

ST. MARY'S UNIVERSITY
SCHOOL OF LAW

STUDENT HANDBOOK

Academic Year 2023-2024

St. Mary's University, as a Catholic Marianist University, fosters the formation of people in faith and educates leaders for the common good through community, integrated liberal arts and professional education, and academic excellence.

Current version updated by:
Zoe E. Niesel
Associate Dean for Academic Affairs
and Professor of Law

THIS HANDBOOK IS NOT A CONTRACT.

THE PROVISIONS OF THE HANDBOOK ARE SUBJECT TO CHANGE.

THE STUDENT HANDBOOK
AND IMPORTANT CHANGES TO THE TEXT OF THE HANDBOOK
ARE AVAILABLE ON GATEWAY.

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I. INTRODUCTION

By publishing the *Student Handbook*, St. Mary's University School of Law attempts to bring together from various sources the policies and procedures of interest to enrolled law students. Some of the statements included in the *Student Handbook* may change during the academic year; however, no changes will be made to graduation requirements, and any changes in policy will be accompanied by email notice from the Associate Dean for Academic Affairs. Other rules, policies, or procedures may be added in the future as required. Important changes will be posted on GATEWAY and published in the *Witan*, the law school's internal newsletter.

To the extent that the *Student Handbook* addresses rules, policies, and procedures within the law school, it is authoritative. It is not, however, the exclusive source of guidance. Students wishing for additional information regarding a particular matter not addressed in the *Handbook* should inquire at the Office of the Associate Dean for Academic Affairs. Students are also bound by the University Code of Student Conduct.

All students are subject to the rules, policies, and procedures contained herein. Faculty members must comply with the stated academic standards for evaluation of students. It is the responsibility of students and faculty members affected by these rules, policies, and procedures to become familiar with them and to adhere to them closely. LL.M. and M.Jur. students should also consult their program handbooks for rules specific to those academic programs.

Because certain rights, privileges, and remedies, and the ways in which these may be exercised or forfeited, are included in the *Handbook*, students are directed to read carefully the materials contained here. With regard to any provision of the *Student Handbook*, fair notice to the student is conclusively presumed from its publication and, except where expressly noted to the contrary, no further notice is required.

II. JURIS DOCTORATE DEGREE GRADUATION REQUIREMENTS¹

A. Ninety or Ninety-One Credit-Hours Requirement

A candidate for the degree of Juris Doctor must earn a minimum of ninety (90) credit hours in order to graduate, unless the candidate matriculated in Fall 2016 or Fall 2017, in which case a minimum of ninety-one (91) credit hours must be earned in order to graduate. Once credits are earned, a candidate who matriculated Fall 2019 or later is eligible to graduate if the candidate's cumulative grade point average is 2.3 or higher.² Candidates who matriculated before Fall 2019 require a GPA of 2.0 or higher to graduate. Special requirements on credit hours apply to students in joint degree programs. See Section II.I.

B. Five-Year/Seven-Year Limitation

¹LL.M. and M.Jur. students should consult their degree specific *Student Handbook* for graduation information and requirements.

² See Section V.B for cumulative GPA requirements at the completion of the first and second years.

The ninety (90) (or, as applicable, ninety-one (91)) credit hours needed to graduate must be earned within a five-year period (seven-years for part-time students) from the date of the semester the student matriculated. The five-year/seven-year limitation is strictly enforced.

C. Graduation/Commencement Application

JD candidates who qualify for graduation must apply on GATEWAY by the following dates to ensure timely certification by the School of Law:

September 1 for December completion/participation in the combined University commencement ceremony

February 1 for May completion/participation in the law school's commencement ceremony

June 1 for August completion (no ceremony)

Failure to apply in a timely manner and complete all graduation requirements could prevent graduation for the date requested and participation in the commencement ceremony.

A JD candidate may petition to walk early at the December University Commencement ceremony (a joint commencement ceremony with the University) or May Law School Commencement ceremony (a law school only commencement) if, at the completion of the semester, he or she will lack no more than four (4) credit hours to fulfill his ninety (90) (or, as applicable, ninety-one (91)) credit hour requirement. Petition forms can be obtained on GATEWAY and must be submitted for approval by the Assistant Dean for Law Student Affairs by the graduation application deadline listed above.

Students who withdraw from a class or fail to obtain a passing grade in a class their final semester must submit an early walk petition within forty-eight (48) hours of when the failing grade is posted or immediately after class withdrawal.

D. Pass/Fail Hours Limitation

Ordinarily, no more than eight (8) ungraded elective credit hours earned at any law school may count towards graduation. However, up to ten (10) ungraded elective credit hours are permissible if a portion of the ungraded elective credit hours are earned as a staff writer or editor for *Law Journal* or *The Scholar*. In truly extraordinary cases, the Associate Dean of Academic Affairs may be petitioned for a waiver to receive a higher limit. "Extraordinary cases" will usually mean an emergency family or medical situation that is outside of the normal course or degree planning issues. Simply wanting to take advantage of additional pass/fail opportunities is not sufficient to justify a waiver.

Any graded course in which a student receives a "pass" (e.g., in the case of a successful grade appeal) will not be counted against the maximum limit of pass/fail credit hours. All credit hours accepted for students who transfer to St. Mary's University School of Law will not be counted in determining the maximum limit of pass/fail credit hours; however,

ungraded transient hours (*see* Section VII.B.) are subject to the same limitations that apply to hours taken on the home campus.

A student may not elect to take a course “pass/fail” unless the faculty as a whole has expressly approved such an election. (Only independent study credits and credits earned for *Law Journal*, *The Scholar*, Regional and National Advocacy Competition, Internships, and the Externship Program are currently approved for this election. Independent study credits may be earned on a pass/fail basis only with the approval of the supervising faculty member.) Conversely, a course designated “pass/fail” may not be taken for a grade.

In extraordinary situations, the law school administration may authorize pass/fail grades, rather than letter grades.

See the discussion of “Pass/Fail Credit” in Section III.A.

E. Online Class Hours Limitation

For full-time J.D. students, no more than 30 online class credit hours earned may count towards graduation. As this limit is imposed by the American Bar Association, there is no waiver available to this limit. Every student is responsible for keeping track of this limit themselves.

Online classes taken in Spring 2020, Summer 2020, Fall 2020, Winter 2020, Spring 2021, or Summer 2021 do not count against the 30 online class credit hour limit described in this section due to an ABA variance granted during the COVID-19 pandemic.

Students admitted to the Online Part-Time J.D. Program are not subject to this limitation.

F. Independent Study

At any time after the first year of law school, a student may arrange an independent study. There are two types of independent study opportunities:

- Non-internship independent study: involves the production of an independent scholarly paper under the direction of a faculty member (the paper may or may not also qualify for the upper-level writing requirement). Non-internship independent studies should not be viewed as a substitute for a scheduled class and should only be utilized when a class in the topic area is not available or exigent circumstances are present.
- Internship independent study: involves an external internship that is supervised by a faculty member.

All students pursuing an independent study must maintain timesheets recording time spent on their project and submit timesheets to the supervising faculty member on a bi-weekly basis. The Associate Dean for Academic Affairs may deny credit for the independent study if timesheets are requested and not provided.

1. Maximum Independent-Study Hours

A JD student may count no more than two (2) hours of non-internship independent study and up to three (3) hours of internship independent study toward the ninety (90) (or, as applicable, ninety-one (91)) hours required for graduation. (See LL.M. & M.Jur. student handbooks for program specific rules.) There is no waiver available for these limits.

2. Non-Internship Independent Study

A student may earn either one (1) or two (2) credit hours for a non-internship independent study. Not all independent study projects require completion of a substantial research paper, but *significant written work is required*. Although disfavored, students may use an independent study to earn up to two (2) credit hours and satisfy their upper-level writing requirement. Prior to choosing this alternative, students should make every effort to meet this requirement through a scheduled class. If a student cannot articulate why a scheduled class is not able to meet this requirement, independent study credit hours will not be authorized.

In the event that a student seeks to satisfy the graduation Upper-Level Writing Requirement (see Section II.H.2) through an independent study, the student may do so without regard to the number of credits assigned to the independent study. That is, satisfaction of the writing requirement does not depend upon whether the student earns one or two credits, as long as the research satisfies all other requirements.

To earn one credit, a student must complete a work, or compilation of works, totaling at least 6,000 words, excluding footnotes. For two credits, students must submit a minimum of 9,000 words, excluding footnotes. Approval of the Associate Dean for Academic Affairs is required if a student is using the independent study to fulfill the upper-level writing requirement. The form required for the Associate Dean's approval is located on GATEWAY (under "Law" → "Forms, Schedules, Calendars").

Faculty members supervising a writing project designed to satisfy the writing requirement must certify to the Associate Dean for Academic Affairs that the project meets the minimum standards for word count and hours worked for the requisite number of credit hours requested. Faculty members must meet with students at least twice during the term of the project and review at least one draft of the project in order to meet the writing requirement.

Faculty eligible to supervise an independent study include professors of law, associate professors of law, assistant professors of law, clinical professors of law, service professors, research professors, and visiting professors. Instructors of law may supervise an Independent Study with the permission of the Associate Dean of Academic Affairs. **Practicing faculty members may not supervise independent studies.** (The Facebook Directory and school website lists the professional titles of members of the full-time faculty.) The sponsoring professor

and the student must agree about the length of the research paper, whether the paper will be graded or evaluated on a pass/fail basis, whether any work in addition to the paper is required, and what semester the student will enroll for the independent study.

No faculty member is obliged to supervise an independent study, and no faculty member may supervise more than a total of three (3) hours of independent study during the Fall or Spring semester or during a single summer session. The Associate Dean for Academic Affairs may, in his or her discretion, allow supervision of more than three (3) hours.

A student and sponsoring faculty member must agree at the time of enrollment whether the independent study will be graded or pass/fail. The designation of the course as graded or ungraded may be changed at any time during the semester, but not after the final paper or project has been submitted to the faculty member for evaluation.

A student wishing to arrange an independent study should obtain the appropriate form from GATEWAY (under "Law" → "Forms, Schedules, Calendars"), take it to the sponsoring faculty member for his or her signature and, if necessary, the signature of the Associate Dean, and return the form during the registration process.

3. Independent Study Internship

A student who is offered an **unpaid internship**, with a **non-profit or government agency**, not on the "approved" list of experiential learning internships or part of the Externship Program³ may receive up to three (3) credits through the Independent Study structure.

- A student may receive up to three credit hours on a pass/fail basis through Independent Study Internship.
- A student must work at least 60 hours per credit hour received. Students must maintain an accurate time accounting and submit paperwork to the supervising faculty member.
- A student is not permitted to receive payment for the internship.
- Students may seek approval for reimbursement of reasonable out-of-pocket expenses from an employing entity or third party as long as the student provides an accurate accounting and demonstrates expenses were incurred as result of employment.
- Any full-time faculty member may supervise an Independent Study Internship. Normally, a student should find a faculty member with some expertise in the area to supervise the internship. Faculty eligible to supervise an independent study internship include professors of law, associate

³ Different policies may apply to Experiential Learning Externships. For more information *see* Gateway or contact Professor Amanda Rivas in the externship office.

professors of law, assistant professors of law, clinical professors of law, research professors, and visiting professors. **Instructors of law and practicing faculty members may not supervise Independent Study Internships.** (The Facebook Directory and school website lists the professional titles of members of the full-time faculty.) No faculty member is obligated to supervise an Independent Study Internship.

All forms needed for an Independent Study Internship are available on Gateway. Before enrollment, the student must meet with the faculty sponsor to discuss the internship placement and requirements using the Independent Study Faculty Summary Form. The student, supervising attorney, and sponsoring faculty member must complete and sign the Independent Study Internship Agreement Form and submit it with the Independent Study Registration Form to the registrar during the registration period.

At the start of the internship, the student must complete and submit to the sponsoring faculty member a Learning Plan created in coordination with the supervising attorney. The Learning Plan ensures that the goals and opportunities for practice include substantial legal duties, in addition to oversight. The sponsoring faculty member must review the student's Learning Plan and maintain regular contact with the student and supervising attorney.

During the semester, the student must complete the minimum hours based on the enrolled credit and all requirements outlined in the Independent Study Internship Agreement Form as designated by the sponsoring faculty member including, but not limited to, attending classes, meetings, discussion forums, and/or submitting any writing assignments. Throughout the semester, the student must keep careful time accounting, provide a final time record to the supervising faculty member, and meet all requirements outlined in the Independent Study Internship Agreement Form.

At the termination of the internship, the faculty member must complete the Independent Study Faculty Summary memorializing and reviewing the requirements, evaluated material, method/frequency of contact made with the student and supervising attorney, and time records to certify completion and that all relevant ABA Standards were met. All records associated with the internship must be retained for ABA site visit inspection.

G. Course Load Registration Limitations

1. Maximum Credit Enrollment Limitations for Semesters and Summer

Fall and Spring Semesters

A student working less than twenty (20) hours per week is permitted to take up to seventeen (17) credit hours per semester.

A student working more than twenty (20) hours per week is permitted to take up to eleven (11) credit hours per semester.

Full-time **joint degree** students working less than twenty (20) hours a week can register for eighteen (18) credit hours during a semester without a waiver.

Written approval of the Assistant Dean for Law Success is required to enroll for additional credit hours.

The Assistant Dean for Law Success will not approve any request to enroll in credit hours for a given semester that exceeds 20% of the total credit hours required for graduation (currently, more than 18 credit hours). This is an ABA limitation and cannot be waived. As such, no student may enroll for more than 18 hours in a single semester, and this limit cannot be waived for any reason.

Any student found in violation of this policy may be involuntarily disenrolled from classes as deemed appropriate by the Associate Dean for Academic Affairs and may be subjected to an Honor Code review.

Summer Terms

A student can register for up to ten (10) credit hours during summer terms in any given calendar year. These hours can be allocated across the Summer I or Summer II sessions as permitted by the student's schedule. However, students should ensure they have adequate time to complete the homework required for compressed summer courses when making decisions about allocating hours across the summer terms.

Any student found in violation of this policy may be involuntarily disenrolled from classes as deemed appropriate by the Associate Dean for Academic Affairs and may be subjected to an Honor Code review.

