

II. College of Law Policies: Academic Policies (Student Handbook)

2017-18

Table of Contents

A.	JD Requirements	1
1.	Degree of Doctor of Jurisprudence	1
2.	The First Year	2
3.	The Second Year	3
4.	Other Requirements.....	3
a.	Perspective Course	3
b.	Expository Writing	3
c.	Planning and Drafting.....	4
d.	Professional Skills and Experiential Courses	5
5.	Concentrations.....	6
a.	Concentration in Advocacy and Dispute Resolution	6
b.	Concentration in Business Transactions	6
6.	Limitation on Credit Hours	6
B.	Grading.....	6
1.	Grading Scale.....	6
2.	Auditing Courses.....	7
3.	Repeating Courses	7
4.	Withdrawal from Courses.....	7
5.	Withdrawal from College.....	8
6.	Temporary Grades.....	8
7.	Grade Appeals.....	9
8.	Grade Changes.....	9
9.	Grade Curve	9
C.	Class Rank, Dean’s List, and Honors	9
1.	Academic Honors.....	9
2.	Class Rank.....	10
3.	Dean’s List.....	10
D.	Attendance	10
1.	Full-Time Study of Law (Effective Fall 2009)	10

2.	Class Attendance	11
3.	First-Year Course Load.....	11
4.	Upper Class Course Load.....	11
5.	Maximum Course Load	11
6.	Determination of Credit Hours for Coursework.....	11
7.	Recording Class	13
E.	Variances from Course Load and Waivers of Prerequisite or Co-requisite Course and for Taking a Prerequisite Course as Co-requisite Course	14
1.	Variances from Course Load	14
2.	Waivers of Prerequisite or Co-requisite Course and for Taking a Prerequisite Course as Co-requisite Course	15
F.	Examinations	16
1.	Anonymous Grading	16
2.	Examination Procedure	16
3.	Examination Period	16
G.	Code of Academic Conduct.....	17
	Preamble	17
	Chapter One: Statement of Purposes	17
	Chapter Two: Scope	17
	Chapter Three: Standards of Conduct.....	18
	Chapter Four: Administration of the Code	19
H.	Probation, Academic Alert, and Exclusion.....	30
1.	Academic Probation	30
a.	Probation Defined.....	30
b.	Notice	30
c.	Academic Requirements	31
2.	Academic Alert	31
a.	Academic Alert Defined	31
b.	Notice	31
c.	Academic Requirements	31

3.	Academic Exclusion	32
J.	Reenrollment After Voluntary Withdrawal	33
K.	Other Degree Programs	33
1.	Dual J.D. - MBA Degree.....	33
a.	Admissions Requirements	34
b.	Curriculum.....	34
c.	Approved Dual Credit	35
2.	Dual J.D. - MPH Degree	35
a.	Admission requirements	36
b.	Curriculum.....	36
c.	Awarding of Grades	37
3.	Dual J.D. - MPPA Degree	37
a.	Admission requirements	37
b.	Curriculum.....	38
c.	Awarding of Grades	39
4.	Dual J.D. - MA Degree.....	39
a.	Admissions Requirements	39
b.	Curriculum.....	40
c.	Awarding of Grades	41
5.	Health Policy Graduate Certificate.....	41
6.	Certificate in Contractual and Legal Affairs in Engineering and Construction	41
7.	Master of Laws in United States Business Law (LL.M.).....	43
L.	Writing Standards.....	45
	Introduction.....	45
	Minimal Ethical Standards	46
	Minimal Academic Standards.....	47
	Application of Standards	48
	Instrument Drafting.....	48
	Reports.....	49

Briefs.....	49
Research Papers.....	49
Conclusion.....	50
M. Non-Law Electives.....	50
N. Field Placements.....	51
Academic Requirements.....	51
1. Faculty Supervision.....	51
2. Field Work.....	51
3. Credit.....	51
4. Student Journal.....	51
5. Grading.....	52
6. Repeatability.....	52
Course Development/Approval Process.....	52
1. Placement Selection.....	52
2. Course Development.....	52
3. Initial Approval.....	52
4. Field Placement Memo.....	52
5. Final Approval.....	52
O. Complaint Procedure.....	53
P. Learning Outcomes for Graduating Law Students.....	53
Q. Right to Appeal Academic Decisions.....	57

A. JD Requirements

1. Degree of Doctor of Jurisprudence

The degree of Doctor of Jurisprudence will be conferred upon candidates who (a) have completed all required courses, (b) have fulfilled 89 hours or more of academic credit, (c) have achieved a cumulative grade point average of 2.0 or better at the end of their final semester, and (d) have achieved a grade point average of 2.0 or better for courses completed during the final two semesters of coursework at the College. It is the student's responsibility to ensure that all graduation requirements have been met. Additional information on requirements can be obtained from the Student Records Office.

To be eligible to receive the J.D. degree, candidates must earn at least 58 hours in residence at the University of Tennessee while enrolled at the College of Law. A student must also earn at least 64 hours in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction as defined by ABA Standards for Approval of Law Schools. The course of study for the J.D. degree must be completed no earlier than 24 months and no later than 60 months after a student has commenced law study at the College of Law or a law school from which the College has accepted transfer credit. Any exception to this rule must be approved by the Dean or the Dean's designee.

In addition to other requirements for graduation, each student also must earn a grade of 2.0 in at least 21 hours of required, numerically graded first-year courses. A student required to repeat course work pursuant to this policy shall repeat at the earliest possible time the course(s) in which he or she received the lowest grade or such other course(s) as may be approved by the Associate Dean for Academic Affairs. A student required to repeat course work pursuant to this rule may not count the original course work toward the 89 credit hours required for graduation. (For example, a student who is required to repeat a three-credit course under this rule would be required to complete at least 92 credit hours to graduate.) The revised degree requirements for first-year students will apply to all students who enter the College of Law in 2016 or thereafter.

(Effective Fall 2016)

2. The First Year

The first-year course of study is designed to provide students with a solid theoretical and analytical foundation for upper-division elective courses. Since the first-year course work is fundamental to a solid legal education, the curriculum is mandatory.

For students entering before Fall 2016, the first-year curriculum is as follows:

<u>First Semester</u>	<u>Second Semester</u>
Civil Procedure I (3)	Civil Procedure II (3)
Contracts I (3)	Contracts II (3)
Criminal Law (3)	Legal Process II (3)
Legal Process I (3)	Property (4)
Torts I (3)	Torts II (3)

For students entering in or after Fall 2016, the first-year curriculum is as follows:

<u>First Semester</u>	<u>Second Semester</u>
Civil Procedure I* (3)	Civil Procedure II (3)
Contracts I (3)	Contracts II (3)
Criminal Law (3)	Legal Process II (3)
Lawyering & Professionalism (1)	Property (4)
Legal Process I (3)	Torts II (2)
Torts I* (3)	Transactional Lawyering Lab (1)

*First-year students enroll in an experiential section of either Civil Procedure I or Torts I. The experiential sections include three graded, simulation-based assignments. Each simulation places students in the role of lawyer, raises professionalism issues, requires students to perform a lawyering skill, and results in a written and/or oral work product. In addition to a final examination, the course also includes a midterm exam that includes at least one essay question.

3. The Second Year

Required courses in the second year:

Professional Responsibility (formerly known as Legal Profession)
(3)
Constitutional Law (4)

4. Other Requirements

The following requirements reflect the faculty's conviction that each student should develop essential lawyering skills and the ability to view law and the legal system in broad perspective.

- Perspective Course
- Expository Writing
- Planning and Drafting
- Professional Skills

Students must satisfy these requirements at some time prior to graduation. These requirements may be met through successful completion of any number of elective courses.

a. Perspective Course

All students must successfully complete one course devoted to the study of other legal systems, insights of other academic disciplines (such as history, literature, economics, philosophy, anthropology, or sociology), or other non-traditional viewpoints on legal concepts or problems.

The following courses satisfy this requirement: American Legal History (873), Jurisprudence (877), Law & Economics (879), Law & Literature (881), Public International Law (886), Supreme Court (850), Tax Theory (975), and Women and the Law (958). In addition, the Dean may designate other courses and seminars (including non-law courses approved for law school credit) as satisfying this standard.

b. Expository Writing

All students must successfully write under faculty supervision a substantial research paper involving in-depth research and analysis of a legal issue. The paper should propose a solution to an important legal problem or present a sensible way of thinking about an important legal

question. To satisfy this requirement, the paper must be well written, include proper citation to authority, and give appropriate attention to opposing arguments. The final version of the paper must respond to the professor's feedback on the draft or drafts. The paper must be a minimum of 5,000 words in length (disregarding footnotes or endnotes).

The Expository Writing requirement may be satisfied through: (1) a College of Law Course (including a course used to fulfill another graduation requirement), (2) a Directed Research Paper (993); or (3) a comment or other article written for a College of Law journal, subject to the policies of the relevant journal and approval of the faculty advisor for the journal.

(Effective Spring 2017)

c. Planning and Drafting

All students must successfully complete a substantial planning and drafting project that requires them to do the following: anticipate problems and changes in circumstances and plan for their resolution in documents that govern future behavior; and draft those documents in precise language so that the effected persons understand their future rights and responsibilities.

Neither the Expository Writing nor the Planning and Drafting requirement may be fulfilled in conjunction with non-law courses approved for Law College credit.

The following courses satisfy this requirement: Contract Drafting (842), Estate Planning Seminar (937), Land Acquisition and Development Seminar (941), Legislation (822), Planning and Drafting Project (998), Representing Enterprises (833), and Transactional Tax Planning (978). In addition, the Dean may designate other courses and seminars as satisfying this standard. The requirement may not be fulfilled in conjunction with non-law courses approved for Law College credit.

d. Professional Skills and Experiential Courses

For students entering before Fall 2016, all students must successfully complete at least one professional skills course. To fulfill this requirement, each student must receive substantial instruction in professional skills generally regarded as necessary for effective and responsible participation in the legal profession, the course must develop the concepts and theories underlying the professional skills being taught, and the course must engage each student in professional skills performances that are assessed by the instructor, such that the student has multiple opportunities to perform tasks with appropriate feedback and self-evaluation, and reflective evaluation of the students' performance by the faculty member.

A student may satisfy the professional skills requirement by taking one or more of the following courses: Advanced Trial Practice (922), Advocacy Clinic (905), Business Clinic (946), Contract Drafting (842), Domestic Violence Clinic (951), Estate Planning (937), Judicial Externship (949), Mediation Clinic (908), Pre-trial Litigation (921), Prosecution Externship (947), Public Defender Externship (948), Representing Enterprises (833), Trial Practice (920), Transactional Tax Planning (978), and Wills Clinic (953).

In addition, the Dean may designate other courses and seminars as satisfying this standard.

For students entering in or after Fall 2016, all students must successfully complete experiential learning courses totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement as defined by ABA Standards. To satisfy this requirement, a course must be primarily experiential in nature and must:

- (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
- (ii) develop the concepts underlying the professional skills being taught;
- (iii) provide multiple opportunities for performance; and
- (iv) provide opportunities for self-evaluation.

