

UNIVERSITY OF HAWAII AT MANOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**



**STUDENT HANDBOOK
FALL 1991**

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University of Hawaii at Manoa

School of Law

MEMORANDUM

FALL 1991

TO: ALL STUDENTS

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: MESSAGES, APPOINTMENTS, FOOD, FACILITIES, ETC.

1. Dean's Office: The Dean and the rest of the Administrative personnel are in and out of their offices throughout the day. If we are here and free, please do not hesitate to see us. Otherwise, please feel free to make an appointment to see us.
2. Arranging To See Faculty: Each faculty member will post his or her office hours on the bulletin board opposite the Faculty Secretaries' Office or on the door to their office. Appointments to see them at other times should be made by calling them directly and, if appropriate, leaving a message on their recording machine. Messages may also be left for them by contacting the faculty secretary assigned to each faculty member (Room 252, or call 956-7629).
3. Student Messages: If someone outside the school needs to leave a message for you, please ask the person to call the Student Lounge, 956-7760. Anyone answering the phone should leave a note for you on the alphabetized student message board located on the second floor by Student Organizations. This is not a completely reliable way of reaching you but we do not have the facilities for anything more elaborate.
4. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

AN EQUAL OPPORTUNITY EMPLOYER

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5. Use of Rooms: The six seminar rooms and the five main classrooms (when unlocked), plus the seminar rooms in the Library, can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. If you need the combination to a seminar room, it will be provided on a confidential basis by the Associate Dean's Office for rooms in the classroom building and by the Librarian's Office for seminar rooms in the Library. A late class, a special event, a HICLE seminar, or any formally scheduled event or class takes precedence. If you want to use a room other than these seminar rooms or the five main classrooms, you must see me or my secretary. Please limit your studying (??!) to the Library or the rooms described above. When using such rooms, be sure that they are closed and secured when you leave. Please note that the storage of books, study aids and other personal effects must be confined to your own carrels. The rest of our facilities including all classrooms, seminar rooms and library rooms are open to all students and therefore inappropriate for personal storage. This rule will be strictly enforced.
6. Building Security and Lock-up: Because our classroom building is built in a series of modular blocks, access to a particular module may be required before use of a specific room within that module is possible. Campus security rules prohibit our leaving all modules open to free access at all times. This is particularly difficult in relation to the Student Lounge and the Student Message Board. We are prohibited from leaving the access doors to the corridors in that area open all the time. We lock the access doors at 4:30 p.m., weekdays. They will not be open on Saturdays, Sundays, or holidays. This is a reason why class assignments are posted in the glass bulletin board downstairs. A key allowing access to this corridor is kept at the front desk in the library and may be checked out by law students.
- The main classrooms will be locked at 4:30 p.m. or at the end of the last class of the day scheduled in that particular room, whichever is later. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. The same is true with the rest rooms on the ground floor of the courtyard; they will be locked at 4:30 p.m. each day. The rest rooms on the upper level of the courtyard will remain open.

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NOTE: Please maintain the confidentiality of any unlocking combinations that you may know. Our building is readily accessible to pedestrian traffic; our only security is our ability to lock certain doors. All classrooms and seminar rooms are directly accessible to pedestrian traffic. Should we suffer any property loss or damage, we will probably not be able to keep the rooms available for study groups.

7. Two-Wheeled Vehicle Parking: Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.
8. Storage, Preparation, Consumption of Food: Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building on the Law School campus; such preparation is limited to outside areas. Food may be consumed in the Student Lounge (Room 255) and our classroom courtyard. Consumption of food in all other places unfortunately creates problems which our limited janitorial staff cannot handle, and which could lead to serious damage to the building. Please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Administrative Officer for events which include food, in these otherwise restricted areas. Be sure to have arrangements for clean-up when seeking such permission.
- The consumption of food in the library building is prohibited. This prohibition includes your carrel and all side rooms in the library. The reason for this restriction in the library is that food crumbs attract bugs, and bugs eat books when they run out of crumbs. And then the bugs are smarter than we are, and that threatens our American Bar Association accreditation. Students who bring in food and drink will be asked to leave the library building.
9. Smoking: Smoking is prohibited within the classrooms, library and student lounge.
10. Parties: We encourage the use of our courtyard for parties, subject to the following:

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- a. If your group wishes to have a party in the courtyard, you must plan for and reserve its use in advance. If night classes are scheduled, or a special lecture, such events will take priority. Scheduling of parties is accomplished through the Administrative Officer.
 - b. Cooking, particularly over open fires, will not be permitted in the courtyard in conjunction with a party. However, charcoal grills, etc., may be set up at the rear of the building (the Administrative Officer will show you where), and the food brought into the courtyard for consumption at a party held there. The reason for this restriction is to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from it staining the walls and ceilings of the balcony overhangs, etc.
 - c. Remember, if you wish to serve beer or any other alcoholic beverages at your party, whether held in the courtyard or elsewhere in the building, permission must be secured through the Administrative Officer at least one week in advance. This is a University policy which the Law School cannot waive.
 - d. Conversation on academic subjects in the courtyard is forbidden during any scheduled party--without prior permission.
11. Student Mail: The Law School may not be used as an address for receipt of students' mail. We do not have the facilities or staff to provide this service.

LCF:cn

University of Hawaii at Manoa

School of Law

MEMORANDUM

Fall 1991

TO: LAW SCHOOL COMMUNITY

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: BULLETIN BOARDS

The set up of the bulletin boards are as follows:

1. The glass bulletin boards located in both sides of the hallway around the corner from Classroom 1 are the official location for school announcements. Students should check these boards daily.
2. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
3. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items for sale or wanted, typing services, student organization notices, student activities, scholarships, writing competitions, etc.
4. The student message board is around the corner from the Student Lounge. This board is used by faculty, staff and students to give messages to students and is organized alphabetically by last name.
5. The bulletin board located just inside the front doors of the Administration Building is currently being used to announce clerkship opportunities, non-Hawaii summer internships and some placement information.
6. Library. Since the Law Library bulletin board space is limited, you must obtain permission from a librarian to post materials.

Please let us know if the above-described use of bulletin boards proves inconvenient to anyone in the law school community.

POST NO BILLS! Faculty and staff are asked to discourage any posting of signs and notices of classes or events on any building walls, doors, and other surfaces on campus. Signs taped or posted on walls destroy the painted surfaces. Restrict all posting to bulletin boards.

LCF:cn

WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)

I. Introduction

These procedures are used to ensure consistent and equitable treatment for students and to resolve issues arising from the academic relationship between individual faculty and students.

For any grievance involving a claim of sexual harassment, the student should go to the University's Equal Opportunity & Affirmative Action Officer before beginning any of the steps outlined below.

II. Statute of Limitations

Claims must be initiated within 45 days of mailing of grade.

III. Step 1 (Informal Resolution)

- A. Meet with Professor, or
- B. See Associate or Assistant Dean.
- C. Campus mediation services are available to assist in resolving disputes.

IV. Step 2 (Formal Resolution)

- A. Written complaint given to Associate Dean within 14 days after Step 1 has ended.
- B. Associate Dean has 14 days to achieve mediated resolution.

V. Step 3

- A. Written request for a hearing before the Academic Grievance Committee-Law must be filed with the Associate Dean within 14 days after student has been notified of final results of Step 2.

B. Academic Grievance Committee-Law.

- 1. Composed of one third-year student and four faculty (at option of grievant, may consist solely of 3 faculty members).
- 2. Committee may decide before scheduling a formal hearing that no reasonable case exists (must be done within 7 days of filing of appeal).

- (a) A decision that no reasonable case exists is appealable to the full faculty.
 3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
 4. Grievant and faculty member may have advisor present.
 5. Hearing open unless grievant or faculty member requests it be closed.
 6. Burden of proof (clear & convincing evidence) rests upon grievant.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
1. Appeal heard within 35 days.
 2. Decision by law faculty final within the University.

ACADEMIC GRIEVANCE PROCEDURES FOR THE
WILLIAM S. RICHARDSON SCHOOL OF LAW
UNIVERSITY OF HAWAII

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

Definitions

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (see II, B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments.

Substantial amendments should be in writing.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- H. To post and maintain reasonable office hours during the course of the regular semester mutually convenient to students and faculty.
- I. To adhere to the policies of the Faculty Senate as adopted in December, 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- J. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with the Assistant or Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean's office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean, with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the student. For the purpose of this Statement, where the faculty member involved is the Associate Dean, the Dean

shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.
- C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law with

either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law.

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
 - 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member;
 - 2) inform all parties of the date, time, and place of the hearing;

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student and/or faculty member may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice

- and may, then, in such event, without notice, also have an advisor present.
- b. The hearing shall be open unless the student or faculty member requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
 - c. The burden of proof (clear and convincing evidence) rests upon the grievant.
 - d. The Chair shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
 - e. The student and faculty member shall be provided the opportunity to present evidence and arguments on all issues involved.
 - f. Oral and documentary evidence may be introduced.
 - g. The student and faculty member shall have the right to question witnesses and submit rebuttal testimony.
 - h. All members of the AGC-Law may question witnesses.
 - i. The AGC-Law may secure testimony from witnesses other than those presented by the student or faculty member. The committee may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student or faculty member. Confidential documents may be secured only with the consent of appropriate parties.
 - j. The hearing will be held as scheduled in the absence of the faculty member alleged to have committed the grievance, unless such absence is for good and sufficient cause. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.

- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student and faculty member of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean.
- b. Other records to be maintained by the Associate Dean shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by either party involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.
- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.

- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean, shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

WILLIAM S. RICHARDSON SCHOOL OF LAW STUDENT CONDUCT CODE (OVERVIEW)

I. Types of Violations

- A. Violation of law school rules and regulations, e.g.
 - 1. Plagiarism.
 - 2. Misrepresentation.
 - 3. Violation of examination procedures.
- B. Other conduct not commensurate with professional standards of conduct required of lawyers, e.g.
 - 1. Violation of University rules and regulations.
 - 2. Violation of public law.

II. Procedures

- A. Written report of violation.
- B. Investigation by Associate or Assistant Dean.
- C. Informal disposition by Dean.
 - 1. After the investigation, the Dean may dismiss the matter if it is determined the report is unfounded.
 - 2. If the Dean believes disciplinary action is warranted, he or she may reach an agreement with the student as to what sanction should be imposed.
- D. Formal disposition
 - 1. If an informal resolution cannot be reached, the Dean directs the Associate Dean to prepare formal charges and present them to the Disciplinary Committee.
 - 2. Disciplinary Committee.
 - (a) Composed of one third-year student and four faculty (at option of student, may consist solely of three faculty).

3. Hearing held promptly.
 4. Case presented to Committee by Associate Dean.
 5. Burden of proof is clear and convincing evidence.
 6. Hearing normally closed unless student requests it be open to the public.
 7. Range of sanctions.
 - (a) Reprimand, censure, revocation of grade/degree, suspension, expulsion, notice to state bar examiners and such other sanctions as may be appropriate.
- E. Appeal
1. Student may appeal Committee's decision to the full faculty.
- F. Final decision.
1. The decision by the Committee, or, on appeal, by the faculty is final within the University.

DISCIPLINARY REGULATIONS

Article I. School of Law Disciplinary Action

1. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawaii as approved on October 7, 1983 and amended from time to time and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation.
2. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
 - a. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 - b. Other conduct, including but not limited to conduct in violation of University of Hawaii rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
3. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law Rules and Regulations

1. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawaii may be subject to disciplinary action pursuant to these regulations. The specific examples of School of Law rules and regulations contained in paragraph 2, below, are not intended to be exhaustive.
2. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
 - a. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Summer 1989 Regulations. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

- b. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.
- c. Plagiarism. Plagiarism is the knowing use, without adequate attribution, of the published ideas, expressions, or work, of another, with intent to pass such materials off as one's own. All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action.
- d. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action. The examination rules established by the School of Law include but are not limited to the following:
- 1.) students may not consult books, notes, other materials, or other persons, during an examination, except as authorized by the instructor;
 - 2.) students may have in their possession during an examination only those materials specified by the instructor;
 - 3.) students shall not begin writing until so instructed by the proctor and shall promptly stop writing and turn in their papers when the time set for the examination has expired.
- e. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
- f. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement

- of these Regulations. Examples of this offense include, but are not limited to:
- 1.) failure to cooperate with the Disciplinary Committee, as in:
 - (i) failing to appear and testify without reasonable excuse (excluding the defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;
 - (ii) misrepresenting material facts before the Disciplinary Committee;
 - 2.) failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
 - 3.) destroying evidence in order to hinder the prosecution of any complaint.
- g. Misrepresentation. Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this offense include, but are not limited to:
- 1.) forging or altering any University document, record, or instrument of identification;
 - 2.) furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
- h. Interference with property. Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
- 1.) stealing, damaging, or destroying books or notes of students or faculty;
 - 2.) stealing, hiding, or vandalizing library materials;

3.) stealing, damaging, destroying, or otherwise misusing other University property.

i. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawaii, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:

- a. that is illegal conduct involving moral turpitude; or
- b. that involve dishonesty, fraud, or deceit; or
- c. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the Model Rules of Professional Conduct and the standards enacted by the Supreme Court of the State of Hawaii.

2. Specific examples. Subject to the standard defined in paragraph 1, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:

a. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawaii relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.

b. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawaii Office of Disciplinary Counsel and other analogous agencies in other states should be considered.

c. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process

at University of Hawaii, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

1. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.

2. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter. Examples of an emergency include such situations as when the student poses a danger of inflicting bodily harm on himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal law school activities including classroom instruction. If at all possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.

3. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean or the Assistant Dean shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.

4. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

5. Presentation of charges. If, in the judgment of the Dean, the report appears to

warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article IV above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

1. Composition of the Disciplinary Committee. Except as provided in paragraph 2, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
2. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
3. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph 4, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
4. Resignation and replacement of Disciplinary Committee members. If any

member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

1. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean and by the student. Provided, however, since the Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
2. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
 - a. a written copy of the charges made and referred to the Committee; and
 - b. copies of all supporting documents submitted to the Committee.
3. Presentation of the case. The Associate Dean shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean shall have the right to be assisted by counsel.
4. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, that any cost incurred shall be borne by the student.
5. Witnesses and evidence at the hearing. Both the student and the Associate Dean have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.

At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.
6. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain

silent at the hearing.

7. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chairman of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chairman will expedite the hearing and ensure due process.
8. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.
9. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
10. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
11. Burden of proof. The Associate Dean bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

1. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
2. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
3. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
4. Rule violation or unprofessional conduct established. If the Disciplinary

Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.

5. Form of disciplinary action. The following are the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee:
 - a. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.
 - b. Censure. The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 - c. Grade reduction/revocation of degree. The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 - d. Suspension. The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and is recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 - e. Expulsion. The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's permanent law school record and is recorded upon the student's University transcript.
 - f. Notice to State Bar Examiners. Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawaii or to any similar agency in another jurisdiction in which the student might seek to practice law.
6. Effect of decisions of a Disciplinary Committee. In any case involving a finding

of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

1. Review by the Disciplinary Review Panel. All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
2. Composition of the Disciplinary Review Panel. The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.
3. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
4. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
5. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
6. Action on review of Disciplinary Committee decisions. The Disciplinary Review Panel may take the following action on review of decisions by a Disciplinary Committee:

- a. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 - b. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 - c. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
7. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

1. Rights of the student defendant.

- a. A student defendant has the right to a clear, concise written statement of charges against the student.
- b. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
- c. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:
 - 1.) prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
 - 2.) appear before the Disciplinary Committee;
 - 3.) legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;

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- 4.) present oral, documentary, or physical evidence on the student's behalf;
- 5.) examine and cross-examine witnesses;
- 6.) require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
- 7.) remain silent without such silence being construed against the student;
- 8.) a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
- 9.) a copy of the Disciplinary Committee's decision in writing; and
- 10.) waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

UNIVERSITY OF HAWAII AT MANOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record.

II. Requirements for the J.D. Degree

A. Full-time residence in the school for at least six academic semesters.

1. To be considered "in residence" full-time for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Under extraordinary circumstances and with the prior written permission of the Associate Dean, a student may register for as few as 10 credits and still receive full residency for that semester, provided the student receives a passing grade for at least 9 of those credits. Students receiving a passing grade for fewer than 9 credits will receive fractional residency credit based upon the number of credits passed over 12 (e.g. registered for 13, passed 7 = 7/12). In no case may a student earn more than one semester of full-time residence credit during the academic semester.
2. Two or more semesters of partial residency may be combined to constitute one semester of full residency. Students who enroll and receive credit for six or more credits in a summer program approved by the Associate Dean or his or her delegate may receive one-half a semester of residency.

B. Eighty-nine semester credit hours earned.

C. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.

- D. All required courses, seminars, workshops and practicums, as specified in the official Law School Catalog.
- E. In addition, a student must complete the requirements in subparagraphs A-D, above, within five years of admission to the School.
- F. All outstanding obligations to the law school and/or the University such as emergency student loans, parking fines and borrowed library books must be satisfied prior to graduation.

III. Special Projects

A. Special Projects defined.

Special Projects include externships, directed study, Law Review, Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawaii. Law courses (including summer courses) taken at other ABA-accredited law schools are not counted as Special Projects.

B. Restrictions.

1. No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree. For students pursuing a dual degree, a total of 17 credits of Special Projects can be credited.
2. Students on probation cannot enroll in Special Projects courses during their probation period.

C. Courses outside law school.

1. Students not pursuing a dual degree/certificate.

A student not pursuing a dual degree may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of a graduate level course taken outside the law school counted in the credit hours required for the J.D. degree.

2. Dual graduate degrees and graduate certificate programs.

Students properly enrolled in and concurrently pursuing our J.D. degree and another graduate degree or graduate certificate program in Gerontology, Resource Management or Ocean Policy may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree or certificate program counted in the credit hours required for the J.D. degree.

In those cases where the student completes the J.D. degree before the other graduate degree or certificate, the seven credits from that degree or certificate program will only be counted toward the J.D. degree if the student has made substantial progress toward the second degree or certificate program.

3. For advance approval of graduate courses the Associate Dean must be satisfied that the course(s) will prove useful and relevant to the student's professional legal education or law career and that the content is of a nature to justify its substitution for courses offered in the law school.
4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.

D. Externships.

1. An externship is for two credits.
2. A student may only take two externships, moreover, only one externship may be taken in each of the following areas: law firm, public agency, judicial sector, or State Legislature.
3. Pacific Island externships are a special category of externships to which the two credit externship limit and the twelve credit Special Projects limit do not apply. A student may receive 14 credits and a full residency semester for work during the regular academic year in a Pacific Island country.
4. Only one externship will be permitted in any one semester.
5. Students on probation may not elect externships.

E. Directed Study.

1. Members of the full-time faculty are permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give normal grades for these projects or to award "Credit/No Credit."
2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the time of the regular registration period for the semester in which the project will be undertaken.

IV. Grades

- A. Subject to paragraph C, below, students will be graded in all academic work carried for credit in accordance with the following system:

| GRADES | GRADE POINTS |
|------------------|--------------|
| A - Excellent | 4 |
| B - Good | 3 |
| C - Satisfactory | 2 |
| D - Low Pass | 1 |
| F - No Credit | 0 |
| I - Incomplete | 0 |

Except that the work taken in the first semester of the first year, or the work taken in the semester(s) as a Pre-Admission student:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.

2. Although students will be given "advisory" letter grades in the first semester or the Pre-Admission semester(s) the grades will not be used in determining a student's official University GPA except to improve a GPA for purposes of graduation, dismissal, probation and all extracurricular activities. But these "advisory letter grades will be used to decide if the student is eligible to continue in residence for the semester immediately following the first semester in the Pre-Admission semester(s). For Pre-Admission students matriculating after both semesters of the Pre-Admission Program, the grades for the Pre-Admission semesters are averaged.
3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

- B. Grading norms for all courses except Legal Method Seminar, Appellate Advocacy I and Second-Year Seminar classes are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

| GRADES | RANGE |
|----------------------|----------|
| A - Excellent (4) | 0 - 15% |
| B - Good (3) | 25 - 45% |
| C - Satisfactory (2) | 40 - 65% |
| D - Low Pass (1) | 0 - 20% |
| F - No credit (0) | 0 - 10% |

- C. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- D. All externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.