2. Twenty-Hour per Week Limitation on Employment

No student enrolled in twelve (12) or more credit hours during a semester or five (5) credit hours in a summer session may hold employment outside the Law School for more than twenty (20) hours per week.

Violations of this policy are an Honor Code issue. *First-year students enrolled in twelve (12) or more credit hours are strongly discouraged from engaging in any employment.*

H. Curriculum Requirements

Each student must take and pass the courses required by the faculty for graduation. Students can view their graduation requirement status on GATEWAY using the Graduation Planning System (GPS). For a complete list of required classes, *see* Section XII.

1. **First-Year**

First year students are assigned to a section with a set schedule that takes all classes together all year as a cohort. First year students are not permitted to select their section or schedule. In rare circumstances, a student can petition the Associate Dean for Academic Affairs to take a class with another section. Such a change will only be granted if an extenuating and unexpected hardship can be demonstrated. Student convenience or work schedule will not be sufficient to permit a change.

2. **Upper-Level Requirements**

Core Curriculum

A student must take and pass at least the number of courses indicated in designated subject areas. For a complete list of required classes, *see* Section XII.

Writing Requirement

The student must complete one of the following. A writing or writings consisting of:

- a) A research paper of at least 6,000 words (approximately 25 double-spaced pages) plus footnotes or endnotes, which may be completed in a writing seminar, course, or independent study. At least one preliminary draft of any writing made in partial or full satisfaction of this requirement must be given to the full-time faculty member who is supervising the writing. A faculty member may require a student to submit more than one draft of a writing before submitting a final version for approval. The faculty member must certify to the Associate Dean for Academic Affairs that the student has satisfied the writing requirement; or
- b) One or more memoranda or other writings focused on transactional or litigation documents which may be completed in a writing seminar, course, or independent study. These writings may include, for example, drafting articles of incorporation or bylaws, creating an ERISA plan, or writing a memorandum in support of a pleading or motion. The student must write a total of at least 6,000 words of her or his original work. At least one preliminary draft of any writing made in partial or full satisfaction of this requirement must be given to the full-time faculty member who is supervising the writing. A

faculty member may require a student to submit more than one draft of a writing before submitting a final version for approval. The faculty member must certify to the Associate Dean for Academic Affairs that the student has satisfied the writing requirement; or

- c) A law journal comment that is successfully completed. Students may not serve simultaneously on the *St. Mary's Law Journal* and *The Scholar: St. Mary's Law Review on Race and Social Justice*.

3. Public Service Requirement and Pro Bono Honors

All students who matriculate in Fall 2018 or later are required to record thirty (30) hours of public service before graduation.

Full-time students must record at least ten (10) service hours within twelve (12) months of matriculation. Part-time students must record at least ten (10) service hours within eighteen (18) months of matriculation.

Full-time students must record at least twenty (20) service hours within twenty-four (24) months of matriculation. Part-time students must record at least twenty (20) service hours within thirty (30) months of matriculation.

No more than fifteen (15) of the service hours may be general community service hours with a qualifying non-profit or public entity. The student must be a volunteer and may not receive payment or course credit for the work performed. Examples of possible general community service opportunities are available from the Director of Pro Bono Programs.

At least fifteen (15) hours of a student's serve requirement must be law school-related hours. Law school-related hours are defined as:

- services provided by law students, without compensation or credit, performed under attorney supervision, to non-profit organizations that primarily address the needs of individuals and families of limited financial means;
- services provided by law students, without compensation or credit, performed under attorney supervision, to public agencies engaged in legal work, including courts;
- services provided by law students, without compensation or credit, performed in connection with law-related activities and organizations approved by the Director of Pro Bono Programs.
- services provided by law students, without compensation or credit, under attorney supervision, for organizations, clients, or entities not listed above, that primarily address the needs of individuals and families of limited financial means, provided the student requests and receives

approval from the Director of Pro Bono Programs prior to the provision of law student services.

To ensure recording, students must submit service hours to the Director of Pro Bono Programs in the manner defined by that office within two months of when student completes the service hours.

If a student fails to meet the ten- or twenty-hour pro bono requirement benchmarks, a notice of non-compliance will be placed in the student's character and fitness portfolio for consideration by the Texas Board of Law Examiners or any other state bar licensing agency where the student intends to apply to practice law. If a student fails to meet the thirty-hour requirement by graduation, the student's graduation will not be certified with the Texas Board of Law Examiners or any other state bar licensing agency where the student intends to apply to practice law.

Pro Bono Honors: J.D. students who complete 100 hours of pro bono service, community service, or any combination thereof during their legal studies are eligible to receive the Pro Bono and Public Service Certificate at Commencement. One graduating student who demonstrates exceptional commitment to public service will be recognized with the Public Service Award at Commencement. Additionally, students in each level of study who demonstrate outstanding commitment and achievements in public service are eligible for recognition at the end of the academic year.

I. Joint-Degree Programs

The Law School offers the opportunity to earn several JD joint degrees in coordination with the Graduate School of St. Mary's University, including:

- Doctor of Jurisprudence/Master of Arts in Theology (JD/MTh)
- Doctor of Jurisprudence/Master of Business Administration (JD/MBA)
- Doctor of Jurisprudence/Master of International Relations (JD/MIR)
- Doctor of Jurisprudence/Master of Science in Public Administration (JD/MPA)

A student wishing to enroll in a JD/Masters joint degree program must gain approval from the Assistant Dean for Law Student Affairs prior to enrolling in any course outside the Law School. A student must have a cumulative GPA of 2.5 or higher at the time of application to be approved. The law student must also separately apply and obtain admission to the Graduate School of St. Mary's University. The first year of academic work normally will consist entirely of law courses. A joint degree student may not take over 18 credit hours a semester across degree plans.

Once accepted into a joint-degree program, six non-JD credit hours earned in a graduate program can be used to satisfy the ninety (90) (or, as applicable, ninety-one (91)) hours of law courses required for the JD degree. Graduate degree requirements may vary by program. Interested candidates should contact the applicable department for details.

Students enrolled in a joint-degree program are not awarded the JD degree until they have satisfactorily completed either ninety (90) (or, as applicable, ninety-one (91)) hours of law school course work and all of the work necessary for both degrees. A student who has not completed all of the JD graduation requirements may not participate in the December or May commencement ceremony and may be ineligible to take a bar examination. Although up to six credits earned in graduate classes count towards a JD degree, grades earned in those classes will not be calculated into the JD cumulative GPA.

LL.M. and M.Jur. students interested in joint degree programs should consult degree specific student handbooks for details.

J. Certificate of Concentration in Criminal Law

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of criminal law, the faculty of St. Mary's School of Law has approved a Certificate program in Criminal Law. The Certificate in Criminal Law is awarded only to those graduating students who pursue and successfully complete a balanced course of study which includes learning in the procedural, substantive, and practical aspects of criminal law.

1. Requirements

To receive the Certificate in Criminal Law, a student must complete a significant course of study in criminal law prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required:

- a) Constitutional Criminal Procedure (3 credits)
- b) Elective Requirement: One or more of the following for not less than 4 credits:
 - (a) *Texas Criminal Procedure*
 - (b) *Federal Criminal Procedure*
 - (c) *Advanced Criminal Law*
- c) Seven (7) hours of elective courses or seminars in criminal law or criminal procedure other than those required or applied to the requirements listed above. Any credit hours earned in excess of those necessary to meet another requirement of the certificate program may be applied to the elective requirement (*e.g.*, if a candidate takes eight (8) credit hours in the Criminal Justice Clinic, four (4) credit hours will be applied to the practice requirement and the remaining four (4) credits may be applied to the elective requirement). Written approval of elective courses must be obtained from the thesis advisor.

- d) Thesis (2 credits). The thesis must be at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study and/or practice of criminal law. See next section for additional information on the thesis requirement.

(2) Practice

Practice Requirement: Four (4) credits in any combination of clinic, Trial Advocacy, and/or faculty approved criminal-law related externships.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, a student seeking the Certificate in Criminal Law must file a written statement of intent to seek such a certificate with the Associate Dean for Academic Affairs.

Prior to submitting written intent, the student must meet with the Director of Criminal Law Certification with sufficient time to complete a certificate worksheet to help guide the student and ensure timely completion of the program requirements. Once reviewed and approved by the Director, the completed worksheet and memorandum of intent shall be forwarded to the Associate Dean with a recommendation. The Associate Dean may accept or deny the recommendation.

Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law. The thesis advisor may not be a visiting professor, instructor, or member of the practicing faculty.

During the penultimate semester prior to graduation, a student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During this course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, *at a minimum*, the completion of an outline, all necessary research, necessary drafts, and a significant final draft of the thesis. Such progress will be judged by the thesis advisor, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails to complete satisfactorily the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study segment and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails to satisfactorily complete the final hour of thesis credit.

During the final semester prior to graduation, a student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall convene a thesis review panel which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the certificate no later than thirty calendar days (30) prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event that the initial defense is insufficient, the thesis review panel may meet one additional time prior to graduation with the student seeking the certificate. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the two summer sessions may be counted as one regular semester.

K. Certificate of Concentration in Advocacy

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of advocacy, the faculty of St. Mary's University School of Law approved the creation and implementation of a Certificate program in Advocacy. The Certificate in Advocacy is awarded only to those graduating students who pursue and successfully complete a balanced course of study, which combines learning the procedural, substantive, and practical aspects of advocacy.

1. Requirements

To receive the Certificate in Advocacy, a student must complete a significant course of study in advocacy law prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required:

- a) Trial Advocacy (3 credits)
- b) Evidence (3 or 4 Credits)
- c) Twelve (12) hours of elective courses or seminars in any of the following courses:
 - Alternative Dispute Resolution

- Arbitration
- Advanced Trial Advocacy; Civil or Criminal
- Appellate Practice
- Civil Justice Clinic (3 or 8 credits)
- Criminal Justice Clinic (3 or 8 credits)
- Immigration Clinic (3 or 8 credits)
- Jessup Seminar
- Negotiation
- Mediation
- Texas Civil Procedure
- State Pretrial Practice

d) Thesis (2 credits). The student must complete a thesis of at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study of trial or appellate advocacy. See next page for additional information on the thesis requirement.

(2) Participation in Advocacy Competitions

The student must compete in at least two of the following internal (BOA) advocacy competitions:

- Jimi Derrick Competition
- Fall Mock Trial Competition
- Fall Moot Court Competition
- Spring Mock Trial Competition
- Spring Moot Court Competition
- Negotiation Competition

OR compete in one of the following external competitions:

- A National or Regional Mock Trial Competition
- A National or Regional Moot Court Competition (including Admiralty Competition and Jessup Moot Court Competition)
- A National, Regional or International Negotiation Competition
- A National, Regional or International Mediation Competition
- A National, Regional or International Arbitration Competition

OR satisfactorily complete a clinic course and obtain a certification from a professor that the student has appeared in a court proceeding and has demonstrated proficiency in trial or appellate advocacy.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, any student seeking the Certificate in Advocacy must file a

written intent to seek such a certificate with the Assistant Dean for Advocacy and Dispute Resolution.

Prior to submitting written intent, the student must meet with the Assistant Dean for Advocacy and Dispute Resolution with sufficient time to complete a certificate worksheet to help guide the student and ensure timely completion of the program requirements. Once reviewed and approved by the Assistant Dean for Advocacy and Dispute Resolution, the completed worksheet and memorandum of intent shall be forwarded to the Associate Dean of Academic Affairs with a recommendation. The Associate Dean may accept or deny the recommendation.

Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law. The thesis advisor may not be a visiting professor. It is highly recommended that students begin to meet with the Assistant Dean for Advocacy and Dispute Resolution before the registration period to ensure all of the requirements for the application process are met.

During the penultimate semester prior to graduation, the student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During the course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, *at a minimum*, the completion of an outline, all necessary research, necessary drafts, and a significant final draft of the thesis. The thesis advisor will judge such progress, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails satisfactorily to complete the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study Segment, and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails satisfactorily to complete the final hour of thesis credit.

During the final semester prior to graduation, the student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall request the convention of a thesis review panel, which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the certificate no later than thirty (30) calendar days prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event the initial defense is insufficient, the thesis review panel may meet with the student seeking the certificate one additional time prior to graduation. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the summer sessions may be counted as one regular semester.

L. Certificate of Concentration in Conflict Resolution Studies

In order to recognize students who have demonstrated a deep interest and scholastic achievement in the area of conflict resolution, the faculty of St. Mary's University School of Law has approved the creation and implementation of a Certificate program in Conflict Resolution Studies. The Certificate in Conflict Resolution Studies is awarded only to those graduating students who pursue and successfully complete a balanced course of study, which combines learning in the procedural, substantive, and practical aspects of conflict resolution.

1. Requirements

To receive the Certificate in Conflict Resolution Studies, a student must complete a significant course of study in conflict studies prior to graduation, earning not less than a 2.00 average across the required courses and seminars, listed below, and a grade of "B" or higher for his or her thesis.

(1) The following courses and credits are required.

- a) Negotiations (3 credits)
- b) Mediation (3 credits)
- c) Arbitration (3 credits)
- d) Six (6) hours of elective courses or seminars in any of the following courses:
 - Advanced Trial Advocacy
 - Alternative Dispute Resolution
 - Appellate Practice
 - Civil Justice Clinic (3 or 8 credits)
 - Criminal Justice Clinic (3 or 8 credits)
 - Immigration Clinic (3 or 8 credits)
 - State Pretrial Practice
 - Texas Civil Procedure
 - Trial Advocacy

- e) Thesis (2 credits). The student must complete a thesis of at least 9,000 words in length, exclusive of footnotes, on a topic relevant to the study of conflict resolution. See next page for additional information on the thesis requirement.

(2) Participation in Conflict Resolution Competitions

The student must participate in one of the following:

- A negotiation competition conducted by the Board of Advocates (BOA)
- Compete in a National, Regional or International Negotiation Competition
- Compete in a National, Regional International Mediation Competition
- Compete in a National, Regional or International Arbitration Competition; or
- Satisfactorily complete a clinic course and obtain a certification from a professor that the student has appeared in a proceeding and has demonstrated proficiency in Negotiation, Mediation or Arbitration.