The Academic Standards & Curriculum Committee shall designate courses that meet this requirement.

5. Concentrations

a. Concentration in Advocacy and Dispute Resolution

There has never been a greater need for both zealous, skilled advocacy on behalf of individuals and institutions in our courts, and at the same time the need for wisdom, people skills and creativity for the peaceful resolution of those disputes. The Advocacy Concentration curriculum allows second- and third-year students to concentrate their studies on the legal and practical skills aspects of courtroom and alternative dispute resolution methods.

b. Concentration in Business Transactions

Business Transactions curriculum allows second- and third-year students to concentrate their studies on the legal aspects of business and finance, emphasizing the needs of business concerns both large and small.

6. Limitation on Credit Hours

Of the required hours of credit for graduation, no more than 18 hours of credit may be earned in any combination of the following courses – LAW 947, LAW 948, LAW 949, LAW 989, LAW 992, LAW 993, LAW 994, LAW 995, LAW 996, LAW 997, LAW 998, or LAW 999, or up to 6 credit hours of non-law electives.

B. Grading

1. Grading Scale

Effective fall 2006 the University of Tennessee College of Law awards numerical grades and grades of Satisfactory/No Credit. Numerical grades are reported in 0.1 increments, with 0.0 being the lowest possible grade, 0.8 the lowest passing grade, and 4.3 the highest possible grade. Grades of 4.1-4.3 are considered to reflect extraordinary performance.

Grade point averages will all be rounded to the nearest tenth point by the college when determining class rank and honors

distinctions, although the official university transcript reflects grade point averages rounded to the hundredth decimal place.

2. Auditing Courses

Space permitting, a student otherwise regularly enrolled may audit a course with the permission of the instructor.

3. Repeating Courses

A student may repeat a course which he or she has completed, provided that no course may be repeated in which the student has earned a 2.0 or better on a graded basis or a Satisfactory on an S/NC basis. The course must be repeated on the same grade basis (either numerical or S/NC) as originally taken. A student repeating a course in which credit was earned will receive no additional credit toward graduation. Both grades, however, will appear on the transcript, except for S/NC grades, and both grades will be used when determining cumulative average.

4. Withdrawal from Courses

A student's freedom to withdraw from courses for which he or she has registered, the procedures required for withdrawal, and how a withdrawal will be recorded on the student's permanent record depend on the type of courses for which the student has registered and the timing of withdrawal.

Students may not withdraw from required courses without securing the permission of the Dean or the Dean's designee.

Students may withdraw from any elective course prior to the withdrawal deadline for that course by executing a change of registration form and submitting it to the Student Records Office at the College of Law. The signature of the Dean or the Dean's designee is required. A change of registration form processed through other offices of the University will not be recognized. The withdrawal deadline for oversubscribed courses and other courses designated by the Dean or the Dean's designee as a limited withdrawal course is 5 p.m. on the sixth calendar day after the beginning of classes. A list of the courses subject to this early withdrawal deadline will be maintained in the Student Records Office. The withdrawal deadline is 5 p.m. on the 29th calendar day after the beginning of classes. If a student withdraws from an

elective course prior to the withdrawal deadline for the course, the course will not be shown on the student's permanent record.

Students may withdraw from required courses or from elective courses after the withdrawal deadline only for good cause shown to the Dean or the Dean's designee. To be granted permission to withdraw, the student must clearly demonstrate that one of the following conditions exist:

- illness or injury as verified by the student health service or private physician;
- serious personal or family problems as verified by the student's family minister, physician, etc.;
- necessary change in work schedule as verified by the student's employer;
- financial inability to continue at the University;
- call to active military service.

If a student is granted permission to withdraw from a required course or from an elective course after the withdrawal deadline, the grade of "W" will be entered on the student's permanent record.

A student will not be permitted to withdraw from a course simply to avoid a low grade in the course. A student who fails to complete the requirements for a course from which the student has not withdrawn in accordance with the above rule will be assigned a grade of O.O.

5. Withdrawal from College

A student wishing to withdraw from the College of Law must present the request to the Dean of the College of Law or the Dean's designee. If the request is approved, the Student Records Office will send a letter, which must be accompanied by a signed Withdrawal Form to the University Registrar and provide written notification to the course instructor(s) and the student's advisor. To complete official withdrawals from the College, the student must also report to the Withdrawal Office, 212 Student Services Building, to be cleared through the Treasurer's Office, University Housing, and other University service centers.

6. Temporary Grades

When, for good cause shown (such as serious illness or other disability), a student fails to complete all requirements for a course in which he or she is enrolled, the course instructor may

assign the student a temporary grade of “I” (incomplete). A student receiving this grade should arrange with the instructor to take whatever action is needed to remove the grade at the earliest possible date, and, in any event, within one year after the course was attempted. A grade of “I” which is not removed within the succeeding year in which the student is enrolled will revert to “F.” However, a student need not be formally enrolled at the College of Law to remove a temporary grade by examination.

7. Grade Appeals

The process for appealing grades is set forth in the University of Tennessee Graduate Catalog.

8. Grade Changes

A grade in a class may only be changed in the following instances: 1) to correct an error in computing or recording the grade, 2) to correct an error in reading or evaluating work that the student has submitted prior to the time the final grade was submitted, 3) to cure an error in the structure or administration of the examination, or 4) to replace a grade entered for a graduating student before that student has completed all work for a course.

9. Grade Curve

Effective in the fall of 2016, all required courses shall have a mean of 3.1, plus or minus 0.04. The mean shall be calculated after all adjustments for class participation, attendance, etc. have been made. A grade of incomplete shall not count toward calculation of the mean. A faculty member wishing to submit grades in which the mean is outside the designated range must submit a written justification to the Associate Dean for Academic Affairs and obtain written permission from the Associate Dean for Academic Affairs.

C. Class Rank, Dean’s List, and Honors

1. Academic Honors

The degree will be awarded with honors to all students who have a cumulative grade point average of 3.0 or better and rank in the top 33 percent of their class, with high honors to all students who have a cumulative grade point average of 3.3 or better and rank in the top 15 percent of their class, and with highest honors to students who have a cumulative grade point average of 3.5 or better and rank in the top 5 percent of their class.

2. Class Rank

Because grade point averages will all be rounded to the nearest tenth point, several students may have the same grade point average. To report information concerning class rank, the Dean of Students will prepare a summary each semester showing the class rank based on grade point averages. For students having the same average, class rank will be reported as the highest rank assigned to a particular grade point average along with the number of students with the same average. Class rank is determined using the cumulative grade point average. More than one student may hold a given rank. To illustrate, if three students share the highest grade point average the class rank for each of those students would be reported as 1st in the class tied with two other students. Similarly, if ten students share an average of 3.3 and the highest assigned rank for those ten would be 23rd, each student would report a class rank of 23rd tied with nine other students. If you have questions regarding any aspect of the grading policy or its application, please feel free to contact the Associate Dean for Academic Affairs.

3. Dean's List

The Dean's List will be compiled to honor the College's best performing students each semester. The list will be generated using the aforementioned honors designations applied to the term grade point average. To be eligible, a student must have successfully completed 12 graded credit hours in the relevant semester. Amended October 2015.

D. Attendance

1. Full-Time Study of Law (Effective Fall 2009)

All students are expected to be full-time students. A full-time student is one who devotes substantially all of his or her working hours to the study of law.

Residence Requirement:

To be eligible to receive the J.D. degree, candidates must earn at least 58 hours in residence at the College of Law. The course of study for the J.D. degree must be completed no earlier than 24 months and no later than 60 months after a student has commenced law study at the College of Law or a law school from which the College has accepted transfer credit.

2. Class Attendance

Regular and punctual class attendance is an important part of the learning process and is expected. Students should be aware that an instructor may bar a student from taking an examination or may lower a student's grade because of excessive absences.

3. First-Year Course Load

Full-time study and the regular sequence of required courses are ordinarily expected. The curriculum of the first three semesters of law school is designed to provide students with an integrated academic experience and a relatively uniform background for upper-class courses. Accordingly, all first-year students, except those participating in the first-year tutorial program, are required to take the prescribed full course load.

4. Upper Class Course Load

Third and fourth semester students must take the required courses in those semesters or a previous summer term. In order to complete the JD degree in six semesters the normal upper-class load is 14 or 15 hours per semester. To be eligible to receive College of Law scholarships students must carry at least 9 hours. To receive residence credit for an academic term a student must carry at least 10 hours and successfully complete at least nine hours. Hour requirements for veterans and other benefits may vary. Students should check with individual agencies.

5. Maximum Course Load

The maximum course load for a law student is eighteen (18) hours in any one semester. During the summer term, the maximum course load is eight (8) hours. Amended November 2015.

6. Determination of Credit Hours for Coursework

Pursuant to ABA Standards for Approval of Law Schools, a credit hour is an amount of work that reasonably approximates:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field

placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Consistent with the relevant Standard, fifty minutes suffices for one “hour” of classroom or direct faculty instruction, but an “hour” for out-of-class student work is sixty minutes. The fifteen-week period may include one week for a final examination. Therefore, a one-credit class reasonably approximates 750 minutes of class time or direct faculty instruction, but that time can include class time dedicated to a final examination. This same one-credit class must include 1800 minutes of out-of-class student work. Thus, the total number of minutes of work for a one-credit class is 2,550 minutes (or 42.5 60-minute hours).

If a course meets for more than the minimum number of minutes or requires more than the minimum amount of work, no additional credit will be awarded beyond the amount approved for the course at the time of enrollment.

Effective Fall 2016, all new course proposals must include a justification for the number of credits to be awarded, considering both the out-of-class work and classroom or direct faculty instruction hours. For existing courses, faculty must assess whether the assigned reading and other out-of-class work is consistent with this policy.

In making the hours determination for new and existing courses, a faculty member should consider how long it would take the faculty member to complete the assigned reading or other out-of-class work if the faculty member were a student in the same situation at the relevant stage of a student’s career. For example, reading assignments for upper-level classes might be significantly longer than reading assignments early in the first semester of a required first-year course. Ultimately, it is for each faculty member to assign an amount of out-of-class work consistent with this standard. By distributing the syllabus for a class, a faculty member certifies that the faculty member has engaged in this assessment.

In order to engage in an ongoing assessment of compliance with this standard, the Academic Standards and Curriculum Committee will take the following steps in coordination with the faculty:

(1) Each year, the Academic Standards and Curriculum Committee will request the syllabi for approximately one-third of courses (excluding courses addressed by Paragraph (2)) currently offered by the College of Law, so that the full curriculum is reviewed within a three-year period. The Committee will review those syllabi to determine compliance with the standard. Faculty members will be invited to respond to any questions or concerns regarding compliance with the standard after the Committee's receipt of the syllabi.

(2) Faculty members who supervise students in clinics, field placements, moot courts, law journals, directed research papers, independent studies, and similar classes and activities for credit will communicate with students the hours of work required for each hour of credit (at least 2,550 minutes for each hour of course credit) and require students to record their time and a description of work throughout the semester. At the conclusion of the semester, a faculty member will report to the Academic Standards and Curriculum Committee if the credit hours regularly offered for a given activity do not align with the time that students report for that activity.