- E. A course, seminar or workshop may be graded on the basis of "Credit"/"No Credit" with the permission of the faculty secured by the instructor in advance of the commencement of the semester in which the course is offered. The term "Credit" shall show a performance of "C" or better.
- F. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes. Students are urged to be cautious in exercising this option and should consult with the Associate Dean before doing so.
- G. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.
- H. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students while the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next semester, during which he

or she is on probation (including summer semester), he or she shall be ineligible to continue beyond the end of such semester.

- C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs A and B, above, a grade of "Incomplete" shall not be considered.
- D. A student on probation may not stand for election or appointment to or continue to serve on a regular standing law school or University committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.
- E. A student on probation may not register for any Special Project as described in III, above.
- F. A student on probation shall not be eligible for client representation clinical programs that require certification as students in good standing under Hawaii Court Rule, e.g. Litigation Workshop.

VI. Passing Required Seminars and Workshops; Retaking of Courses

- A. Passing required courses, seminars and workshops.

Students must earn a grade of "D" or better in all required courses, seminars and workshops. Students who earn an "F" in any part of a sequential course required in the First-Year (Contracts I & II, Civil Procedure I & II, and Torts I & II) must retake that part.

- B. Retaking of courses generally.

A student otherwise eligible to continue in residence may retake any required or elective course in which he or she obtained the grade of "F", "D" or "No Credit." Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon reenrollment, again earns an "F", the student may not reenroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course.

Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Also, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

The grade earned upon retake replaces the original grade for all purposes (eg. computation of cumulative and semester GPA, graduation, continuing in residence, etc.) even if this new grade is lower than the original grade. Thus if a student retakes a course in which he or she had previously earned a "D" and earns an "F", the new "F" grade replaces the original "D" grade for all purposes.

But if the new grade is an "A" or a "B", a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Audited courses do not appear on transcripts and do not count toward graduation requirements or residency.

IX. Readmission

A student whom for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for a waiver of the rules applicable to his or her case and seek immediate readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably

on such petitions only if the petitioner can prove that he or she was subject to extraordinary circumstances and that the petitioner has a strong likelihood of completing the law school program and becoming a competent attorney. It is understood in this procedure that the overwhelming majority of such petitions will be denied.

Favorable action by the Petitions Committee is a final decision on the petition. Unfavorable action may be appealed to the full faculty by the petitioner. Under such circumstances, the full faculty will have the authority to review the decision and make a de novo determination.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. If an unfavorable decision by the Petitions Committee is appealed to the full faculty, the petitioner may appear (with an associate advocate) at the discretion of the full faculty. The decision by the full faculty is final within the University.

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before to the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

X. Examinations

- A. A student who is enrolled in a course in which an examination or examinations are given will be required to take said examination(s) at its or their regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the student obtains prior approval from the Dean or the Associate Dean and the professor whose examination is being given and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

- B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.
- C. Examination procedures as established by the Assistant Dean are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course, seminar, or practicum.
- B. If, after the review provided in paragraph A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the professor believes the grade was the result of a mathematical error in computing the grade, the professor may circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

XII. Summer School

Any student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any ABA approved summer program with the prior written approval of the Associate Dean.

Such courses must be taken for a letter grade. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement.

But that grade will be counted only as a "Credit" in computing the law school cumulative grade point average.

XIII. Transfer Students

Transfer students may transfer up to 44 credits from their prior law school. The Associate Dean shall determine which courses will be accepted and the number of credits to be transferred. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue in residence. A grade of "Credit" will be used for all transferred credits.

XIV. Miscellaneous

- A. Part-time employment.

The law school curriculum and schedule have been planned to engage law students in the study of law on a full-time basis. A "full-time student" is one who devotes mostly all his or her working hours to the study of law. Pre-admission and first-year students are not permitted to take part-time employment. Outside employment or other activities may seriously lower the educational value of the law school program.

In certain circumstances, second- and third-year students who have strong academic records may find part-time employment compatible with their legal studies, e.g., by clerking at a law firm. In no event should this exceed 20 hours weekly.

Students are reminded that academic standards of the School of Law are not altered to take into account demands imposed by outside employment.

The law school's Student Placement Office provides information about part-time legal work and the University maintains information about other jobs.

B. Requirements of regular and punctual attendance.

Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawaii, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency, or the like.

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or receiving a failing grade for the course.

C. Course load.

A normal semester course load is 14 to 16 credit hours. Students who wish to register for more than 17 or fewer than 12 credit hours per semester must first obtain the written approval of the Associate Dean.

XV. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, assuming they would still be in residence full-time (see II.A.1.). From that time until the date set by the University as the last day for restricted withdrawal, a student must

have the Associate Dean's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I and Second-Year Seminar) is only allowed under extraordinary circumstances.

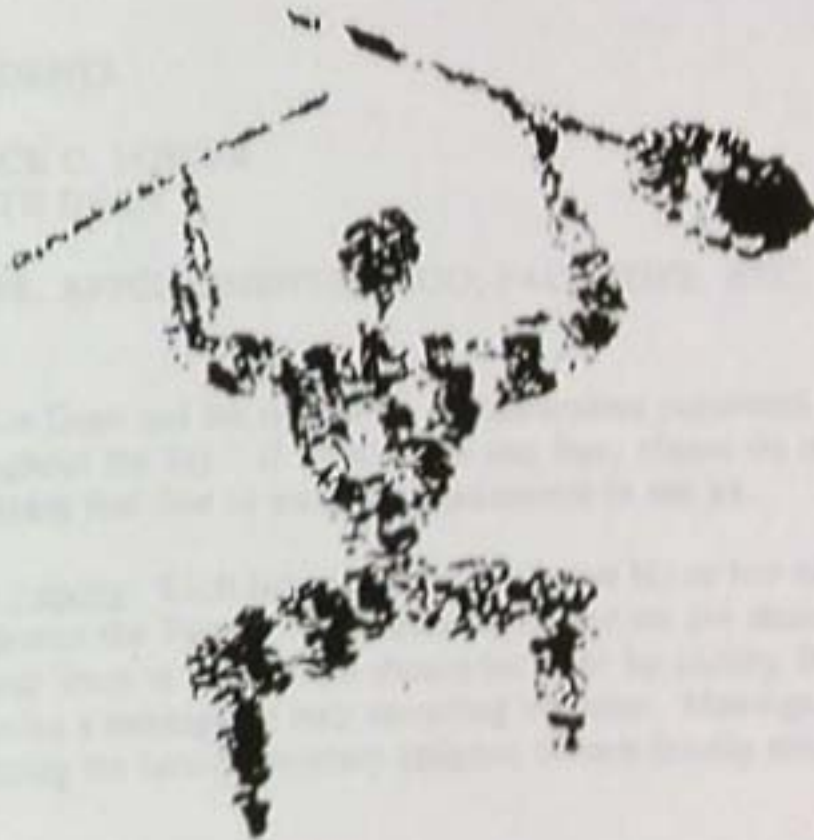
XVI. Application and Amendment of Regulations

Amendments to these regulations may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

Any decision made by the Dean, or his/her designate, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear briefly at the faculty meeting.

UNIVERSITY OF HAWAI'I AT MĀNOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**



**STUDENT HANDBOOK
FALL 1992**

CONTENTS:

1. MEMO REGARDING MESSAGES, APPOINTMENTS,
FOOD, FACILITIES, ETC.
2. MEMO REGARDING BULLETIN BOARDS
3. PRO BONO PROGRAM GUIDELINES
4. ACADEMIC GRIEVANCE PROCEDURES
5. DISCIPLINARY REGULATIONS
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7. ACADEMIC REGULATIONS FOR PRE-ADMISSION TO
LAW SCHOOL PROGRAM
8. EXAMINATION POLICIES & PROCEDURES

University of Hawaii at Manoa

School of Law

MEMORANDUM

TO: ALL STUDENTS

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: MESSAGES, APPOINTMENTS, FOOD, FACILITIES, ETC.

1. Dean's Office: The Dean and the rest of the Administrative personnel are in and out of their offices throughout the day. If we are here and free, please do not hesitate to see us. Otherwise, please feel free to make an appointment to see us.
2. Arranging To See Faculty: Each faculty member will post his or her office hours on the bulletin board opposite the Faculty Secretaries' Office or on the door to their office. Appointments to see them at other times should be made by calling them directly and, if appropriate, leaving a message on their recording machine. Messages may also be left for them by contacting the faculty secretary assigned to each faculty member (Room 252, or call 956-7629).
3. Student Messages: If someone outside the school needs to leave a message for you, please ask the person to call the Student Lounge, 956-7760. Anyone answering the phone should leave a note for you on the alphabetized student message board located on the second floor by Student Organizations. This is not a completely reliable way of reaching you but we do not have the facilities for anything more elaborate.
4. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

University of Hawaii at Manoa

School of Law

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MEMORANDUM

All Students
Messages and Appointments
Page 2

5. Use of Rooms: The six seminar rooms and the five main classrooms (when unlocked), plus the seminar rooms in the Library, can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. If you need the combination to a seminar room, it will be provided on a confidential basis by the Associate Dean's Office for rooms in the classroom building and by the Librarian's Office for seminar rooms in the Library. A late class, a special event, a HICLE seminar, or any formally scheduled event or class takes precedence. If you want to use a room other than these seminar rooms or the five main classrooms, you must see me or my secretary. Please limit your studying (??!) to the Library or the rooms described above. When using such rooms, be sure that they are closed and secured when you leave. Please note that the storage of books, study aids and other personal effects must be confined to your own carrels. The rest of our facilities including all classrooms, seminar rooms and library rooms are open to all students and therefore inappropriate for personal storage. This rule will be strictly enforced.

6. Building Security and Lock-up: Because our classroom building is built in a series of modular blocks, access to a particular module may be required before use of a specific room within that module is possible. Campus security rules prohibit our leaving all modules open to free access at all times. This is particularly difficult in relation to the Student Lounge and the Student Message Board. We are prohibited from leaving the access doors to the corridors in that area open all the time. We lock the access doors at 4:30 p.m., weekdays. They will not be open on Saturdays, Sundays, or holidays. This is a reason why class assignments are posted in the glass bulletin board downstairs.

A key allowing access to this corridor is kept at the front desk in the library and may be checked out by law students.

The main classrooms will be locked at 4:30 p.m. or at the end of the last class of the day scheduled in that particular room, whichever is later. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. The same is true with the rest rooms on the ground floor of the courtyard; they will be locked at 4:30 p.m. each day. The rest rooms on the upper level of the courtyard will remain open.

MEMORANDUM

All Students
Messages and Appointments
Page 3

NOTE: Please maintain the confidentiality of any unlocking combinations that you may know. Our building is readily accessible to pedestrian traffic; our only security is our ability to lock certain doors. All classrooms and seminar rooms are directly accessible to pedestrian traffic. Should we suffer any property loss or damage, we will probably not be able to keep the rooms available for study groups.

7. Two-Wheeled Vehicle Parking: Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.
8. Storage, Preparation, Consumption of Food: Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building on the Law School campus; such preparation is limited to outside areas. Food may be consumed in the Student Lounge (Room 255) and our classroom courtyard. Consumption of food in all other places unfortunately creates problems which our limited janitorial staff cannot handle, and which could lead to serious damage to the building. Please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Administrative Officer for events which include food, in these otherwise restricted areas. Be sure to have arrangements for clean-up when seeking such permission.

The consumption of food in the library building is prohibited. This prohibition includes your carrel and all side rooms in the library. The reason for this restriction in the library is that food crumbs attract bugs, and bugs eat books when they run out of crumbs. And then the bugs are smarter than we are, and that threatens our American Bar Association accreditation. Students who bring in food and drink will be asked to leave the library building.

9. Smoking: Smoking is prohibited within the classrooms, library, most of the courtyard (except in the breezeways at both ends) and the student lounge.
10. Parties: We encourage the use of our courtyard for parties, subject to the following:

MEMORANDUM

All Students
Messages and Appointments
Page 4

- a. If your group wishes to have a party in the courtyard, you must plan for and reserve its use in advance. If night classes are scheduled, or a special lecture, such events will take priority. Scheduling of parties is accomplished through the Administrative Officer.
 - b. Cooking, particularly over open fires, will not be permitted in the courtyard in conjunction with a party. However, charcoal grills, etc., may be set up at the rear of the building (the Administrative Officer will show you where), and the food brought into the courtyard for consumption at a party held there. The reason for this restriction is to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from it staining the walls and ceilings of the balcony overhangs, etc.
 - c. Remember, if you wish to serve beer or any other alcoholic beverages at your party, whether held in the courtyard or elsewhere in the building, permission must be secured through the Administrative Officer at least one week in advance. This is a University policy which the Law School cannot is not authorized to waive.
 - d. Conversation on academic subjects in the courtyard is forbidden during any scheduled party--without prior permission.
11. Student Mail: The Law School may not be used as an address for receipt of students' mail. We do not have the facilities or staff to provide this service.

LCF:km

student handbook message mem

05-25-93

University of Hawaii at Manoa

School of Law

MEMORANDUM

TO: LAW SCHOOL COMMUNITY

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: BULLETIN BOARDS

The set up of the bulletin boards are as follows:

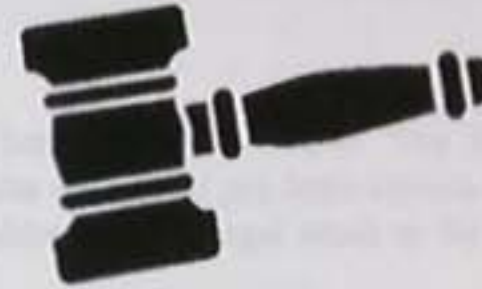
1. The glass bulletin boards located in both sides of the hallway around the corner from Classroom 1 are the official location for school announcements. Students should check these boards daily.
2. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
3. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items for sale or wanted, typing services, student organization notices, student activities, scholarships, writing competitions, etc.
4. The student message board is around the corner from the Student Lounge. This board is used by faculty, staff and students to give messages to students and is organized alphabetically by last name.
5. The bulletin board located just inside the front doors of the Administration Building is currently being used to announce clerkship opportunities, non-Hawaii summer internships and some placement information.
6. Library. Since the Law Library bulletin board space is limited, you must obtain permission from a librarian to post materials.

Please let us know if the above-described use of bulletin boards proves inconvenient to anyone in the law school community.

EQUAL OPPORTUNITY EMPLOYER

POST NO BILLS! Faculty and staff are asked to discourage any posting of signs and notices of classes or events on any building walls, doors, and other surfaces on campus. Signs taped or posted on walls destroy the painted surfaces. Restrict all posting to bulletin boards.

LCF:km



University of Hawaii at Manoa
William S. Richardson School of Law
2515 Dole Street
Honolulu, Hawaii 96822

PRO BONO PROGRAM INFORMATION PACKET

Associate Professor James Pietsch, Pro Bono Coordinator
Funding Provided by the Hawaii Bar Foundation

05-25-93

WILLIAM S. RICHARDSON SCHOOL OF LAW
LAW STUDENT PUBLIC SERVICE (PRO BONO) PROGRAM

The Law Student Public Service (also known as "Pro Bono") Program serves two main purposes. First, it introduces the concept of pro bono service to law students. Second, the Program allows law students to address unmet legal needs in the community.

Exposure to an aspect of the law that students might not otherwise be aware of can only enrich their legal education. Additionally, a responsible practitioner devotes a portion of his or her work time to public service activities or pro-bono work.

In order to make the experience both meaningful and useful, the work is meant to be legal in nature, not clerical or administrative. Additionally, there should be a component of the program during which the student will discuss and evaluate their experience both with other law students and with a supervising attorney.

It is felt that pro bono is a concept worth instilling in law students before they graduate, and it is hoped that law students will gain an understanding and a sensitivity to unmet legal needs and issues. Developing such a commitment during the educational process will benefit not only the law students, but the entire community - the community that subsidizes every U.H. law student's legal education. As such, the preparation of lawyers who will fulfill their public service obligations is an important objective of the William S. Richardson School of Law.

I. HIGHLIGHTS OF THE PROGRAM

1. The requirement began with the entering class of August 1992. Admittees were given notice of the requirement when acceptance letters were sent to them in the spring of 1992.
2. The definition of pro bono is construed liberally and will include government service including any federal, state, or local government agency. Specific judicial projects will also be included with approval of the pro bono program coordinator.
3. First year students will be able, and encouraged, to begin their pro bono service during Christmas break after completion of examinations for the first semester and during Spring break of their first year.
4. Law students will be required to complete 60 hours of pro bono service before graduation.

5. Students can complete hours towards their pro bono requirement during any of their three years in law school. However, they must have completed 30 hours of pro bono service before they can register for their first semester of their third year and they must have completed 45 hours of pro bono service before they can register for their second semester of their third year.

II. DEFINITIONS

1. "Attorney" is a person who is certified or provisionally certified to practice law in the State of Hawaii by the Supreme Court of Hawaii.
2. "Pro Bono Coordinator" is the person selected by the Dean of the William S. Richardson School of Law to administer the Law Student Pro Bono Program.
3. "Law school faculty member" is a person who is a professor, associate professor, assistant professor, visiting professor, or adjunct professor at the William S. Richardson School of Law.
4. "Law student" is a person who has matriculated and who is enrolled at the William S. Richardson School of Law, and who is seeking a Juris Doctor Degree. This term shall also apply to persons who are enrolled as transfer students at the William S. Richardson School of Law.
5. "Pro bono" means "for the public good" in the ordinary sense of the term, to include any legal work performed without compensation which is provided for indigent clients at no cost to the client or which is performed in the public interest. The notion of pro-bono espouses no partisan program or philosophy. It is work which, judged on the merits of the issue addressed, furthers justice, fairness and the public good rather than the interests of a client who is represented on the familiar commercial terms.

III. PROGRAM GUIDELINES

1. Law students who enroll in the William S. Richardson School of Law after May 1992 shall complete sixty (60) hours of pro bono service prior to graduation. Transfer students will be required to complete a total of ten (10) hours of pro bono service for every semester enrolled in the William S. Richardson School of Law.
2. Law students may begin to fulfill the sixty (60) hours during Christmas and Spring breaks of their first year after completing 15 credit hours of law school study. After final examinations in May of their first year, law students may provide services at any

time.

3. The sixty (60) hours may be fulfilled
 - a. During one or more semesters; and
 - b. During the winter, spring, and summer recesses.
4. The sixty hours may be fulfilled with one or more approved agencies, individuals, organizations, or projects.

IV. CRITERIA

The law student's pro bono work shall:

a. Conform to the following definitions of public interest legal service:

- i. Poverty Law: Legal services in civil and criminal matters of importance to a client who does not have the financial resources to compensate counsel;
- ii. Civil Rights Law: Legal representation involving important interests belonging to every citizen.
- iii. Public Rights Law: Legal representation involving an important right belonging to a significant segment of the public;
- iv. Charitable Organization Representation: Legal service to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose, where payment of customary legal fees would significantly deplete the organization's economic resources or would otherwise be inappropriate;
- v. Administration of Justice: Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;
- vi. Environmental Law: Legal representation of environmental organizations dedicated to the protection, preservation, and wise use of Hawaii's environment;
- vii. Native Rights Law: Rights which emanate from the unique status of native Hawaiians as an aboriginal people and from the political status of the Hawaiian Kingdom prior to 1893.

b. Be uncompensated and not for academic credit;

- c. Involve legal service;
- d. Be supervised by an attorney, a law school faculty member, or other qualified person approved by the Pro Bono Coordinator; and
- e. Be work which the supervising attorney, law school faculty member, or other qualified person does not charge a fee, or charge a substantially reduced fee.

V. PRO BONO COORDINATOR

1. The Dean of the Law School shall designate an individual to serve as the Law School Pro Bono Coordinator.
2. The Pro Bono Coordinator shall:
 - a. Maintain a list of agencies, individuals, organizations, and projects which satisfy the pro bono criteria.
 - b. Assist students in locating pro bono work projects;
 - c. Approve all law student proposals for pro bono work which satisfy the pro bono criteria.
 - d. Maintain records of the progress of each law student.

VI. PRO BONO PROGRAM COMMITTEE

1. The Pro Bono Program Committee shall consist of:
 - a. Three fulltime law school faculty members designated by the Dean. If the Pro Bono Coordinator is a fulltime faculty member, he or she shall one of the committee members.
 - b. One law student designated by the Student Bar Association; and
 - c. One law student designated by the Advocates for Public Interest Law.
2. The Pro Bono Program Committee shall:
 - a. Rule upon law student appeals concerning law student proposals for pro bono

work projects.