2. Procedures for Applying for Certificate

No later than the end of the add/drop period, two semesters immediately prior to his or her graduation, any student seeking the Certificate in Conflict Resolution Studies must file a written intent to seek such a certificate with the Director of Conflict Resolution Studies or the Assistant Dean for Advocacy and Dispute Resolution.

Prior to submitting written intent, the student must meet with the Director of Conflict Resolution Studies or the Assistant Dean for Advocacy and Dispute Resolution with sufficient time to complete a certificate worksheet to help guide the student and ensure timely completion of the program requirements. Once reviewed and approved by the Director of Conflict Resolution Studies or the Assistant Dean for Advocacy and Dispute Resolution, the completed worksheet and memorandum of intent shall be forwarded to the Associate Dean for Academic Affairs with a recommendation. The Associate Dean may accept or deny the recommendation.

Failure to timely file the required statement of intent shall preclude the student from earning the Certificate unless the Associate Dean grants an extension of time for good cause. Ignorance of the requirement shall not constitute "good cause." This statement of intent must include the proposed topic of the thesis as well as the name and signed consent of the thesis advisor chosen by the student. The thesis advisor must be a full-time faculty member of St. Mary's University School of Law. The thesis advisor may not be a visiting professor. It is highly

recommended that students begin to meet with the Director of Conflict Resolution Studies or the Assistant Dean for Advocacy and Dispute Resolution before the registration period to ensure all of the requirements for the application process are met.

During the penultimate semester prior to graduation, the student seeking the certificate shall enroll in a two-credit-hour Thesis Study with his or her thesis advisor. During this course of study, the candidate must make significant and satisfactory progress toward the completion of his or her thesis. Significant and satisfactory progress includes, at a minimum, the completion of an outline, all necessary research, necessary drafts, and a significant final draft of the thesis. The thesis advisor will judge such progress, although no grade for the first two (2) hours of thesis preparation will be recorded. In the event that a student fails to satisfactorily to complete the final hour of thesis credit (Thesis Presentation), the student shall receive no credit for the Thesis Study segment, and shall be withdrawn from Thesis Study. The student will not receive a refund of tuition paid for Thesis Study if the student fails satisfactorily to complete the final hour of thesis credit.

During the final semester prior to graduation, the student seeking the certificate shall enroll in a one-credit-hour Thesis Presentation in which the candidate must complete the final version of his or her thesis. Not later than sixty (60) calendar days prior to the commencement of the examination period, the final version of the thesis must be submitted to the thesis advisor. At the time of such submission, the thesis advisor shall request the convention of a thesis review panel, which shall be composed of the thesis advisor and two additional full-time faculty members of the School of Law. This review panel shall meet with the student seeking the certificate no later than thirty (30) calendar days prior to graduation. At this meeting, the candidate will be required to defend his or her thesis.

In the event that the initial defense is insufficient, the thesis review panel may meet with the student seeking the certificate one additional time prior to graduation. No thesis or its defense will be considered worthy of the issuance of the certificate unless it is the consensus of the thesis review panel that the thesis and its defense warrant at least a grade of "B." A superior performance on the written thesis *and* its defense (equivalent to a grade of "A") will result in the award of a certificate with the designation: "With Honors for the Certificate Thesis." Completion of the thesis will not satisfy any writing requirement necessary for graduation. For the purpose of this certificate program, the two summer sessions may be counted as one regular semester.

M. Compliance Certificates (Compliance, Business Law & Risk; Healthcare Compliance)

In order to recognize JD students with an interest in working in the field of compliance and/or who desire to sit for the Compliance Certification Board (CCB) exam, the faculty of St. Mary's University School of Law has approved the creation and implementation of a Certificate in Compliance, Business Law & Risk and Certificate of Healthcare

Compliance. JD students need to earn a grade of “B” or above in the courses leading to these certificates. JD students who earn either of these certificates are eligible to sit for the CCB tests. JD students should know that classes taken in the graduate law program will not be included in GPA calculations for the JD. Additionally, courses taken in the graduate law program in satisfaction of these certificates will not satisfy the 90 (or as applicable 91) credit hours needed for graduation.

1. Healthcare Compliance Certificate Curriculum

To earn the Healthcare Compliance Certificate, JD students need to make a grade of “B” or higher in the following courses:

| | |
|--------------------------------------------------------------------------------------|-----------|
| Fundamentals of the American Legal System (FALS) | 2 credits |
| Legal Research & Writing (LRW) | 2 credits |
| <i>(J.D. students substitute Business Associations (3 credits) for FALS and LRW)</i> | |
| Administrative Law & Regulatory Interpretation (a.k.a. Administrative Law) | 3 credits |
| Health Care Law (or Health Care Compliance) | 3 credits |
| Compliance, Ethics and Risk Management (a.k.a. Compliance) | 3 credits |
| HIPAA Privacy Law | 2 credits |
| Business Law & Ethics | 1 credit |

2. Compliance, Business Law & Risk Certificate Curriculum

| | |
|------------------------------------------------------------------------------|-----------|
| Fundamentals of the American Legal System (FALS) | 2 credits |
| <i>(J.D. students substitute Business Associations (3 credits) for FALS)</i> | |
| Contracts | 4 credits |
| Administrative Law & Regulatory Interpretation (aka Administrative Law) | 3 credits |
| Compliance, Ethics and Risk Management (aka Compliance) | 3 credits |
| HIPAA Privacy Law | 2 credits |
| Business Law & Ethics | 1 credit |

N. Graduate Courses Taken at St. Mary's University

In rare cases, course credit may be given for graduate level classes taken in the St. Mary's University Greehey School of Business. Two such courses have been approved for credit: International Tax and Partnership Tax. Any student wishing to enroll in either of these courses must obtain written permission from the Associate Dean for Academic Affairs prior to registering for the course.

O. Auditing and Withdrawing from Courses

An upper-level student may withdraw from a course up to the end of the fifth (5th) week of a fall or spring semester and up to the end of the second (2nd) week of a summer course. For any mini courses offered during the summer semester, withdraw must occur no later than 48 hours before the class is scheduled to begin.

Student-initiated withdrawals from a course will not be accepted after the deadlines above absent written approval by the Associate Dean for Academic Affairs based upon a showing of compelling need. A compelling need does not include failure to complete work or predictions of a poor grade in the course. Documentation may be required to support the showing of a compelling need. The Associate Dean will consider past academic performance and prior course withdrawals when deciding this issue.

If a student withdraws from a course, the course will appear on the student's transcript with a "W" in lieu of a grade. A student does not obtain a tuition refund or credit by withdrawing from all courses after the refund period. An upper-level student who withdraws from all courses while in good standing and with the permission of the Associate Dean for Academic Affairs may return to the Law School, but must satisfy the requirements for graduation within five (full-time) or seven (part-time) years after enrollment (*see* Section II.B). Consistent with St. Mary's University policy, a student may not withdraw from the School of Law if any disciplinary or investigative processes have been initiated.

By written request filed with the Director of Student Enrollment, a student may change any upper-level course taken for credit to an audited course up to the end of the fifth (5th) week of a fall or spring semester and up to the end of the second (2nd) week of a summer course. Requests to audit after the fifth (5th) week of a fall or spring semester or the second (2nd) week of a summer course will not be accepted absent written approval by the Associate Dean for Academic Affairs based upon a showing of compelling need, as set forth in the paragraph above. A student may not change a course to audit or withdraw if, before the request is filed, he or she has missed 1/4 or more of scheduled class meetings for a course, since that necessitates automatic withdrawal (*see* Section III.F.3)

A student who audits a course has the right to attend, but will not be required to take the final examination. The hours assigned to an audited course will not be earned toward graduation, but an audited course will be included on the student's transcript with a "U" designation in lieu of a grade. A student does not obtain a tuition refund or credit by changing a course to audit.

A student who missed more than 25% of the classes and thus was administratively excluded from the course, who was not informed of this administrative exclusion, cannot use the failure to communicate such exclusion to drop the course once a grade for that student has been recorded. A student cannot rely on administrative withdrawal, which is a punitive measure imposed on unprofessional conduct, to academically withdraw from a class. A voluntary withdrawal after the time period allowed for course withdrawal must be communicated to the Associate Dean of Academic Affairs. The Associate Dean of Academic Affairs has discretion as to whether the administrative withdrawal for failure to properly attend class should be enforced, on a case-by-case basis.

This requirement does not apply to the International Programs (i.e., study abroad). The International Programs will adopt their own withdrawal policy.

P. Law Success Program

The Law Success Program is designed to ensure that students have the skills, professionalism, work habits, and competencies necessary to succeed in law school, on the bar examination, and in practice. JD students may be required to participate in and satisfactorily complete various curricular and/or extracurricular courses and programs sponsored by the Law Success Program.

The Law Success Program includes various required and recommended curricular offerings, various required and recommended assessments (including formative assessments, skills assessments, and comprehensive and institutional assessments), instruction, remediation, counseling, academic advising and additional skills work held prior to matriculation, during the academic year and during breaks in the academic year. These courses may include sessions during the day, in the evenings, on Saturdays, and via synchronous or asynchronous distance learning.

Students will be advised of their progress through the Law Success Program and advised if their performance either in Law Success or at the law school is at risk of being determined unsatisfactory. Performance standards will be consistently reviewed and refined according to data that may include student performance throughout the law school academic curriculum and historical bar passage data. A student whose performance is unsatisfactory or at risk of becoming unsatisfactory may be provided suggested and/or required additional assessment, remediation, and counseling.

In order to improve a student's likelihood of succeeding, a student may be subject to certain conditions on continued enrollment, such as:

1. A requirement that the student complete specific courses, even if the practical effect of this requirement requires the extension of studies and the delay of graduation;
2. A requirement that the student complete specific instruction and assessment in the Law Success Program to a specified level of performance;
3. A requirement that the student reduce his or her course-load, reduce participation in extra-curricular activities or abstain from study for one or more semesters; and

4. Other prudential limitations that could improve a student's likelihood of succeeding.

In addition, conditions such as those listed below may be required of individual students whose academic records, conduct, or assessments indicate a significant risk that a given student may not succeed in law school, may not pass the bar examination, or may not be prepared for the practice of law. Any such conditions are to be recommended by the Assistant Dean for Law Success or a majority of the faculty, under the supervision of the Associate Dean for Academic Affairs. A student who is then required to complete any such condition must do so satisfactorily prior to graduation.

1. A requirement to complete certain assessments, instruction, remediation, and additional work;
2. A requirement to enroll in and complete with a passing grade one or more specific courses, including courses substantively preparatory to a subject examined by the bar examination; and
3. A requirement to complete academic assessment, advising and counseling.

III. GRADES AND GRADING

Grading is among the most important responsibilities that a faculty member performs. The evaluation of students enables the faculty to certify graduates of the school as being qualified to assume the serious responsibilities of the legal profession. This chapter includes rules that bear upon grades and grading.

Because evaluation through grading has a significant effect on students, many of the rules are designed to protect students from unfairness. On the other hand, it is widely agreed that professors must have the freedom to exercise independent judgment in making difficult decisions relating to teaching and testing. The rules here reflect a balance between professorial discretion and the urge to restrict that discretion on behalf of students.

The deadline for submission of grades by faculty members is dependent on class year and semester. For the Fall semester, grades are due by 5:00 pm the first working day the University reopens after the Christmas break. For the Spring semester, grades are due by 5:00 pm three (3) weeks after the last exam for that term. For summer sessions, all grades are due three (3) weeks after the last exam for that term. Please note that grades are posted once a week on a schedule to be released by the Associate Dean for Academic Affairs. There is significant time needed to check and process grades before they are formally posted.

A. Pass/Fail Credit

The only courses approved for evaluation solely by a pass/fail determination are *Law Journal*, *The Scholar*, Regional and National Advocacy Competition, Internships, and the Externship Program. Independent-study hours may be earned on a pass/fail basis if the supervising professor agrees. Also, pass/fail credit hours earned at another law school or credit hours awarded by St. Mary's for service or achievement are recorded with a "pass" rather than a grade.

All courses that have not been designated by the faculty as pass/fail courses are graded courses. Students may not “elect” to take a graded course pass/fail, or to receive a grade in a course designated as only pass/fail. The number of pass/fail credits that can be counted toward graduation is limited.

In extraordinary situations, the law school administration may authorize pass/fail grades, rather than letter grades (*see* Section II.D).

B. The Letter Grading Scale

“Graded courses” are evaluated according to a ten-level system using letter grades. The letter grades are assigned numerical values on a four-point scale for the purpose of calculating grade point averages. The letter-grading system and its numerical scale is:

| | | | |
|----|--------|----|--------|
| A | = 4.00 | C+ | = 2.33 |
| A- | = 3.67 | C | = 2.00 |
| B+ | = 3.33 | C- | = 1.67 |
| B | = 3.00 | D | = 1.00 |
| B- | = 2.67 | F | = 0.00 |

If a student receives a grade of *D* or higher, the credit hours assigned to the course are earned. The only failing grade is *F*, and receipt of this grade causes a student to lose the credit hours otherwise available for the course. Even though no hours are earned, a failing grade is used in calculating the student's grade-point average and is included on the student's transcript.

C. Anonymous Grading Policy

Each student is issued a four-digit number every semester, including each summer session. The four-digit examination number is available to students on GATEWAY. The examination number normally should be the only student identification placed on examination responses.⁴ For Spring semester exams, a student should not indicate he or she intends to graduate. That information is already provided to professors through their Instructor Grade Reports (IGRs). Any attempt by a student to identify themselves on an anonymous assessment is a violation of the Honor Code.

⁴ The anonymous-grading policy broadly applies to written evaluation instruments, including papers, mid-terms, quizzes, finals, and other documents that count toward a student's grade. There are exceptions to the anonymous-grading policy, such as the evaluation of skills in a trial advocacy course or legal research and writing course; a required special oral presentation in a classroom course; classroom written assessment or assignments; and a research paper written under close faculty supervision. Professors should resolve doubts about the applicability of the anonymous-grading policy in favor of anonymity.

D. Median Grades and Percentage Limitations

The law faculty has adopted the rules described below that circumscribe the grading discretion of a professor in a course. These rules do not apply to a graded Clinical course of four or fewer students or to a graded independent study.