7. Recording Class

The College of Law wants to maximize every student's learning experience. Professors vary in terms of their views and policies as to whether to allow recording of classes. Each professor decides this for his or her own class.

Unless otherwise expressly allowed by the professor, students may not record a class. Permission to record a class applies exclusively to the student who received permission from the professor. The recording may be accessed or utilized only by that individual and any other individual expressly designated by the professor. No replication or publication of the recording may be made in any form without the express permission of the professor, nor may any transcribed or summarized version of the recording be distributed in any form without the express permission of the professor. Students who violate this policy are subject to disciplinary action under the Code of Academic Conduct.

A professor may rescind permission to record his or her own classes.

Students who request recording of classes under the Americans with Disabilities Act must contact the Assistant Dean for Student Affairs.

A student who has additional questions or concerns associated with this policy should contact the Assistant Dean for Student Affairs.

In accordance with the above policy, all students should be aware that any class, and discussions held therein, may be subject to recording.

E. Variances from Course Load and Waivers of Prerequisite or Co-requisite Course and for Taking a Prerequisite Course as Co-requisite Course

1. Variances from Course Load

Variances from the requirements will only be granted in unusual circumstances, as specified under the standards and procedures set forth below.

1. Prior to commencement of legal education, a variance from the first-year course load will be granted to an entering law student: by the Dean or the Dean's designee (a) upon determining that the student suffers from a handicap that makes full-time study impracticable, or (b) upon determining that a denial of a variance would result in substantial hardship to the student or his or her family.

2. After commencement of legal education, the Dean or the Dean's designee may grant a variance of the required course load or sequence to a student who has already matriculated at the College of Law if emergency, substantial hardship, or other unusual circumstances make a variance appropriate.

3. Hardship Factors — Factors relevant to a determination of substantial hardship include (but are not limited to) the need to care for children or other family members, the effect that being a full-time student will have on family income and indebtedness, and the impact that being a full-time student will have on the student's long-term career objectives.

2. **Waivers of Prerequisite or Co-requisite Course and for Taking a Prerequisite Course as Co-requisite Course**

There is a strong presumption against the granting of waivers of a prerequisite or co-requisite course. This presumption may be overcome in exceptional cases.

Unless the course description provides for the means by which to obtain a waiver, a student may seek waiver of a prerequisite or co-requisite course by filing a petition with the Academic Standards and Curriculum Committee. If the petition is granted, the student does not have to take the prerequisite or co-requisite course. This same petition process applies when a student seeks to treat a prerequisite course as a co-requisite and desires to enroll in both courses concurrently. If that petition is granted, the student shall enroll in both courses for the semester in question.

The petition for waiver must be submitted to the chair of the Academic Standards and Curriculum Committee no later than the second day of classes in the semester for which the waiver is sought, except that students added to a class after the second day of classes must submit the petition for waiver within three days of being added. These late added students are conditionally admitted to the course and failure to submit the petition for waiver of a prerequisite or co-requisite shall result in the student's conditional admission being revoked. In the petition, the student should include information on the student's background (including relevant academic, work and life experiences) and academic progress at the College of Law (including a College of Law transcript). The petition should specifically address why waiving the prerequisite or co-requisite course is appropriate. The Committee may grant the petition only if convinced that the student's academic, work and life experiences are such that the student already has the required knowledge or skills the prerequisite or co-requisite course is designed to impart so that it would serve no meaningful pedagogical purpose for the student to have to take the prerequisite or co-requisite course. In deciding the petition, the Committee will ordinarily seek and give weight to the course instructor(s)'s views on whether waiver is appropriate.

F. Examinations

1. Anonymous Grading

Examinations in the College of Law are graded anonymously. Each semester prior to the examination period students are given a computer-generated list of exam identification numbers. There is a different number for each course. This number is the only identifying information recorded on the examination materials. After the professor submits a signed grade sheet, grade adjustments for class performance are made in the Records Office. Final grades are posted on the web using these numbers prior to the grades appearing on the official transcript. Professors do not receive information linking a particular student with a grade until all grades sheets pertaining to a course have been submitted to the Records Office.

2. Examination Procedure

Students are expected to arrive at the location of the examination approximately 20-30 minutes prior to the scheduled commencement of the examination in order to sign the roll, log-on to the examination software, and receive instructions. Students are to identify their examination materials by recording only their anonymous examination numbers - not their student identification numbers, social security numbers, or names. Students who write their answers in examination books must indicate the examination number, course name, and instructor on the front of each book and on each page of the book. Students are to write their examination number on the upper-right hand corner of the examination. All examination materials, including examination questions, will be collected at the end of the examination, counted, and returned to the professor. Answers submitted electronically will be printed in the Records Office and given to the professors along with any examination books.

3. Examination Period

Examinations in the College of law are given during the examination period outlined by the University; however, since College of Law examinations are three to four hours in duration, the examination period is generally longer.

G. Code of Academic Conduct

Preamble

The Code of Academic Conduct establishes and provides a system for the enforcement of minimum standards of integrity, fairness, equal opportunity, and professionalism in the conduct of academic pursuits at The University of Tennessee College of Law. As with the American Bar Association's "Code of Professional Responsibility," the touchstone of our system is self-regulation. The policy of self-regulation underlying the Code of Academic Conduct demands the cooperation of each member of the Law School community. All work should be done in full compliance with both the spirit and letter of the Code.

Chapter One: Statement of Purposes

1.01 The purpose of the Code of Academic Conduct is to promote and secure academic integrity, fairness, equal academic opportunity, and professionalism at The University of Tennessee College of Law.

Chapter Two: Scope

2.01 This Code of Conduct applies to all students who are enrolled in the College of Law and are involved in academic matters pertaining to the College of Law.

2.02 A student is enrolled in the College of Law if he or she is registered for a course offered by the College of Law or is engaged in any of the academic matters specified in § 2.03(A)-(G).

2.03 "Academic matters pertaining to the College of Law" means any activities which may affect a grade, satisfaction of requirements for graduation, or the award of professional honors at the College of Law, and any other activities sponsored or administered by the College of Law in which such grades, satisfaction of degree requirements, or professional honors are relevant. Academic matters include but are not limited to:

- (A) Examinations;
- (B) Research or other assignments to be done for a course;
- (C) Any work which is in whole or partial satisfaction of requirements to receive credit for participation in any activity for which credit is given;
- (D) Registration for enrollment in courses which may be taken in whole or partial satisfaction of requirements for graduation;
- (E) Competitions for professional honors awarded by the College of Law or under its auspices, including but not limited to Law Review membership, Moot Court awards, and essay prizes;

(F) Participation in the activities of the Academic Review Board of the College of Law or the activities of any individual, committee, or board authorized to establish or administer policies pertaining to academic matters at the College of Law; and

(G) Representations about one's participation or performance in an academic matter in connection with any activity sponsored or administered by the College of Law.

Chapter Three: Standards of Conduct

3.01 Prohibited Conduct: It shall be a violation of the Code of Academic Conduct for any student enrolled in the College of Law to commit an act of academic dishonesty. A student has committed an act of academic dishonesty if he/she

(A) With respect to any academic matter, intentionally

(1) Misrepresents a fact or fails to state a fact in circumstances which render any statement made misleading;

(2) Sequesters, mutilates, destroys, or uses without permission the books or work product of another student; or

(3) Sequesters, mutilates, or destroys library materials; or

(B) With respect to an examination, intentionally

(1) Acquires or attempts to acquire a copy of any examination without the permission of the instructor responsible for the examination;

(2) Uses or attempts to use materials other than those specifically authorized by the instructor responsible for the examination;

(3) Provides or acquires, or attempts to provide or acquire, information or assistance when specifically prohibited from doing so by the instructor responsible for the examination;

(4) Copies or attempts to copy the examination answer of another student or permits or attempts to permit another student to copy his/her answers; or

(5) Engages or attempts to engage in any other form of cheating, i.e., conduct specifically intended to secure an unfair advantage or to subject another to an unfair disadvantage; or

(C) With respect to research or other writing assignments in connection with the academic matters specified in § 2.03(B), (C), or (E), intentionally

(1) Uses or attempts to use materials the use of which has been specifically prohibited by the instructor or other person responsible for the academic matter;

(2) Plagiarizes;

(3) Gives or receives, or attempts to give or receive, information or assistance when specifically prohibited from doing so by the instructor or person responsible for the academic matter; or

(4) Engages or attempts to engage in other forms of cheating, i.e., conduct specifically intended to secure an unfair advantage or to subject another to an unfair disadvantage; or

(D) With respect to his/her participation in the activities of the Academic Review Board of the College of Law or of any individual, committee, or board authorized to administer policies about academic matters pertaining to the College of Law, intentionally

(1) obstructs the administration of such policies by sequestering, mutilating, or destroying relevant materials;

(2) refuses to provide relevant information within his/her possession when requested to do so by an individual, committee, or board acting within their authority to administer policies pertaining to academic matters, except where permitted to do so by law or by regulations of The University of Tennessee; or

(3) where prohibited by law or by regulations of The University of Tennessee, discloses to others information about specific students or identifiable groups of students which was acquired by virtue of his/her participation in the administration of such policies, except where such disclosure is necessary to report an act of academic dishonesty to the Dean of the College of Law.

3.02 Reporting Prohibited Conduct: Students enrolled in the College of Law who know of acts of academic dishonesty committed by another student enrolled in the College of Law are expected to report such acts to the Dean of the College of Law.

Chapter Four: Administration of the Code

4.01 There shall be established an Academic Review Board of the College of Law.

(A) Composition and Membership: The Academic Review Board of the College of Law shall consist of both appointed faculty and elected student

members as set forth below. Additionally, the Academic Review Board shall consist of a member of the Office of the Dean of Students who shall serve as the non-voting chairperson of the Board; the responsibilities of the chairperson shall include the scheduling of meetings, notification of parties and witnesses, and reporting regularly to the Student Affairs Council the activities of the College of Law's Academic Review Board.

(1) Faculty members: As each case arises, the Dean of the College of Law shall appoint an appropriate number of faculty members to the Academic Review Board to ensure the availability of a quorum, as set forth below;

(2) Student members: Two members from each College of Law class shall be elected by the student body at large to serve as the student members to the Academic Review Board. Student members shall be subject to the Dean's approval and shall serve until their successors are elected. Elections shall be held once a year at the beginning of the fall semester. Three student members, selected from the elected six, shall be chosen by the Dean as each case arises to ensure the availability of a quorum, as set forth below. If a quorum cannot be obtained from duly elected student members of the Academic Review Board, the Dean shall appoint additional student members from a list of students submitted to him/her by the Executive Council of the Student Bar Association.

(3) Quorum: A quorum shall consist of the non-voting chairperson, three voting faculty members appointed as set forth above, and three voting student members elected or appointed as set forth above.