- b. Make general policy decisions to assist the efficient administration of the Program;
- c. Amend provisions of this policy, without reducing any requirements, for the purpose of enhancing the efficient operation of the Law Student Public Service Program.

V. LAW STUDENT RESPONSIBILITIES

Law students shall:

- a. Identify pro bono work that conforms to the criteria.
- b. Locate (with the assistance of the Pro Bono Coordinator) a supervising attorney, law school faculty member, or other qualified person with whom the law student will work to meet the requirement;
- c. Submit a Pro Bono Registration/Proposal form to the Pro Bono Coordinator that sufficiently describes the pro bono work. This form shall be signed by the supervising attorney, law school faculty member, or other qualified person who agrees to supervise the pro bono work of the law student.
- d. Submit time sheets to the Pro Bono Coordinator that indicates the number of pro bono hours performed. Time Sheets shall be signed by the supervising attorney, law school faculty member, or other qualified person who supervised the pro bono work of the law student.

Professional Responsibility/Confidentiality

Many of you during the course of your pro bono placement will be working on actual cases involving real clients. You should know that even though you are still a student and not a licensed attorney, the Code of Professional Responsibility still applies because you are working (or should be working) as the agent of a licensed attorney.

One of the most difficult aspects of law practice is confidentiality. We are all accustomed to talking with our friends, families and others about the things that happen in our day at the office or school. Many of the "stories" you will encounter in your law work will certainly be intriguing "gossip." However, Disciplinary Rule 4-101 of the Code of Professional Responsibility expressly states that a lawyer and those working for the lawyer may not reveal the secrets and confidences of a client. "Confidences" include any material protected by the attorney-client privilege; "secrets" include any information the disclosure of which would be embarrassing or detrimental to the client.

"Secrets" also includes disclosure of the legal research and drafting you might be performing for a client. If opposing counsel in any kind of legal matter, such as litigation, business planning, real estate development can get a clue as to what your research and/or drafting strategies might be, your client could be put at a serious disadvantage. You should not discuss your research with your classmates and, while working in the law library either here at UH or downtown, take care not to leave copies of office memos, etc. lying in plain view in your carrel. Our legal community in Hawaii is a very small one. Oftentimes, the student sitting in the carrel next to yours is clerking with the law firm representing opposing counsel.

Thus, much of what you encounter by way of human drama or interesting/difficult/boring research questions in your law work cannot be discussed with people outside the office. The risks to you and the attorney of revealing a confidence or secret of a client are great. An attorney violating this Disciplinary Rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

Pro Bono Program Checklist of Required Forms/Reports

This is just a guideline listing of the forms that will be used by the pro bono program. Extra forms will be available in Room 201.

| Form | When Needed |
|--|--|
| Registration Form: Basic information and agreement of supervising attorney and Pro Bono Coordinator. | Before starting work with a new agency. |
| Letter to Supervisor: agreement to pro bono program ground rules. | To be submitted with registration form. |
| Time Sheet: Lists hours of service and types of work done. Requires signature of supervising attorney and approval by Pro Bono Coordinator. | Whenever significant service is finished. This may be at the end of a semester or break. Separate timesheets must be kept for each agency the student serves. Student is responsible for maintaining a copy for his or her personal records. |
| Student's Evaluation: of this pro bono experience. | Upon completion of service for a given agency/ supervisor. |
| Supervisor's Evaluation: of the student's performance. | Upon completion of the student's work for a given agency/supervisor. |
| Individual Student's Report: Of hours completed. | Available on request from the Pro Bono Program Administrator. |

WILLIAM S. RICHARDSON SCHOOL OF LAW
ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)

I. Introduction

These procedures are used to ensure consistent and equitable treatment for students and to resolve issues arising from the academic relationship between individual faculty and students.

For any grievance involving a claim of sexual harassment, the student should go to the University's Equal Opportunity & Affirmative Action Officer before beginning any of the steps outlined below.

II. Statute of Limitations

Claims must be initiated within 45 days of mailing of grade.

III. Step 1 (Informal Resolution)

- A. Meet with Professor, or
- B. See Associate or Assistant Dean.
- C. Campus mediation services are available to assist in resolving disputes.

IV. Step 2 (Formal Resolution)

- A. Written complaint given to Associate Dean within 14 days after Step 1 has ended.
- B. Associate Dean has 14 days to achieve mediated resolution.

V. Step 3

- A. Written request for a hearing before the Academic Grievance Committee-Law must be filed with the Associate Dean within 14 days after student has been notified of final results of Step 2.
- B. Academic Grievance Committee-Law.
 - 1. Composed of one third-year student and four faculty (at option of grievant, may consist solely of 3 faculty members).
 - 2. Committee may decide before scheduling a formal hearing that no reasonable case exists (must be done within 7 days of filing of appeal).

- (a) A decision that no reasonable case exists is appealable to the full faculty.
 3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
 4. Grievant and faculty member may have advisor present.
 5. Hearing open unless grievant or faculty member requests it be closed.
 6. Burden of proof (clear & convincing evidence) rests upon grievant.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
1. Appeal heard within 35 days.
 2. Decision by law faculty final within the University.

ACADEMIC GRIEVANCE PROCEDURES FOR THE
WILLIAM S. RICHARDSON SCHOOL OF LAW
UNIVERSITY OF HAWAII

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

Definitions

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (see II, B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments.

Substantial amendments should be in writing.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- H. To post and maintain reasonable office hours during the course of the regular semester mutually convenient to students and faculty.
- I. To adhere to the policies of the Faculty Senate as adopted in December, 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- J. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with the Assistant or Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean's office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean, with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the student. For the purpose of this Statement, where the faculty member involved is the Associate Dean, the Dean

shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.
- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.
- C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law with

either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
 - 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member;
 - 2) inform all parties of the date, time, and place of the hearing;

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student and/or faculty member may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice

- and may, then, in such event, without notice, also have an advisor present.
- b. The hearing shall be open unless the student or faculty member requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
 - c. The burden of proof (clear and convincing evidence) rests upon the grievant.
 - d. The Chair shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
 - e. The student and faculty member shall be provided the opportunity to present evidence and arguments on all issues involved.
 - f. Oral and documentary evidence may be introduced.
 - g. The student and faculty member shall have the right to question witnesses and submit rebuttal testimony.
 - h. All members of the AGC-Law may question witnesses.
 - i. The AGC-Law may secure testimony from witnesses other than those presented by the student or faculty member. The committee may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student or faculty member. Confidential documents may be secured only with the consent of appropriate parties.
 - j. The hearing will be held as scheduled in the absence of the faculty member alleged to have committed the grievance, unless such absence is for good and sufficient cause. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.

- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student and faculty member of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean.
- b. Other records to be maintained by the Associate Dean shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by either party involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.
- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.

- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean, shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawaii, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

WILLIAM S. RICHARDSON SCHOOL OF LAW STUDENT CONDUCT CODE (OVERVIEW)

I. Types of Violations

- A. Violation of law school rules and regulations, e.g.
 - 1. Plagiarism.
 - 2. Misrepresentation.
 - 3. Violation of examination procedures.
- B. Other conduct not commensurate with professional standards of conduct required of lawyers, e.g.
 - 1. Violation of University rules and regulations.
 - 2. Violation of public law.

II. Procedures

- A. Written report of violation.
- B. Investigation by Associate or Assistant Dean.
- C. Informal disposition by Dean.
 - 1. After the investigation, the Dean may dismiss the matter if it is determined the report is unfounded.
 - 2. If the Dean believes disciplinary action is warranted, he or she may reach an agreement with the student as to what sanction should be imposed.
- D. Formal disposition
 - 1. If an informal resolution cannot be reached, the Dean directs the Associate Dean to prepare formal charges and present them to the Disciplinary Committee.
 - 2. Disciplinary Committee.
 - (a) Composed of one third-year student and four faculty (at option of student, may consist solely of three faculty).

3. Hearing held promptly.
4. Case presented to Committee by Associate Dean.
5. Burden of proof is clear and convincing evidence.
6. Hearing normally closed unless student requests it be open to the public.
7. Range of sanctions,
 - (a) Reprimand, censure, revocation of grade/degree, suspension, expulsion, notice to state bar examiners and such other sanctions as may be appropriate.

E. Appeal

1. Student may appeal Committee's decision to the full faculty.

F. Final decision.

1. The decision by the Committee, or, on appeal, by the faculty is final within the University.

DISCIPLINARY REGULATIONS

Article I. School of Law Disciplinary Action

1. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawaii as approved on October 7, 1983 and amended from time to time and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation.
2. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
 - a. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 - b. Other conduct, including but not limited to conduct in violation of University of Hawaii rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
3. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law Rules and Regulations

1. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawaii may be subject to disciplinary action pursuant to these regulations. The specific examples of School of Law rules and regulations contained in paragraph 2, below, are not intended to be exhaustive.
2. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
 - a. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Regulations. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

- b. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.
- c. Plagiarism. Plagiarism is the knowing use, without adequate attribution, of the published ideas, expressions, or work, of another, with intent to pass such materials off as one's own. All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action.
- d. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action. The examination rules established by the School of Law include but are not limited to the following:
 - 1.) students may not consult books, notes, other materials, or other persons, during an examination, except as authorized by the instructor;
 - 2.) students may have in their possession during an examination only those materials specified by the instructor;
 - 3.) students shall not begin writing until so instructed by the proctor and shall promptly stop writing and turn in their papers when the time set for the examination has expired.
- e. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
- f. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement

- of these Regulations. Examples of this offense include, but are not limited to:
 - 1.) failure to cooperate with the Disciplinary Committee, as in:
 - (i) failing to appear and testify without reasonable excuse (excluding the defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;
 - (ii) misrepresenting material facts before the Disciplinary Committee;
 - 2.) failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
 - 3.) destroying evidence in order to hinder the prosecution of any complaint.
- g. Misrepresentation. Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this offense include, but are not limited to:
 - 1.) forging or altering any University document, record, or instrument of identification;
 - 2.) furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
- h. Interference with property. Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
 - 1.) stealing, damaging, or destroying books or notes of students or faculty;
 - 2.) stealing, hiding, or vandalizing library materials;

3.) stealing, damaging, destroying, or otherwise misusing other University property.

i. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawaii, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:

- a. that is illegal conduct involving moral turpitude; or
- b. that involve dishonesty, fraud, or deceit; or
- c. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the Model Rules of Professional Conduct and the standards enacted by the Supreme Court of the State of Hawaii.

2. Specific examples. Subject to the standard defined in paragraph 1, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:

- a. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawaii relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
- b. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawaii Office of Disciplinary Counsel and other analogous agencies in other states should be considered.
- c. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process

at University of Hawaii, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

1. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.

2. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter. Examples of an emergency include such situations as when the student poses a danger of inflicting bodily harm on himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal law school activities including classroom instruction. If at all possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.

3. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean or the Assistant Dean shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.

4. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

5. Presentation of charges. If, in the judgment of the Dean, the report appears to

warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article IV above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

1. Composition of the Disciplinary Committee. Except as provided in paragraph 2, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
2. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
3. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph 4, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
4. Resignation and replacement of Disciplinary Committee members. If any

member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

1. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean and by the student. Provided, however, since the Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
2. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
 - a. a written copy of the charges made and referred to the Committee; and
 - b. copies of all supporting documents submitted to the Committee.
3. Presentation of the case. The Associate Dean shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean shall have the right to be assisted by counsel.
4. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, that any cost incurred shall be borne by the student.
5. Witnesses and evidence at the hearing. Both the student and the Associate Dean have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.

At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.
6. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain

silent at the hearing.

7. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chairman of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chairman will expedite the hearing and ensure due process.
8. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.
9. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
10. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
11. Burden of proof. The Associate Dean bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

1. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
2. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
3. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
4. Rule violation or unprofessional conduct established. If the Disciplinary

Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.

5. Form of disciplinary action. The following are the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
 - a. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.
 - b. Censure. The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 - c. Grade reduction/revocation of degree. The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 - d. Suspension. The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and is recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 - e. Expulsion. The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's permanent law school record and is recorded upon the student's University transcript.
 - f. Notice to State Bar Examiners. Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawaii or to any similar agency in another

jurisdiction in which the student might seek to practice law.

6. Effect of decisions of a Disciplinary Committee. In any case involving a finding of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

1. Review by the Disciplinary Review Panel. All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
2. Composition of the Disciplinary Review Panel. The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.
3. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
4. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
5. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
6. Action on review of Disciplinary Committee decisions. The Disciplinary Review

Panel may take the following action on review of decisions by a Disciplinary Committee:

- a. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 - b. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 - c. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
7. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

1. Rights of the student defendant.

- a. A student defendant has the right to a clear, concise written statement of charges against the student.
- b. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
- c. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:
 - 1.) prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
 - 2.) appear before the Disciplinary Committee;

- 3.) legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;
- 4.) present oral, documentary, or physical evidence on the student's behalf;
- 5.) examine and cross-examine witnesses;
- 6.) require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
- 7.) remain silent without such silence being construed against the student;
- 8.) a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
- 9.) a copy of the Disciplinary Committee's decision in writing; and
- 10.) waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

UNIVERSITY OF HAWAII AT MANOA WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record.

II. Requirements for the J.D. Degree

A. Full-time residence in the school for at least six academic semesters.

1. To be considered "in residence" full-time for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Under extraordinary circumstances and with the prior written permission of the Associate Dean, a student may register for as few as 10 credits and still receive full residency for that semester, provided the student receives a passing grade for at least 9 of those credits. Students receiving a passing grade for fewer than 9 credits will receive fractional residency credit based upon the number of credits passed over 12 (e.g. registered for 13, passed 7 = 7/12). In no case may a student earn more than one semester of full-time residence credit during the academic semester.
2. Two or more semesters of partial residency may be combined to constitute one semester of full residency. Students who enroll and receive credit for six or more credits in a summer program approved by the Associate Dean or his or her delegate may receive one-half a semester of residency.

B. Eighty-nine semester credit hours earned.

C. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.

- D. All required courses, seminars, workshops and practicums, as specified in the official Law School Catalog.
- E. In addition, a student must complete the requirements in subparagraphs A-D, above, within five years of admission to the School.
- F. All outstanding obligations to the law school and/or the University such as emergency student loans, parking fines and borrowed library books must be satisfied prior to graduation.

III. Special Projects

A. Special Projects defined.

Special Projects include externships, directed study, Law Review, Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawaii. Law courses (including summer courses) taken at other ABA-accredited law schools are not counted as Special Projects.

B. Restrictions.

1. No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree. For students pursuing a dual degree, a total of 17 credits of Special Projects can be credited.
2. Students on probation cannot enroll in Special Projects courses during their probation period.

C. Courses outside law school.

1. Students not pursuing a dual degree/certificate.

A student not pursuing a dual degree may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of a graduate level course taken outside the law school counted in the credit hours required for the J.D. degree.

2. Dual graduate degrees and graduate certificate programs.

Students properly enrolled in and concurrently pursuing our J.D. degree and another graduate degree or graduate certificate program in Gerontology, Resource Management or Ocean Policy may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree or certificate program counted in the credit hours required for the J.D. degree.

In those cases where the student completes the J.D. degree before the other graduate degree or certificate, the seven credits from that degree or certificate program will only be counted toward the J.D. degree if the student has made substantial progress toward the second degree or certificate program.

3. For advance approval of graduate courses the Associate Dean must be satisfied that the course(s) will prove useful and relevant to the student's professional legal education or law career and that the content is of a nature to justify its substitution for courses offered in the law school.
4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.

D. Externships.

1. An externship is for two credits.
2. A student may only take two externships, moreover, only one externship may be taken in each of the following areas: law firm, public agency, judicial sector, or State Legislature.
3. Pacific Island externships are a special category of externships to which the two credit externship limit and the twelve credit Special Projects limit do not apply. A student may receive 14 credits and a full residency semester for work during the regular academic year in a Pacific Island country.
4. Only one externship will be permitted in any one semester.
5. Students on probation may not elect externships.

E. Directed Study.

1. Members of the full-time faculty are permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give normal grades for these projects or to award "Credit/No Credit."
2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the time of the regular registration period for the semester in which the project will be undertaken.

IV. Grades

- A. Subject to paragraph C, below, students will be graded in all academic work carried for credit in accordance with the following system:

| GRADES | GRADE POINTS |
|------------------|--------------|
| A - Excellent | 4 |
| B - Good | 3 |
| C - Satisfactory | 2 |
| D - Low Pass | 1 |
| F - No Credit | 0 |
| I - Incomplete | 0 |

Except that the work taken in the first semester of the first year, or the work taken in the semester(s) as a Pre-Admission student:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.

2. Although students will be given "advisory" letter grades in the first semester or the Pre-Admission semester(s) the grades will not be used in determining a student's official University GPA except to improve a GPA for purposes of graduation, dismissal, probation and all extracurricular activities. But these "advisory letter grades will be used to decide if the student is eligible to continue in residence for the semester immediately following the first semester in the Pre-Admission semester(s). For Pre-Admission students matriculating after both semesters of the Pre-Admission Program, the grades for the Pre-Admission semesters are averaged.
3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

- B. Grading norms for all courses except Legal Method Seminar, Appellate Advocacy I and Second-Year Seminar classes are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

| GRADES | RANGE |
|----------------------|----------|
| A - Excellent (4) | 0 - 15% |
| B - Good (3) | 25 - 45% |
| C - Satisfactory (2) | 40 - 65% |
| D - Low Pass (1) | 0 - 20% |
| F - No credit (0) | 0 - 10% |

- C. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- D. All externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.

- E. A course, seminar or workshop may be graded on the basis of "Credit"/"No Credit" with the permission of the faculty secured by the instructor in advance of the commencement of the semester in which the course is offered. The term "Credit" shall show a performance of "C" or better.
- F. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes. Students are urged to be cautious in exercising this option and should consult with the Associate Dean before doing so.
- G. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.
- H. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students while the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next semester, during which he

or she is on probation (including summer semester), he or she shall be ineligible to continue beyond the end of such semester.

- C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs A and B, above, a grade of "Incomplete" shall not be considered.
- D. A student on probation may not stand for election or appointment to or continue to serve on a regular standing law school or University committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.
- E. A student on probation may not register for any Special Project as described in III, above.
- F. A student on probation shall not be eligible for client representation clinical programs that require certification as students in good standing under Hawaii Court Rule, e.g. Litigation Workshop.

VI. Passing Required Seminars and Workshops; Retaking of Courses

- A. Passing required courses, seminars and workshops.

Students must earn a grade of "D" or better in all required courses, seminars and workshops. Students who earn an "F" in any part of a sequential course required in the First-Year (Contracts I & II, Civil Procedure I & II, and Torts I & II) must retake that part.

- B. Retaking of courses generally.

A student otherwise eligible to continue in residence may retake any required or elective course in which he or she obtained the grade of "F", "D" or "No Credit." Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon reenrollment, again earns an "F", the student may not reenroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course.

Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Also, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

The grade earned upon retake replaces the original grade for all purposes (eg. computation of cumulative and semester GPA, graduation, continuing in residence, etc.) even if this new grade is lower than the original grade. Thus if a student retakes a course in which he or she had previously earned a "D" and earns an "F", the new "F" grade replaces the original "D" grade for all purposes.

But if the new grade is an "A" or a "B", a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Audited courses do not appear on transcripts and do not count toward graduation requirements or residency.

IX. Readmission

A student whom for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for a waiver of the rules applicable to his or her case and seek immediate readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably

on such petitions only if the petitioner can prove that he or she was subject to extraordinary circumstances and that the petitioner has a strong likelihood of completing the law school program and becoming a competent attorney. It is understood in this procedure that the overwhelming majority of such petitions will be denied.

Favorable action by the Petitions Committee is a final decision on the petition. Unfavorable action may be appealed to the full faculty by the petitioner. Under such circumstances, the full faculty will have the authority to review the decision and make a de novo determination.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. If an unfavorable decision by the Petitions Committee is appealed to the full faculty, the petitioner may appear (with an associate advocate) at the discretion of the full faculty. The decision by the full faculty is final within the University.

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before to the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

Examinations

A. A student who is enrolled in a course in which an examination or examinations are given will be required to take said examination(s) at its or their regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the student obtains prior approval from the Dean or the Associate Dean and the professor whose examination is being given and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.

C. Examination procedures as established by the Assistant Dean are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course, seminar, or practicum.
- B. If, after the review provided in paragraph A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the professor believes the grade was the result of a mathematical error in computing the grade, the professor may circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

XII. Policy for Student Review of Examination Papers

Examination papers are an important element of law school pedagogy. Examination papers should be made available for students to review either at the professor's office, the faculty secretaries' office or temporarily released to the student for xeroxing and return. All exams must be held for one year pursuant to ABA and University policy.