1. Multiple Sections of the Same Course

A professor who teaches two sections of a course and uses the same examination for both may combine the final grades of both sections to satisfy the applicable required median and other limitations. In other words, the two sections may constitute a single course for application of the following rules, or the professor may choose to treat the two sections as individual courses.

2. First-Year Courses

- a) The median grade in all graded first-year courses must be B-.
- b) For Full Time and Part Time Students in all first year courses, other than Legal Communication, Analysis, and Professionalism (LCAP), no fewer than 10% and no more than 25% of the grades must be C-'s, D's, or F's. No fewer than 10% and no more than 25% of the grades must be A's, A-'s, or B+'s.

In both semesters of Legal Communication, Analysis, and Professionalism (LCAP) there may be (1) B-median and (2) no more than 20% A, A- and B+ and no more than 20% C-, D, F.

3. Upper-Level Courses

- a) If *more than twenty* students are to be evaluated in a letter-graded course, the median grade must be B. No fewer than 10% and no more than 25% of the grades must be C-'s, D's, or F's. No fewer than 10% and no more than 25% of the grades must be A's, A-'s, or B+'s.
- b) In a letter-graded course or seminar of *thirteen to twenty* students, the median grade must be B and no other limit applies.
- c) In a letter-graded course or seminar of *twelve or fewer* students, the median grade must be B+ or B, and no other limit applies.
- d) In a letter-graded Clinical course, the median grade must be a B+ or B, and no other limit applies. Clinical courses with 4 or fewer students have no median grade rules.
- e) In a letter-graded course or seminar of *eight or fewer* students, the Associate Dean for Academic Affairs may, in *extraordinary cases* and at the request of the faculty member teaching the course, grant an exception to the median limitation.

4. LL.M. and M.Jur. Grades

LL.M. and M.Jur. students should consult the degree specific student handbooks for grading policies.

E. Points for Class Participation

“Class participation and recitation” include the routine recitation on required reading materials for the course and the routine participation of students in class discussions. The phrase does not include special oral or written presentations required by the professor, which may affect the grade as indicated by a professor in the syllabus for the course.

A professor may **lower** a student's final grade by no more than one level because of class participation and recitation. (For example, a final grade of C+ might be reduced to a C).⁵ In classes of 20 or fewer students, a professor may **raise or lower** a student's final grade by no more than one level when considering class participation and recitation.

The professor's policy on grade adjustment for participation and recitation must be clearly stated in the syllabus and what criteria will be considered for the grade adjustment.

In all cases, the median and other grading curve requirements must be met before the grades are adjusted for class participation and recitation. The grade adjustment for participation is independent of a grade reduction for absences under Section III.F.

F. Class Attendance

1. Grade Reduction for Excessive Absences

St. Mary's requires regular class attendance. The School of Law does not recognize excused absences. Students with problems that will cause numerous absences should see the Assistant Dean of Law Student Affairs. In addition to the rule below, a professor may impose alternate policies that do not affect a student's grade or registration. (For example, a student may be required to meet with the professor after a set number of absences.)

A professor may lower a student's grade by no more than one level for missing 10% or more of the class meetings and no more than two grade levels if the student misses more than 20% of the class meetings. The professor may use discretion in rounding the percentage figure up to the nearest percentage to 10 or 20%. However, a professor may not lower a grade for only one absence under this

⁵ Any effort to increase or decrease a student's grade based on class participation must be undertaken in such a way as to preserve anonymity. Accordingly, if a faculty member increases or decreases a student's grade pursuant to this provision, that faculty member must preserve anonymity in the grading process. The faculty member must work with the Director of Student Records in doing so, and provide assurances to the Associate Dean for Academic Affairs that she or he complied with the faculty rule concerning anonymous grading.

rule. The professor must clearly state the absence policy on the syllabus and specifically state the actual number of absences that will result in a grade level reduction.

Any grade reduction under this section is independent of a grade adjustment for class participation and recitation under Section III.E.

2. Penalties for Being Tardy

A faculty member may treat a tardy as equivalent to an absence or a fractional part thereof, provided that written notice of the practice is provided to students during the first week of class. A student who leaves before the conclusion of class may, at the professor's discretion, with notice, be treated as tardy. (This includes students who leave class and return.)

3. Withdrawal for Excessive Absences

A student will be administratively withdrawn if he or she misses one-fourth (25%) or more of the scheduled classes. No refund will be issued for a withdrawal pursuant to this policy. A student withdrawn for excessive absences will be required to meet with the Assistant Dean for Law Student Affairs or the Associate Dean for Academic Affairs. A faculty member teaching a practice skills course of Clinic, Negotiations, Mediation, Arbitration, or Trial Advocacy may alternatively opt to adhere to a one-fifth rule.

If a student is withdrawn for excessive absences, a notice reflecting the withdrawal will be placed in the student's character and fitness portfolio for consideration by the Dean of the Law School when determining whether to issue a character and fitness letter to the Board of Legal Examiners. (*See* Sections XII.A-B)

4. Unauthorized Electronics and AI Usage

Class attendance at the School of Law includes active listening and participation in class. A professor has the inherent right to prohibit all classroom use of laptops, computers, notebooks, and any similar electronic devices. The use of electronic devices, for purposes other than those directly related to and authorized for the class, is prohibited during class time. As examples, students may not access social media, entertainment, shopping, or other internet sources not directly related to the class content. Students may not text or use other electronic forms of communication during class.

A professor may treat any instance of a student found to be engaged in the use of electronic devices for other than class purposes as an absence and may withdraw the privilege of using any electronic device from such student. In addition, a professor has the right to impose any other sanctions to a student found to be engaged in the use of electronic devices for other than class purposes, if the nature of the sanctions is communicated to the students in advance so that the students fully understand the possible ramifications of using electronic devices improperly.

In determining that a student has engaged in unauthorized use of an electronic device, a professor may consider any evidence reasonably bearing on that question, including, but not limited to, the observation of classmates and law school personnel. If a student requires an electronic device because of a disability, *see* Section IX.E.

Law students may not employ generative AI tools or services, including, but not limited to, language models, essay generators, or any other type of AI-enabled content creation tools, for course assignments, examinations, or any other academic work, unless explicitly authorized in writing by the course professor. This includes both direct usage of AI output in submitted work, and using AI tools to inform or guide the creation of student work. Violation of this policy will be considered a breach of academic honesty and will be dealt with according to our existing academic integrity procedures. This applies across all coursework and examinations unless otherwise stated in writing by the professor.

5. LL.M. and M.Jur. Requirements

LL.M. and M.Jur. students should consult the degree specific student handbooks for absence policies.

G. Grade Point Averaging

In determining grade point average (GPA), each course is weighted according to the credit hours assigned to it. To calculate the number of grade points earned in a course, multiply the number of credit hours assigned to the course by the numerical equivalent of the letter grade received in that course (*see* Section III.B). To arrive at one's cumulative grade-point average, divide the sum of grade points for all courses by the total number of attempted credit hours. A failing grade is included in the grade-point average calculation even though the student will not receive credit for a failed course. Pass/fail course credits are not part of the calculation of a student's grade point average.

H. Distinguished Academic Achievement

1. Graduation with Honors

Upon graduation, students who rank in the top two percent of their class are graduated *summa cum laude*, those who rank in the top five percent of their class are graduated *magna cum laude*, and those who rank in the top twenty percent of their class are graduated *cum laude*. Students whose GPA places them in the top ten percent at the end of their penultimate or final semester are eligible for induction into the Harlan Society.

Final honors determinations are made after the Spring semester for the entire class (including students who graduate in August or December of the same academic year). The appropriate final honors designation is included on a student's diploma, which will be available for pick up or mailed once grades and ranks are completed

Graduates inducted into the Harlan Society are permitted to wear the gold/gold cords at the May commencement ceremony. Those who graduate in the top 10% - 20% of their class based on the semester penultimate to graduation are permitted to wear gold/white cords. Designations for the May Law School Commencement Ceremony, including cords, will be determined at the completion of the Fall semester. However, final honors determinations will be made after spring grades are processed.

2. Dean's List

After each Fall and Spring semester, the names of those students whose semester grade-point averages rank in the top ten percent of the third-year class, in the top ten percent of the second-year class, or in the top ten percent of each first-year section will be listed on the Dean's List, which is disseminated to the student body via email. To be eligible, second- and third-year students must have completed at least nine graded law school hours during the semester, and first-year students must have completed all courses required during the initial semester or year (as applicable) of law study.

The Dean's List will be published no later than 3 weeks after the grading deadline for the applicable semester. As a reminder, semester grading deadlines are published on the academic calendar for the law school.

A student may request that his or her name not be listed on the Dean's List that is published after each semester. The Law School cannot guarantee removal of a name from the list unless the request is filed in the Registrar's Office before the end of the appropriate examination period, but such requests will be accepted after that time. In such cases, the honor will be noted in the student's file even though his or her name is not on the list, and the student may include the honor on his or her résumé.

3. Class Rankings

After each semester, individual class rankings are calculated and can be viewed on GATEWAY. The Law School also discloses, through the website and otherwise, the median and certain percentile rankings for each class, for the use of potential employers and others.

Rankings will be published no later than 3 weeks after the grading deadline for the applicable semester. As a reminder, semester grading deadlines are published on the academic calendar for the law school.

I. Appeal of Grades

Once a grade is posted, it is final. The Law School has established a procedure to be used in appealing a final grade should no error be present. That procedure is summarized below:

- a) A student wishing to complain about a final grade received in a course must first discuss the examination, either orally or in writing, with the professor during the exam review period (*see* Section IV.E). This cannot be waived absent extraordinary circumstances.
- b) If this discussion does not satisfy the student, the student may appeal the grade to the Associate Dean for Academic Affairs. Following the procedure set forth below, the Associate Dean will recommend appropriate action to the Dean.
- c) The Dean will decide the appeal and the student and professor involved in the appeal will be notified of the result in writing.
- d) The *sole remedy* available in a grade appeal is the conversion of the disputed grade to a grade of “pass.”

The Associate Dean *will not* consider an appeal unless the aggrieved student has brought the complaint to his or her attention or to the attention of the professor during the period within which students have a right to review examinations (*see* Section IV.E). If a dispute is not resolved in the discussion with the professor, the student may file an appeal by delivering to the Associate Dean a written statement explaining the specific grounds for the appeal and providing current contact information for the student (mailing address, phone number(s), and email address(es)). The written statement must be filed within thirty (30) days after the end of the applicable exam review period, unless the Associate Dean grants an extension of time.

Before making a recommendation to the Dean, the Associate Dean will send a copy of the student's written statement to the professor and allow the professor a reasonable time within which to respond. The Associate Dean's findings and recommendations will be forwarded thereafter to the Dean.

To be successful on appeal, a student must demonstrate, *by clear and convincing evidence*, that a professor has determined the student's grade *in a wholly arbitrary and capricious manner*. This is an exceedingly demanding standard and therefore *grade appeals rarely succeed*.

The Associate Dean for Academic Affairs has determined that a grade might be found to be “wholly arbitrary and capricious”:

- If it is not based on standards that constrain the exercise of professorial discretion;
- If the standards are unrelated to the educational goals of the law school;
- If the professor failed to follow academic rules; or
- If the grade was awarded in bad faith.

However, there is an important difference between conduct that is “erroneous” or “clearly erroneous” and conduct that is “wholly arbitrary and capricious”; the latter standard is considerably more demanding than the former. Evidence that a professor may have erred

in following or applying academic standards does not make a grade “wholly arbitrary and capricious.”

If a dispute centers on a conflict between the judgment of the professor and the judgment of the student, the professor's judgment will be accepted. Complaints about the harshness or inadequacy of a professor's examination will not sustain a grade appeal.

In the interest of preserving academic freedom, an appeal of a grade will fail unless the standard described above is clearly met. The Associate Dean or Dean may request information that may be helpful. No student is entitled to any particular process, investigation, or inquiry other than that set forth in this subsection.

The student and professor will be informed of the Dean's final determination via writing.

J. Transfer/Transient Grades

Grades earned at other law schools either as a transfer or while a student is in transient status are not used in calculating the student's cumulative grade-point average. A transient-status course is listed on the student's transcript with a grade of “CR” (credit). To receive credit in transient status, a student must receive a grade of “C” or better in the transient status course.

Credit hours earned in transient-status courses count toward the 90-credit (or, as applicable, ninety-one (91)) hour requirement for graduation, but do not count against the limit on “ungraded elective credit hours” (that is, the pass/fail hours limitation), if the student received a letter grade or a numerical grade (rather than a generic “pass”) in the transient-status course. Transient students earning more than fifteen (15) hours at another institution may not be considered for an honors designation.

K. Retaking Courses

A student who fails a required course must retake and pass the course. Failed first year classes must be retaken at the **first available opportunity**. Students cannot take upper-level classes in an area in law for which they have not successfully completed the subject-related first year class. The student need not retake the required course from the same professor. The failing grade remains on the student's transcript and will be averaged with the grade received after retaking the required course.

A student who fails an elective course is not required to retake the course. As a general rule, the administration neither requires nor permits the retaking of courses that are not required by the faculty for graduation. A student seeking an exception to this rule must obtain permission from the Associate Dean for Academic Affairs before registration. A student who enrolls in (“retakes”) a course without prior written approval earns no credit in the subsequently taken course and the grade received in that course is not used for any purpose.

L. Grades of “Incomplete”

At the request of a professor, a grade of "I" or "Incomplete" may be entered temporarily for a student who for some *legitimate and compelling reason* has not completed the course requirements (e.g., an exam postponed due to illness or other good excuse). *The work not finished on time must be completed within 60 days of the last day of the examination period in which the course was offered.* In the event that a student does not complete all course requirements within the time required, the "I" or "Incomplete" automatically will be converted to a withdrawal and the student will receive no credit for the course. In such a case, the withdrawal will be treated as if the student had voluntarily withdrawn, and no tuition payment for the course will be refunded. The *faculty member* who requested the "Incomplete" may petition the Associate Dean for Academic Affairs for an additional, specific period in which the student may complete the course requirements, but such an extension will not be granted except in *compelling circumstances*.

