active duty of more than thirty (30) days and for whom Oklahoma is the home of record shall be eligible for in-state status.

#### D. Reserve Officer Training Corps (ROTC)

A person who is participating in or has received a partial or full scholarship from the Air Force, Army, or the Navy/Marines ROTC shall be eligible for in-state status.

E. To be eligible for in-state status as provided in 3.17.7.A, 3.17.7.B, 3.17.7.C, and 3.17.7.D to maintain eligibility, the student shall:

1. Have secured admission to and enrolls full-time or part-time in a program of study; and

2. Satisfy admission and retention standards.

F. A student who meets the eligibility requirements for in-state status shall maintain in-state status if the student remains continuously enrolled at an institution within the State System after the student:

1. As described in 3.17.7.A or 3.17.7.C, is discharged or released from active duty service;

2. As described in paragraph 3 of 3.17.7.A or 3.17.7.B.1 and 3.17.7.B.2 exceeds the five-year period after being discharged or released from active duty uniformed service;
3. As described in 3.17.7.B.1 has exhausted education assistance provided under Chapter 30 or 33 of Title 38 of the United States Code; or
4. As described in 3.17.7.B.2 has exhausted education assistance provided under Section 3311(b)(9) or 3319 of Title 38 of the United States Code.

### 3.17.8 Full-Time Professional Practitioner or Worker

A U.S. Citizen or Lawful Permanent Resident who provides evidence of having come to Oklahoma to practice a profession on a full-time basis, conduct a business full time, or work on a full-time basis shall be immediately classified as in-state status along with the individual's spouse and dependents without the 12 month domiciliary requirement so long as they continue in such full-time employment capacity or until such time that they independently establish in-state status as described in section 3.17.3 of this policy.

A full-time professional practitioner or worker who is temporarily assigned to another location but maintains domicile in Oklahoma shall be considered to have in-state status along with the practitioner's spouse and dependent children.

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