It is left to the individual faculty member's discretion to devise a system of grading examination papers. Should the system involve making scoring notations on the examination paper itself, faculty members are strongly urged to devise a notation method that protects against the remote possibility of subsequent alteration.

For example, a method in which the professor marks down all points earned in light pencil could be taken advantage of by someone slightly altering one or more point notations and then claiming that the professor had made a mathematical error in computing the point notations. Such a situation could be avoided by not making point notations on the examination paper, by keeping a separate tally sheet, or by using a pen.

iii. Summer School

Any student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any ABA approved summer program with the prior written approval of the Associate Dean.

Such courses must be taken for a letter grade. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement.

But that grade will be counted only as a "Credit" in computing the law school cumulative grade point average.

XIV. Transfer Students

Transfer students may transfer up to 44 credits from their prior law school. The Associate Dean shall determine which courses will be accepted and the number of credits to be transferred. In making this determination, if the credits earned at the other law school for a particular course are more than the credits that could be earned here, the student may only receive the credits that would have been earned at our law school. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue in residence. A grade of "Credit" will be used for all transferred credits.

XV. Part-time Employment

The law school curriculum and schedule have been planned to engage law students in the study of law on a full-time basis. A "full-time student" is one who devotes mostly all his or her working hours to the study of law. Pre-admission and first-year students are not permitted to take part-time employment. Outside employment or other activities may seriously lower the educational value of the law school program.

In certain circumstances, second- and third-year students who have strong academic records may find part-time employment compatible with their legal studies, e.g., by clerking at a law firm. In no event should this exceed 20 hours weekly.

Students are reminded that academic standards of the School of Law are not altered to take into account demands imposed by outside employment.

The law school's Student Placement Office provides information about part-time legal work and the University maintains information about other jobs.

XVI. Requirements of Regular and Punctual Attendance

Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawaii, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency, or the like.

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or receiving a failing grade for the course.

XVII. Course Load

A normal semester course load is 14 to 16 credit hours. Students who wish to register for more than 17 or fewer than 12 credit hours per semester must first obtain the written approval of the Associate Dean.

XVIII. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, assuming they would still be in residence full-time (see II.A.1.). From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I and Second-Year Seminar) is only allowed under extraordinary circumstances.

XIX. Leave of Absence

A student who has completed the first year of law school may request a one to two semester leave of absence. The request should be in writing to the Associate Dean and state the reason(s) for the request.

If a student on a leave of absence fails to return at the end of the leave of absence, the student will be withdrawn from the J.D. program. Should that student wish to resume law study, the student will have to reapply to enter as a first-year student and none of the previously completed courses may be counted towards the J.D. degree.

X. Application and Amendment of Regulations

Amendments to these regulations may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XXI. Appeal

Any decision made by the Dean, or his/her designate, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear briefly at the faculty meeting.

XXII. Privacy Rights

Pursuant to Section 99.6 of the rules and regulations governing the *Family Educational Rights and Privacy Act of 1974* (hereinafter the Act), students in attendance at the campuses of the University of Hawaii are hereby notified of the following:

1. It is the administrative policy of the University of Hawaii to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students:
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend educational records.
 - (c) The right of protection from disclosure by the University of Hawaii personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawaii to comply with the Act.

3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to the Protection of the Educational Rights and Privacy of students. Copies of APA7.022 may be obtained from the Office of the Dean of Students.

4. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

- (a) Name of student.
- (b) Local address and zip code maintained in the campus locator printout.
- (c) Local telephone number maintained in the campus locator printout.
- (d) Major field of study.
- (e) Education level (e.g., freshman, sophomore, etc.)
- (f) Fact of participation in the officially recognized activities and sports.
- (g) Weight and height of members of athletic teams.
- (h) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

5. A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

UNIVERSITY OF HAWAII WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS FOR PRE-ADMISSION TO LAW SCHOOL PROGRAM

(Revised July 1991)

The Academic Regulations for the University of Hawaii William S. Richardson School of Law apply to all Pre-Admission students and are incorporated herein by reference. The provisions below are specifically for students in the Pre-Admission Program. In the event of a conflict between these two set of academic regulations, the provisions specifically adopted for the Pre-Admission Program shall control.

I. Status of Pre-Admission Students

- A. Pre-Admission students are enrolled as unclassified graduate students. Upon admission to the law school they are enrolled as classified law students.

II. Requirements for Admission to the William S. Richardson School of Law

- A. Required courses.

1. Regular first-year courses.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Fall semester:

- Law 509: Contracts I - 3 cr.
- Law 516: Civil Procedure I - 3 cr.

Each Pre-Admission student shall enroll in the following regular first-year courses in the spring semester:

- Law 506: Legal Bibliography - 1 cr.
- Law 510: Contracts II - 3 cr.
- Law 517: Civil Procedure II - 3 cr.

2. Pre-Admission Seminar.

Each Pre-Admission student shall also enroll in the Pre-Admission Seminar in each semester (Law 501 in the Fall - 4 cr.; Law 502 in the Spring - 4 cr.).

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3. Tutorials.

In addition, each Pre-Admission student shall enroll in Law 516L (Civil Procedure Tutorial - 1 cr.) and Law 509L (Contracts Tutorial - 1 cr.) during the Fall semester, and Law 517L (Civil Procedure Tutorial - 1 cr.) and Law 510L (Contracts Tutorial - 1 cr.) during the Spring semester.

B. Grading.

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Pre-Admission semester(s).

a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.

b. Although students will be given advisory letter grades in these courses, the grades will not be used in determining a student's official GPA after the student is admitted to the law school, except to improve a GPA for purposes of graduation, dismissal, probation and all extracurricular activities. In the case of Pre-Admission students being admitted after both semesters of the Pre-Admission Program, the grades for the Pre-Admission semesters are averaged.

c. The term "Credit" as it is used in this section shall indicate a performance of "D" or better.

2. The Pre-Admission Seminar and Tutorials shall be graded "Credit" or "No Credit" and without advisory letter grades. "Credit" shall be awarded to students who:

a. Regularly and punctually attend Pre-Admission Seminar and Tutorial meetings, and

(1) Absences shall not exceed a total of three per semester for each of these three courses. Additional absences may be permitted by the Associate Dean, but only for reasons of compelling health or other personal emergencies. Documentation may be required.

b. Substantially comply with all requirements, assignments, reassignments, and deadlines established by the Seminar Leader and the Tutorial Leaders.

3. A Pre-Admission student may not take an "I" (Incomplete) grade in any course or seminar. A grade of "F" shall be entered in the event a student fails to sit for an examination or fails to meet the requirements of B.2. above.

C. Standards for continuing in residency and admission to the School of Law.

1. Early Admission.

a. A student who achieves a "Credit" in the Pre-Admission Seminar and Tutorials and a GPA of 2.60 or better in the Pre-Admission Fall semester shall be admitted as a classified law student for the Spring semester.

2. Continuing in the Pre-Admission Program.

a. Pre-Admission students must achieve a GPA of 1.00 or better in all regular course work taken in the first Pre-Admission semester and must receive "Credit" for the Pre-Admission Seminar and Tutorials in order to be admitted to their Pre-Admission second semester.

3. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:

a. Receives a GPA of 2.00 or better for all course work taken in the Pre-Admission Spring semester, or

b. Receives a cumulative GPA of 2.00 or better for all course work taken in the two Pre-Admission semesters

shall be admitted as a classified law student effective the following Fall semester.

4. Admission on Probation.

a. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:

- b. Receives a GPA between 1.60 and 1.99 for all course work taken in the second Pre-Admission semester, or
- c. Receives a cumulative GPA between 1.60 and 1.99 for all course work taken in the two Pre-Admission semesters

shall be admitted on probation as a classified law student effective the following Fall semester.

5. Dismissal from the Pre-Admission Program.

- a. A student who fails to meet the requirement for continuing on for the second Pre-Admission semester (II.C.2 above) shall be dismissed from the Pre-Admission program.
- b. A student who fails to meet the requirements for admission after the two Pre-Admission semesters (II.C.3 or 4 above), shall not be admitted to the School of Law.

II. Post Matriculation

A. Students admitted to the School of Law after one or two Pre-Admission semester(s):

1. Shall have only the regular first-year law school courses taken during the Pre-Admission semester(s) count toward their graduation requirements.
2. Must retake any regular law course taken during their Pre-Admission year in which they received an "F" and earn at least a "D" for that course upon retake. The retaking of courses after admission is governed by Section--- of the law school Academic Regulations.
3. Shall enroll in all first-year courses and seminars not taken during the Pre-Admission semester(s). However, Pre-Admission students admitted after only the first Pre-Admission semester may not take the second semester of any of the first year sequential courses (i.e. Torts II or Appellate Advocacy) immediately upon admission to the School of Law.
4. May take, with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular

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first-year requirements. It is strongly recommended that a matriculated Pre-Admission student take no more than 12 credits for the first semester after matriculation.

B. Residency.

1. The Pre-Admission semester(s) shall not count toward the graduation requirement of six semesters in residence. The 5-year period within which a student must complete law studies commences with the first semester as a classified law student.

C. Probation.

1. A former Pre-Admission student admitted to the regular first-year class on probation must earn at least a 1.75 GPA in the first semester following admission of the first year in order to continue in residence. For each semester thereafter that the student remains on probation, he/she must earn at least a 2.0 GPA.



University of Hawaii at Manoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawaii 96822

October 26, 1992

MEMORANDUM

TO: Law Students and Faculty
FROM: Joanne Punu

Attached for your information and reference are the updated policies and procedures pertaining to the administration of law school exams.

Please read these carefully and retain for future reference.

JKP:rm

attachment

WILLIAM S. RICHARDSON SCHOOL OF LAW
POLICIES AND PROCEDURES FOR EXAMINATIONS
(Revised 10/92)

The policies and procedures for examinations are set forth below to provide each law instructor and student with a guide to the norms of the William S. Richardson School of Law.

Unless the instructor specifically directs that the examination may be written outside the physical confines of the Law School, these provisions on examinations will apply.

BEFORE THE EXAM

- About one week prior to the commencement of final exams, each student must obtain an identification (ID) number from the Student Services front desk. Students will be given *one* ID number *per semester* to be used on all *final* exams for that semester. (A separate number will be issued each semester for those classes having midterm exams.) Students should assure that the ID number will be easily available for each examination. Since ID numbers assure an anonymous grading system, please guard your number as appropriate.
- Each student is charged with the responsibility for noting the exact date, time and room for each and every examination which he or she is required to take. Such detailed information will be contained in the "Final Exams Schedule" that will be distributed and posted on the official bulletin board a few weeks before final exams commence.

THE DAY OF THE EXAM

- Students writing their exams should proceed to the designated room(s); typists will be assigned separate room(s). Students *must* be seated *15 minutes before* the examination commences, with *no less than one seat space* (approximately 3 feet) between students.
- Faculty may not proctor their own examinations. However, the instructor of the course should be available in his/her office during the hours of the exam to respond to questions about the examination. If the course instructor cannot be available, he/she should ask another member of the faculty or staff to be available for questions regarding the exam. Responses to individual questions which might affect the grading of the examination will, as much as possible, be announced to the entire group taking the exam.

- *Any books, notes or other course-related materials not authorized for use during the examination may not be brought into the exam room.*
- There will be a proctor present or nearby throughout each examination.
- Students *writing* their exams will initially receive two official blue books from the proctor. Extra blue books will be provided as needed.
- Students must supply their own pens. Unless instructed otherwise, write with a blue or black ink pen--*on every other line, on one side of each page*. Do not write in the margin on the left side of the page.
- Students *typing* their exams will be supplied with colored typing paper for each exam. Only the paper issued for that exam will be accepted. Each person must supply his/her own typewriter, extension cord, extra ribbon cartridges, etc. *Word processors and electronic typewriters with more than one line of memory are prohibited.* This will be strictly enforced. If a student's typewriter malfunctions during the exam, the student should inform the proctor and resume answering the examination in blue books in the *writing room*.
- After blue books have been issued and exam announcements made, the proctor will start the exam. The instructor is responsible for issuing explicit written instructions relating to every exam whether the exam is given outside or within the Law School.
- When time is called at the end of the exam, stop writing or typing *immediately!* A proctor who has reasonable cause to believe that a violation of examination rules, procedures or standards has occurred will, in writing:
 - a. Describe the occurrence, ask for and note the student's name and examination number, and;
 - b. Submit the above in writing along with his/her (the proctor's) name to the Law School Assistant Dean.
- Upon completion of the exam:
 - a. (FOR THOSE WRITING): The student's ID number should be on all blue books and all should be numbered, i.e., 1 of 3, 2 of 3, 3 of 3. Insert all books *and the exam question* into the manila envelope provided. Seal the envelope and write your exam number across the seal. *Return any unused blue books to the proctor.*

- b. (FOR TYPISTS): The ID number should be on each typed page; each page should be numbered together with the total number of pages--for example: 1 of 10, 2 of 10, 3 of 10, etc. Typists should see the proctor to have pages stapled together. Typists must also turn in the exam question. Place typing papers and exam question in the manila envelope, seal and place exam number across the seal.
 - c. *Be sure to turn in all materials containing answers.* It is the students' responsibility to insure that all materials (such as blue books, typing paper, answer sheets, etc.) intended to be graded are submitted to the proctor in the sealed envelope. Credit will be given *only* to such materials.
 - d. *Sign the class list.* This is important as it serves as proof of a student's presence during the exam.
- Students should gather their papers *QUIETLY* so as not to disturb others. Once out of the room, please be quiet as students may be taking exams in adjacent rooms.
 - Students may leave the exam room to go to the restrooms or to take a break. However, during such a break, students should not talk to anyone. There will be **ABSOLUTELY NO SMOKING, NO DRINKING OF BEVERAGES OR CONSUMPTION OF FOOD IN THE EXAM ROOMS.**

AFTER THE EXAM

- Students should not discuss the contents of examinations until grades are posted. This is necessary to assure the security of the exam in the event that someone is unable to take the exam at the scheduled time.
- Under no circumstances should students identify themselves or their matching exam numbers to the professor (this applies to the exam paper itself, as well as before, during or after the examination). References or notations on the exam which the professor may recognize as coming from a certain student should be studiously avoided. Students should not discuss their examination with the professor *until grades have been posted.*
- Students should contact the Assistant Dean immediately regarding concerns about anonymity, transposed or forgotten exam numbers, etc.
- Students should not attempt to calculate other students' GPAs from the posted grades, nor should students attempt to identify from posted grades who might have earned which grade.

POSTING OF GRADES/LOST EXAM NUMBERS

- Results of examinations will be posted on the Student Services bulletin board by ID number. Grades are due about one month after the last exam, although some grades will be posted sooner.
- The Student Services Office *will not give out ID numbers or exam results to students who have lost or misplaced their ID number.* In such cases, the student must wait until grade reports are issued to all students after all exam results for the semester have been posted. Grade reports are mailed about six weeks after the last exam.
- Students may request that their results not be posted on the bulletin board. However, non-posting will apply to *all* results for that student for that semester. The Student Services Office will not give out exam results to students who have requested non-posting. In such cases, students must wait until grade reports are issued to all students after all exam results for the semester have been posted.

Students who do not wish to have their grades posted are reminded to tell the Student Services Office of their wishes before the exam period *each* semester.

FINAL EXAM RESCHEDULING (MAKE-UP)

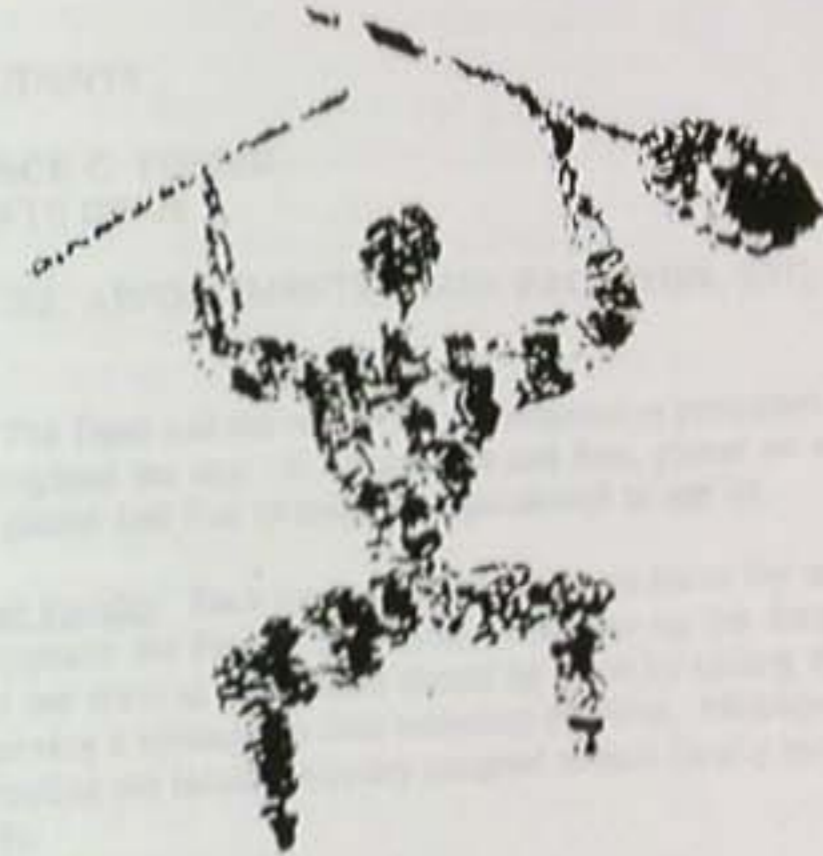
- Students should check the final exam schedule before registering for courses. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.
- Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed *only* for medically certified disabilities or verified emergencies beyond the student's control which substantially impair the student's ability to perform on the exam at the scheduled time.

To the extent practicable, the student must obtain prior approval for the rescheduling *from the Associate Dean.* The Associate Dean will then discuss the student's situation *anonymously* with the professor whose exam is being given. *Students should not discuss the need for rescheduling directly with the professor concerned as this breaches anonymity.* The rescheduled exam should be given after the time of the regularly scheduled exam, on a date to be determined by the Associate Dean and instructor.

Requests for rescheduling or extra test time will not be granted for such excuses as studying for the wrong exam, oversleeping, tardiness, forgetfulness, car trouble, traffic congestion, etc.

UNIVERSITY OF HAWAI'I AT MĀNOA

**WILLIAM S. RICHARDSON
SCHOOL OF LAW**



**STUDENT HANDBOOK
FALL 1993**

CONTENTS:

1. MEMO REGARDING MESSAGES, APPOINTMENTS,
FOOD, FACILITIES, ETC.
2. MEMO REGARDING BULLETIN BOARDS
3. PRO BONO PROGRAM GUIDELINES
4. ACADEMIC GRIEVANCE PROCEDURES
5. DISCIPLINARY REGULATIONS
6. ACADEMIC REGULATIONS
7. ACADEMIC REGULATIONS FOR PRE-ADMISSION TO
LAW SCHOOL PROGRAM
8. EXAMINATION POLICIES & PROCEDURES

University of Hawaii at Manoa

School of Law

MEMORANDUM

TO: ALL STUDENTS

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: MESSAGES, APPOINTMENTS, FOOD, FACILITIES, ETC.

1. Dean's Office: The Dean and the rest of the Administrative personnel are in and out of their offices throughout the day. If we are here and free, please do not hesitate to see us. Otherwise, please feel free to make an appointment to see us.
2. Arranging To See Faculty: Each faculty member will post his or her office hours on the bulletin board opposite the Faculty Secretaries' Office or on the door to their office. Appointments to see them at other times should be made by calling them directly and, if appropriate, leaving a message on their recording machine. Messages may also be left for them by contacting the faculty secretary assigned to each faculty member (Room 252, or call 956-7629).
3. Student Messages: If someone outside the school needs to leave a message for you, please ask the person to call the Student Lounge, 956-7760. Anyone answering the phone should leave a note for you on the alphabetized student message board located on the second floor by Student Organizations. This is not a completely reliable way of reaching you but we do not have the facilities for anything more elaborate.
4. Emergency Messages: The Administration will accept emergency messages only, and will interrupt classes to deliver them to you there. The Library staff will likewise accept emergency messages only, and deliver them to your carrel.