IV. EXAMINATIONS

A. Examinations, Papers, and Evaluation of Skills

In many courses, student performance is evaluated through the use of a single final examination scheduled during a period set aside for this purpose at the end of each semester or summer session. In some courses, however, a professor may provide students with the option of writing a paper in lieu of taking a final examination, or may require a paper or other projects in addition to the final examination. The professor may choose to evaluate students through tests but give both a mid-term and a final examination, or several tests, in lieu of or in addition to a final examination.

As a general practice, individual final examinations last the same number of hours as are assigned as credit hours to the course. In a two-credit course, for example, the professor ordinarily will allow two hours in which to complete the final examination. However, some professors give three-hour exams in two-credit courses, and others may give two-hour exams in three-credit courses. The faculty has not established a rule to control the time required by a professor for the taking of his or her examination. A student should contact the professor to determine the duration of the examination in a course.

Seminars, live-client clinics, and trial advocacy courses are among the exceptions to the general practice. In a seminar, the professor assigns grades by evaluating a research paper prepared during the semester. In clinics, the supervising attorney evaluates the student's work with and on behalf of clients, and in Trial Advocacy the professor evaluates performance in exercises.

B. Practice Examinations

Each professor who teaches a first-year course in the Fall must give students a practice examination prior to the Fall semester final examination period. A professor who teaches a first-year course that is offered only in the Spring semester must make available some examination instrument to students.

The practice examination requirement is intended to acquaint first-year students with the examination style of each of their professors and to give them some feedback before final

examinations. Therefore, the problems posed by the practice examination should be similar in both form and substance to those that will appear on the final examination. The professor should supply model answers or an explanation of the proper response to each problem.

C. Exam Administration

Students are bound by the Honor Code and should report irregularities to the law school administration or to the exam proctor.

In general, law school exams and grades are awarded on an anonymous basis. This is to protect the integrity of the grading process for both professors and students. Professors should make an effort to avoid identifying students by name on exams in courses where grading is anonymous. Anonymity should be attempted in good faith by faculty members, but is not guaranteed to the student (*see* Section III.C.).

Faculty members should generally be available by telephone or in person during their graded exam administration. If a faculty member will not be available, he or she needs to notify the law school administration and to make the students and the law school administration aware of the exam instructions in advance of the exam.

1. Timing and Preparation

Faculty members may not administer final exams other than during the finals period. This does not apply to classes that finish during the semester.

Faculty members may give a take home exam for the final, but it may not be due to the professor before the final is scheduled.

Midterms or other graded and timed assessments (quizzes, etc.) must be administered during class time. The exam may not be longer than the class time minus five (5) minutes. For example, if the class is seventy-five (75) minutes, the exam may not exceed seventy (70) minutes in length. A professor may contact the administration to schedule an out of class exam, but students with conflicts must be accommodated by the professor (the professor may work with the law school administration to arrange alternate exam times for the students with conflicts).

Faculty members must complete and submit their final exams to the administration (Director of Student Records and the Assistant to the Assistant Dean for Law Student Affairs) at least two (2) business days prior to the administration of the exam. A faculty member may request a waiver of the two (2) day requirement. Faculty members must submit midterms or other graded and timed assessments to the administration two (2) business days prior to the administration of the exam if the exam is being proctored by someone other than the faculty member.

Final exams must be offered at the scheduled exam time (8:00 a.m., 1:00 p.m., or 6:00 p.m.),⁶ may not exceed four (4) hours in length, and may not extend past 9:00 p.m. for evening exams.

Professors must notify the students of the basic structure and type of final exam (e.g., multiple choice, essay, short answer, etc.), as well as timed exam length prior to the end of the semester.

2. Late Arrivals and Missed Exams

Students who arrive late to an exam must sit for the exam upon arrival and complete it within the scheduled exam time. No additional time will be provided. Faculty will be notified that the student was late and may adjust the student's grade at her or his discretion as a consequence of any delinquency. A student who misses an exam without proof of an emergency may be prohibited from taking the exam and will receive a grade commensurate with performance.

3. Final Exam Protocols and Procedures

Students are obligated to comply with all final exam protocols. Final exam policies and procedures are released each semester through an email from the Associate Dean for Academic Affairs.

4. Exam Management Software and Laptops

Students must download their exam management software (for exams where needed) prior to the day and time of the exam. The exam start will not be delayed for students to download the software. Students who are not ready to begin with the exam management software on exam day may handwrite their exam.

For in-person exams, if a laptop fails to operate during an exam, the student will be permitted to handwrite the exam. The law school IT department will assist the student, but no extra time will be allowed for the exam.

Students must upload a completed exam at the end of the exam period when using the exam management software. If a student fails to do so, the professor will be notified of the fact of the delay and the extent of the delay by the law school administration. The professor may lower the student's grade based on the reported delay.

D. Exam Rescheduling

⁶ A four (4) hour exam for an evening class may begin at 5:00 p.m. to allow completion by 9:00 p.m. Accommodations exams that require additional time may be scheduled to extend beyond 9:00 p.m.

Examinations will not be rescheduled for any reason other than direct conflict or bona fide medical or other emergency supported by documentation.

1. Rescheduling for the Entire Class

A professor may not change the scheduled date of a final examination unless every student in the course and the Associate Dean for Academic Affairs consents. With the exception of courses designed to end early in the semester, a professor may not reschedule an exam to occur before or during the “reading days” immediately preceding the exam period without the approval of the majority of the faculty. Thus, final examinations may not be held the final week of the semester.

2. Rescheduling for Individual Students

Any student wishing to take a final examination on a date or at a time different from the scheduled date and time must submit a written request to the Assistant Dean for Law Student Affairs at least three (3) days prior to the beginning of the exam period. An exam will only be rescheduled for a bona fide medical or other emergency.

A bona fide emergency does **not** include the following circumstances:

- a) Conflict with weddings, receptions, or similar special events;
- b) Conflict with travel plans or reservations;
- c) Conflict with employment plans, opportunities, or obligations;
- d) Examinations scheduled on sequential days or two examinations scheduled on the same day, or exams that are spread out over the exam period;
- e) Permission of the instructor alone; and
- f) Minimization of commuting time.

The Assistant Dean shall not grant any request in a case not involving a direct conflict or bona fide medical or other emergency without offering the alternate time to all students enrolled in the course. Because multiple administrations of an exam pose a risk to the security of the contents of the exam, the Assistant Dean will ordinarily decline to offer an alternate time to all students enrolled in the course and will deny the individual student's request to take the exam on a different date or at a different time.

3. Medical and Other Emergencies

Any student who is unable, because of a medical or other emergency, to take an examination at the regularly scheduled time for such examination should contact the Assistant Dean for Student Affairs immediately, but no later than close of business on the date of the exam. To preserve anonymity during the grading process, students with emergencies should *not* contact the professor giving the examination. Rescheduling of an exam due to a medical condition will require a doctor's note or other documentation.

4. Conflicting Exam Times

Whenever a student is scheduled for exams that are to occur during the same time period or during overlapping time periods (or emergencies that can be accommodated), one of the exams will be rescheduled for the scheduled alternate test day.

If a student has **three or more** exams scheduled to begin within a 24-hour period, he or she may work with the Assistant Dean for Law Student Affairs to reschedule one of the exams as a conflicting exam. As an example:

| If a Student Has Exams Scheduled At: | Result: |
|--------------------------------------|-----------------------------------------------------------------------------------|
| 8 a.m., 1 p.m., and 6 p.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 1 p.m., 6 p.m., and 8 a.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 6 p.m., 8 a.m., and 1 p.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 8 a.m., 1 p.m., and 8 a.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 8 a.m., 6 p.m., and 8 a.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 1 p.m., 6 p.m., and 1 p.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 6 p.m., 1 p.m., and 6 p.m. | One of the exams may be rescheduled since the student has three consecutive exams |
| 1 p.m., 8 a.m., and 1:00 p.m. | One of the exams may be rescheduled since the student has three consecutive exams |

A student with an exam conflict must notify the Assistant Dean for Law Student Affairs no less than two (2) weeks prior to the first day of the final exam period. The "Request to Reschedule Exam" form may be found here (you need to be logged into Gateway when you click this link, or you may find the form on Gateway under "Law," then "Forms, Calendars, Schedules": https://gateway.stmarytx.edu/c/document_library/get_file?uuid=c8a6bc6d-fb33-45de-aea9-fdf9351e3637&groupId=10217

Some classes may opt to give "take home" exams, in which a student is given either 24, 48, or 72 hours to complete an examination. **Take home exams are not considered in determining conflict exams.**

The Office of the Assistant Dean for Law Student Affairs shall have sole discretion to determine which exam will be rescheduled and the alternate time for the exam.

5. Students with Disabilities and Accommodations

Exams and other assessments for students with documented disabilities are administered as required by the Americans with Disabilities Act through the Office of the Assistant Dean for Law Student Affairs. For more information about disabilities and related accommodations, check the university website (<https://www.stmarytx.edu/campuslife/student-services/accessibility/#accom>).

Pursuant to Title IX of the Education Amendments of 1972, students in need of academic adjustments due to pregnancy or pregnancy-related conditions may contact the Office of Student Accessibility Services for additional information (accessibility@stmarytx.edu, 210-436-3135 or 210-431-5080).

A student seeking accommodations at the law school must work with the University's Student Accessibility Services Office; this is the only office that may generate an official accommodation letter. A student who receives an approved accommodation from Student Accessibility Services must submit his or her official accommodation letter to the Assistant Dean for Law Student Affairs no less than five (5) business days prior to a scheduled mid-semester assessment and ten (10) business days prior to the first day of the final exam period if the student wishes to use the accommodation in the assessment. With the exception of an unexpected medical issue, exam accommodations will not be granted if documentation is received after the deadline.

A student with an in-class accommodation must submit the accommodation letter to the Assistant Dean for Law Student Affairs. The Office of the Assistant Dean for Law Student Affairs will notify the professor of the accommodation. Students should not submit letters of accommodation directly to the professor.

If a student wishes to use his or her accommodation for an in-class assessment, the student must notify the Assistant Dean for Law Student Affairs no less than forty-eight (48) hours before the scheduled assessment and must have an accommodation letter on file with that office.

6. Non-Native English Speakers

JD students who are not native English speakers can be granted additional time – up to time and a half – for exams with prior request and approval from the Assistant Dean for Law Student Affairs. A student requesting additional time on the basis of Non-Native Speaker must do so in writing ten (10) business days prior to an assessment. The student must sign an affidavit attesting that English is not their first language.

7. Miscellaneous

In all other cases, the Assistant Dean for Law Student Affairs in consultation with the Associate Dean for Academic Affairs the School of Law, shall have sole discretion with respect to issues relating to the scheduling of exams. If a request

for an early or late examination is granted, the faculty member may prepare a different examination and grade it separately.

E. Examination Review

A law student has the right to review their examination during a thirty-day (30) period which begins on the first working day after the Director of Student Records or the Associate Dean for Academic Affairs posts a notice indicating that all law school grades have been received for the semester or summer session. If the thirty-day (30) period ends on a weekend or holiday, it will be extended until 5:00 p.m. on the next working day. In addition, a student has the right to review Spring semester or summer session examinations during the first two (2) weeks of the following Fall semester.

Review of individual examinations is postponed until all grades are received in order to prevent premature disclosure of student examination numbers. However, a professor may choose to return graded examinations to students before all grades are received if the return is performed in a manner that does not require disclosure of student numbers.

A student must be given sufficient time for the review of an examination and must be provided a copy of the examination questions, his or her answers, and information sufficient to indicate what were correct or valued responses. The professor may provide this information by supplying model answers, a grading sheet or chart, a copy of the responses of another student (whose identity should not be disclosed), or other materials or information that enables the student to discover his or her errors or deficiencies. If a final grade has been determined in part because of class participation and recitation or absences, the professor must inform the student of the extent to which his or her exam grade was altered. All materials which have not been returned to students and which are necessary for review of an examination must be made available on the law school campus during the review period.

A professor is not required to allow review of an examination other than during the review period. However, a professor may permit review of examinations in any manner after the expiration of the review period, so long as the opportunity is afforded equally to all students in the class.

V. ACADEMIC SUPPORT, PROBATION, AND EXCLUSION

A. Academic Support Resources

A student who is experiencing academic difficulties in law school should seek assistance before troubles become overwhelming. Students may contact faculty members, the Assistant Dean for Law Student Affairs, the Assistant Dean for Law Success, or the Associate Dean for Academic Affairs for advice or for referral to someone who can provide assistance. The University's Learning Assistance and Counseling Centers can aid law students requiring accommodations.

The Law School's Law Success Program will work closely with students experiencing academic or emotional difficulties.

B. Academic Exclusions

1. Academic Exclusion After Completion of First Semester Credits Prior to the Completion of the First Year

If a student's cumulative grade-point average for the first semester (or second semester for part-time students who have not finished the first-year curriculum) in law school is below 1.8, the student will be academically excluded from law school and will be given a full refund of all tuition and fees paid for the current semester in which he or she may have enrolled before notice of exclusion. **This exclusion cannot be appealed.**

If a student's grade-point average is at or above 1.8 but below 2.0 after the first semester (or second semester for part-time students who have not finished the first-year curriculum) in law school, he or she may withdraw and receive a full refund of tuition and fees paid for the current semester. In order to receive the full refund, the affected student must notify the Associate Dean for Academic Affairs within fourteen (14) calendar days after the date of the first letter sent by the law school to notify the student of his or her grade point average.

2. Academic Exclusion After the First Year

A student whose cumulative grade-point average is below 2.0 at the completion of the twenty-nine (29) credits of the first-year curriculum will be academically excluded. A student excluded after the first year in law school will be given a full refund of all tuition and fees paid for a session in which he or she may have enrolled before notice of exclusion. This exclusion is not appealable.

3. Academic Probation and Exclusion after the First Year (Only Applies to Students who Matriculated before Fall 2019)

If an upper-level student who matriculated before Fall 2019, who has not been on probation previously, earns a cumulative grade-point average below 2.0 at the end of any semester after the completion of their first-year credits, he or she will be on academic probation for the following semester.

Any student who is on academic probation (including any student excluded at the end of the first year of law school who was granted an additional probationary semester) who fails to raise his or her cumulative grade-point average to 2.0 or better with the grades earned during the semester on academic probation will be academically excluded with no right to appeal. Grades earned during the summer will not place a student on academic probation or remove a student from that status, but those grades will be used in the calculation of the student's cumulative grade-point average.