4.02 The Academic Review Board shall have jurisdiction:

(A) To adjudicate charges that an individual has committed an act of academic dishonesty in connection with an academic matter pertaining to the College of Law while that individual was enrolled in the College of Law and to impose, subject to the authority of the Dean of Students, any of the following penalties:

(1) Loss of Privileges. These penalties are intended to serve as reminders of operating regulations and are for specific periods of time. Such penalties may include loss of scholarship, stipend, right to participate in certain extracurricular activities, use of facilities, etc.

(2) Disciplinary Reprimand. Disciplinary reprimands are used for minor infractions. A reprimand indicates that further violations will result in more severe disciplinary actions.

(3) Disciplinary Probation. Disciplinary probation means that a student is permitted to remain in the University on a probationary status. Conviction of a similar violation during probation will result in suspension. Other conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or to participate in specified student activities. The Director of the Office of Student Conduct, who is charged with the responsibility of supervising those on probation, may also specify the terms of probation.

(4) Suspension for a Specific Period of Time. Suspension for a specific period of time is used in cases of serious misconduct or repeat offenders and means that the student is withdrawn from the University and is not eligible to apply for readmission for the designated period of time. Usually, the period of designated suspension does not exceed one year.

(5) Indefinite Suspension. Indefinite suspension means that no specific date has been recommended by the Board for the readmission of the suspended student. This penalty is used when the prognosis of rehabilitation is uncertain and the Board desires that some additional evidence of rehabilitation be presented by the student before he/she is readmitted to the University. Applications for readmission shall be considered by the Student Affairs Council.

(6) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student on the Knoxville campus. This penalty is used when the violation of one or more of the institution's Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the institution's Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct.

(7) In cases where a Board desires to impose suspension, it may so recommend to the Dean of Students. In the event a recommendation of suspension is not approved by the Dean of Students, he may substitute any less severe penalty; if probation is substituted, it may be for a greater period than the period specified for suspension. The Dean of Students shall notify the Dean of the College of Law when a recommendation for suspension is not approved.

(B) To hear appeals by an individual against whom a penalty has been assessed by an instructor in the College of Law for alleged acts of

academic dishonesty in connection with academic matters for which that instructor was responsible and to either uphold or make findings and recommendations at variance with the determination of the instructor.

(C) To hear such other academic matters as may be appropriate under the standards set forth in *Hilltopics*.

4.03 The procedures for adjudication of alleged acts of academic dishonesty by the Academic Review Board of the College of Law shall be as follows:

(A) Allegations that an individual has violated the Code of Academic Conduct shall be communicated in writing to the Dean of the College of Law. If the Dean concludes that there are reasonable grounds to believe that a violation has occurred, he or she shall refer the matter to the office of the Dean of Students for prosecution and shall empanel an Academic Review Board as provided in 4.01.

(B) A quorum, consisting of six board members, must be present in order to hear a case. A two-thirds vote of the members is required for all decisions of the Board. Any board member who cannot hear the evidence fairly and objectively for any reason shall dismiss himself/herself from the case.

(C) The chairperson shall ascertain that the accused has been advised of his/her rights and shall read the statement of charges. The accused shall have the right to:

(1) Exercise or waive his/her right, as set forth in *Hilltopics*, to a hearing conducted in accordance with the Uniform Administrative Procedures Act (T.C.A. § 4-5-101 et. seq.).

(2) Written notice of charge(s), an account of the alleged misconduct, the name of any witnesses to the misconduct, and notice of the scheduled hearing delivered 72 hours before the hearing. The student may request additional time by showing good cause.

(3) A public or closed hearing. A public hearing can involve only a limited number of spectators, and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the hearing board chairperson can designate those parties to be present.

(4) Notice of the maximum allowable penalty (i.e., permanent dismissal).

(5) The assistance of the counsel of his/her choice.

(6) Testify or remain silent at his/her option.

(7) Present witnesses.

(8) The presumption of innocence. The burden of proof rests with the University to establish by a preponderance of the evidence that the accused has committed the alleged act of academic dishonesty.

(9) A written decision specifying the rule violated, penalty assessed, and right to appeal.

(10) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.

(11) Have his/her case heard only on the misconduct specified in the written notice.

(12) Challenge the admissibility of evidence.

(13) Confront or cross-examine all available adverse witnesses.

(14) Appeal to the Student Affairs Council as provided in §4.03(O).

(D) A student who fails to appear before the Academic Review Board in accordance with proper notification shall be deemed to have waived his/her right to be present during the presentation of evidence to the Board, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless, prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.

(E) The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.

(F) The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearing. Any person who fails to follow the instructions of the chairperson, after a warning, shall be referred to the Dean of Students for appropriate disciplinary action.

(G) In the event that the accused pleads guilty, the Board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.

(H) The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence.

(I) After the presentation of evidence by the Dean of Students, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the Board has determined the issue of innocence or guilt.

(J) During Board deliberations all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based must be introduced at the hearing, and the decision shall be based solely upon the evidence presented.

No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

(K) Upon a determination of guilt by the Board, the previous disciplinary record of the accused, if any, shall be given to the Board together with the recommendation of the Dean of Students as to an appropriate penalty.

(L) After the Board determines the penalty, the accused shall be advised in writing of its decision.

(M) The results of the Board's decision shall be kept on official University judicial forms, and such a record will be considered sufficient. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Dean of Students and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Dean of Students may prepare a summary, certified by the chairperson of the Academic Review Board, of that portion of the record that has been designated by the Student Affairs Council as material to the appeal.

(N) A Board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered strictly confidential.

(O) An individual who has been found guilty and penalized by the Academic Review Board of the College of Law shall have the right to appeal those decisions to the Student Affairs Council, the final decision-making board of The University of Tennessee, Knoxville judicial system. All appeals shall be taken in accordance with the following:

(1) In all cases the request for appeal must be submitted in writing to the Dean of Students within seven (7) calendar days of written notice of the board decision. If the seventh (7th) day falls on a weekend or holiday, the time is extended to the next regular workday.

(2) If written briefs are submitted, they must be submitted within the same time allowed for filing a request for appeal. Under normal circumstances, appeals will be heard within fourteen (14) days after they have been filed.

(3) Unless the Student Affairs Council elects to hear the case de novo, all appeals must be taken upon the record made before the Academic Review Board of the College of Law.

(4) The Student Affairs Council will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:

(a) Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be “clearly unreasonable” (i.e., “that which has been clearly and fully proven to have no sound basis or justification in reason”).

(b) In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt, and that said evidence could not have been discovered by due diligence prior to the original hearing.

(c) In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. In this regard, the moving party must also show that the alleged discrepancy was materially adverse to the moving party’s interest. Nothing contained in the foregoing shall be construed as limiting the right of the Dean of Students to request the Student Affairs Council to review the decision of the Academic Review Board of the College of Law.

(P) The decision of the Student Affairs Council is subject to review by the Chancellor and the President of The University of Tennessee.

4.04 The procedures for an appeal of a penalty assessed by an instructor for alleged acts of academic dishonesty shall be as follows:

(A) Penalties for academic dishonesty may be imposed by an instructor. He/she has full authority to suspend a student from his/her class, to refuse to allow a student to take an examination, to lower a student's grade, to assign a grade of 0.0 in an exercise or examination, or to assign a grade of 0.0 in the course. In addition to or prior to establishing a penalty, the instructor may refer the case to an Academic Review Board by notifying the Dean of the College of Law. In all cases involving suspension of a student from a class, the student must be provided a hearing, as hereinafter described, prior to the effective date of such suspension.

(B) An instructor shall notify the student in writing of the penalty, the nature of the misconduct for which the penalty was assessed, the names of any witnesses to the misconduct, and the student's right to appeal, and shall have the writing countersigned by the Dean of the College of Law. Copies shall go to the Office of the Dean of Students, and, if the student is enrolled in another academic unit, to the head of that academic unit.

(C) A student who has been penalized by an instructor shall first discuss the penalty with the instructor involved and, if necessary, the Dean of the College of Law. If the student is unable to resolve the penalty with the instructor and the Dean, he/she may appeal the penalty to the Academic Review Board by notifying the Dean within seven calendar days of receipt of written notice of the penalty from the instructor.

(D) An appeal by a student to an Academic Review Board must be in writing. It is the responsibility of the student to make a complete and thorough case for the appeal to the board. This is particularly important because of the procedure which allows the Academic Review Board to make a determination based on documentary evidence without providing the student an opportunity to make an oral presentation. The appeal statement should contain the following information:

(1) The name of the person the appeal is against, what class (if any) is involved, and when and where the problem took place.

(2) The nature of the complaint; the specific way in which the student was allegedly aggrieved, harmed, injured, or denied rights. (Example: unjust allegation of academic dishonesty.)

(3) The specifics of the problem. A mere statement like, "I did not cheat, misuse materials, etc." is not sufficient. The student must state why he/she feels the penalty imposed by the instructor was improper or unfair.

(4) The existence of papers, exams, reports, etc. which verify the complaint; the names of persons (another student, advisor, etc.) who can verify the facts.

(5) The steps which have been taken to solve the problem and the names of the persons, including the instructor, with whom the student has talked in an effort to resolve the problem.

(6) The remedy desired by the student.

(7) The student's name, address, telephone number, student identification number, and signature.

(E) Upon receipt of a student appeal statement, the Dean of the College of Law shall empanel an Academic Review board as provided in § 4.01.

(F) A quorum of six board members must be present in order to hear an appeal. A two-thirds vote of the members is required for all decisions of the Board. Any board member who cannot hear the appeal fairly and objectively for any reason shall dismiss himself/herself from the case.

(G) The chairperson shall ascertain that the student who has been penalized has been advised of his/her rights in connection with the appeal of the penalty. The student shall have the right to:

(1) As provided in §4.04(b), written notice of the penalty, account of the misconduct for which the penalty was imposed, the names of any witnesses to the misconduct, and the student's right to appeal the penalty.

(2) Assistance of the counsel of his or her choice.

(3) The presumption of innocence. The burden of proof rests with the University to establish by a preponderance of the evidence that the accused has committed the alleged act of academic dishonesty for which the penalty was imposed.

(4) A written decision specifying the Academic Review Board's determination of the appeal and the student's right to appeal an adverse decision, as provided in § 4.04(K) and (L).

(5) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the Hearing Board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.

(6) Have his/her case heard only on the misconduct specified in the written notice.

(7) If a formal hearing is approved by the Academic Review Board, the additional rights to

- (a) At least 72 hours' notice of the time and place of the hearing.
- (b) Testify or remain silent at his/her option.
- (c) Challenge the admissibility of evidence.
- (d) Confront or cross-examine all available adverse witnesses.
- (e) Present witnesses.
- (f) A public or closed hearing. A public hearing can involve only a limited number of spectators, and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the chairperson of the Academic Review Board can designate those parties to be present.
- (g) A student who fails to appear before the Academic Review Board in accordance with proper notification shall be deemed to have waived his/her rights to be present during the presentation of evidence to the Board, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless, prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.