If you know that an emergency situation is possible, please make prior arrangements with me for the delivery of emergency messages. "Emergencies" are generally medical in nature.

MEMORANDUM

All Students

Messages and Appointments

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5. Use of Rooms: The six seminar rooms and the five main classrooms (when unlocked), plus the seminar rooms in the Library, can be used by student study/discussion groups on an "as available" and "first come" basis without prior clearance. If you need the combination to a seminar room, it will be provided on a confidential basis by the Associate Dean's Office for rooms in the classroom building and by the Librarian's Office for seminar rooms in the Library. A late class, a special event, a HICLE seminar, or any formally scheduled event or class takes precedence. If you want to use a room other than these seminar rooms or the five main classrooms, you must see me or my secretary. Please limit your studying (??!) to the Library or the rooms described above. When using such rooms, be sure that they are closed and secured when you leave. Please note that the storage of books, study aids and other personal effects must be confined to your own carrels. The rest of our facilities including all classrooms, seminar rooms and library rooms are open to all students and therefore inappropriate for personal storage. This rule will be strictly enforced.

6. Building Security and Lock-up: Because our classroom building is built in a series of modular blocks, access to a particular module may be required before use of a specific room within that module is possible. Campus security rules prohibit our leaving all modules open to free access at all times. This is particularly difficult in relation to the Student Lounge and the Student Message Board. We are prohibited from leaving the access doors to the corridors in that area open all the time. We lock the access doors at 4:30 p.m., weekdays. They will not be open on Saturdays, Sundays, or holidays. This is a reason why class assignments are posted in the glass bulletin board downstairs.

A key allowing access to this corridor is kept at the front desk in the library and may be checked out by law students.

The main classrooms will be locked at 4:30 p.m. or at the end of the last class of the day scheduled in that particular room, whichever is later. When open and not in use, these rooms are available for student study/discussion groups, as noted above. They will not be left open, however, for study later than the normal lock-up time. The same is true with the rest rooms on the ground floor of the courtyard; they will be locked at 4:30 p.m. each day. The rest rooms on the upper level of the courtyard will remain open.

MEMORANDUM

All Students

Messages and Appointments

Page 3

NOTE: Please maintain the confidentiality of any unlocking combinations that you may know. Our building is readily accessible to pedestrian traffic; our only security is our ability to lock certain doors. All classrooms and seminar rooms are directly accessible to pedestrian traffic. Should we suffer any property loss or damage, we will probably not be able to keep the rooms available for study groups.

7. Two-Wheeled Vehicle Parking: Parking spaces for bicycles, mopeds, motorcycles, motorbikes, or other two-wheeled vehicles are provided at the Ewa ends of both the library and classroom buildings. Parking such vehicles along the railings or in the corridors of the classroom building is prohibited by University policy. Violators will be referred to Campus Security.

8. Storage, Preparation, Consumption of Food: Unrefrigerated food is not to be kept or stored anywhere on the Law School campus. Food is not to be cooked or prepared in any room or building on the Law School campus; such preparation is limited to outside areas. Food may be consumed in the Student Lounge (Room 255) and our classroom courtyard. Consumption of food in all other places unfortunately creates problems which our limited janitorial staff cannot handle, and which could lead to serious damage to the building. Please do not consume food in any other part of the building, including classrooms, even during study/discussion group sessions. You can obtain prior permission from the Administrative Officer for events which include food, in these otherwise restricted areas. Be sure to have arrangements for clean-up when seeking such permission.

The consumption of food in the library building is prohibited. This prohibition includes your carrel and all side rooms in the library. The reason for this restriction in the library is that food crumbs attract bugs, and bugs eat books when they run out of crumbs. And then the bugs are smarter than we are, and that threatens our American Bar Association accreditation. Students who bring in food and drink will be asked to leave the library building.

9. Smoking: Smoking is prohibited within the classrooms, library, most of the courtyard (except in the breezeways at both ends) and the student lounge.
10. Parties: We encourage the use of our courtyard for parties, subject to the following:

MEMORANDUM

All Students

Messages and Appointments

Page 4

- a. If your group wishes to have a party in the courtyard, you must plan for and reserve its use in advance. If night classes are scheduled, or a special lecture, such events will take priority. Scheduling of parties is accomplished through the Administrative Officer.
 - b. Cooking, particularly over open fires, will not be permitted in the courtyard in conjunction with a party. However, charcoal grills, etc., may be set up at the rear of the building (the Administrative Officer will show you where), and the food brought into the courtyard for consumption at a party held there. The reason for this restriction is to protect the courtyard from grease stains on the concrete floor (they are virtually impossible to remove), from smoke being trapped in the courtyard, or worse, from it staining the walls and ceilings of the balcony overhangs, etc.
 - c. Remember, if you wish to serve beer or any other alcoholic beverages at your party, whether held in the courtyard or elsewhere in the building, permission must be secured through the Administrative Officer at least one week in advance. This is a University policy which the Law School cannot is not authorized to waive.
 - d. Conversation on academic subjects in the courtyard is forbidden during any scheduled party--without prior permission.
11. Student Mail: The Law School may not be used as an address for receipt of students' mail. We do not have the facilities or staff to provide this service.

LCF:km

05-25-91

University of Hawaii at Manoa

School of Law

MEMORANDUM

TO: LAW SCHOOL COMMUNITY

FROM: LAWRENCE C. FOSTER
ASSOCIATE DEAN

SUBJECT: BULLETIN BOARDS

The set up of the bulletin boards are as follows:

1. The glass bulletin boards located in both sides of the hallway around the corner from Classroom 1 are the official location for school announcements. Students should check these boards daily.
2. The board located inside and outside the Faculty Lounge is for all flyers, letters and memos of general interest to the faculty.
3. The student bulletin boards inside and outside the Student Lounge are for items of interest to all students, such as items for sale or wanted, typing services, student organization notices, student activities, scholarships, writing competitions, etc.
4. The student message board is around the corner from the Student Lounge. This board is used by faculty, staff and students to give messages to students and is organized alphabetically by last name.
5. The bulletin board located just inside the front doors of the Administration Building is currently being used to announce clerkship opportunities, non-Hawaii summer internships and some placement information.
6. Library. Since the Law Library bulletin board space is limited, you must obtain permission from a librarian to post materials.

Please let us know if the above-described use of bulletin boards proves inconvenient to anyone in the law school community.

MEMORANDUM
Law School Community
Bulletin Boards
Page 2

POST NO BILLS! Faculty and staff are asked to discourage any posting of signs and notices of classes or events on any building walls, doors, and other surfaces on campus. Signs taped or posted on walls destroy the painted surfaces. Restrict all posting to bulletin boards.

LCF:km



University of Hawaii at Manoa
William S. Richardson School of Law
2515 Dole Street
Honolulu, Hawaii 96822

**PRO BONO PROGRAM
INFORMATION PACKET**

Associate Professor James Pietsch, Pro Bono Coordinator
Funding Provided by the Hawaii Bar Foundation

05-25-93

WILLIAM S. RICHARDSON SCHOOL OF LAW
LAW STUDENT PUBLIC SERVICE (PRO BONO) PROGRAM

The Law Student Public Service (also known as "Pro Bono") Program serves two main purposes. First, it introduces the concept of pro bono service to law students. Second, the Program allows law students to address unmet legal needs in the community.

Exposure to an aspect of the law that students might not otherwise be aware of can only enrich their legal education. Additionally, a responsible practitioner devotes a portion of his or her work time to public service activities or pro-bono work.

In order to make the experience both meaningful and useful, the work is meant to be legal in nature, not clerical or administrative. Additionally, there should be a component of the program during which the student will discuss and evaluate their experience both with other law students and with a supervising attorney.

It is felt that pro bono is a concept worth instilling in law students before they graduate, and it is hoped that law students will gain an understanding and a sensitivity to unmet legal needs and issues. Developing such a commitment during the educational process will benefit not only the law students, but the entire community - the community that subsidizes every U.H. law student's legal education. As such, the preparation of lawyers who will fulfill their public service obligations is an important objective of the William S. Richardson School of Law.

I. HIGHLIGHTS OF THE PROGRAM

1. The requirement began with the entering class of August 1992. Admittees were given notice of the requirement when acceptance letters were sent to them in the spring of 1992.
2. The definition of pro bono is construed liberally and will include government service including any federal, state, or local government agency. Specific judicial projects will also be included with approval of the pro bono program coordinator.
3. First year students will be able, and encouraged, to begin their pro bono service during Christmas break after completion of examinations for the first semester and during Spring break of their first year.
4. Law students will be required to complete 60 hours of pro bono service before graduation.

5. Students can complete hours towards their pro bono requirement during any of their three years in law school. However, they must have completed 30 hours of pro bono service before they can register for their first semester of their third year and they must have completed 45 hours of pro bono service before they can register for their second semester of their third year.

II. DEFINITIONS

1. "Attorney" is a person who is certified or provisionally certified to practice law in the State of Hawaii by the Supreme Court of Hawaii.
2. "Pro Bono Coordinator" is the person selected by the Dean of the William S. Richardson School of Law to administer the Law Student Pro Bono Program.
3. "Law school faculty member" is a person who is a professor, associate professor, assistant professor, visiting professor, or adjunct professor at the William S. Richardson School of Law.
4. "Law student" is a person who has matriculated and who is enrolled at the William S. Richardson School of Law, and who is seeking a Juris Doctor Degree. This term shall also apply to persons who are enrolled as transfer students at the William S. Richardson School of Law.
5. "Pro bono" means "for the public good" in the ordinary sense of the term, to include any legal work performed without compensation which is provided for indigent clients at no cost to the client or which is performed in the public interest. The notion of pro-bono espouses no partisan program or philosophy. It is work which, judged on the merits of the issue addressed, furthers justice, fairness and the public good rather than the interests of a client who is represented on the familiar commercial terms.

III. PROGRAM GUIDELINES

1. Law students who enroll in the William S. Richardson School of Law after May 1992 shall complete sixty (60) hours of pro bono service prior to graduation. Transfer students will be required to complete a total of ten (10) hours of pro bono service for every semester enrolled in the William S. Richardson School of Law.
2. Law students may begin to fulfill the sixty (60) hours during Christmas and Spring breaks of their first year after completing 15 credit hours of law school study. After final examinations in May of their first year, law students may provide services at any

time.

3. The sixty (60) hours may be fulfilled
 - a. During one or more semesters; and
 - b. During the winter, spring, and summer recesses.
4. The sixty hours may be fulfilled with one or more approved agencies, individuals, organizations, or projects.

IV. CRITERIA

The law student's pro bono work shall:

a. Conform to the following definitions of public interest legal service:

- i. Poverty Law: Legal services in civil and criminal matters of importance to a client who does not have the financial resources to compensate counsel;
- ii. Civil Rights Law: Legal representation involving important interests belonging to every citizen.
- iii. Public Rights Law: Legal representation involving an important right belonging to a significant segment of the public;
- iv. Charitable Organization Representation: Legal service to charitable, religious, civic, governmental, and educational institutions in matters in furtherance of their organizational purpose, where payment of customary legal fees would significantly deplete the organization's economic resources or would otherwise be inappropriate;
- v. Administration of Justice: Activity, whether under bar auspices or otherwise, which is designed to increase the availability of legal service, or otherwise improve the administration of justice;
- vi. Environmental Law: Legal representation of environmental organizations dedicated to the protection, preservation, and wise use of Hawaii's environment;
- vii. Native Rights Law: Rights which emanate from the unique status of native Hawaiians as an aboriginal people and from the political status of the Hawaiian Kingdom prior to 1893.

b. Be uncompensated and not for academic credit;

- c. Involve legal service;
- d. Be supervised by an attorney, a law school faculty member, or other qualified person approved by the Pro Bono Coordinator; and
- e. Be work which the supervising attorney, law school faculty member, or other qualified person does not charge a fee, or charge a substantially reduced fee.

V. PRO BONO COORDINATOR

1. The Dean of the Law School shall designate an individual to serve as the Law School Pro Bono Coordinator.
2. The Pro Bono Coordinator shall:
 - a. Maintain a list of agencies, individuals, organizations, and projects which satisfy the pro bono criteria.
 - b. Assist students in locating pro bono work projects;
 - c. Approve all law student proposals for pro bono work which satisfy the pro bono criteria.
 - d. Maintain records of the progress of each law student.

VI. PRO BONO PROGRAM COMMITTEE

1. The Pro Bono Program Committee shall consist of:
 - a. Three fulltime law school faculty members designated by the Dean. If the Pro Bono Coordinator is a fulltime faculty member, he or she shall one of the committee members.
 - b. One law student designated by the Student Bar Association; and
 - c. One law student designated by the Advocates for Public Interest Law.
2. The Pro Bono Program Committee shall:
 - a. Rule upon law student appeals concerning law student proposals for pro bono

work projects.

- b. Make general policy decisions to assist the efficient administration of the Program;
- c. Amend provisions of this policy, without reducing any requirements, for the purpose of enhancing the efficient operation of the Law Student Public Service Program.

V. LAW STUDENT RESPONSIBILITIES

Law students shall:

- a. Identify pro bono work that conforms to the criteria.
- b. Locate (with the assistance of the Pro Bono Coordinator) a supervising attorney, law school faculty member, or other qualified person with whom the law student will work to meet the requirement;
- c. Submit a Pro Bono Registration/Proposal form to the Pro Bono Coordinator that sufficiently describes the pro bono work. This form shall be signed by the supervising attorney, law school faculty member, or other qualified person who agrees to supervise the pro bono work of the law student.
- d. Submit time sheets to the Pro Bono Coordinator that indicates the number of pro bono hours performed. Time Sheets shall be signed by the supervising attorney, law school faculty member, or other qualified person who supervised the pro bono work of the law student.

Professional Responsibility/Confidentiality

Many of you during the course of your pro bono placement will be working on actual cases involving real clients. You should know that even though you are still a student and not a licensed attorney, the Code of Professional Responsibility still applies because you are working (or should be working) as the agent of a licensed attorney.

One of the most difficult aspects of law practice is confidentiality. We are all accustomed to talking with our friends, families and others about the things that happen in our day at the office or school. Many of the "stories" you will encounter in your law work will certainly be intriguing "gossip." However, Disciplinary Rule 4-101 of the Code of Professional Responsibility expressly states that a lawyer and those working for the lawyer may not reveal the secrets and confidences of a client. "Confidences" include any material protected by the attorney-client privilege; "secrets" include any information the disclosure of which would be embarrassing or detrimental to the client.

"Secrets" also includes disclosure of the legal research and drafting you might be performing for a client. If opposing counsel in any kind of legal matter, such as litigation, business planning, real estate development can get a clue as to what your research and/or drafting strategies might be, your client could be put at a serious disadvantage. You should not discuss your research with your classmates and, while working in the law library either here at UH or downtown, take care not to leave copies of office memos, etc. lying in plain view in your carrel. Our legal community in Hawaii is a very small one. Oftentimes, the student sitting in the carrel next to yours is clerking with the law firm representing opposing counsel.

Thus, much of what you encounter by way of human drama or interesting/difficult/boring research questions in your law work cannot be discussed with people outside the office. The risks to you and the attorney of revealing a confidence or secret of a client are great. An attorney violating this Disciplinary Rule risks revocation of his or her license to practice law. A law student violating this rule risks not being licensed.

Pro Bono Program Checklist of Required Forms/Reports

This is just a guideline listing of the forms that will be used by the pro bono program. Extra forms will be available in Room 201.

| Form | When Needed |
|--|--|
| Registration Form: Basic information and agreement of supervising attorney and Pro Bono Coordinator. | Before starting work with a new agency. |
| Letter to Supervisor: agreement to pro bono program ground rules. | To be submitted with registration form. |
| Time Sheet: Lists hours of service and types of work done. Requires signature of supervising attorney and approval by Pro Bono Coordinator. | Whenever significant service is finished. This may be at the end of a semester or break. Separate timesheets must be kept for each agency the student serves. Student is responsible for maintaining a copy for his or her personal records. |
| Student's Evaluation: of this pro bono experience. | Upon completion of service for a given agency/ supervisor. |
| Supervisor's Evaluation: of the student's performance. | Upon completion of the student's work for a given agency/supervisor. |
| Individual Student's Report: Of hours completed. | Available on request from the Pro Bono Program Administrator. |

UNIVERSITY OF HAWAII AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC GRIEVANCE PROCEDURES

These policies and procedures are established by the faculty of the William S. Richardson School of Law to provide consistent and equitable treatment for faculty and students of the law school in resolving issues arising from the academic relationship between individual faculty and individual students. Their applicability is limited to those issues directly associated and concomitant with the faculty member's responsibilities as a teacher and the student's responsibilities as a learner.

While based upon policies and procedures followed by the University as a whole, only these policies and procedures are applicable to students taking courses at the law school. Decisions reached through these procedures shall be considered final within the University.

DEFINITIONS

Students - Any individual enrolled in a course for academic credit at the law school.

Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (see II, B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments should be in writing.

ACADEMIC GRIEVANCE PROCEDURES
(OVERVIEW)

Page 2

- (a) A decision that no reasonable case exists is appealable to the full faculty.
3. Hearing on appeal held within 14 calendar days of decision to hear appeal.
4. Grievant and faculty member may have advisor present.
5. Hearing open unless grievant or faculty member requests it be closed.
6. Burden of proof (clear & convincing evidence) rests upon grievant.
- C. Decision by AGC-Law may be appealed to full law faculty within 14 days of issuance of AGC-Law report.
 1. Appeal heard within 35 days.
 2. Decision by law faculty final within the University.

UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

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Faculty Member - Any individual engaged in research and/or instruction for credit at the law school.

Semester - Any scheduled term of instruction including Summer Session.

I. Responsibilities of Faculty

In the classroom and in conference, faculty members are expected to adhere to the highest professional standards of behavior and conduct. The responsibilities of faculty members include, but are not limited to, the following:

- A. To permit students who act in accordance with the responsibilities indicated in Responsibilities of Students (Section II) to complete any course in which they are enrolled.
- B. To ensure that the course offered is in fundamental accord with the latest course description.
- C. To provide students at the beginning of the semester/ session with written explanation of the course objectives, general grading policy, syllabus listing reading assignments, attendance policy (see II, B), and the manner in which the course will be conducted. The course syllabus may be amended orally or in writing during the semester to reflect changes in the reading assignments. Substantial amendments should be in writing.

- D. To retain student papers, tests, and examinations for one year unless returned to the students.
- E. To provide regular class instruction as scheduled with class meetings beginning and ending at the stated times, and to comply with the law school calendar and examination schedule.
- F. To provide students at appropriate times during the semester with fair and objective evaluations of their work and progress in the course. This does not apply to courses in which no work is presented for evaluation during the semester.
- G. To provide students equitable and unbiased treatment in an educational climate free from discrimination based on race, color, religion, national origin, sex, handicap, or age and harassment.
- H. To post and maintain reasonable office hours during the course of the regular semester mutually convenient to students and faculty.
- I. To adhere to the policies of the Faculty Senate as adopted in December, 1975, along with any amendments thereto, concerning authors' recognition of contributions to their work by students and others.
- J. To refrain from any interference with the academic grievance procedures, or from any punitive action against a student because the student filed a grievance.

II. Responsibilities of Students

The AGC-Law's decision on whether or not to hear a grievance will depend in part on the student-grievant having fulfilled the following responsibilities with regard to all matters relevant to the grievant:

- A. To exhibit classroom behavior which does not infringe on other students' right to learn.
- B. To attend classes as required by the instructor, recognizing that absences may adversely affect the final grade or credit for the course.
- C. To fulfill course assignments and requirements as described by the instructor, recognizing that unfulfilled assignments and requirements may adversely affect the final grade or credit for the course.

- D. To abide by student, academic and administrative regulations as published by the University and the law school.
- E. To follow official procedures in pursuing redress of a grievance.
- F. To refrain from frivolous grievances.
- G. To promote an educational climate free from harassment and discrimination based on race, color, religion, national origin, sex, handicap, or age.

III. Procedures for Resolution of Academic Grievances

If a student has fulfilled his/her responsibilities relevant to his or her grievance and believes that a faculty member has failed to meet any of the responsibilities stated in Section I of this document, or has acted arbitrarily and/or capriciously in any other area of the academic relationship, the student may initiate action to achieve remedy. The action(s) available is outlined below and must be initiated no later than 45 calendar days after the grade for the course in question has been mailed to the student. Since the AGC-Law only meets during Fall and Spring semesters, completion of actions begun late in the semester may have to be delayed until the following semester.