A student may be on academic probation only once. Therefore, a student who has been on probation during one semester will be academically excluded if, after any

subsequent semester, he or she fails to maintain a cumulative grade-point average of at least 2.0. **This exclusion cannot be appealed.** A student excluded pursuant to this policy will be given a full refund of all tuition and fees paid for a session in which he or she may have enrolled before notice of exclusion.

**4. Upper Level Academic Exclusion (2nd Year and beyond)
(Only Applies to Students who Matriculated Fall 2019 and Later)**

A student whose cumulative grade-point average is below 2.2 at the completion of sixty (60) credit hours or any semester thereafter will be academically excluded without an automatic probationary semester. A student excluded pursuant to this policy will be given a full refund of all tuition and fees paid for a session in which he or she may have enrolled before notice of exclusion. This exclusion can be appealed per Section V.C.

C. Appeal of Academic Exclusion

A student wishing to appeal an exclusion under Section V.B.4 must file a written statement with the Associate Dean for Academic Affairs within fourteen (14) days after the date of the exclusion letter sent to that student. The Associate Dean may, for good cause, grant an extension of time. The appeal of academic exclusion shall be determined by the Dean of the Law School. The Dean, at the Dean's discretion, may consult with the Assistant Dean for Law Student Affairs, the Assistant Dean for Law Success, and the Associate Dean for Academic Affairs in making these decisions.

A strong presumption exists against altering the effect of the faculty's grading decisions. Upon a showing of *compelling circumstances*, a student who is academically excluded may be given one additional probationary semester in order to bring his or her cumulative grade-point average up to the minimum level for continued enrollment.

The Dean may allow a student an additional semester, but must make a written notice of such a decision to the law faculty. All decisions of the Dean on these matters are final.

A student may gain an additional semester from an appeal only once. A student granted an additional semester will be academically excluded if, after any subsequent semester, he or she fails to maintain the required cumulative grade-point average. **This exclusion cannot be appealed.**

D. Re-Admission after Academic Exclusion

A student who is excluded or who withdraws pursuant to the GPA policies listed above may apply for admission as a beginning law student only after at least one complete academic year has elapsed since either exclusion or withdrawal. Re-admission is not automatic and all application procedures and deadlines must be followed. The student must apply as any other new applicant and will be considered according to the admissions criteria in effect at the time of application, including any requirements established by ABA Standard 505. If a student is accepted for readmission, no credits earned from a previous enrollment will be credited towards degree.

E. Law Success

At any time during any portion of a student's enrollment at St. Mary's, the faculty or administration of the law school may determine that the student, as a condition of their continued enrollment and/or graduation, shall be required to participate in and complete satisfactorily academic advising and other programs or services offered by the Law Success Program (*see* Section II. P).

VI. TUITION AND FEES

A. Payment Policies

Payment of all tuition, room and board charges, and fees (listed below, with the most current information available at time of publication of the handbook, check the University website if questions arise), or arrangements for payment, must be made at or prior to registration for each academic term. In determining the balance due at the time of registration, financial aid from the University or external sources is taken into consideration if the student's eligibility for financial aid has been properly certified.

In some cases, the Business Office approves extending the payment period beyond registration; ordinarily, interest is assessed on deferred payments. During the fall and spring semesters of the second and third years of study, the University offers several monthly payment plans that extend payments over two or three months. Consult the Business Office for further details.

Students should notify the Law School, the Registrar's Office, and Business Office of any address change or of withdrawal from the University.

Registration for an academic term is not complete until full payment for the current and prior terms has been made, or satisfactory arrangements have been made with the Business Office. *Students who have not met their total financial obligations to the University may not be permitted to enroll for a subsequent academic term. Credits, honors and credentials (including transcripts) are withheld until all accounts with the University are paid in full.*

B. Tuition Structure and Fees

Students taking 8-11 hours in a semester will be charged under the part-time tuition structure, and students taking between 12-17 hours will be charged a full-time tuition structure. Hours outside these two ranges will be charged at the posted hourly rate.

Summer tuition is assessed on the combination of courses taken across all summer sessions. The appropriate tuition rate is billed based on total combined hours.

This tuition determination is only in regards to charges related to tuition. It does not describe the academic enrollment status for financial aid.

Applicable tuition and fee structure will be used in determining a student's Cost of Attendance ("COA").

Tuition, fees, and other pertinent financial information are located here: <https://law.stmarytx.edu/admission/financial-aid/tuition/>

Individuals may obtain an official transcript of their work completed at St. Mary's University provided they have satisfactorily met all University obligations.

C. Tuition Refunds

At the beginning of each semester, the Director of Student Enrollment or the Associate Dean for Academic Affairs posts a schedule for tuition refunds on the academic calendar. This information is available on the Law School Academic Calendar. Although the official dates must be obtained from the Director of Student Enrollment or the Associate Dean for Academic Affairs, a 100% refund for dropped courses normally is allowed during the first week of classes, a 75% refund normally is allowed during the second week, and so forth until no refund is allowed. The refund schedule applies to courses dropped after registration and add/drop days.

D. Non-Degree Candidates

A member of the bar or graduate of another approved law school may enroll in a particular course or limited number of courses as an auditor or as a non-degree candidate. An auditor is not required to take a final examination in a course, and does not receive credit or a grade for the audited course. A non-degree candidate may enroll and receive course credit and a grade upon successful completion of all requirements imposed on degree candidates in the course. Admission of such persons as auditors or non-degree candidates must be approved by the Associate Dean for Academic Affairs.

E. Enrollment Status for Financial Aid

For financial aid purposes, including Veteran's Affairs and other financial aid benefits, full-time enrollment for the J.D. program requires at least ten (10) hours in a semester or three (3) hours in a summer session. In a student's final semester, enrollment in final courses for graduation is considered full-time academically but would still be considered less than full-time for financial aid unless the student is enrolled in at least 10 or more hours. Enrollment in less than 10 hours, regardless of the term, should be addressed with the Office of Financial Assistance to determine financial aid eligibility.

For joint-degree students, full-time enrollment includes enrolled hours in the School of Law, as well as enrolled joint-degree program hours. School of Law scholarships will be pro-rated pursuant to the percentage of semester enrolled hours that are in the School of Law.

The student's COA will be based upon the number of enrolled hours and the tuition and fee structure.

Please contact the University Office of Financial Assistance for further information.

VII. TRANSFER AND TRANSIENT STATUS

There is a difference between “transfer” and “transient” status. A student who transfers to another law school will be certified as a graduate of that law school. A student who seeks transient or special transient/visiting status at another law school remains a St. Mary's student. The question presented by a request for transient credit is whether the hours earned at another law school will be accepted by St. Mary's in partial fulfillment of the ninety (90) (or, as applicable, ninety-one (91)) credit hour graduation requirement.

A. Transfer Status

The credit hours earned by a student at St. Mary's University School of Law may be transferred to another law school so long as and to the extent the transferee law school will accept them. St. Mary's asserts no control over transfer and is involved only because it must provide a letter of good standing and an official transcript. Whether a law student can transfer to another law school depends solely on the rules of that school. Because a transfer student will become the potential graduate of the transferee law school, that school will apply its own admission requirements.

A notice of intent to transfer must be signed by the student seeking transfer and delivered to the Director of Student Records before July 15 of each year. This must be received by July 15 or the request cannot be processed. The student seeking to transfer must meet with the Associate Dean for Academic Affairs or the Assistant Dean of Law Student Affairs, in person, by telephone, or by e-mail for an exit interview. The Director will prepare the letter of good standing which is required for transfer applications. This letter will be forwarded to the transferee law school. The transferring student also will be required to obtain an official transcript from the University's Registrar. A student whose cumulative grade point average is below 2.0 is not in good standing and therefore cannot obtain a letter of good standing.

For policies regarding grades for incoming transfer students, *see* Section III.J.

B. Transient Status

Students must obtain approval for transient status prior to presenting courses taken elsewhere for credit at St. Mary's. The requisite form is available from the Director of Student Records. In addition, the following rules restrict the acceptance by St. Mary's of transient hours.

Absent additional approvals, a St. Mary's law student may receive credit toward graduation for a maximum of six (6) credit hours earned at another law school.

1. Special Transient/Visiting Status

Special transient/Visiting status for more than six (6) credit hours must be approved by the Associate Dean for Academic Affairs before transient hours, other

than those described above, will be accepted by St. Mary's toward fulfillment of the ninety (90) (or, as applicable, ninety-one (91)) credit hours graduation requirement. Special transient/visiting status will not be approved except for *compelling reasons*:

Compelling reasons are those that, at a minimum, could not have been foreseen at the time of initial enrollment and which have to do with unique personal or family difficulties. Financial or job-related reasons are not considered compelling. Special transient status will not be granted in all cases in which applicants present compelling reasons.

Students wishing to take classes at another law school for a semester or longer should first attempt to transfer to that school. If the applicant is not accepted as a transfer student, he or she may apply for special transient status, but the presumption is heavily against approval of such status because St. Mary's graduates should complete virtually all of their legal education at St. Mary's (with a mandatory minimum of sixty (60) hours).

To apply for special transient status, a law student must make a written request to the Associate Dean for Academic Affairs. The request should include a statement of: the number of transient hours sought; the number of transient hours already earned; the number of hours completed at St. Mary's; the required courses which will be completed at St. Mary's; and the reason for seeking transient status. The request also should address in detail why the applicant must take transient status rather than a leave of absence or transfer. The decision of the Associate Dean is non-appealable and final.

Requests for special transient status in a Spring semester must be filed with the Associate Dean before November 1 of the preceding Fall semester. Requests for special transient status to begin with or to include a summer session or Fall semester must be filed before April 1 of the preceding Spring semester. Only requests for special transient status because of medical emergencies will be considered if filed after these dates. *These dates are considered jurisdictional and cannot be waived in other circumstances.*

Attendance at another law school pursuant to a grant of special transient status by the Associate Dean will count toward satisfaction of the ninety-week, resident-study requirement. Students granted special transient status who have not completed all required courses must seek and obtain approval of the Associate Dean for Academic Affairs prior to enrolling in a required course at the law school the student is visiting.

Transient students continue to be bound by the St. Mary's Code of Conduct, as well as any applicable academic regulations at their visiting institution.

Transient students are bound by the St. Mary's calendar for administrative purposes, including graduation certification. Students must provide an official, hardcopy transcript from the transient university to the St. Mary's Director of Student Records no later than close of business on the date of the St. Mary's

deadline. Final grade verifications by the transient university received after this deadline may result in a delay of graduation date and an inability to certify the student's eligibility to take the state bar exam.

VIII. REGISTERED STUDENT ORGANIZATIONS POLICIES

A. General

Registered Student Organizations (RSOs) are valued members of the law school community and contribute greatly to the law student experience. St. Mary's encourages all students to participate in RSOs as part of their professional development, to help them manage stress, to create new social outlets, and to bolster their networking efforts. In addition, RSOs help St. Mary's Law School support the mission and goals of the law school and the University. A student must have a cumulative GPA of 2.5 or higher at the time of application to serve as an officer of an RSO.

All RSOs report to and are subject to the Assistant Dean for Law Student Affairs. Failure to comply with the any RSO policies dictated in this section may result in the cancellation of events, immediate loss of University funding, loss of RSO status, and/or an Honor Code violation.

All organizations that receive any funding through St. Mary's University or the School of Law must **annually** file with the Assistant Dean for Law Student Affairs, according to a schedule set by that office and upload each of the following on Rattler Tracks:

- activities charter
- by-laws
- an annual list of all their officers and members with their contact information, including telephone numbers and St. Mary's email addresses
- all activities during the school year
- an annual budget
- faculty sponsor (if any)

B. Financial and Contracting Issues

Without the express, written permission of the Assistant Dean for Law Student Affairs, a RSO is not permitted to open a bank account(s) at an outside financial institution. RSO's shall only have accounts with the University Finance Office.

If an RSO wishes to enter into a contract for any purpose it must first ensure that the contract is on the approved St. Mary's form. Second, the RSO president or designee must review all contracts before forwarding them to the Assistant Dean for Law Student Affairs for final approval. If the St. Mary's form is not applicable or changes are made to the St. Mary's form, it must first be approved by the RSO president or designee.

When a contract is submitted to the Assistant Dean for Law Student Affairs for approval, the RSO president or designee must provide a narrative summary which includes the

following information: purpose of the contract, justification for the event and expenditures, and issues of concern in the contract, if any.

All contracts between an RSO and an outside entity must be approved by the Assistant Dean for Law Student Affairs. An RSO may not unilaterally sign any contracts. Once a contract has been fully executed based on these guidelines, the original shall be stored in the Office of Student Affairs and a copy maintained by the RSO. Additional contract obligations for events are described below.

C. Activities and Events

1. General

a) Orientation Meeting

At the onset of each academic year, the Student Bar Association (SBA) will host a mandatory risk-management information session required by Texas statute. Each RSO must send at least one (1) representative of their organization to this meeting. Failure to attend will prohibit the RSO from participating in Docket Call unless they receive a waiver from the Assistant Dean for Law Student Affairs.

b) Scheduling

Any activity or event hosted by a RSO that includes faculty or staff and is otherwise open to individuals beyond the organization's membership must be scheduled on both the faculty calendar and the law school master calendar. In order to receive date approval, a request for a primary and alternate date selection must be submitted to the Associate Dean for Academic Affairs for approval prior to making any financial commitments or publicizing the event.

Every effort will be made to use the preferred date so long as no conflict is present. Failure to comply with this policy may result in a reduction or denial of University and Law School funding for the event. Repeated failures may lead to the denial of all University and Law School funding, as well as the termination of the RSO.

c) Expenditures

Any RSO event or activity that requires the expenditure by the RSO of more than \$250 must be approved by the Assistant Dean of Law Student Affairs before any commitments for or any actual expenditures are incurred. Additional budgetary obligations are enumerated below. Any contract entered into by an RSO that may create any obligation or liability for more than \$250 must be approved by the Assistant Dean for Law Student Affairs before a commitment has been made.

d) Alcohol Policy

Any RSO-hosted event in which alcohol is available for free or by purchase must first be approved by the Assistant Dean of Law Student Affairs. A RSO hosted

event shall not provide more than two (2) drinks to any person without payment. Any event serving alcohol must also have water and non-alcoholic drinks easily available for participants.