(H) The Academic Review Board shall first review all written documentation submitted to it by the appellant and the instructor and, if necessary, conduct a preliminary investigation to determine if a full evidentiary hearing by the Board is necessary. If the Board determines that a full evidentiary hearing is not necessary to insure that fundamental fairness is extended to both the student and the instructor involved, the Board shall forthwith render its determination of the appeal.

(I) If a formal hearing is approved by the Academic Review Board, the Board shall inform the appellant, the instructor, the Dean of the College of Law, and the Office of the Dean of Students of that determination.

(J) The formal hearing shall be conducted in accordance with the appellant's rights as specified § 4.04(G) and in accordance with the following procedures:

- (1) The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearing. Any person who fails to follow the instructions of the

chairperson, after a warning, shall be referred to the Dean of Students for appropriate disciplinary action.

(2) The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses.

He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions, the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence.

(3) After the presentation of evidence by the Dean of Students, the accused shall be allowed to present all relevant evidence.

(4) During Board deliberations, all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based must be introduced at the hearing, and the decision shall be based solely upon the evidence presented. No mention will be made during the hearing of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

(5) A board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered strictly confidential.

(K) If the Board supports the determination made by the instructor, the case is terminated. However, an appeal based upon procedural due process may be made to the Student Tribunal in accordance with its prescribed procedures by notifying the Office of The Dean of Students within (7) calendar days of written notice of the Board's determination.

(L) If the Board makes findings and recommendations at variance with the determination of the instructor, these recommendations shall be forwarded to the instructor and the Dean of the College of Law.

(1) If the instructor accepts the recommendations of the Board, the case is terminated.

(2) If the instructor elects not to follow the recommendations of the Academic Review Board, the student may appeal the penalty to the Student Affairs Council in accordance with its prescribed procedures by notifying the Office of the Dean of Students within seven (7) calendar days of written notice of the instructor's election.

(a) If the Student Affairs Council supports the determination of the instructor, the case is terminated.

(b) Any other recommendation of the Student Affairs Council will be forwarded to the Chancellor for final adjudication.

(c) The results of the appeal shall be forwarded by the Office of the Dean of Students to the administrative head of all academic units involved.

(M) The decision of any Board or administrative officer of The University of Tennessee is subject to review by the Chancellor and the President of the University of Tennessee.

4.05 Matters referred to the Academic Review Board pursuant to 4.02(c) shall be governed by the procedures set forth in *Hilltopics*.

4.06 In the event an individual has been adjudicated guilty of an act of academic dishonesty committed while he/she was enrolled in the College of Law, or was penalized by an instructor in the College of Law for acts of academic dishonesty, and such adjudication or penalty has not been appealed or has been upheld upon appeal, the College of Law shall report such fact to duly authorized bar examiners when requested to report on that individual's academic record at the College of Law.

H. Probation, Academic Alert, and Exclusion

1. Academic Probation

a. Probation Defined

To remain in good standing, a student must maintain at least a 2.0 average on the work of any one semester and cumulatively. A student who receives a grade point average of below 2.0 for a grading period or who fails to maintain a cumulative grade point average of at least 2.0 shall be placed on academic probation for his or her next grading period.

b. Notice

To remain in good standing, a student must maintain at least a 2.0 average on the work of any one semester and cumulatively. A student who receives a grade point average of below 2.0 for a grading period or who fails to maintain a cumulative grade point average of at least 2.0 shall be placed on academic probation for his or her next grading period.

c. Academic Requirements

A student on academic probation shall meet with the Assistant Dean for Student Affairs and the Academic Success Program (ASP) Director within the first two weeks of each semester in which a student is on probation. For all required courses, a student on probation is required to review final exams from the prior semester unless impracticable. A student on academic probation at the end of the first semester shall participate in the Academic Enrichment Program. A student on academic probation must obtain a written certification from the Associate Dean for Academic Affairs (or his or her designee) prior to the conclusion of the add/drop period that the student has consulted with the Associate Dean of Academic Affairs about the courses in which the student is enrolled. A student placed on probation should be encouraged to withdraw from all extracurricular activity at the University and, if employed, should curtail or eliminate his or her employment or reduce his or her other academic load proportionately.

2. Academic Alert

a. Academic Alert Defined

For any grading period, a student who has a grade point average in the bottom 15% of the class shall receive a notification of Academic Alert for his or her next grading period.

b. Notice

The Assistant Dean for Student Affairs shall provide students on Academic Alert with notice of his or her academic status and its requirements, described below.

c. Academic Requirements

A student on Academic Alert at the end of the first semester shall participate in the Academic Enrichment Program. Upper-level students on Academic Alert are required to meet with the ASP Director in the first two weeks of the following semester. A student on Academic

Alert at any time after their 1L year shall be required to enroll in Bar Examination: Law, Skills, and Strategies and complete the course prior to graduation.

3. Academic Exclusion

If a student receives a grade point average below 2.0 for a grading period in which the student is on academic probation, the student shall be excluded from the College of Law. A student who fails to achieve an overall average of at least 2.0 upon completion (receipt of grade) of the first two semesters of academic study shall be excluded.

Academic Alert effective with the class entering in the fall of 2017.

I. Readmission

A student who was excluded from the law school because of poor academic performance may petition for readmission and may be readmitted on a satisfactory showing that he or she:

- (1) is capable of performing academically at the level required for graduation,
- (2) has identified the problems that led to his or her exclusion, and
- (3) has taken sufficient steps to prevent those or similar problems from interfering with his or her performance in subsequent semesters.

The petition will be considered by the Academic Standards & Curriculum Committee, or, if that is not feasible, by a faculty committee consisting of at least three faculty members as appointed by the Associate Dean for Academic Affairs. The committee will prepare a report summarizing its decision and the basis for that decision. In reaching its decision, the committee should, when feasible, seek input from faculty members who have had the student in class. Readmission may be granted upon such terms and conditions as the committee in its discretion shall deem appropriate. However, a student who is readmitted following academic exclusion shall resume his or her studies on academic probation for the grading period for which readmission is granted.

A student who wishes to appeal the decision of the Academic Standards & Curriculum Committee has the right to appeal to the full College of Law faculty, which may readmit the student upon such terms and conditions as the faculty in the faculty's discretion shall deem appropriate. A student who has

been excluded more than once may be readmitted only by a vote of the College of Law Faculty.

(Approved January 2017)

J. Reenrollment After Voluntary Withdrawal

Any student who enrolls in the College of Law and voluntarily withdraws shall be re-enrolled as a matter of right provided he or she has completed at least one full semester of study and was eligible to continue at the time of withdrawal. The student must re-enroll within one year of withdrawal and give the College of Law at least one semester's notice of intention to re-enroll. A student who withdraws prior to the completion of all courses that are required to be taken in a specified semester may only re-enroll in a semester in which the uncompleted courses are offered and such courses shall be taken. In addition, the faculty shall have the same power to determine what upper-division courses such a student may take as it possessed when the variance was granted.

Students who voluntarily withdraw from the College of Law who have not completed one semester of work or who do not seek to re-enroll within one year shall be considered for readmission with regard to presently prevailing admission standards, reasons for withdrawal, law school records, and all other relevant factors.

K. Other Degree Programs

The University of Tennessee College of Law offers several dual degree programs. These programs enable students to obtain dual degrees in less time than it would normally take to earn both degrees separately. Students admitted to the College of Law as first-year students should ordinarily expect to pay law school tuition for three years, in addition to any graduate school tuition required. Students admitted to the College of Law as transfers should ordinarily expect to pay law school tuition for two years, in addition to any graduate school tuition required.

1. Dual J.D. – MBA Degree

The College of Law and the College of Business Administration offer a coordinated dual program leading to the conferral of both the Doctor of Jurisprudence and the Master of Business Administration. The dual program saves the student approximately 15 hours (one semester) over the time that would be required to earn both degrees independently. The establishment of the dual program recognizes the increasingly complex body of knowledge necessary to the creative conduct of

business and business-related law practice, the complementary nature of many aspects of the graduate programs of the College of Law and the College of Business Administration and the intellectual benefits inherent in the concurrent study of both business and business-related law. The program is designed to accommodate the interests of students who

(a) contemplate a career in public service and want to acquire the skills and perspective of the lawyer and the business-oriented manager

(b) contemplate a career in business management and want to acquire the skills and perspective of a lawyer, or

(c) contemplate a career as a lawyer specializing in business-related law and want to acquire the skills and perspective of the business-oriented manager.

a. Admissions Requirements

Applicants for the J.D.-MBA program must submit separate applications to, and be competitively and independently accepted by, the College of Law for the J.D., The Graduate School and College of Business Administration for the MBA degree, and by the Dual Program Committee.

Students who have been accepted by both colleges may apply for approval to pursue the dual program anytime prior to, or after, matriculation in either or both colleges. Such approval will be granted, provided that dual program studies are started prior to entry into the last 28 semester hours of J.D. coursework and prior to the third semester of the MBA program. Students interested in entering the dual degree program should submit a letter of application to the Dual Program Committee. Upon receipt of the application, the Dual Program Committee will determine eligibility and assign students to advisors who will be responsible for course approval and supervision of the student's progress through the dual program.

b. Curriculum

A dual program candidate must satisfy the graduation requirements of each college. Students withdrawing from the dual program before completion of both degrees will not receive credit toward graduation from either college for courses in the other college, except as such courses qualify for credit without regard to the dual program.

The College of Law will award up to nine semester hours of credit toward the J.D. for acceptable performance in approved graduate-level courses offered by the College of Business Administration. The College of Business Administration will award up to six semester hours of credit toward the MBA for acceptable performance in approved courses offered in the College of Law. The approval of courses is the responsibility of the Dual Program Committee and the student's assigned advisor.

Students may begin their studies in either the J.D. or the MBA program, but may not enroll in MBA coursework while completing the first year of the law curriculum and may not enroll in J.D. coursework while completing the first year of the business curriculum. During the first year in the J.D. program, students register through the College of Law. During the first year in the MBA program, students register as graduate students. After the first two years, any term in which students take law courses or a mixture of law and graduate courses, they are classified and registered as law students. If taking only graduate courses, they are classified and registered as graduate students.

c. Approved Dual Credit

MBA courses in which the student has earned a B grade or higher and are to be counted toward the J.D. program must include nine semester hours approved by the College of Law. The six hours of law courses in which the student has earned a 2.3 or C+ grade or higher and are to be counted toward the MBA must be selected from those approved by the Assistant Dean of the MBA Program.

2. Dual J.D. – MPH Degree

The Department of Public Health, in the College of Education, Health, and Human Sciences, offers a dual-degree program that reflects the interrelationship between the legal system and the protection and promotion of the public's health. In particular, the program emphasizes the role that policy, public and private, plays in creating the conditions in which people can be healthy. Applicants to the dual JD-MPH degree must be admitted to the College of Law, the MPH Program and the UT Graduate School through the respective admissions processes. During the first year of study, students will be solely enrolled in the prescribed curriculum for the College of Law. The JD-MPH students will

complete the requirements for the HPM concentration in addition to MPH core courses and field practice.

a. Admission requirements

To be admitted to the dual-degree program, an applicant must have received a baccalaureate-level degree. The applicant must also apply and be admitted separately to the College of Law, the Graduate School, and the MPH Program.