- A. Step 1 (informal) - The student should try to resolve the problem with the faculty member involved. The student may first discuss the grievance with the Assistant or Associate Dean or another faculty member before speaking with the faculty member. Should the grievance involve a claim of sexual harassment, the student should go to the campus Equal Opportunity and Affirmative Action Officer before speaking with the faculty member. In the attempt to resolve the matter with the faculty member, the student and the faculty member are encouraged to consider the use of professional mediation services available on campus. When approached by a student concerning a grievance, the faculty member should first remind the student of the existence of these procedures and suggest that the student obtain a copy from the Associate Dean's office before proceeding.

If the resolution reached in Step 1 suggests a change of a grade, the grade change must be approved by the full faculty before it is implemented.

- B. Step 2 (formal) - Failing to resolve the problem at Step 1, the student shall prepare a formal complaint in writing indicating (1) the facts as the student perceived them, citing specific violations where possible; (2) the remedy sought; (3) the faculty member's response, if any, to the consultations of Step 1. This complaint is presented to the Associate Dean, with a copy for the faculty member, and must be filed within 14 calendar days of the time when the outcome reached in Step 1 is made known to the student. For the purpose of this Statement, where the faculty member involved is the Associate Dean, the Dean

shall assume the responsibilities of the Associate Dean detailed in this section. Any formal complaint alleging sexual harassment will not be heard by the Associate Dean but will be immediately referred to the campus Equal Opportunity and Affirmative Action Officer.

The Associate Dean shall first meet separately with the student and the faculty member, or, if both parties agree, jointly, to discuss the complaint and attempt to reach a mutually agreeable resolution. If within 14 calendar days of receipt of the written complaint, a mutually agreeable resolution has not been reached, the Associate Dean shall notify the parties in writing that Step 2 has been completed and that the student may go on to Step 3.

If the resolution reached in Step 2 suggests a change of grade, the grade change must be approved by the full faculty before it is implemented.

- C. Step 3 (AGC-Law) - If within 14 calendar days of receipt of the written complaint the parties have failed to achieve a satisfactory solution at Step 2, the student may file a written request with the Associate Dean for a hearing before the Academic Grievance Committee-Law (AGC-Law). Such request must be done within 14 calendar days after the student has been notified that Step 2 has concluded. The student shall provide as part of the request complete copies of all materials associated with Steps 1 and 2 and shall notify the Associate Dean of the names of other custodians of relevant material which the student does not possess. It is the responsibility of the Associate Dean to insure that all notifications required under Section IV, D, are accomplished. The Associate Dean shall deliver all materials described in this paragraph to the Chair of the AGC-Law.

IV. The Academic Grievance Committee of the School of Law

- A. Composition of the AGC-Law. Except as provided in paragraph B, below, each AGC-Law shall consist of one third-year law student to be selected by the Dean and four members of the full-time Faculty of the School of Law. The faculty members shall be selected by the Dean each academic year at the same time and in the same manner as other faculty committees are constituted.

- B. Election of an AGC-Law consisting solely of Faculty members. Any student filing an academic grievance may elect to have the AGC-Law consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made in writing three working days after the request for a hearing has been filed with the Associate Dean.

- C. Resignation and replacement of AGC-Law members. If in the opinion of the Chair of the AGC-Law, the relationship of any member of the AGC-Law will

either the case or the individuals involved would affect the member's ability to render an impartial judgment, the Chair shall immediately remove the member from the AGC-Law and a replacement shall be selected by the Dean.

D. Responsibilities and Procedures of AGC-Law

1. Pre-hearing Procedures

- a. Should AGC-Law decide, on the basis of all material before it, that no reasonable case exists, it has the right to refuse the hearing request. Completion of Steps 1 and 2 does not automatically lead to a full hearing. A decision denying a hearing request is appealable to the law school faculty. Such appeal must be made in writing within five calendar days of receipt of notice of the AGC-Law decision and shall be heard at the next regularly scheduled faculty meeting.
- b. Upon receipt of the appeal, the AGC-Law has seven calendar days within which to decide if it will hear the grievant's case.
- c. The AGC-Law shall hold a hearing on the case within 14 calendar days of its decision to hold a hearing.
- d. The AGC-Law may waive any and all specified time deadlines for a specific period when there is evidence that a good-faith effort to meet the deadline has been made.
- e. Upon scheduling a hearing, the Chair of the AGC-Law shall:
 - 1) give written notice of the hearing, at least seven calendar days prior to the hearing, to the student and the faculty member.
 - 2) inform all parties of the date, time, and place of the hearing.

2. Hearing Procedures

The AGC-Law shall adopt written guidelines for the conduct of the hearing which shall include but not be limited to the following:

- a. The student and/or faculty member may have an advisor present provided that notice of such intent and the name of the advisor are given to the Chair seven calendar days prior to the hearing. The other party to the case shall be notified by the Chair of such notice

- and may, then, in such event, without notice, also have an advisor present.
- b. The hearing shall be open unless the student or faculty member requests, in writing, a closed hearing. This request must be made at least 24 hours prior to the hearing.
 - c. The burden of proof (clear and convincing evidence) rests upon the grievant.
 - d. The Chair shall be responsible for recording the hearing, maintaining order, and shall have the authority to rule on points of order and to exclude immaterial and/or unduly repetitious evidence.
 - e. The student and faculty member shall be provided the opportunity to present evidence and arguments on all issues involved.
 - f. Oral and documentary evidence may be introduced.
 - g. The student and faculty member shall have the right to question witnesses and submit rebuttal testimony.
 - h. All members of the AGC-Law may question witnesses.
 - i. The AGC-Law may secure testimony from witnesses other than those presented by the student or faculty member. The committee may also secure documents relevant to the issue which were not introduced at any previous step, or introduced in the hearing by the student or faculty member. Confidential documents may be secured only with the consent of appropriate parties.
 - j. The hearing will be held as scheduled in the absence of the faculty member alleged to have committed the grievance, unless such absence is for good and sufficient cause. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - k. Should the student grievant not appear except for good and sufficient cause, the grievance shall be dismissed with prejudice. The decision of the AGC-Law as to good and sufficient cause is final within the University.
 - l. The deliberations of the AGC-Law after receipt of all testimony shall be closed.

- m. After the hearing committee has made its findings and reached a decision, the Chair shall inform the student and faculty member of the findings and decision, in writing, within seven working days. A copy shall be sent to the Associate Dean.

3. Records of the Academic Grievance Hearing

- a. The Associate Dean shall maintain a log of all AGC-Law hearings. The log shall include a brief notation as to the subject matter of the dispute but no personally identifiable information. This log shall be open to inspection at the Office of the Associate Dean.
- b. Other records to be maintained by the Associate Dean shall include but need not be limited to the following and shall not be open to inspection except by the interested parties: all pleadings, motions and rulings, all evidence, including oral testimony, the report of the AGC-Law, and tape recording of the hearing. This material will be kept for a period of time consistent with the University's normal record retention policies and/or practices.

V. Appeal of the AGC-Law's Final Decisions

- A. Review by the Full Faculty. The final written decision by the AGC-Law may be appealed to the full faculty by either party involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of issuance of the Committee's report. The party's appeal statement shall set forth the ground(s) upon which the party desires relief from the decision. The faculty shall review such portions of the evidence and testimony as are necessary to full consideration of the appeal, but need not confine its review to issues raised before the AGC-Law.
- B. Disqualification. If any faculty member feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
- C. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the faculty only meets during Fall and Spring semesters, the hearing on an appeal filed late in the semester may have to be deferred until the following semester.
- D. Right to appear at hearing. The student grievant and the faculty member(s) against whom the grievance was filed may be requested to attend the hearing at the discretion of the faculty, however, neither party has an absolute right to attend.

- E. Faculty's decision final. The action taken by the faculty on its review of a decision by an AGC-Law is final within the University and not subject to further review.
- F. Notification of parties. The faculty, through the Associate Dean, shall notify the parties of its decision within three working days of the hearing.
- G. Authority of the faculty. The faculty shall have the authority to affirm, reverse or modify the decision of the AGC-Law.

VI. Authority of the AGC-Law

- A. The findings and decisions reached pursuant to these policies and procedures shall be final within UH-Manoa.
- B. The Dean shall have the authority to direct the execution of remedies.

VII. Redress Beyond the University

Nothing in this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawai'i, shall preclude either the student or the faculty member from seeking redress through a court of competent jurisdiction or an outside enforcement agency.

VIII. Severability

If any provision of this Statement on Responsibilities of Faculty and Students and Academic Grievance Procedures for Students, William S. Richardson School of Law, University of Hawai'i, is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

UNIVERSITY OF HAWAI'I AT MĀNOA WILLIAM S. RICHARDSON SCHOOL OF LAW STUDENT CONDUCT CODE (OVERVIEW)

I. Types of Violations

- A. Violation of law school rules and regulations, e.g.
 - 1. Plagiarism.
 - 2. Misrepresentation.
 - 3. Violation of examination procedures.
- B. Other conduct not commensurate with professional standards of conduct required of lawyers, e.g.
 - 1. Violation of University rules and regulations.
 - 2. Violation of public law.

II. Procedures

- A. Written report of violation.
- B. Investigation by Associate or Assistant Dean.
- C. Informal disposition by Dean.
 - 1. After the investigation, the Dean may dismiss the matter if it is determined the report is unfounded.
 - 2. If the Dean believes disciplinary action is warranted, he or she may reach an agreement with the student as to what sanction should be imposed.
- D. Formal disposition
 - 1. If an informal resolution cannot be reached, the Dean directs the Associate Dean to prepare formal charges and present them to the Disciplinary Committee.
 - 2. Disciplinary Committee.
 - (a) Composed of one third-year student and four faculty (at option of student, may consist solely of three faculty).

3. Hearing held promptly.
4. Case presented to Committee by Associate Dean.
5. Burden of proof is clear and convincing evidence.
6. Hearing normally closed unless student requests it be open to the public.
7. Range of sanctions.

(a) Reprimand, censure, revocation of grade/degree, suspension, expulsion, notice to state bar examiners and such other sanctions as may be appropriate.

E. Appeal

1. Student may appeal Committee's decision to the full faculty.

F. Final decision.

1. The decision by the Committee, or, on appeal, by the faculty is final within the University.

UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

DISCIPLINARY REGULATIONS

Article I. School of Law Disciplinary Action

1. Rules relating to student conduct and discipline. Students are subject both to the Student Conduct Code of University of Hawai'i as approved on October 7, 1983 and amended from time to time and to the rules and regulations of the School of Law, as published and amended from time to time, relating to student conduct and discipline. Each entering law student shall receive a copy of the rules and regulations of the School of Law upon matriculation.
2. Scope of disciplinary action by the School of Law. Disciplinary action by the School of Law is governed by these regulations. Such action extends to the following conduct:
 - a. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
 - b. Other conduct, including but not limited to conduct in violation of University of Hawaii rules or of public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below.
3. Applicability. These regulations apply only to law students enrolled in an ABA approved law school program at the time the alleged violation occurred. Cases involving students from other University departments or colleges will be referred to the University's Dean of Students.

Article II. Violations of School of Law Rules and Regulations

1. General rule. Any law student who violates the rules or regulations of the School of Law or the University of Hawaii may be subject to disciplinary action pursuant to these regulations. The specific examples of School of Law rules and regulations contained in paragraph 2, below, are not intended to be exhaustive.
2. Specific examples. The following are examples of actions which may result in disciplinary action pursuant to these regulations:
 - a. School of Law Academic Regulations. Students are required to comply with the School of Law Academic Regulations. Willful or repeated failure to comply with such regulations, rules or procedures may be subject to disciplinary action.

- b. Disruption of School of Law activities or operations. Conduct that disrupts or impairs School of Law or University activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.
- c. Plagiarism. Plagiarism is the knowing use, without adequate attribution, of the published ideas, expressions, or work, of another, with intent to pass such materials off as one's own. All written work, whether in preliminary or final form, submitted by a student in the course of law study is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed to that source. The use of another's language or the substantial adaptation thereof without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may be subject to disciplinary action.
- d. Examinations. Students are required to comply with the rules established for examinations, including both those established by the School of Law and those established by the instructor giving the examination. Violation of the rules set for any examination, including "take-home" examinations, may be subject to disciplinary action. The examination rules established by the School of Law include but are not limited to the following:
- 1.) students may not consult books, notes, other materials, or other persons, during an examination, except as authorized by the instructor;
 - 2.) students may have in their possession during an examination only those materials specified by the instructor;
 - 3.) students shall not begin writing until so instructed by the proctor and shall promptly stop writing and turn in their papers when the time set for the examination has expired.
- e. Abuse of these Regulations. Any student who knowingly files a false report or complaint under these Regulations or knowingly gives false information may be subject to disciplinary action.
- f. Obstructing enforcement of these Regulations. Obstructing enforcement of these Regulations is defined as any act which prevents the enforcement

- of these Regulations. Examples of this offense include, but are not limited to:
- 1.) failure to cooperate with the Disciplinary Committee, as in:
 - (i) failing to appear and testify without reasonable excuse (excluding the defendant) or produce documents or other evidentiary material before the Disciplinary Committee when requested;
 - (ii) misrepresenting material facts before the Disciplinary Committee;
 - 2.) failing to report any violation of these regulations by any student having reasonable grounds to believe that such a violation has occurred;
 - 3.) destroying evidence in order to hinder the prosecution of any complaint.
- g. Misrepresentation. Misrepresentation is defined as any act or omission which is deceptive or misleading and by which a student gains or attempts to gain a benefit or advantage from the University, its faculty, staff, or students, or persons dealing with the University. Examples of this offense include, but are not limited to:
- 1.) forging or altering any University document, record, or instrument of identification;
 - 2.) furnishing any person material information which is known to the student to be false and which relates to the student's academic record or otherwise concerns activities in the University.
- h. Interference with property. Interference with property is defined as any taking or destroying of the property of the University or of its faculty, staff, or students. Such property includes, but is not limited to, materials in the Library of the School of Law. Examples of this offense include, but are not limited to:
- 1.) stealing, damaging, or destroying books or notes of students or faculty;
 - 2.) stealing, hiding, or vandalizing library materials;

3.) stealing, damaging, destroying, or otherwise misusing other University property.

i. Aiding and abetting. Any intentional act to aid and/or abet a violation of these Regulations may be subject to disciplinary action.

Article III. Unprofessional Conduct

1. General rule. Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to University of Hawaii, may be subject to disciplinary action pursuant to these regulations. Unprofessional conduct is conduct:

- a. that is illegal conduct involving moral turpitude; or
- b. that involve dishonesty, fraud, or deceit; or
- c. that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar. Such standards include the Model Rules of Professional Conduct and the standards enacted by the Supreme Court of the State of Hawaii.

2. Specific examples. Subject to the standard defined in paragraph 1, above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations:

- a. Failure to comply with University rules relating to student conduct and discipline. Students are required to comply with the rules established by University of Hawaii relating to student conduct and discipline. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
- b. Violations of public law. Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these regulations whether or not such conduct is also subject to criminal or other sanctions. In making such determinations, relevant opinions and decisions by the State of Hawaii Office of Discipline, Counsel and other analogous agencies in other states should be considered.
- c. Other conduct. Conduct defined as unprofessional conduct under paragraph 1, above, may be subject to disciplinary action pursuant to these regulations whether or not such conduct is related to the academic process

at University of Hawaii, and whether or not such conduct is also subject to other sanctions.

Article IV. Investigation and Presentation of Charges

1. Preservation of anonymity. Throughout all phases of investigation, presentation of charges and review of Disciplinary Committee decisions, and subject to the needs of a reasonable investigation, all parties will take reasonable steps to maintain the anonymity of the student(s) charged with misconduct under these regulations.

2. Temporary suspension. In an emergency, the Dean may temporarily suspend a student prior to a hearing; provided that hearing pursuant to these rules is conducted within a reasonable time thereafter. Examples of an emergency include such situations as when the student poses a danger of inflicting bodily harm on himself/herself or others, of inflicting serious emotional distress on others, or creating a substantial disruption of normal law school activities including classroom instruction. If at all possible, a temporary suspension should be issued only after the Dean has met with the student and relevant others and discussed the situation and alternative solutions with them.

3. Investigation of reported student misconduct. All reports of student misconduct must be in writing and shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, the Associate Dean or the Assistant Dean shall discuss the matter with the student at the earliest opportunity, informing the student of the right to counsel at his or her own expense and the right to remain silent, and warning that anything the student may say may be used against the student. At that time, the student shall be given a copy of these regulations.

4. Informal disposition. If, in the judgment of the Dean, the report is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student's law school record or upon the student's University transcript. The student shall be informed promptly of the Dean's determination and the matter shall be considered closed.

If, in the judgment of the Dean, the report appears to warrant disciplinary action, the Dean, with the written agreement of the student, may impose any of the sanctions provided herein. Such agreement must be reached within seven calendar days of the receipt by the student of written notice of the Dean's recommended sanction.

5. Presentation of charges. If, in the judgment of the Dean, the report appears to

warrant disciplinary action and the student does not agree to the sanction recommended by the Dean, the Dean shall direct that charges against the student be drawn and that the entire matter be referred to the Law School Disciplinary Committee. The Associate Dean shall promptly draw up charges against the student and transmit such charges in writing both to the student and to the Disciplinary Committee convened to hear the charges pursuant to Article V, below. If, in the judgment of the Dean, the alleged violation does not involve unprofessional conduct as that term is defined in Article IV above, the Dean may hand the matter over to the University's Dean of Students for further disposition rather than referring the matter to the Law School Disciplinary Committee.

Article V. The Disciplinary Committee

1. Composition of the Disciplinary Committee. Except as provided in paragraph 2, below, the Disciplinary Committee shall consist of one third-year law student and four members of the full-time Faculty of the School of Law. The Disciplinary Committee shall be constituted by the Dean each academic year at the same time and the same manner in which all other faculty committees are constituted, with the exception that the student member shall be selected by the Dean rather than by student election.
2. Election of a Disciplinary Committee consisting solely of Faculty members. Any student against whom charges are brought pursuant to these regulations may elect to have the Disciplinary Committee convened to hear the student's case consist solely of three members of the full-time Faculty of the School of Law. Such election shall be made promptly upon receipt by the student of the charges. The Dean shall decide which one of the four original faculty members is to be removed from the Committee for the purpose of that hearing.
3. Joint hearings. Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Disciplinary Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in paragraph 4, below, the Faculty members of the single Committee constituted pursuant to this paragraph shall constitute the Disciplinary Committee in the case of such student or students and shall hold a separate hearing or hearings as required.
4. Resignation and replacement of Disciplinary Committee members. If any

member of a Disciplinary Committee feels that the member's relationship with either the case or the individuals involved would affect the member's ability to render an impartial judgment, the member shall immediately resign from the Disciplinary Committee and a replacement shall be selected by the Dean.

Article VI. Disciplinary Committee Procedure and the Rights of the Student

1. Hearing date. Upon presentation of charges against a student as provided in Article IV, above, the Disciplinary Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation of the case by the Associate Dean and by the student. Provided, however, since the Committee only sits during Fall and Spring semesters, the hearing on charges brought late in one semester may be deferred until the following semester.
2. Notice to the student. The Disciplinary Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:
 - a. a written copy of the charges made and referred to the Committee; and
 - b. copies of all supporting documents submitted to the Committee.
3. Presentation of the case. The Associate Dean shall prepare the case and present the facts in the proceedings before the Disciplinary Committee. The Associate Dean shall have the right to be assisted by counsel.
4. Student's right to counsel. The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Disciplinary Committee. Such advisor or counsel may be any person of the student's choice, provided, however, that any cost incurred shall be borne by the student.
5. Witnesses and evidence at the hearing. Both the student and the Associate Dean have the right to call witnesses and to introduce evidence at the hearing. Each party and the Committee members may cross-examine any witness.

At least four days prior to the hearing the parties shall exchange copies of all documents to be submitted at the hearing and a list of all witnesses expected to be called, including a brief summary of each witness' testimony.
6. The right to remain silent. The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain

silent at the hearing.