2. On-campus events

a) Room reservations

Rooms must be reserved in advance for all on-campus events through the Director of Student Records, Ms. Yvonne Olfers. No University or Law School room may be used without first receiving confirmation of its availability and obtaining a reservation.

3. Off-campus events

a) Venue and Catering Selection

RSOs wishing to host an off-campus event must, whenever possible, use a venue and caterer on the list of approved providers. This list of vendors has preapproved per capita pricing contracts negotiated with the School of Law.

In the event that a RSO wishes to use a vendor that is not on the pre-approved list, it must negotiate a per capita price that is lower than that which is on the approved vendor list and otherwise has more favorable contract terms. The contract must be approved by the Assistant Dean for Law Student Affairs and must meet the requirements enumerated above. The Assistant Dean for Law Student Affairs will coordinate with the law school's Director for Law Business and Financial Service before a financial commitment can be made. Failure to comply with this policy may result in a reduction or denial of University and Law School funding for the event. Repeated failures may lead to the denial of all University and Law School funding, as well as the termination of the RSO.

4. Applicable University Policies

a) Visiting Dignitary

RSOs seeking to have a dignitary attend a meeting or event as a guest must receive the approval from the Assistant Dean of Law Student Affairs, who will then seek University approval, **before** inviting the dignitary to campus and must comply with University policy, which can be found at:

<https://www.stmarytx.edu/policies/university-communications/inviting-dignitaries-to-campus/>. For the sake of this rule, "dignitary" includes diplomats, local public figures including but not limited to, the Archbishop of San Antonio, the Mayor of San Antonio, judges, and other elected officials.

The approval application form can be found here:

<https://www.stmarytx.edu/policies/university-communications/speakers-awards-recognition-approval-form/>.

b) Involvement with Political Events and Candidates

Any RSO involved with a political event or candidate is obligated to comply with St. Mary's University policy found here:

<https://www.stmarytx.edu/policies/academic-affairs/political-campaigns-political-activities/>.

c) Use of University or Law School Logo or Colors

A RSO wishing to use the St. Mary's University or Law School logo must request approval from the Director of Law Communication before use. Approval will only be granted if it qualifies as an appropriate usage. Usage may be deemed appropriate if the University or the Law School is an official joint sponsor of the event. In approved cases, the Communications Office should be consulted in the design of any materials. Except in these limited circumstances, RSOs are not permitted to use the University or Law School seal for any organizational events or memorabilia. University policy on use of the logo can be found here: <https://www.stmarytx.edu/policies/policy/university-name-and-seal-official-use/>.

Additional guidance about St. Mary's University branding is available here: https://11902-presscdn-0-35-pagely.netdna-ssl.com/policies/wp-content/uploads/2016/03/St_Marys_communications_guide_0316.pdf

IX. MISCELLANEOUS

A. Law School Administration and Governance

The chief administrative officer of the Law School is the Dean. The Dean is assisted by the various Associate and Assistant Deans and the St. Mary's University administration. The individuals holding these positions are identified on the law school website (<https://law.stmarytx.edu/>) and in the entering class Facebook Directory published at the beginning of each academic year.

The legislative body for the Law School is the Faculty Council, which consists of all tenured and tenure-track members of the law faculty and clinical professors of law.

Various faculty committees consider proposals to revise the rules or administrative procedures of the Law School or carry out other tasks. New committee appointments are made each year. A copy of the committee assignments for the current academic year may be obtained from the Associate Dean for Academic Affairs.

B. Veterans

The Veteran's Administration requires St. Mary's to notify that agency of any upper-level student who is receiving veteran's benefits and who earns a cumulative grade-point average below 2.0.

C. Nondiscrimination

It is the policy of St. Mary's University School of Law not to discriminate or segregate on the grounds of race, ethnicity, color, sex, pregnancy, religion, national origin, citizenship status, physical or mental disability, age, marital status, sexual orientation, gender, gender identity/expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

This policy is enforced in large part by federal law under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

Inquiries regarding compliance with these statutes may be directed to the Director of Human Resources for St. Mary's University at (210) 436-3725 or to the Director of the Office of Civil Rights, Department of Health and Human Services, Washington, D.C.

As a matter of conviction as well as of law, St. Mary's University School of Law seeks to be an equal opportunity educational institution. To this end, the Law Schools maintains a policy of nondiscrimination in employment.

Conformity with federal law is assured by the Equal Employment Opportunity Officer, the Vice President for Administration and Finance of the University.

D. Privacy of Student Information

The right of students to obtain information or to prevent disclosure of information from their educational record as maintained by St. Mary's University is prescribed by the Family Educational Rights and Privacy Act of 1974 ("The Buckley Amendment"), 20 U.S.C. § 1232g. In addition, the Department of Education has promulgated regulations, contained in 34 CFR Part 99, to implement the Act. In conformity with the Act and its implementing regulations, the University's policy is stated in its Catalog.

The Law School maintains unofficial records for its students and, therefore, discloses student information as allowed or required by the Family Education Rights and Privacy Act, its implementing regulations, and the University's policy. The Law School does make public certain directory information, which includes the following:

- a) A student's name, local address, and telephone number;
- b) A student's major field of study, year in law school, and academic and public service honors and awards;
- c) The dates of a student's attendance and graduation; and
- d) The most recent previous educational institution attended by the student and the degrees and awards received.

This information may be included in student directories; in lists of names posted on official bulletin boards; or in honors, awards, or graduation ceremony programs. The Law School also discloses by telephone the telephone number of a student *if* that number is included in a published student directory.

Each student has the right to restrict or to prevent the release of the above-listed directory information. A student may prevent the release of all directory information by filing such a request with the University's Office of the Registrar during the period running from the first day of classes in the Fall semester through the twelfth day of classes in the Fall semester. Forms for this purpose are available at the Law School during fall semester registration. Early notice to the University is necessary to prevent use of student information in directories, which are prepared in the Fall semester. This notice also will prevent disclosure by the Law School. A request to prevent disclosure of directory information will remain in effect as long as the student is registered unless withdrawn by the student.

A student who fails to file a request with the Office of the Registrar during the prescribed period may thereafter restrict or prevent further publication by the Law School of directory information by filing a written request, describing the restrictions desired, with the Office of the Dean. This written request should be filed as soon as possible in order to avoid publication of the information in a Law school directory.

E. Persons with Disabilities (Americans with Disabilities Act)

A law student who has a disability and who wishes to secure accommodations under the Americans with Disabilities Act must notify the Student Psychological and Testing Center of the nature of his or her disability. The Student Psychological and Testing Center determines what accommodations will be made to assist a student with a documented disability. The School of Law will not provide any accommodations until a letter has been issued by the Student Psychological and Testing Center stating that the student is entitled to accommodation.

The process of documenting learning disabilities is often time consuming. A student must apply to the Student Psychological and Testing Center for accommodation of a disability sufficiently far in advance to allow the processing of the student's case. It is the responsibility of the student, not the School of Law, to arrange for documentation of disabilities and to secure a determination of the entitlement to accommodation from the University. Special testing accommodations granted by the University are normally administered by the law school's Office of the Assistant Dean for Law Student Affairs. A student who fails to appear at the scheduled time for a specially administered examination will normally be deemed to have waived the right to accommodations. For exam and assessment accommodation deadlines, (*see* Section IV.D.5).

F. Abuse of Computer Hardware and Software

The Law School provides students with access to computer hardware and software to assist students with their academic studies. Students must comply with all posted rules regarding the use of computer hardware and software, and with the rules and regulations

set forth in *Computing at St. Mary's University School of Law*, copies of which are available from the Director of Computer Administration.

Students are prohibited from installing any software on any law school computer. Students are also prohibited from modifying any software settings other than those modifying the format of documents to be printed (*e.g.*, fonts) or those modifying the display of the software on the computer monitor (*e.g.*, changing the size of a program window).

Students abusing computer hardware or software may have complaints of disciplinary and academic misconduct brought against them under the Code of Student Conduct of the School of Law (*see* Section X) and the *St. Mary's University Student Handbook*.

G. E-mail Accounts

Each student is assigned a Law School e-mail account and is required to check this account daily, Monday through Friday, including during school breaks and over the summer. Faculty and the Administration use e-mail to communicate with students and to send official notices. Students are deemed to have knowledge of all communications from the Faculty and Administration sent to their Law School e-mail address. Therefore, not checking the school email account is not an acceptable defense for not responding to information disseminated by email. Additionally, various professors may have more specific requirements with respect to e-mail, TWEN, Blackboard, and Canvas classrooms.

H. Law School Conflicts-of-Interest Policy

The law faculty has adopted the following rules to prevent conflicts of interest:

No faculty member shall:

1. Instruct for law credit a person related to the faculty member within the second degree of consanguinity or affinity, except when such faculty member is the only person teaching the subject during an academic year and makes arrangements for another faculty member to grade such work;
2. Participate in a decision to employ, promote, or grant tenure to a person related to the faculty member within the second degree of consanguinity or affinity, vote on such decision, or attend that portion of any meeting at which such decision is discussed; or
3. Date any law student who is registered in any class taught by such faculty member or who is to be evaluated, supervised, or advised as part of a law program by such faculty member.

I. Student Complaints Concerning ABA Standards and the Program of Legal Education

As an ABA-accredited law school, St. Mary's University School of Law is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found at http://www.americanbar.org/groups/legal_education/resources/standards.html. Any

student at the law school who wishes to bring a formal complaint to the administration of the law school of a significant problem that directly implicates the school's program of legal education and its compliance with the ABA Standards should do the following:

1. Submit the complaint in writing to the Associate Dean for Academic Affairs. The writing may consist of e-mail or U.S. mail. Hand delivery is not considered official delivery. Any complaint submitted pursuant to this section must be titled "ABA 510 Complaint" either in the subject line of the email or in the header of the letter.
2. The writing should describe in detail the behavior, program, process, or other matter that is the subject of the complaint, and should explain how the matter implicates the law school's program of legal education and its compliance with a specific, identified ABA Standard(s).
3. The writing must provide the name, official law school e-mail address, a street address and the telephone number of the complaining student, for further communication about the complaint.
4. The Associate Dean for Academic Affairs will acknowledge the complaint within three business days of receipt of the written complaint. Acknowledgement may be made by e-mail, U.S. mail, or by personal delivery, at the option of the administrator.
5. Within two weeks of acknowledgment of the complaint, the Associate Dean for Academic Affairs, or the Associate Dean for Academic Affairs's designee, shall either meet with the complaining student, or respond to the substance of the complaint in writing. In this meeting or in this writing, the student should either receive a substantive response to the complaint, or information about what steps are being taken by the law school to address the complaint or further investigate the complaint. If further investigation is needed, when the investigation is completed, the student shall be provided either a substantive response to the complaint or information about what steps are being taken by the law school to address the complaint within two weeks after completion of the investigation.
6. Appeals regarding decisions on, or outcomes of, complaints may be taken to the Dean of the Law School. An appeal must be in writing and must be made within two weeks of the decision, outcome, or resolution of the complaint. The Dean's decision should be communicated to the student within two weeks of receipt of the appeal. Any decision made on appeal by the Dean shall be final.
7. A copy of the complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Dean for a period of eight years from the date of final resolution of the complaint.
8. The Law School will not in any way retaliate against an individual who makes a complaint under this section, nor permit any employee or student to do so.

J. Supervised Practice Card

An upper-class law student who would like to obtain a supervised practice card should check the requirements set forth by the State Bar of Texas on its website. The application is posted by the State Bar of Texas, and all requirements are set forth by the State Bar of Texas.

X. PROHIBITED CONDUCT

Law students must comply with the St. Mary's University Policies including, but not limited to the Code of Student Conduct, Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment Policy and Procedures, and Acceptable Use of University Technology. All policies can be located in the Policy Library on Gateway or at: <https://www.stmarytx.edu/policies/student-development/>. Included within the Code of Student Conduct is a provision that applies specifically to J.D. and LLM students that provides:

A student shall not commit an act prohibited by the Model Rules of Professional Conduct promulgated by the American Bar Association or by the Texas Disciplinary Rules of Professional Conduct.

Academic misconduct allegations will be adjudicated by the procedures outlined in Section X.C.

It is the moral and professional obligation of all students and faculty members to promptly report any potential violation of University or Law School policies described below.

A. Discrimination and Harassment

St. Mary's University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise in full compliance with the requirements of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Civil Rights Act of 1991, the Violence Against Women Act of 1994, the Pregnancy Discrimination Act of 1978, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, the Americans with Disabilities Act, the Equal Pay Act, the Uniformed Services Employment and Reemployment Rights Act, the Genetic Information Nondiscrimination Act, the Immigration Reform and Control Act of 1986, and other federal, state, and local laws. St. Mary's Policy on Equal Opportunity, Nondiscrimination, Sexual and Other Forms of Harassment can be found [here](#).

All alleged violations of this policy will be handled in accordance with the University's Equity Discrimination Resolution Process. The Equity Discrimination Resolution Process applies regardless of the status of the parties involved, who may be students or employees (staff, faculty, or administrators). The University reserves the right to act on conduct that may constitute a violation of this policy occurring on campus or off campus, when the off-campus conduct could have an on-campus impact or impact on the mission of the University.

The Director of Human Resources serves as the Title IX Coordinator and oversees implementation of this policy.

Allegations of violations of this policy must be reported to the Title IX Coordinator immediately. or online at <https://www.stmarytx.edu/compliance/title-ix/>.

B. Disciplinary Conduct

Prohibited non-academic misconduct is defined in, but not limited to, the St. Mary's Code of Student Conduct. At St. Mary's University, the Vice Provost for Student Development/Dean of Students is the principal authority for all non-academic discipline and may assign person(s) to implement these procedures (*see* Faculty Handbook 2.17.2). The Assistant Dean for Law Student Affairs has been designated to oversee and manage student conduct process for law student matters. Allegations of prohibited conduct will be referred to the Assistant Dean for Law Student Affairs for adjudication and resolution in accordance with the procedures outlined in the Code of Student Conduct. All Law Students are subject to the sanctions outlined in the St. Mary's University Code of Conduct Section 6.12.