For purposes of admission to the JD-MPH dual-degree program, the applicant only needs to take the LSAT (Law School Admission Test), but must submit the test scores to the College of Law, the Graduate School, and the MPH Program. Applicants are welcome to submit their GRE scores if they so wish.

b. Curriculum

All students are expected to be full-time students. A student may not work in excess of 20 hours per week while attending school on a full-time basis.

Students are required to complete a minimum of 89 semester credit hours for the JD degree and 42 semester credit hours for the MPH degree.

During the first year of study, students will be solely enrolled in the prescribed curriculum for the College of Law. Any term in which students take law courses or a mixture of law and graduate courses, they are classified and registered as law students. If taking only graduate courses, they are classified and registered as graduate students.

The College of Law will accept nine hours from approved Public Health courses as electives and the Department of Public Health will accept six hours from approved Law courses as electives.

The required MPH Field Practice requirement (PUBH 587, PUBH 588) may be fulfilled by placement in an approved legal or community organization.

Dual degree students who withdraw from the program before completion of the requirements for both degrees will not receive credit toward either the JD or the MPH for courses taken in the other program, except as such courses qualify for credit without regard to the dual-degree program.

c. Awarding of Grades

For grade recording purposes in the College of Law and the Department of Public Health, grades awarded in courses in the other unit will be converted to either Satisfactory/No Credit and will not be computed in determining a student's GPA or class standing. The College of Law will award a grade of Satisfactory for an approved Public Health course in which the student earns a grade of B or higher and a grade of No Credit for any lower grade. The Public Health Department will award a grade of Satisfactory for an approved law course in which the student earns a grade of 2.7 or higher on a 4.3 scale and a grade of No Credit for any lower grade. The official academic record of the student maintained by the Office of the University Registrar shall show the actual grade assigned by the instructor without conversion.

Different rules apply to students enrolled in the dual JD-MPH, JD-MBA, or JD-MPA Programs. Grades must be earned according to the grading system of the respective college, e.g. numerical grades for law courses but letter grades for graduate courses. Refer to the grading policy of the College of Law and the Department of Public Health, respectively, for the grading scale acceptable toward meeting degree requirements. Cumulative GPA for law courses only will be carried until graduation, at which time both graduate and law cumulative GPAs will be shown on the student's permanent record.

3. Dual J.D. – MPPA Degree

The College of Law and the Department of Political Science in the College of Liberal Arts offer a coordinated dual degree program leading to the conferral of both the Doctor of Jurisprudence and Master of Public Policy and Administration degrees. In this dual degree program, a student may earn the M.P.P.A. and J.D. degrees in about four years rather than the five years that otherwise would be required for the two degrees. Students pursuing the dual degree program should plan to be enrolled in course work or an internship for one summer term in addition to taking normal course loads for four academic years.

a. Admission requirements

Applicants for the J.D./M.P.P.A. Dual Degree Program must make separate application to and be independently accepted by the College of Law for the J.D. degree and the

Department of Political Science and the Graduate School for the M.P.P.A. degree.

Applicants for the Dual Degree Program must also be accepted by the Dual Degree Committee. All applicants must submit a Law School Admission Test (LSAT) score. An applicant's LSAT score may be substituted for the Graduate Record Examination (GRE) score, which is normally required for admission to the M.P.P.A. program. Application may be made prior to or after matriculation in either the J.D. or the M.P.P.A. program, but application to the Dual Degree Program must be made prior to entry into the last 29 semester hours required for the J.D. degree and prior to entry into the last 15 hours required for the M.P.P.A. degree.

b. Curriculum

A dual degree candidate must satisfy the requirements for both the J.D. and the M.P.P.A. degrees together with the requirements listed here for the dual degree program. The College of Law will award a maximum of nine semester hours of credit toward the J.D. degree for successful completion of approved graduate level courses (500 or 600 level) offered in the Department of Political Science. The M.P.P.A. Program will award a maximum of nine semester hours of credit toward the J.D. degree for successful completion of approved courses offered in the College of Law. All courses for which such cross-credit is awarded must be approved by the J.D./M.P.P.A. coordinators in the College of Law and the Department of Political Science. All candidates for the dual degree must successfully complete Administrative Law (Law 821). An internship is strongly recommended for students in the dual degree program, as it is for all M.P.P.A. candidates, but an internship is not required.

During the first two years in the dual degree program, students will spend one academic year completing the required first year of the College of Law curriculum and one academic year taking courses solely in the M.P.P.A. Program. During those first two years, a student may not take M.P.P.A. courses in the year in which he or she is concentrating in law, nor law courses in the year in which he or she is concentrating in the M.P.P.A. program, without the approval of J.D./M.P.P.A. coordinators in both the College of Law and the Department of Political Science. In the third

and fourth years, students are strongly encouraged to take both law and political science courses each semester. During the first year in the J.D. program, students register through the College of Law. During the first year in the M.P.P.A. program, students register as graduate students. After the first two years, any term in which students take law courses or a mixture of law and graduate courses, they are classified and registered as law students. If taking only graduate courses, they are classified and registered as graduate students.

Dual degree students who withdraw from the dual degree program before completion of the requirements for both degrees will not receive credit toward either the J.D. or the M.P.P.A. degree for courses taken in the other program, except as such courses qualify for credit toward those degrees independently of the dual degree program.

c. Awarding of Grades

For grade recording purposes in the College of Law and the Department of Political Science, grades awarded in courses in the other unit will be converted to either Satisfactory or No Credit and will not be computed in determining a student's grade point average or class standing. The College of Law will award a grade of Satisfactory for an approved M.P.P.A. course in which the student earns a grade of B or higher and a grade of No Credit for any lower grade. The Political Science Department will award a grade of Satisfactory for an approved law course in which the student earns a grade of 2.3 or higher and a grade of No Credit for any lower grade.

4. Dual J.D. – MA Degree

The College of Law and the Department of Philosophy in the College of Arts and Sciences offer a coordinated dual-degree program leading to the conferral of both the Doctor of Jurisprudence degree and the Master of Arts degree in philosophy. In this program, you may earn the JD and MA in about four years rather than the five years that otherwise would be required.

a. Admissions Requirements

Applicants for the JD-MA (Philosophy major) program must make separate application to, and be independently accepted by, the College of Law for the JD and the

Department of Philosophy and Office of Graduate Admissions for the MA degree, with a major in Philosophy. Applicants must also be accepted by the dual degree committee (the membership of which will include a program coordinator from both the College of Law and the Department of Philosophy). Upon petition, an applicant's LSAT score may be accepted by the Department of Philosophy as a substitute for the normally required GRE score. Application to the dual degree program may be made prior to or after matriculation in either the JD or the MA (Philosophy) program, but application must be made prior to the last 29 hours required for the JD and prior to the last 15 hours required for the MA (Philosophy).

b. Curriculum

A dual degree candidate must satisfy the requirements for both the JD and MA (Philosophy) degrees, as well as the requirements of the dual degree program. The College of Law will award a maximum of 9 hours of credit toward the JD degree for successful completion of approved graduate level courses (500- or 600-level) offered in the Department of Philosophy. The Department of Philosophy will award a maximum of 15 hours of credit toward the MA degree for successful completion of approved courses offered in the College of Law. All courses for which such cross-credit is awarded must be approved by the JD-MA (Philosophy) program coordinators in the College of Law and Department of Philosophy. Upon admission to the dual degree program, a dual degree candidate will take, if he or she has not already taken, the required first year courses in the College of Law.

During the first year in the J.D. program, students register through the College of Law. During the first year in the Philosophy program, students register as graduate students. After the first two years, any term in which students take law courses or a mixture of law and graduate courses, they are classified and registered as law students. If taking only graduate courses, they are classified and registered as graduate students.

Dual degree students who withdraw from the program before completion of the requirements for both degrees will not receive credit toward either the JD or the MA (Philosophy) degree for courses taken in the other program

except as such courses qualify for credit without regard to the dual degree program.

c. Awarding of Grades

For grade recording purposes in the College of Law and Department of Philosophy, grades awarded in the other unit will be converted to either Satisfactory or No Credit and will not be computed in determining a student's GPA or class standing. The College of Law will award a grade of Satisfactory for an approved Philosophy course in which the student earns a grade of B or higher and a grade of No Credit for any lower grade. The Philosophy Department will award a grade of Satisfactory for an approved law course in which the student earns a grade of 2.3 or higher and a grade of No Credit for any lower grade. The official academic record of the student maintained by the Office of the University Registrar shall show the actual grade assigned by the instructor without conversion.

5. Health Policy Graduate Certificate

In addition to earning a JD, students may earn a Health Policy Graduate Certificate, offered jointly by the College of Nursing and the Department of Public Health in the College of Education, Health, and Human Sciences. The certificate program prepares students to be active in all aspects of policymaking relative to health.

6. Certificate in Contractual and Legal Affairs in Engineering and Construction

The Certificate in Contractual and Legal Affairs in Engineering and Construction is a joint program of the University of Tennessee's Colleges of Engineering and Law. The Certificate in Contractual and Legal Affairs in Engineering and Construction is designed to (1) provide engineers with a background in law, focusing on contract law, and (2) provide lawyers with a background in construction and engineering. Both of these fields have substantial overlap starting in the planning and contracting stages, continuing through project implementation and contract administration, and sometimes ending in formal dispute resolution proceedings. In such an environment, a broad range of knowledge in both fields is not only desirable, it may be critical to a firm or project's success.

1. Application

Law students seeking to pursue the Certificate must first obtain the approval of the Dean or the Dean's Designee.

2. Curriculum

Completion of the Certificate is obtained through completion or other method of satisfaction of the following courses representing 15 credit hours:

Primary Courses - Engineering

CE 595 - Construction Engineering and Management I (3 credit hours)

[Introduction to construction management concepts including developing an understanding of the goals and objectives of various construction stakeholders, delivery and procurement methods, types of construction contracts, planning, quality assurance and control, health and safety, estimating and scheduling.]

CE 584 - Construction Conflicts, Claims, and Disputes (3 credit hours) [Detailed analysis of the different techniques used to analyze and mitigate conflicts, claims, and disputes in civil engineering projects as related to schedule delays, extension of time, prolongation costs, liquidated damages, and others. (Prerequisite or Co-requisite for LAW 842) Waived for law students due to the restriction that non-law courses in which the primary content consists of substantive law will not be accepted for JD credit.]

Secondary Courses - Engineering - One of the following courses:

CE 581 - Construction Estimating (3 credit hours)

[Comprehensive coverage of construction project cost estimation including quantity take-off, associated market pricing conditions, and the techniques used for assessing cost of labor, material, and equipment.]

CE 582 - Construction Scheduling (3 credit hours)

[Comprehensive coverage techniques used to schedule and deliver construction projects using Gant charts, critical path management (CPM), program evaluation and review technique

(PERT), and cash flow analysis, including associated software packages.]