7. Rules of evidence. The rules of evidence applicable to criminal and civil trials do not govern hearings before a Disciplinary Committee. Except as otherwise provided in this article, and subject to disapproval by vote of the Committee, the Chairman of the Disciplinary Committee may make such rulings as to the admissibility of evidence as in the judgment of the Chairman will expedite the hearing and ensure due process.
8. Disciplinary Committee hearings. The place of the hearing before a Disciplinary Committee shall be determined by the Committee. Hearings are normally closed. However, the student may elect to have the hearing open to the public.
9. Tape recordings. Disciplinary Committee hearings, except for the Committee's deliberations, shall be recorded in full on tape, which shall be held in the files of the School of Law and made available to the student, or the student's authorized representatives, for review. Such materials shall be kept for a period of time consistent with the University's normal record retention policies and/or practices.
10. Rules of procedure. Except as otherwise provided in this article, the Disciplinary Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process.
11. Burden of proof. The Associate Dean bears the burden of proof to establish by clear and convincing evidence that the student violated these Regulations.

Article VII. Disciplinary Committee Decisions

1. Disciplinary Committee deliberations private. After receiving all the evidence, statements, and arguments submitted at the hearing, the Disciplinary Committee shall deliberate in private.
2. Majority vote required. The Disciplinary Committee's decisions shall be reached by majority vote.
3. Acquittal. If a majority of the Disciplinary Committee does not decide that a rule violation or unprofessional conduct has been established by clear and convincing evidence, the student shall be acquitted. In such a case, the charges shall be dismissed and no record shall be made of the matter in the student's law school record or upon the student's University transcript. An acquittal is a final decision and may not be appealed to the Disciplinary Review Panel.
4. Rule violation or unprofessional conduct established. If the Disciplinary

Committee decides that a rule violation or unprofessional conduct has been established, the Committee shall determine the specific disciplinary action that in its judgment is warranted. The Committee shall promptly set forth its decision in a written confidential report to the Dean containing the Committee's findings of fact and conclusions based upon the evidence introduced at the hearing. The student shall promptly be given a copy of the Disciplinary Committee's report, and notified of the right to appeal pursuant to Article VIII, below. If the student fails to appeal, the Committee's decision is final immediately and the Dean shall direct the relevant person to implement the decision.

5. Form of disciplinary action. The following are the forms of disciplinary action that may be taken pursuant to the decision of a Disciplinary Committee. In its determination of an appropriate sanction, the Committee may take into consideration factors beyond those at issue at the hearing, e.g. the impact of a grade reduction on the student's G.P.A.:
 - a. Reprimand. The student may receive a reprimand. The reprimand is part of the student's law school record, but is not recorded upon the student's University transcript.
 - b. Censure. The student may receive a censure. The censure is part of the student's law school record and is recorded upon the student's University transcript.
 - c. Grade reduction/revocation of degree. The student's grade in the course in which an alleged violation occurred may be reduced by one or more grade levels or rescinded. Moreover, a previously awarded degree may be revoked.
 - d. Suspension. The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension is part of the student's law school record and is recorded upon the student's University transcript. A suspension may be stayed subject to the proviso that the stay shall terminate automatically if, during such stay, the student is found to have again violated these regulations.
 - e. Expulsion. The student may be expelled. The expulsion terminates the student's status as a law student and permanently ends the student's studies at the School of Law. The expulsion is part of the student's permanent law school record and is recorded upon the student's University transcript.
 - f. Notice to State Bar Examiners. Any finding of unprofessional conduct or rule violation shall be reported to the Bar Examiners of the Supreme Court of the State of Hawaii or to any similar agency in another

jurisdiction in which the student might seek to practice law.

6. Effect of decisions of a Disciplinary Committee. In any case involving a finding of cheating on a final examination in a course or plagiarism on a paper in a course, seminar, or supervised writing project, the presumptive effect of such a finding shall be that the student receives a grade of "F" (or in the case of a CR/NC course, a grade of "No Credit"). The Committee may, if in its discretion the circumstances warrant, deviate from this presumptive rule.

Article VIII. Appeal of Disciplinary Committee Decisions

1. Review by the Disciplinary Review Panel. All Disciplinary Committee decisions finding that a rule violation or unprofessional conduct has been established may be appealed by the student involved. The appeal shall be in writing and must be received by the Associate Dean within 14 calendar days of the student's receipt of the Committee's report. The student's appeal statement shall set forth grounds upon which the student desires relief from the Committee's decision. The Disciplinary Review Panel shall review such portions of the evidence and testimony as are necessary to full consideration of the student's appeal, but the Panel need not confine its review to issues raised before the Committee. No additional evidence shall be introduced for consideration in the review by the Panel.
2. Composition of the Disciplinary Review Panel. The Disciplinary Review Panel shall consist of all voting members of the Faculty except that the faculty members who served on the Disciplinary Committee shall not be voting members of the Disciplinary Review Panel.
3. Disqualification of Disciplinary Review Panel Members. If any member of a Disciplinary Review Panel feels that his or her relationship with either the case or the individuals involved would affect his/her ability to render an impartial judgment, the member shall disqualify him/herself.
4. Panel procedure. The Disciplinary Review Panel shall deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
5. Hearing date. All appeals shall be heard within 35 calendar days of receipt of the appeal. Provided, however, since the Disciplinary Review Panel only sits during Fall and Spring semesters, the hearing on an appeal filed late in the semester may be deferred until the following semester.
6. Action on review of Disciplinary Committee decisions. The Disciplinary Review

Panel may take the following action on review of decisions by a Disciplinary Committee:

- a. adopt the Committee's decision and the disciplinary action determined by the Committee; or
 - b. adopt the Committee's decision as modified to impose a lesser disciplinary action than that determined by the Committee; or
 - c. set aside the Committee's decision in whole or in part, and dismiss the charges or send the matter back to the Committee for rehearing as to all or part of the issues raised before the Committee.
7. Disciplinary Review Panel's decision final. The action taken by the Disciplinary Review Panel on review of a decision by a Disciplinary Committee is final within the University.

Article IX. Rights of the Student Defendant

1. Rights of the student defendant.
 - a. A student defendant has the right to a clear, concise written statement of charges against the student.
 - b. A student defendant may enter a plea of guilty in writing to the alleged violation to the Dean at any time before the final verdict has been rendered by the Disciplinary Committee. If the Dean and the student are unable to agree upon an appropriate sanction, the matter shall be submitted to the Disciplinary Committee for determination. The student has the right to appeal such a determination to the Disciplinary Review Panel.
 - c. In the event of a hearing before the Disciplinary Committee, a student defendant has the right to:
 - 1.) prompt completion of all the procedures provided herein, provided, however, that the student be given sufficient time to prepare any defense the student wishes to offer, and further provided, however, that the hearing and the appeal procedures can only take place in the Fall and Spring semesters;
 - 2.) appear before the Disciplinary Committee;

- 3.) legal counsel or a representative of the student's choice, with any cost so incurred to be borne by the defendant;
- 4.) present oral, documentary, or physical evidence on the student's behalf;
- 5.) examine and cross-examine witnesses;
- 6.) require the Disciplinary Committee to request the presence of witnesses and the production of documents or physical evidence;
- 7.) remain silent without such silence being construed against the student;
- 8.) a presumption of the student's innocence until the Disciplinary Committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of these Regulations;
- 9.) a copy of the Disciplinary Committee's decision in writing; and
- 10.) waive any right herein conferred by notice of such waiver in writing to the Disciplinary Committee, or by failure to appear after being duly served, or by failure to exercise any rights granted the defendant.

Article X. Severability

If any provision of this Disciplinary Regulations is held to be unconstitutional, the remaining provisions, wherever possible, shall be severable therefrom.

UNIVERSITY OF HAWAI'I AT MĀNOA WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS

I. Records of Academic Performance

No oral or written disclosure of any evaluation of a current or former student's academic performance shall be made to any person not an employee of the University acting in an official capacity without the written consent of the student or former student. Provisions of the Family Educational Rights and Privacy Act (FERPA) shall govern the handling of student records. Under no circumstance will information about a current or former student's academic record (including grades & GPA) be made known to the student over the telephone. A student may request access to his/her academic records by appearing in person at the school, with photo I.D. and by completing a written request to review his/her record.

II. Requirements for the J.D. Degree

- A. Full-time residence in the school for at least six academic semesters.
 1. To be considered "in residence" full-time for law school enrollment purposes, a student must register for at least 12 credits and receive a passing grade for at least 9 of those credits. Under extraordinary circumstances and with the prior written permission of the Associate Dean, a student may register for as few as 10 credits and still receive full residency for that semester, provided the student receives a passing grade for at least 9 of those credits. Students receiving a passing grade for fewer than 9 credits will receive fractional residency credit based upon the number of credits passed over 12 (e.g. registered for 13, passed 7 = 7/12). In no case may a student earn more than one semester of full-time residence credit during the academic semester.
 2. Two or more semesters of partial residency may be combined to constitute one semester of full residency. Students who enroll and receive credit for six or more credits in a summer program approved by the Associate Dean or his or her delegate may receive one-half a semester of residency.
- B. Eighty-nine semester credit hours earned.
- C. A cumulative grade point average of 2.00 or better in all work taken after the first semester of the first year.

- D. All required courses, seminars, workshops and practicums, as specified in the official Law School Catalog.
- E. In addition, a student must complete the requirements in subparagraphs A-D, above, within five years of admission to the School.
- F. All outstanding obligations to the law school and/or the University such as emergency student loans, parking fines and borrowed library books must be satisfied prior to graduation.

III. Special Projects

A. Special Projects defined.

Special Projects include externships, directed study, Law Review, Moot Court Team, and Moot Court Board, as well as graduate courses, seminars, etc. taken outside the School of Law at other departments at the University of Hawaii. Law courses (including summer courses) taken at other ABA-accredited law schools are not counted as Special Projects.

B. Restrictions.

1. No more than a combined total of 12 credits of Special Projects can be credited towards the requirements of the J.D. degree. For students pursuing a dual degree, a total of 17 credits of Special Projects can be credited.
2. Students on probation cannot enroll in Special Projects courses during their probation period.

C. Courses outside law school.

1. Students not pursuing a dual degree/certificate.

A student not pursuing a dual degree may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 3 hours of credit for the successful completion of a graduate level course taken outside the law school counted in the credit hours required for the J.D. degree.

2. Dual graduate degrees and graduate certificate programs.

Students properly enrolled in and concurrently pursuing our J.D. degree and another graduate degree or graduate certificate program in Gerontology, Resource Management or Ocean Policy may have, with the approval of the Associate Dean secured in advance of earning such outside credit, up to 10 hours of credit for the successful completion of work in the other graduate degree or certificate program counted in the credit hours required for the J.D. degree.

In those cases where the student completes the J.D. degree before the other graduate degree or certificate, the seven credits from that degree or certificate program will only be counted toward the J.D. degree if the student has made substantial progress toward the second degree or certificate program.

3. For advance approval of graduate courses the Associate Dean must be satisfied that the course(s) will prove useful and relevant to the student's professional legal education or law career and that the content is of a nature to justify its substitution for courses offered in the law school.
4. All graduate course(s) must be taken for a letter grade. A grade of "C" or better shall be counted as a "Credit" on the law school transcript and will not be computed by the law school in the cumulative grade point average.

D. Externships.

1. An externship is for two credits.
2. A student may only take two externships, moreover, only one externship may be taken in each of the following areas: law firm, public agency, judicial sector, or State Legislature.
3. Pacific Island externships are a special category of externships to which the two credit externship limit and the twelve credit Special Projects limit do not apply. A student may receive 14 credits and a full residency semester for work during the regular academic year in a Pacific Island country.
4. Only one externship will be permitted in any one semester.
5. Students on probation may not elect externships.

E. Directed Study.

1. Members of the full-time faculty are permitted to supervise up to three students each semester working on Directed Study, Law 576V, and either to give normal grades for these projects or to award "Credit/No Credit."
2. Such projects shall be limited to no more than three credits unless the faculty member supervising the project, on written petition setting forth the reasons, secures approval from the faculty to award more credit prior to the beginning of the semester in which the project is to be undertaken.
3. A decision whether the project shall receive a normal grade or "Credit/No Credit" shall be made by the supervising faculty member and entered into the student's record at the time of the regular registration period for the semester in which the project will be undertaken.

IV. Grades

- A. Subject to paragraph C, below, students will be graded in all academic work carried for credit in accordance with the following system:

| GRADES | GRADE POINTS |
|------------------|--------------|
| A - Excellent | 4 |
| B - Good | 3 |
| C - Satisfactory | 2 |
| D - Low Pass | 1 |
| F - No Credit | 0 |
| I - Incomplete | 0 |

Except that the work taken in the first semester of the first year, or the work taken in the semester(s) as a Pre-Admission student:

1. No grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.

2. Although students will be given "advisory" letter grades in the first semester or the Pre-Admission semester(s) the grades will not be used in determining a student's official University GPA except to improve a GPA for purposes of graduation, dismissal, probation and all extracurricular activities. But these "advisory letter grades will be used to decide if the student is eligible to continue in residence for the semester immediately following the first semester in the Pre-Admission semester(s). For Pre-Admission students matriculating after both semesters of the Pre-Admission Program, the grades for the Pre-Admission semesters are averaged.
3. The term "Credit" as it is used in paragraph A.1 shall show a performance of "D" or better.

- B. Grading norms for all courses except Legal Method Seminar, Appellate Advocacy I and Second-Year Seminar classes are set out below to afford each instructor a guide to institutional expectation while simultaneously permitting sufficient flexibility to allow for instructor variations and for variations in student performance in different courses. In the event of departure from the stated range the instructor will be expected to justify the departure on inquiry of the Dean or faculty.

| GRADES | RANGE |
|----------------------|----------|
| A - Excellent (4) | 0 - 15% |
| B - Good (3) | 25 - 45% |
| C - Satisfactory (2) | 40 - 65% |
| D - Low Pass (1) | 0 - 20% |
| F - No credit (0) | 0 - 10% |

- C. All courses and seminars taken outside the law school, including courses at other law schools, must be taken on a graded basis, but shall be entered as "Credit/No Credit" on the law school transcript. The "Credit" shall show a performance of "C" or better.
- D. All externships shall be graded on the basis of "Credit/No Credit." The term "Credit" shall show a performance of "C" or better.

- E. A course, seminar or workshop may be graded on the basis of "Credit"/"No Credit" with the permission of the faculty secured by the instructor in advance of the commencement of the semester in which the course is offered. The term "Credit" shall show a performance of "C" or better.
- F. Each law student may choose to take up to six semester hours (during the entire period of residency) of electives (that are normally graded) on a "Credit/No Credit" basis. "Credit" will be given to those students earning an equivalent of a "C" or better. "No Credit" will be given to those students earning the equivalent of a "D" or "F." No grade will be included in a student's grade point average when the "Credit/No Credit" option is picked nor is that student eligible for an award for the highest grade in that course. Students selecting this option must do so by the end of the add period for classes. Students are urged to be cautious in exercising this option and should consult with the Associate Dean before doing so.
- G. "No Credit" grades shall not count toward residency requirements and shall not count in the credit hours required for graduation.
- H. A faculty member has broad discretion in determining the factors (including but not limited to answers to examination, assigned written or oral work, class participation and special projects) to be considered in evaluating student performance, and in determining what weights are assigned to such factors in determining grades. Factors which do not bear reasonable relationship or relevance to the course's educational objectives, or that are not reasonably necessary or useful to achieve such objectives, should not be considered.

If an instructor intends to consider factors in addition to or substitution for a final written examination, he or she shall give written notice to the students while the factors to be considered and the relative weight to be assigned to such factors before the end of the first week of classes for that course in the semester in which the grade will be awarded.

V. Eligibility to Continue in Residence

- A. Students shall not be eligible to continue in residence beyond the end of any semester after which the student's cumulative average falls below 1.60.
- B. A student who is eligible to continue in residence but whose cumulative average at the end of any semester is less than 2.00 but greater than 1.59 shall be allowed to continue in residence but he or she shall be on probation. Unless such student maintains a 2.00 average on all work taken the next semester, during which he

- or she is on probation (including summer semester), he or she shall be ineligible to continue beyond the end of such semester.
- C. In computing a student's cumulative average at the end of any semester for purposes of paragraphs A and B, above, a grade of "Incomplete" shall not be considered.
- D. A student on probation may not stand for election or appointment to or continue to serve on a regular standing law school or University committee or represent the law school in any student competition such as Moot Court. Students on probation are also strongly urged not to seek or hold office in any student organization.
- E. A student on probation may not register for any Special Project as described in III, above.
- F. A student on probation shall not be eligible for client representation clinical programs that require certification as students in good standing under Hawaii Court Rule, e.g. Litigation Workshop.

VI. Passing Required Seminars and Workshops; Retaking of Courses

- A. Passing required courses, seminars and workshops.
- Students must earn a grade of "D" or better in all required courses, seminars and workshops. Students who earn an "F" in any part of a sequential course required in the First-Year (Contracts I & II, Civil Procedure I & II, and Torts I & II) must retake that part.
- B. Retaking of courses generally.
- A student otherwise eligible to continue in residence may retake any required or elective course in which he or she obtained the grade of "F", "D" or "No Credit." Each course may only be retaken once. Thus, if a student receives an "F" in a required course and, upon reenrollment, again earns an "F", the student may not reenroll a second time and must be dismissed from the law school as it is a requirement of graduation (see VI.A above) that a student receive a grade of "D" or better in each required course.
- Also, if a student initially took a course on a "Credit/No Credit" basis, the course must be retaken on the same basis. Also, if the course was originally taken for a letter grade, the course must be retaken on the same basis.

1. Treatment of grades earned upon retake.

The grade earned upon retake replaces the original grade for all purposes (eg. computation of cumulative and semester GPA, graduation, continuing in residence, etc.) even if this new grade is lower than the original grade. Thus if a student retakes a course in which he or she had previously earned a "D" and earns an "F", the new "F" grade replaces the original "D" grade for all purposes.

But if the new grade is an "A" or a "B", a grade of "C" shall be entered on the student's law school records rather than the higher grade and this new grade of "C" shall be used for all purposes.

2. Treatment of credits earned upon retake.

In situations where the number of credits for the retaken course differs from those of the original course, the credits for the retaken course shall replace the original credits for all purposes.

VII. Due Date for Written Work

In all work in which the grade depends in whole or in part upon a written paper or papers, the paper(s) must be presented to the instructor on or before the final day of the examination period for the semester in which the work is taken, or at such earlier time as is required by the instructor. Extension of time may be granted at the instructor's discretion upon adequate cause shown, if any extension is arranged for before the due date. An instructor will not be required to accept a paper for credit in any case of failure to comply with this provision.

VIII. Auditing

Auditing is permitted with the permission of the professor. Only second- and third-year students may register to audit courses. Audited courses do not appear on transcripts and do not count toward graduation requirements or residency.

IX. Readmission

A student whom for academic reasons is ineligible to continue in residence may petition the Law School Petitions Committee in writing for a waiver of the rules applicable to his or her case and seek immediate readmission. The Petitions Committee will evaluate such petitions according to the academic standards governing the law school and will act favorably

on such petitions only if the petitioner can prove that he or she was subject to extraordinary circumstances and that the petitioner has a strong likelihood of completing the law school program and becoming a competent attorney. It is understood in this procedure that the overwhelming majority of such petitions will be denied.

Favorable action by the Petitions Committee is a final decision on the petition. Unfavorable action may be appealed to the full faculty by the petitioner. Under such circumstances, the full faculty will have the authority to review the decision and make a de novo determination.

A petitioner has the right to appear in person before the Petitions Committee and may bring an associate to help in the advocacy of the petition. If an unfavorable decision by the Petitions Committee is appealed to the full faculty, the petitioner may appear (with an associate advocate) at the discretion of the full faculty. The decision by the full faculty is final within the University.

Petitions to the Petitions Committee must be submitted in writing through the Associate Dean. To be considered for readmission, the petitioner must submit the petition at least two calendar weeks before to the beginning of the semester following the dismissal or at such earlier or later time as the Associate Dean may designate in writing to the potential petitioner. Failure to petition at this time constitutes a waiver of the right to petition.

X. Examinations

A. A student who is enrolled in a course in which an examination or examinations are given will be required to take said examination(s) at its or their regularly scheduled time and place. Failure to hand in an examination paper will result in the award of an "F" grade for courses taken for a grade or in the award of "No Credit" for courses taken on a "Credit/No Credit" basis.

Exceptions to this provision may be granted only for medically certified disabilities or verified emergencies beyond the student's control that substantially impair the student's ability to do the examination at the scheduled time, provided that to the extent practicable, the student obtains prior approval from the Dean or the Associate Dean and the professor whose examination is being given and provided further that, to the extent practicable, the rescheduled examination be given after the time of the regularly scheduled examination.

B. Final examinations will be graded anonymously. The system by which this is done will be designed by the administration and from time to time reviewed by the faculty.