Final determinations of responsibility shall be included in a student's file and will be considered during a character and fitness evaluation. See Section XI.

C. Academic Misconduct

An academic matter is any activity which may offer or in any way contribute to the satisfaction of degree requirements. Academic matters include, but are not limited to, examinations, research, other class assignments, and attendance.

Academic Misconduct Procedure: St. Mary's School of Law incorporates the procedure and sanctions outlined in St. Mary's University Academic Misconduct Policy, "Academic Charges and Hearings" & "Academic Sanctions", available here: <https://www.stmarytx.edu/policies/academic-affairs/academic-misconduct/#academic-conduct-and-policies>

Final determinations shall be placed in the student's file and reported to the Texas Board of Law Examiners or any other state bar licensing agency where the student intends to apply to practice law.

(a) An academic matter is any activity which may offer or in any way contribute to the satisfaction of requirements for graduation. Academic matters include, but are not limited to, examinations, research, or other class assignments.

(b) It is a violation of the Code for any student to engage in conduct which tends to gain that student, or another, an unfair advantage in an academic matter. The following applications of this rule, offered to assist students in understanding the obligations imposed, are illustrative, not exhaustive.

1. In an examination, a student shall follow all instructions concerning its administration, shall not use any materials other than those specifically authorized

- by the professor, and shall not converse or communicate with any person(s) other than the person(s) administering the exam.
2. In research or other writing assignments, a student shall not use materials specifically forbidden by the instructor and must fairly identify passages or ideas from the work of others. The student shall make attribution by proper use of quotation marks, citations, or other forms of reference.
 3. A student shall not submit, or have submitted as his or her own, the work of another. Nor, except by permission of the instructor after full disclosure, shall a student submit in fulfillment of an assignment any work prepared, used, or submitted in another course or for a law journal, clinic, law firm, government agency, or any other organization.
 4. A student shall not use another student's secure online credentials for any purpose.
 5. A student shall not hide, mutilate, deface, or remove, without permission, library materials or the materials of another student. A student shall not violate the library's policies or procedures, noise reduction, or licenses on digital information or database.
 6. A student shall not breach the security, electronic or otherwise, maintained for the preparation and storage of exam materials. If a student learns, even inadvertently, of information concerning an examination, other than that released or authorized by the professor, the student must notify the professor and shall not take the examination without the professor's permission.
 7. A student shall not discuss an examination he or she has already taken with a student scheduled to take a deferred examination in the same course or with any other person under circumstances likely to endanger the security of examination questions.
 8. During the course of and prior to the completion of any examination, research, or other assignment, a student shall not provide to, compare with, or obtain from another student any answer or part of an answer, unless authorized by the professor.
 9. A student shall not copy, photograph, or reproduce any examination without express permission from the class professor. Nor shall a student possess and/or distribute or accept an unauthorized copy, photograph, or reproduction of an examination.
 10. Any student who receives an unauthorized copy of an examination through whatever means, shall turn over the unauthorized copy to the Dean, the Associate Dean for Academic Affairs of the School of Law, or the Assistant Dean for Law Student Affairs immediately and shall immediately disclose the source of the unauthorized copy.

11. A student suspected of academic dishonesty, depending on the severity of the incident, may be suspended immediately by the Dean to preserve the academic integrity of the law school.
12. A student, at the request of the Dean, the Associate Dean for Academic Affairs, or the Assistant Dean for Law Student Affairs, shall turn over all information and materials in his or her possession to assist in an investigation of academic dishonesty, including but not limited to notes, text messages, email, other electronic communications, computers, hard drives, electronic storage devices, PDA's, and phone records.
13. A student shall not destroy or attempt to destroy any information or materials that are the subject of an Honor Code investigation.

XI. BAR EXAMINATION INFORMATION

The Bar Examination is given twice every year, in late February and late July. For application deadlines in Texas, please see the Texas Board of Law Examiners website at <https://ble.texas.gov/home>. Deadlines are strictly enforced. Students seeking to take a bar exam outside of Texas will need to obtain and adhere to that state's deadlines and processes.

Students are advised to keep apprised of orders from the Supreme Court of Texas that may affect them. For certification purposes, requisite hours must be completed in the Fall or Spring semester before the desired bar exam. Due to grading deadlines, summer classes cannot be used to qualify for the same summer's bar exam.

A. Student's Character and Fitness Portfolio

The Dean of the Law School is required to certify that students applying to be members of the Bar possess the character and fitness required for the legal profession before a student can sit for a state bar exam. During a student's tenure at St. Mary's Law School, a student should be aware of this duty, and should consistently demonstrate the professionalism inherent to the profession as well as the behaviors and competencies necessary to succeed in the profession. Matters need not rise to a level of an official complaint or resolution under the disciplinary misconduct procedure to be considered a matter of character and fitness and included in this portfolio.

B. Disclosure of Character and Fitness Issues

Students are required to disclose, in writing, any new or additional information, or changes to any matters affecting character and fitness not included in the students' application to the law school or occurring during their legal studies. This disclosure is made to the Assistant Dean for Law Student Affairs. Students must disclose any matter that affects character and fitness in a timely manner, close in time the incident that may affect issues of character and fitness.

A character and fitness addendum must include a full accounting of the circumstances surrounding and current disposition of the motivating event. The addendum must be

submitted with the date and the student's original or electronic signature. It is the student's responsibility to update the Texas Board of Law Examiners or any other state bar licensing agency where the student intends to apply for admission of any amendments made to the law school.

See Section III.F.3 for policy regarding character and fitness reporting associated with administrative withdrawals.

C. MPRE

All applicants for admission to the Texas Bar must pass the MPRE (Multistate Professional Responsibility Exam). Law students often take the MPRE while still enrolled in Law School, after completing the course in Professional Responsibility. Topics tested are the ABA Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, and controlling constitutional decisions and generally accepted principles established in leading federal and state cases and in procedural and evidentiary rules.

Students are **highly** encouraged to take the MPRE before graduating law school and it is recommended that students complete this examination in the second year.

The Law Success Program maintains information about the MPRE here: <https://sites.stmarytx.edu/lawsuccess/mpre/>

XII. REQUIRED CURRICULUM CLASS REQUIREMENTS

If you entered the law school in the **IN-PERSON PART TIME PROGRAM**, please note that the program is currently being taught out. As such, in person classes for the part time program will be offered through Spring 2025.

IF YOU ENTERED LAW SCHOOL BEFORE FALL 2018, please reach out to the Associate Dean for Academic Affairs to confirm your degree requirements.

A. FIRST YEAR REQUIRED CURRICULUM

A student must take and PASS the courses in each of the following subject areas. A passing grade is any grade above an "F".

FIRST YEAR REQUIRED CURRICULUM

| | | |
|--------|----------------------------------------------------------|---|
| LW6477 | Civil Procedure | 4 |
| LW6335 | Legal Communication Analysis & Professionalism (LCAP) I | 3 |
| LW6478 | Torts | 4 |
| LW6490 | Contracts | 4 |
| LW6336 | Legal Communication Analysis & Professionalism (LCAP) II | 3 |
| LW6480 | Property | 4 |
| LW6341 | Criminal Law | 3 |
| LW6440 | Constitutional Law | 4 |

B. THE UPPER-LEVEL REQUIRED CURRICULUM

A student must take and PASS the courses in each of the following subject areas. A passing grade is any grade above an "F".

UPPER-LEVEL REQUIRED CURRICULUM

Required Courses for ALL Students:

| | |
|---------------------------------------------------------------------------------------------------------|---------------------|
| (1) Professional Responsibility | 3 Hours |
| (2) Writing Seminar (Upper-level writing requirement) | Hours vary by class |
| (3) Experiential Learning (6 hours) | 6 Hours |
| <i>a. See chart below for classes that satisfy this requirement</i> | |
| (4) Bar Prep (Required for Students with Cumulative GPA below 2.7 at the completion of 29 credit hours) | 2 Hours |

Additional Required Courses:

The following classes are tested on the Uniform Bar Exam. **Students with a cumulative GPA below 3.0 at the completion of 29 credit hours will be required to take these classes prior to graduation.** The school recommends all students take these courses.

| | |
|---------------------------------------------------|--------------|
| (1) Evidence | 4 Hours |
| (2) Business Associations | 3 Hours |
| (3) Sales (or Sales/Secured Transactions) | 2 or 4 Hours |
| (4) Secured Transactions (or Sales/Secured) | 3 or 4 Hours |
| (5) Wills & Estates (or Wills, Estates, & Trusts) | 3 or 4 Hours |
| (6) Trusts (or Wills, Estates, & Trusts) | 2 or 4 Hours |
| (7) Constitutional Criminal Procedure | 3 Hours |
| (8) Family Law | 3 Hours |
| (9) Conflicts of Law | 3 Hours |
| (10) Mortgages | 3 Hours |

Students are still required to earn 90 credit hours before graduating. Students may choose to take their required courses any semester or summer term prior to graduation, but it is recommended students enroll in required courses when they are offered. **Some courses may not be offered every semester.**

ALL students are required to complete a writing requirement (usually 1 or 2 credits) of at least 6,000 words/approximately 25-30 double-spaced pages. (See Section II.H.2).

All students are required to complete thirty (30) hours of service before graduation. At least ten (10) of the required service hours must be completed before student completes their first twenty-nine (29) credit hours. Students must complete at least twenty (20) service hours before they complete sixty (60) credit hours. (See Section II.H.3). Students who matriculated prior to Fall 2018 are not subject to this requirement.

Classes that will satisfy Experiential Learning Credits:

| Experiential Learning 6 credit hours | | Credit Hrs | |
|--------------------------------------|----------------------------------------|-----------------------------------------------|---------------------------|
| | Clinic | 3 or 6 | |
| LW7390 | Contract Drafting | 3 | |
| LW8708 | Corporate Planning | 3 | |
| LW7632 | Evidence in Practice | 2 | |
| LW9202 | Court of Criminal Appeals | 2 | |
| LW9404 | US Court of Criminal Appeals | 4 | |
| LW7295 | Family Law Mediation | 2 | |
| LW8209 | Law Practice Management | 2 | |
| | Mini courses | 1 each | |
| LW8755 | Mediation | 3 | Prerequisite: Negotiation |
| LW8761 | Negotiation | 3 | |
| LW8670, LW8391 | Estate Planning | 2 | |
| LW7213 | Deposition Skills | 2 | |
| LW7302 | Externship | 3 (Externship may only be 3 credits) | |
| LW9758 | Trial Advocacy | 3 | Prerequisite: Evidence |
| LW7640 | Practices in Child Protective Services | 2 | |
| LW7251 | Advanced Legal Research | 2 | |

C. THE ONLINE PART TIME PROGRAM REQUIRED CURRICULUM

Students in the online part time program must complete 90 credit hours in order to graduate. Online part time program students will take their curriculum in a block schedule format.⁷ As such, the curriculum will be:

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1st Term | <ul style="list-style-type: none"> • Contracts I (2 hours) • Civ. Pro. (4 hours) • Legal Communication, Analysis & Professionalism (LCAP) (3 hours) |
| 2nd Term | <ul style="list-style-type: none"> • Contracts II (2 hours) • Property (4 hours) • LCAP II (3 hours) |
| 3rd Term | <ul style="list-style-type: none"> • Criminal Law (2 or 3 hours) • Professional Responsibility (2 or 3 hours) |
| 4th Term | <ul style="list-style-type: none"> • Torts (4 hours) • Constitutional Law (4 hours) |
| 5th Term (start of 2L Year) | <ul style="list-style-type: none"> • Business Associations (3 hours) |

⁷ After completing their 1L course-work, an online student may, with the permission of the Director of the Online Program, take one or more of the remaining courses needed to graduate in-person.

| | |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • Family Law (3 hours) • Elective |
| 6th Term | <ul style="list-style-type: none"> • Evidence (3 or 4 hours) • Elective |
| 7th Term | <ul style="list-style-type: none"> • Con Crim Pro. (3 hours) • Wills, Estates & Trusts (4 hours) • Elective |
| 8th Term | <ul style="list-style-type: none"> • Conflict of Laws (3 hours) • Sales (2 hours) • Elective |
| 9th Term (start of 3L Year) | <ul style="list-style-type: none"> • Secured Transactions (3 hours) • Electives |
| 10th Term | <ul style="list-style-type: none"> • Mortgages (3 hours) • Electives |
| 11th Term | <ul style="list-style-type: none"> • Electives |

Within the spaces designated for Electives, students must meet the following requirements:

- Writing Seminar (Upper-level writing requirement) (of at least 6,000 words/approximately 25-30 double-spaced pages. (See Section II.H.2)
- Experiential Learning (6 hours) (See chart below for classes that satisfy this requirement)
- Bar Prep (2 hours) (Required for Students with Cumulative GPA below **2.7** at the completion of 29 credit hours)

All students are required to complete thirty (30) hours of service before graduation. At least ten (10) of the required service hours must be completed before student completes their first twenty-nine (29) credit hours. Students must complete at least twenty (20) service hours before they complete sixty (60) credit hours. (See Section II.H.3).

Classes that will satisfy Experiential Learning Credits:

| Experiential Learning 6 credit hours | | Credit Hrs | |
|--------------------------------------|------------------------------|------------|---------------------------|
| | Clinic | 3 or 6 | |
| LW7390 | Contract Drafting | 3 | |
| LW8708 | Corporate Planning | 3 | |
| LW7632 | Evidence in Practice | 2 or 3 | |
| LW9202 | Court of Criminal Appeals | 2 | |
| LW9404 | US Court of Criminal Appeals | 4 | |
| LW7295 | Family Law Mediation | 2 | |
| LW8209 | Law Practice Management | 2 | |
| | Mini courses | 1 each | |
| LW8755 | Mediation | 3 | Prerequisite: Negotiation |
| LW8761 | Negotiation | 3 | |
| LW8670, LW8391 | Estate Planning | 2 | |

| | | | |
|--------|----------------------------------------|-----------------------------------------------|------------------------|
| LW7213 | Deposition Skills | 2 | |
| LW7302 | Externship | 3 (Externship may only be 3 credits) | |
| LW9758 | Trial Advocacy | 3 | Prerequisite: Evidence |
| LW7640 | Practices in Child Protective Services | 2 | |
| LW7251 | Advanced Legal Research | 2 | |