Prerequisite Courses - Law

LAW 842 - Contract Drafting (2 credit hours)

Primary Courses - Law

LAW 944 - Construction Law (3 credit hours) [prerequisite: Law 842 Contract Drafting.]

Secondary Courses - Law - One of the following courses:

LAW 821 - Administrative Law (3 credit hours)

LAW 914 - Alternative Dispute Resolution (3 credit hours)

LAW 943 - Land Use Law (3 credit hours)

LAW 896 - Law of the Workplace (3 credit hours)

LAW 981 - Business Torts (3 credit hours)

LAW 926 - Negotiation (3 Credit Hours)

LAW 990 - Issues in the Law (Arbitration) (3 Credit Hours)

Capstone Course

LAW 904 - Construction Law: Cases and Studies (3 credit hours)

3. Awarding of Grades

Non-law courses taken in pursuit of the certificate will be credited on a Satisfactory/No Credit basis and a grade of B or better is required in order to receive a Satisfactory.

7. Master of Laws in United States Business Law (LL.M.)

a. Structure of the Program

The LL.M degree is for foreign lawyers. It is a one-year program, intended for students who have earned a foreign law degree and desire to augment their existing education with training in United States business law. The program is based on the existing Concentration in Business Transactions, with the addition of several other courses designed to introduce foreign-educated lawyers to the structure of the American legal system and the basics of U.S. law.

Students seeking this degree will matriculate in the fall and will ordinarily complete their studies in the spring of the same academic year. With appropriate administrative approval, students may be allowed to take longer to complete their LL.M. degree, such as extending their studies into the summer by enrolling in summer courses or continuing into the next academic year.

b. Program Curriculum

Students must complete the following courses:

LAW 998 - The Structure and Operation of the American Legal System (2 credit hours)

LAW 990 - Legal Research, Writing, & Analysis for the LL.M. Student (2 credit hours)

LAW 814 - Professional Responsibility (3 credit hours)

LAW 827 - Business Associations (3 credit hours)

LAW 841 - Secured Transactions (3 credit hours)

LAW 842 - Contract Drafting (2 credit hours)

LAW 818 - Fundamental Concepts of Income Taxation (3 credit hours)

LAW 940 - Land Finance Law (3 credit hours)

LAW 972 - Income Taxation of Business Organizations (3 credit hours)

Total Credit Hours: 24

Students in the first semester will ordinarily take The Structure and Operation of the American Legal System, Legal Research, Writing, & Analysis for the LL.M. Student, Business Associations or Secured Transactions, Fundamental Concepts of Income Taxation, and Land Finance. Students in the second semester will ordinarily take Professional Responsibility, Business Associations or Secured Transactions, Contract Drafting, and Income Taxation of Business Organizations.

LL.M. candidates are also permitted, but not required, to take one other elective from the general College of Law curriculum. LL.M. students may also be permitted to audit any bar exam strategies course offered by the College of Law.

c. Grading

For each class, LL.M. students will be graded on the same numerical scale as J.D. Students. For any course in which there is a required mean, the grades of LL.M. students will not count toward the mean. To receive credit for a course, an LL.M. student must receive a minimum grade of 0.8. An LL.M. student who fails to earn a minimum grade of 0.8 in any class will be dismissed from the program. To the extent practicable, the process for petitioning for readmission shall be the same as for J.D. students.

LL.M. students who have a cumulative grade point average of 3.0 or better will graduate “with Honors” and will receive a letter from the College of Law indicating such. LL.M. students who have a cumulative grade point average of 3.3 or better will graduate “with High Honors” and will receive a letter from the College of Law indicating such. LL.M. students who have a cumulative grade point average of below 3.0 will receive a letter from the College of Law indicating that they have performed satisfactory work.

d. Program Administration

The LL.M. in United States Business Law program will be administered by the University of Tennessee College of Law’s Clayton Center for Entrepreneurial Law, in conjunction with the Admissions and Records Offices.

L. Writing Standards

Introduction

This is intended to provide general guidelines for writing papers in law school. As such, it furnishes only the minimal standards, below which acceptable writing may not fall; it does not attempt to define standards of excellence.

Law school writing can be broadly categorized into five distinct types: (1) examinations, (2) instrument drafting, (3) reports, (4) briefs and (5) research papers. Two basic policies determine the minimal standards applicable to all five of these types: (1) ethical standards of honesty, and (2) academic standards of individual analysis and original thought. These two policies have varying applications to the five listed categories.

The Dean and Faculty of the Law College view any departure from the ethical standards expressed herein as being a very serious matter. They reserve the full right to apply appropriate sanctions in instances of ethical unacceptability in writing. In addition to academic failure in the course, such sanctions may

include, among others, suspension or expulsion from the law school, and a report of any instance to the appropriate state bar association and board of bar examiners, which may exercise authority to prohibit the writer from entering the legal profession in that state on grounds of ethical unacceptability.

Minimal Ethical Standards

Implicit in the determination of minimal ethical standards is the policy that a writer may not appropriate in his writing either the language or the ideas of another without giving due credit to the source of such language or ideas, except as otherwise specifically provided for herein. A breach of these standards is based, to a very large extent, on the existence of an intent to commit such a misappropriation. Such an intent is to be determined primarily by objective evidence of the writing itself, rather than by the statement of the writer as to his subjective intent.

A significant phrase, a sentence, or a longer passage in a writing, taken verbatim from another's writing, must be identified by quotation marks and citation as coming from such other source in order to avoid the imputation of an intent to misappropriate. Where a passage or significant number of sentences or phrases in a writing closely resemble, with only slight variations in language, those of another source and no identification of the other source is made in the writing by quotation marks and citation to such other source, a like imputation of intent to misappropriate will be made. Mere change of random words does not constitute acceptable paraphrasing.

Acceptable paraphrasing consists of a restatement by the writer in his own words of another writer's ideas, with due reference to the source of such ideas. Where the writer paraphrases all of a portion of the content of another writing, sufficient citation to such other writing must be made with sufficient accompanying explanation to enable the reader to determine what portion of the writing is intended as a paraphrase, in order to avoid the presumption of an intent to misappropriate. Presumption of such an intent will be proportionately stronger as the extensiveness of the paraphrasing and the lack of clarity of such explanation increase.

The use of any writing or dictation that is done by another for the specific use of a writer who then presents the material as his own is ethically unacceptable on the part of both the furnisher and recipient thereof.

Any statement, either express or reasonably implied in a writing, that the writer has read a source that he has not in fact read is ethically unacceptable. Citation of any source shall be construed to imply that the writer has read the cited source unless the writer specifically indicates the contrary.

In the event that it may be infeasible or impractical to read a primary source that is referred to in a secondary source – as, for instance, where the primary source isn't available, or the secondary source cites a general or preponderant rule that is accepted or is not in central issue in the writing – then the writer must make it clear that he read the secondary source only. Such clarification may generally be achieved by citing, or quoting from and citing, the secondary source only.

Except in the case of examinations, consultation by a writer with another person for purposes of obtaining ideas to be used in a writing is ethically acceptable, unless the teacher for whom the writing is being prepared expressly provides otherwise. However, collaboration in the actual writing of a paper is ethically unacceptable on the part of all collaborators, unless the teacher otherwise expressly provides. When consultation or collaboration is ethically permissible, explanation of the source thereof is ethically required if the writing is substantially based on ideas suggested by such source.

Minimal Academic Standards

Academic standards of individual analysis and original thought pertain to a writing without regard to whether it meets the minimal ethical standards.

A writing may fully cite the reader to all source material but consist in sum and substance of essentially nothing more than a restatement of some other writer or writer's ideas; as such the writing would generally be academically unacceptable. Where the ideas of two or more other writers are dealt with in a writing, the ensuing contrasts and comparisons must be not only pointed out, but they should also be explored, analyzed and evaluated by the writer individually, in order to infuse the writing with an academic quotient sufficient to raise it above the level of a patchwork of others' ideas.

Any source read by the writer should be read with sufficient care to avoid making a misstatement of the proposition or propositions for which the source stands. The writer should make more than a cursory examination and research of available sources to determine the probable content and validity of a proposition.

Whether the product of ethically acceptable collaboration or consultation is academically acceptable will be determined by the degree of individual effort that is indicated by the instructor as expected in the particular writing assignment.

A writing that does not meet minimal ethical standards is also unacceptable academically, even though such writing may contain acceptable ingredients of academic work.

Application of Standards

Examinations

Except in the case of open-book examinations, all of the writing on an examination must be the product of the writer's individual memory as derived from the applied to the examination question, in order to be ethically and academically acceptable. Additionally, to be academically acceptable, the writing, with the exception of answers to purely objective questions, must also demonstrate more individual thought of the writer than memory alone, such additional thought consisting of analysis, organization, evaluation and persuasiveness.

The examination writer is not ethically required to identify specifically the source of his thoughts, although it may be academically desirable to do so at least in a general way for purposes of clarity and demonstration of knowledge. Specific identification and delineation of sources in the writer's mind is in all events academically desirable in order to avoid general overstatements, unqualified statements, and other misstatements of the law, and in order to aid the writer in making individual qualifications that may seem appropriate to the particular examination question.

In the case of open-book examinations, only such sources as are specified by the teacher may be used. The same standards regarding specific identification of sources and derivation of materials, as outlined above, apply to open-book examinations unless the teacher otherwise specifies.

Reference to any source or discussion with other persons, other than as provided for herein, is ethically unacceptable.

Instrument Drafting

The drafting of instruments, such as pleading, wills, trusts, contracts, statutes, and the like, may be done by use of relevant forms or drafting products prepared by others. Such use is permissible and is generally desirable unless the teacher expressly indicates otherwise; no ethical question is involved except in the case of unauthorized reference or use. The extent to which identification of the source of such use may be required will depend upon the specifications set by the particular teacher.

The use of forms and other drafting products will in all instances require individual adaptation to meet the needs of the particular situation; in general, individual additions will be desirable as well. The extent to which such adaptation and additions are desirable will depend on the circumstances of the particular situation. The adoption in full of a single

form or other product with only the addition or substitution of identifying names is academically unacceptable unless expressly authorized by the teacher.

Reports

Reports, such as book reviews and similar critiques, by nature consist to a substantial extent of a summary of a primary source or sources. Extensive paraphrasing of such sources is ethically permissible without specific reference to the source, although specific identification is academically desirable for purposes of clarity. Whenever verbatim quotations are made from a primary source, appropriate identification of the source as described in the “Minimal Ethical Standards” above is ethically required.

Generally, some analysis and evaluation of the primary source or sources will be academically required. Such analysis and evaluation should contain individual contributions of the writer and may contain additions from other sources as well. In the event that additions from such other sources are used, they must be appropriately identified as provided in the “Minimal Ethical Standards” above.

Briefs

Briefs are summaries of the law on particular issues. Accordingly, it is academically desirable to provide in a brief as thorough a summary as is practical. To the extent that a research digest is used merely for purposes of finding citations to primary sources, reference to this digest is not ethically required, although reference or citation may be academically desirable for purposes of presenting clarification of a given proposition. In the event that a research digest is relied upon for purposes other than obtaining references to primary sources, due reference to such digest is ethically required by appropriate quotation from or paraphrase of the relevant portion or portions of the digest, and by citation thereto.