C. Examination procedures as established by the Assistant Dean are incorporated by reference.

XI. Procedures for Review of Final Grades

- A. Each instructor will, on request, discuss the final grade assigned to the work of any student in the instructor's course, seminar, or practicum.
- B. If, after the review provided in paragraph A, above, the student believes that his or her grade was the product of an abuse of professorial discretion, amounting to arbitrariness, bias or other serious unfairness, the student may use the law school's Academic Grievance Procedures to seek a change in the grade.
- C. If the professor believes the grade was the result of a mathematical error in computing the grade, the professor may circulate a memorandum to the faculty, explaining the circumstances of the error and requesting approval to change the grade. A grade may not be changed based upon a reevaluation of a student's work.

XII. Policy for Student Review of Examination Papers

Examination papers are an important element of law school pedagogy. Examination papers should be made available for students to review either at the professor's office, the faculty secretaries' office or temporarily released to the student for xeroxing and return. All exams must be held for one year pursuant to ABA and University policy.

It is left to the individual faculty member's discretion to devise a system of grading examination papers. Should the system involve making scoring notations on the examination paper itself, faculty members are strongly urged to devise a notation method that protects against the remote possibility of subsequent alteration.

For example, a method in which the professor marks down all points earned in light pencil could be taken advantage of by someone slightly altering one or more point notations and then claiming that the professor had made a mathematical error in computing the point notations. Such a situation could be avoided by not making point notations on the examination paper, by keeping a separate tally sheet, or by using a pen.

XIII. Summer School

Any student in good standing (i.e., not on probation or dismissed) may enroll in law courses at any ABA approved summer program with the prior written approval of the Associate Dean.

Such courses must be taken for a letter grade. For any course in which the student earns a "C" or better, the credits will be accepted toward the student's graduation requirement.

But that grade will be counted only as a "Credit" in computing the law school cumulative grade point average.

XIV. Transfer Students

Transfer students may transfer up to 44 credits from their prior law school. The Associate Dean shall determine which courses will be accepted and the number of credits to be transferred. In making this determination, if the credits earned at the other law school for a particular course are more than the credits that could be earned here, the student may only receive the credits that would have been earned at our law school. The student's prior cumulative grade point average may not be used in computing the student's law school cumulative grade point average for any purpose including graduation and eligibility to continue in residence. A grade of "Credit" will be used for all transferred credits.

XV. Part-time Employment

The law school curriculum and schedule have been planned to engage law students in the study of law on a full-time basis. A "full-time student" is one who devotes mostly all his or her working hours to the study of law. Pre-admission and first-year students are not permitted to take part-time employment. Outside employment or other activities may seriously lower the educational value of the law school program.

In certain circumstances, second- and third-year students who have strong academic records may find part-time employment compatible with their legal studies, e.g., by clerking at a law firm. In no event should this exceed 20 hours weekly.

Students are reminded that academic standards of the School of Law are not altered to take into account demands imposed by outside employment.

The law school's Student Placement Office provides information about part-time legal work and the University maintains information about other jobs.

XVI. Requirements of Regular and Punctual Attendance

Full-time study shall mean registration for a minimum of 12 credit hours of study per semester, plus regular and punctual attendance at scheduled class meetings. The latter requirement is based on the premise that the instructional program can only realize its full potential with active participation by all members of the law school community.

Subject to limitations imposed by accrediting institutions of the University of Hawaii, the faculty may permit exceptions to certain of the above requirements in individual cases for reason of illness, family emergency, or the like.

Students not meeting the requirement of regular and punctual attendance may be subject to disciplinary action including dismissal from the course, a substantial grade reduction or receiving a failing grade for the course.

XVII. Course Load

A normal semester course load is 14 to 16 credit hours. Students who wish to register for more than 17 or fewer than 12 credit hours per semester must first obtain the written approval of the Associate Dean.

XVIII. Withdrawal from Courses

During the law school's drop/add period, students may freely withdraw from any elective course, assuming they would still be in residence full-time (see II.A.1.). From that time until the date set by the University as the last day for restricted withdrawal, a student must have the Associate Dean's written permission to withdraw. After that day, no withdrawals are permitted except under unusual circumstances beyond the student's control. Withdrawal from required courses (i.e., all first year courses, Constitutional Law I and Second-Year Seminar) is only allowed under extraordinary circumstances.

XIX. Leave of Absence

A student who has completed the first year of law school may request a one to two semester leave of absence. The request should be in writing to the Associate Dean and state the reason(s) for the request.

If a student on a leave of absence fails to return at the end of the leave of absence, the student will be withdrawn from the J.D. program. Should that student wish to resume law study, the student will have to reapply to enter as a first-year student and none of the previously completed courses may be counted towards the J.D. degree.

X. Application and Amendment of Regulations

Amendments to these regulations may be adopted by the faculty from time to time and shall be binding at its discretion on all students from the date of adoption; provided, however, that no such amendment shall apply to the prejudice of any student enrolled in the school at the time of adoption as to credit and cumulative average requirements for graduation.

XXI. Appeal

Any decision made by the Dean, or his/her designate, pursuant to these regulations may be appealed to the full faculty by submitting a written petition to the Associate Dean at least five days before the next regularly scheduled faculty meeting. The petitioner may, at the discretion of the faculty, appear briefly at the faculty meeting.

XXII. Privacy Rights

Pursuant to Section 99.6 of the rules and regulations governing the *Family Educational Rights and Privacy Act of 1974* (hereinafter the Act), students in attendance at the campuses of the University of Hawaii are hereby notified of the following:

1. It is the administrative policy of the University of Hawaii to subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of Public Law 90-247 as amended, and to the rules and regulations governing the Act, which protect the privacy rights of the students:
2. The rights of students under the Act include the following, subject to conditions and limitations specified in the Act:
 - (a) The right to inspect and review education records.
 - (b) The right to request to amend educational records.
 - (c) The right of protection from disclosure by the University of Hawaii personally identifiable information contained in education records without permission of the student involved.
 - (d) The right to waive certain rights under the Act.
 - (e) The right to file complaints concerning alleged failure by the University of Hawaii to comply with the Act.

3. Students are advised that institutional policy and procedures required under the Act have been published as Administrative Procedure A7.022, Procedures Relating to the Protection of the Educational Rights and Privacy of students. Copies of APA7.022 may be obtained from the Office of the Dean of Students.

4. Directory Information

Students are advised that certain personally identifiable information is considered by the university to be directory information and, in response to public inquiry, may be disclosed in conformance with state law, at the university's discretion, without prior consent of the student unless the student requests that the university not disclose such information.

- (a) Name of student.
- (b) Local address and zip code maintained in the campus locator printout.
- (c) Local telephone number maintained in the campus locator printout.
- (d) Major field of study.
- (e) Education level (e.g., freshman, sophomore, etc.)
- (f) Fact of participation in the officially recognized activities and sports.
- (g) Weight and height of members of athletic teams.
- (h) Degrees and awards received.

A student has the right to request that any or all of the above items not be designated directory information with respect to that student. Should a student wish to exercise this right, he or she must in person and in writing, not earlier than the first day of instruction, nor later than fourteen calendar days from the first day of instruction for the academic term or semester, or the fourth day of a summer session, inform the campus registrar which of the above items are not to be disclosed without the consent of that student.

5. A parent or spouse of a student is advised that information contained in educational records, except as may be determined to be directory information, will not be disclosed to him/her without the prior written consent of the son, daughter, or spouse.

UNIVERSITY OF HAWAI'I AT MĀNOA
WILLIAM S. RICHARDSON SCHOOL OF LAW

ACADEMIC REGULATIONS FOR
PRE-ADMISSION TO LAW SCHOOL PROGRAM

(Revised July 1991)

The Academic Regulations for the University of Hawai'i at Mānoa William S. Richardson School of Law apply to all Pre-Admission students and are incorporated herein by reference. The provisions below are specifically for students in the Pre-Admission Program. In the event of a conflict between the two sets of academic regulations, the provisions specifically adopted for the Pre-Admission Program shall control.

I. Status of Pre-Admission Students

- A. Pre-Admission students are enrolled as unclassified graduate students. Upon admission to the law school they are enrolled as classified law students.

II. Requirements for Admission to the William S. Richardson School of Law

A. Required courses.

1. Regular first-year courses.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Fall semester:

- Law 509: Contracts I - 3 cr.
- Law 516: Civil Procedure I - 3 cr.

Each Pre-Admission student shall enroll in the following regular first-year courses in the Spring semester:

- Law 506: Legal Bibliography - 1 cr.
- Law 510: Contracts II - 3 cr.
- Law 517: Civil Procedure II - 3 cr.

2. Pre-Admission Seminar.

Each Pre-Admission student also shall enroll in the Pre-Admission Seminar in each semester (Law 501 in the Fall - 4 cr.; Law 502 in the Spring - 4 cr.).

3. Tutorials.

In addition, each Pre-Admission student shall enroll in Law 516L (Civil Procedure Tutorial - 1 cr.) and Law 509L (Contracts Tutorial - 1 cr.) during the Fall semester, and Law 517L (Civil Procedure Tutorial - 1 cr.) and Law 510L (Contracts Tutorial - 1 cr.) during the Spring semester.

B. Grading.

1. Pre-Admission students will be tested and graded with regular first-year students, and on the same basis, in those first-year courses in which they are enrolled during their Pre-Admission semester(s).

a. For these courses no grade information other than "Credit" or "No Credit" shall be reported to anyone other than the student and employees of the law school acting in an official capacity.

b. Although students will be given advisory letter grades in these courses, the grades will not be used in determining a student's official GPA after the student is admitted to the law school, except to improve a GPA for purposes of graduation, dismissal, probation and all extracurricular activities. For Pre-Admission students being admitted after both semesters of the Pre-Admission Program, the grades for the Pre-Admission semesters are averaged.

c. The term "Credit" as it is used in this section shall show a performance of "D" or better.

2. The Pre-Admission Seminar and Tutorials shall be graded "Credit" or "No Credit" and without advisory letter grades. "Credit" shall be awarded to students who:

a. Regularly and punctually attend Pre-Admission Seminar and Tutorial meetings, and

(1) Absences shall not exceed a total of three per semester for each of these three courses. Additional absences may be permitted by the Associate Dean, but only for reasons of compelling health or other personal emergencies. Documentation may be required.

b. Substantially comply with all requirements, assignments, reassignments, and deadlines established by the Seminar Leader and the Tutorial Leaders.

3. A Pre-Admission student may not take an "I" (Incomplete) grade in any course or seminar. A grade of "F" shall be entered in the event a student fails to sit for an examination or fails to meet the requirements of B.2, above.

C. Standards for continuing in residency and admission to the School of Law.

1. Early Admission.

a. A student who achieves a "Credit" in the Pre-Admission Seminar and Tutorials and a GPA of 2.60 or better in the Pre-Admission Fall semester shall be admitted as a classified law student for the Spring semester.

2. Continuing in the Pre-Admission Program.

a. Pre-Admission students must achieve a GPA of 1.00 or better in all regular course work taken in the first Pre-Admission semester and must receive "Credit" for the Pre-Admission Seminar and Tutorials to be admitted to their Pre-Admission second semester.

3. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:

a. Receives a GPA of 2.00 or better for all course work taken in the Pre-Admission Spring semester, or

b. Receives a cumulative GPA of 2.00 or better for all course work taken in the two Pre-Admission semesters

shall be admitted as a classified law student effective the following Fall semester.

4. Admission on Probation.

a. A student who achieves a "Credit" for the Pre-Admission Seminar and the Tutorials in both semesters, and who:

- b. Receives a GPA between 1.60 and 1.99 for all course work taken in the second Pre-Admission semester, or
- c. Receives a cumulative GPA between 1.60 and 1.99 for all course work taken in the two Pre-Admission semesters

shall be admitted on probation as a classified law student effective the following Fall semester.

5. Dismissal from the Pre-Admission Program.

- a. A student who fails to meet the requirement for continuing on for the second Pre-Admission semester (C.2 above) shall be dismissed from the Pre-Admission program.
- b. A student who fails to meet the requirements for admission after the two Pre-Admission semesters (C.3 or 4 above), shall not be admitted to the School of Law.

II. Post Matriculation

A. Students admitted to the School of Law after one or two Pre-Admission semester(s):

- 1. Shall have only the regular first-year law school courses taken during the Pre-Admission semester(s) count toward their graduation requirements.
- 2. Must retake any regular law course taken during their Pre-Admission year in which they received an "F" and earn at least a "D" for that course upon retake. The retaking of courses after admission is governed by Section VI of the law school Academic Regulations.
- 3. Shall enroll in all first-year courses and seminars not taken during the Pre-Admission semester(s). However, Pre-Admission students admitted after only the first Pre-Admission semester may not take the second semester of any of the first year sequential courses (i.e. Torts II or Appellate Advocacy) immediately upon admission to the School of Law.
- 4. May take, with the consent of the Associate Dean, upper division law courses in any semester in which such student is also completing regular

first-year requirements. It is strongly recommended that a matriculated Pre-Admission student take no more than 12 credits for the first semester after matriculation.

B. Residency.

- 1. The Pre-Admission semester(s) shall not count toward the graduation requirement of six semesters in residence. The 5-year period within which a student must complete law studies commences with the first semester as a classified law student.

C. Probation.

- 1. A former Pre-Admission student admitted to the regular first-year class on probation must earn at least a 1.75 GPA in the first semester following admission of the first year to continue in residence. For each semester after that the student remains on probation, he/she must earn at least a 2.0 GPA.



University of Hawaii at Manoa

The William S. Richardson School of Law
2515 Dole Street • Honolulu, Hawaii 96822

MEMORANDUM

October 26, 1992

TO: Law Students and Faculty

FROM: Joanne Punu

Attached for your information and reference are the updated policies and procedures pertaining to the administration of law school exams.

Please read these carefully and retain for future reference.

JKP:rm

attachment

WILLIAM S. RICHARDSON SCHOOL OF LAW
POLICIES AND PROCEDURES FOR EXAMINATIONS
(Revised 10/92)

The policies and procedures for examinations are set forth below to provide each law instructor and student with a guide to the norms of the William S. Richardson School of Law.

Unless the instructor specifically directs that the examination may be written outside the physical confines of the Law School, these provisions on examinations will apply.

BEFORE THE EXAM

- About one week prior to the commencement of final exams, each student must obtain an identification (ID) number from the Student Services front desk. Students will be given *one* ID number *per semester* to be used on all *final* exams for that semester. (A separate number will be issued each semester for those classes having midterm exams.) Students should assure that the ID number will be easily available for each examination. Since ID numbers assure an anonymous grading system, please guard your number as appropriate.
- Each student is charged with the responsibility for noting the exact date, time and room for each and every examination which he or she is required to take. Such detailed information will be contained in the "Final Exams Schedule" that will be distributed and posted on the official bulletin board a few weeks before final exams commence.

THE DAY OF THE EXAM

- Students writing their exams should proceed to the designated room(s); typists will be assigned separate room(s). Students *must* be seated *15 minutes before* the examination commences, with *no less than one seat space* (approximately 3 feet) between students.
- Faculty may not proctor their own examinations. However, the instructor of the course should be available in his/her office during the hours of the exam to respond to questions about the examination. If the course instructor cannot be available, he/she should ask another member of the faculty or staff to be available for questions regarding the exam. Responses to individual questions which might affect the grading of the examination will, as much as possible, be announced to the entire group taking the exam.

- *Any books, notes or other course-related materials not authorized for use during the examination may not be brought into the exam room.*
- There will be a proctor present or nearby throughout each examination.
- Students *writing* their exams will initially receive two official blue books from the proctor. Extra blue books will be provided as needed.
- Students must supply their own pens. Unless instructed otherwise, write with a blue or black ink pen--*on every other line, on one side of each page*. Do not write in the margin on the left side of the page.
- Students *typing* their exams will be supplied with colored typing paper for each exam. Only the paper issued for that exam will be accepted. Each person must supply his/her own typewriter, extension cord, extra ribbon cartridges, etc. *Word processors and electronic typewriters with more than one line of memory are prohibited.* This will be strictly enforced. If a student's typewriter malfunctions during the exam, the student should inform the proctor and resume answering the examination in blue books in the *writing room*.
- After blue books have been issued and exam announcements made, the proctor will start the exam. The instructor is responsible for issuing explicit written instructions relating to every exam whether the exam is given outside or within the Law School.
- When time is called at the end of the exam, stop writing or typing *immediately!* A proctor who has reasonable cause to believe that a violation of examination rules, procedures or standards has occurred will, in writing:
 - a. Describe the occurrence, ask for and note the student's name and examination number, and;
 - b. Submit the above in writing along with his/her (the proctor's) name to the Law School Assistant Dean.
- Upon completion of the exam:
 - a. (FOR THOSE WRITING): The student's ID number should be on all blue books and all should be numbered, i.e., 1 of 3, 2 of 3, 3 of 3. Insert all books *and the exam question* into the manila envelope provided. Seal the envelope and write your exam number across the seal. *Return any unused blue books to the proctor.*

- b. (FOR TYPISTS): The ID number should be on each typed page; each page should be numbered together with the total number of pages--for example: 1 of 10, 2 of 10, 3 of 10, etc. Typists should see the proctor to have pages stapled together. Typists must also turn in the exam question. Place typing papers and exam question in the manila envelope, seal and place exam number across the seal.
 - c. *Be sure to turn in all materials containing answers.* It is the students' responsibility to insure that all materials (such as blue books, typing paper, answer sheets, etc.) intended to be graded are submitted to the proctor in the sealed envelope. Credit will be given *only* to such materials.
 - d. *Sign the class list.* This is important as it serves as proof of a student's presence during the exam.
- Students should gather their papers *QUIETLY* so as not to disturb others. Once out of the room, please be quiet as students may be taking exams in adjacent rooms.
 - Students may leave the exam room to go to the restrooms or to take a break. However, during such a break, students should not talk to anyone. ***THERE WILL BE ABSOLUTELY NO SMOKING, NO DRINKING OF BEVERAGES OR CONSUMPTION OF FOOD IN THE EXAM ROOMS.***

AFTER THE EXAM

- Students should not discuss the contents of examinations until grades are posted. This is necessary to assure the security of the exam in the event that someone is unable to take the exam at the scheduled time.
- Under no circumstances should students identify themselves or their matching exam numbers to the professor (this applies to the exam paper itself, as well as before, during or after the examination). References or notations on the exam which the professor may recognize as coming from a certain student should be studiously avoided. Students should not discuss their examination with the professor *until grades have been posted.*
- Students should contact the Assistant Dean immediately regarding concerns about anonymity, transposed or forgotten exam numbers, etc.
- Students should not attempt to calculate other students' GPAs from the posted grades, nor should students attempt to identify from posted grades who might have earned which grade.

POSTING OF GRADES/LOST EXAM NUMBERS

- Results of examinations will be posted on the Student Services bulletin board by ID number. Grades are due about one month after the last exam, although some grades will be posted sooner.
- The Student Services Office *will not give out ID numbers or exam results to students who have lost or misplaced their ID number*. In such cases, the student must wait until grade reports are issued to all students after all exam results for the semester have been posted. Grade reports are mailed about six weeks after the last exam.
- Students may request that their results not be posted on the bulletin board. However, non-posting will apply to *all* results for that student for that semester. The Student Services Office will not give out exam results to students who have requested non-posting. In such cases, students must wait until grade reports are issued to all students after all exam results for the semester have been posted.

Students who do not wish to have their grades posted are reminded to tell the Student Services Office of their wishes before the exam period *each* semester.

FINAL EXAM RESCHEDULING (MAKE-UP)

- Students should check the final exam schedule before registering for courses. Rescheduling will not be permitted if a student has two exams on the same day or on successive days.
- Exceptions to the provision requiring that all exams be taken at the scheduled time will be allowed *only* for medically certified disabilities or verified emergencies beyond the student's control which substantially impair the student's ability to perform on the exam at the scheduled time.

To the extent practicable, the student must obtain prior approval for the rescheduling *from the Associate Dean*. The Associate Dean will then discuss the student's situation anonymously with the professor whose exam is being given. *Students should not discuss the need for rescheduling directly with the professor concerned as this breaches anonymity*. The rescheduled exam should be given after the time of the regularly scheduled exam, on a date to be determined by the Associate Dean and instructor.

Requests for rescheduling or extra test time will not be granted for such excuses as studying for the wrong exam, oversleeping, tardiness, forgetfulness, car trouble, traffic congestion, etc.