An academically acceptable brief should also contain elements of analysis, organization, policy, and persuasive argument. Any of these elements may be derived from other sources; to the extent that such derivation is an intentional process, due reference to the source is ethically required. Intent in this context is measured objectively by the standards outlined in the “Minimal Ethical Standards” above.

Research Papers

Research papers generally differ from briefs, other than in format, by the greater emphasis that is placed upon the writer’s ability to present non-precedent-oriented considerations in the writing, and by the greater extensiveness of the writing. These differences involve only

academic considerations; the ethical standards outlined in “Minimal Ethical Standards” sections apply.

Conclusion

The parallel references to minimal academic standards of acceptability are designed primarily to aid the writer in distinguishing the applicable ethical standards from academic standards. It should be emphasized that in no event should this memorandum be construed as providing a guideline for excellence nor as providing any kind of detailed outline of academic acceptability. The contours of academic acceptability and superior achievement are as elusive as those of the meaning of education. The contours of the standards of ethical acceptability are reasonably certain by comparison, and henceforth it will be expected that these standards will be perceived as a minimal requirement for the qualifications of a lawyer.

Any standard expressed herein may be varied by any teacher from time to time in specific instances, but the authorization for any such variation of an ethical standard must be expressed, and a substantial burden will be placed on the writer to prove the existence of such authorization if the variation is called into question.

It is evident that the definition of ethical standards in writing for law school involves questions of degree, but this fact is not unusual in the law. The purpose of this memorandum is to provide general ground rules in order to obviate a plea of ignorance in what should be the more obvious situations. If the writer is confronted with a situation that he cannot reasonably resolve by reference to these ground rules, he should consult the teacher from whom he has obtained the writing assignment in order to obtain clarification. It is intended that henceforth a plea of ignorance as to ethical standards will not be acceptable.

Approved June 1991

M. Non-Law Electives

Eligible law students may receive credit toward the JD degree for acceptable performance in a maximum of six semester hours in upper-level courses taken in other departments at the University of Tennessee, Knoxville which materially contribute to the study of law. Course selection and registration are subject to guidelines approved by the law faculty. These guidelines include the requirement that any such course be acceptable for credit towards a graduate degree in the department offering the course. Courses in which the primary content consists of substantive law will not be accepted for JD credit under this option. Prior approval of the associate dean for academic affairs is required.

Non-law courses will be credited on a Satisfactory/No Credit basis and a grade of B or better is required in order to receive a Satisfactory. Students enrolled in the J.D.-M.B.A. degree program and the J.D.-M.P.A. program may not receive credit toward the JD degree for courses taken in other departments of the University except for those taken in conjunction with the dual degree.

N. Field Placements

Students may attain academic credit through field placements. The field placement experience will combine a practical component – learning by doing – with a reflective component – reflecting upon what has been done and upon relevant facets of the legal system as illuminated by the field experience.

A full-time faculty member agrees to oversee the field placement, helps develop the design of the course with the student and field supervisor(s) as memorialized in a Field Placement Memo (FPM), review the student’s journal, and periodically discusses the experience with the student and field supervisor. The details of the requirements and the approval process are set forth below.

Academic Requirements

- 1. Faculty Supervision.** Faculty supervision must be provided by a member of the full-time faculty. Faculty Supervision will include creation of the FPM, periodic review of the student journal, regular, periodic meetings with the student and field placement supervisor, whether in person, by e-mail, or by telephone. Generally, in any one semester, no faculty member is to supervise more than two (2) field placements nor more than six (6) students.
- 2. Field Work.** The core of the course would be actual field work by the student in a selected placement. The placement would entail uncompensated work involving legal matters. Student should be an active participant, not passive observer, directly supervised by designated lawyers with sufficient experience and understanding of the educational purpose of the placement.
- 3. Credit.** A student can earn up to four (4) hours of credit for a field placement. Students are expected to work seventy (70) hours per credit. For example, a student working fourteen (14) hours for ten weeks in the summer could receive up to two (2) hours of credit.
- 4. Student Journal.** Subject to ethical constraints and requirements, students will be required to submit to the faculty supervisor a weekly journal describing, analyzing, and reflecting upon the professional work they are undertaking and their working relationships in the placement

setting with their supervisor, clients, client representatives, other lawyers, other professionals and staff.

5. **Grading.** Field Placements may be graded or ungraded (S/NC).

6. **Repeatability.** A student may repeat the field placement experience once so long as the field placement is sufficiently different from the prior field placement. Credit for field placements subject to the limit of 18 hours total for non-classroom courses (e.g. externships, directed research, independent study, moot court, and law reviews or journals).

Course Development/Approval Process

1. **Placement Selection.** A student selects a field placement and submits a proposal to a faculty member who is willing to supervise the placement. The placement must entail uncompensated legal work.

2. **Course Development.** The student and faculty member contact the proposed placement and develop a set of agreed upon pedagogical goals for the student's field experience. The field placement designates an individual who will be responsible for supervising the student in his or her field placement.

3. **Initial Approval.** The student and faculty member will submit the field placement proposal to the Associate Dean for Academic Affairs for initial approval.

4. **Field Placement Memo.** After initial approval by the Associate Dean for Academic Affairs, the faculty member will develop a field placement memorandum (FPM) with the field placement. The FPM will describe 1) the types of activities the student will engage in, 2) the pedagogical goals of the placement, and 3) the supervision expected of the designated field placement supervisor. The faculty member and field placement supervisor must agree upon the frequency and nature of the contact between the faculty member and the field placement supervisor. Some field placements may become recurrent placements. In this case, it would not be necessary to develop a new field placement memorandum with the field placement.

5. **Final Approval.** The FPM is submitted to the Associate Dean for Academic Affairs for final approval. The Associate Dean then sends that information to Records Office.

O. Complaint Procedure

1. Complaints regarding any significant problem relating to the law school, law school program, or law school community (other than grade appeals) should be submitted in writing to the Assistant Dean for Student Affairs.
2. The Assistant Dean of Student for Student Affairs will process any complaint for consideration and resolution coordinating with other staff and faculty as appropriate, and will inform the Dean of the complaint and any action taken.
3. The Assistant Dean for Student Affairs will communicate any resolution or action taken regarding the complaint to the complaining student, generally within two weeks of submission.

This complaint process is not intended to displace informal discussion regarding law school issues or concerns between students, faculty, staff, and administrators.

P. Learning Outcomes for Graduating Law Students

This document describes the learning outcomes for a graduating law student. For each law school course, the professor will establish learning outcomes and describe them to the students. The outcomes for each course may emphasize not only substantive knowledge that the student should master in the course but also competencies necessary for the successful practice of law. In choosing among courses, a student should consider not only the outcomes emphasized in courses already taken but also outcomes useful for his or her desired career path.

We expect every graduating student to have attained or achieved the knowledge, competencies, and understanding described below. In achieving these goals, each student must follow the law school's Code of Academic Conduct, the law school's Memorandum of Writing Standards in Law School, and the university's honor code.¹

1. Substantive and procedural law. By graduation, each student should attain knowledge sufficient to begin the competent practice of law, which should include the following areas of study:

- (a) The first-year curriculum (Contracts, Civil Procedure, Criminal Law, Legal Process, Legal Research, Property, and Torts);

¹ The order of the categories that follow or the topics within any category in no way reflects a hierarchy of importance.

(b) Upper-level required courses (Constitutional Law and Professional Responsibility); and

(c) Upper-level elective courses, which together may comprise a general area of study, such as business law, civil practice, or litigation, and perhaps a more specific area of study, including appropriate dispute resolution, bankruptcy law, civil rights law, commercial law, corporate and securities law, criminal law and procedure, entertainment law, environment law, estate planning, family law, health care law, immigration law, income tax law, intellectual property law, labor and employment law, private or public international law, public interest practice, and real estate law.

2. Sources and the development of the law. Each graduating student should understand the following:

(a) The structure of the American legal system, the hierarchy of courts, and the various types of legal actors, institutions, and authorities (e.g., constitutions, statutes, case law, regulations, and other administrative guidance), including thinking critically about how to apply those authorities;

(b) The processes by which law is made and evolves;

(c) The different roles that federal, state, and other authorities play in developing the law;

(d) How economic and social policy and political dynamics affect the development of the law; and

(e) How to integrate legal theory and practice and how that integration affects the development of the law.

3. Writing. We stress writing across the curriculum and each graduating student should be proficient in the following areas:

(a) Writing analytically and persuasively, including refining a written product through editing and proofreading;

(b) Writing for a variety of audiences;

(c) Anticipating future problems or changes in circumstances, planning for their resolution in documents that govern future behavior, and drafting those documents in precise and understandable language;

and

(d) Writing a substantial research paper that proposes and defends a solution to an important legal problem or presents a sensible way of thinking about an important legal question.

4. Legal analysis and reasoning. Each graduating student should be proficient in the following areas:

(a) Stating a clear and concise legal argument, including stating the relevant issue; identifying, stating and explaining the relevant rule or doctrine; applying the rule or doctrine to relevant facts; and reaching a conclusion, understanding when and how to incorporate alternative arguments and counterarguments;

(b) Analyzing and synthesizing cases;

(c) Reading and analyzing statutes, regulations, administrative guidance, and other sources of the law;

(d) Researching a wide variety of legal issues;

(e) Constructing a coherent and effective narrative based on a set of facts; and

(f) Presenting analysis and arguing orally.

5. Other basic competencies for legal practice. Each graduating student should be proficient in the following areas:

(a) Thinking critically about legal issues;

(b) Systematically solving legal problems in light of a client's objectives, being able to anticipate and assess risks;

(c) Learning through reflection and self-critique;

(d) Paying attention to detail;

(e) Using practical judgment;

(f) Listening attentively;

(g) Planning strategically;

(h) Organizing and managing a heavy workload within time and resource constraints;

(i) Working collaboratively and with civility; and

(j) Recognizing common ethical problems and resolving them with high professional standards.

6. Additional competencies for legal practice. Each graduating student should be proficient in at least some of the following:

(a) Negotiating;

(b) Interviewing clients;

(c) Counseling clients;

(d) Using appropriate dispute resolution;

(e) Discovering facts;

(f) Performing basic trial tasks;

(g) Analyzing transactions, agreements, or settlements;

(h) Structuring transactions, agreements, or settlements; and

(i) Using technology in legal practice.

7. Professional and ethical responsibilities. Each graduating student should understand the following:

(a) How to act in professional settings in a manner expected of a competent legal practitioner;

(b) How to act in compliance with the standards of professional conduct; and

(c) A lawyer's ethical responsibilities as a representative of clients, an officer of the court, and a public citizen responsible for the quality and availability of justice.

(Approved April 2015)

Q. Right to Appeal Academic Decisions

A College of Law student may appeal academic decisions to the University Graduate Council as provided for in the University Graduate Council Appeal Procedure.

(Approved January 2017)