

# RULE VI: ACADEMIC STANDING AND REVIEW

## A. Academic Eligibility to Continue as a Degree Candidate

1. A student who at the end of any semester or term:
  - a. Has achieved a cumulative grade average of below 2.0;
  - b. Has failed timely to satisfy course requirements prescribed for a student in the student's class year; or
  - c. Has earned 60% or more of semester or term credits below C minus, may not continue as a candidate for the Juris Doctor degree, except under terms established by the Committee for Academic Standing (CASS)

During this period and during any probationary or suspension period, the student is considered **not in good academic standing**. If the student fails to meet the terms established by CASS, the student is ineligible for the Juris Doctor degree.

1. A student who at the end of the second year has not offset any credits below C minus with the same number of credits at B minus or above, is under CASS's jurisdiction and must comply with CASS's rules.
2. A student who at the end of any semester or term has failed to satisfy CASS's terms of probation is automatically dismissed from UNH Franklin Pierce School of Law (UNH Law) as of the end of that semester or term without any further action by UNH Law. That student shall not continue as a UNH Law student or auditor unless readmitted through CASS as authorized solely by Rule VI (L). A student automatically dismissed from any program at UNH Law is automatically dismissed from all degree programs at UNH Law.

## B. Academic Eligibility to Continue as a JD Degree Candidate with Early Intervention Status

1. A JD student who at the end of any semester:
  - a. Has achieved a cumulative grade average at or above 2.0 but less than 2.5 or has been designated by the Associate Dean for Academic Affairs under Rule VI (C)(3); and
  - b. Has not been brought within the jurisdiction of Committee on Academic Standing & Success (CASS) through Rule VI(A) is identified as in need of "early intervention" and becomes subject to CASS jurisdiction.
2. A JD student on "early intervention status" must
  - a. Meet with the Director of the Academic Success Program (ASP) or the Director's designee to develop a written action plan for strengthening essential skills necessary for improved academic performance and bar exam readiness. This meeting will include, if possible, the student's faculty advisor and a member of CASS. The student's plan may include—but is not limited to—engaging in essential skills self-assessments, implementing new study routines and methods, or doing individual skills-building work sessions with ASP.
  - b. Meet with the Director of the Academic Success Program or the Director's designee to discuss course selection prior to priority

registration week for the next semester, unless the student is in their first semester or final semester.

3. A student on "early intervention status" at the end of any semester other than the first semester and the student's final semester must also take and pass (with a grade of a C or above) one "essential skills" approved class in the next semester following the student's being placed on "early intervention" status. "Essential skills" classes are those indicated as such each semester by ASP in consultation with the Curriculum Committee.
4. A student who fulfills the relevant requirements of (2) and (3) above in the semester in which the student is identified as in need of "early intervention" is released from "early intervention" jurisdiction and shall only be returned to CASS jurisdiction under Rule VI(A). A student who does not fulfill the relevant requirements within one semester shall remain on "early intervention" status until the student completes the requirements.
5. A student who is placed on "early intervention status" at the end of the first semester of the first year and achieves a cumulative grade point average at or above 2.0 but less than 2.5 at the end of the second semester of the first year shall continue to be on "early intervention status" at the end of the second semester of the first year until the student completes the "essential skills" class requirement under Rule VI(B)(3).
6. "Early intervention" status shall not be designated on student transcripts.
7. A student under CASS jurisdiction under Rule VI.A who fulfills their terms of probation at the end of any semester but who has a cumulative GPA between 2.0 and 2.5 is on early intervention status. The student must still meet with ASP and develop a written action plan under rule VI.B.2 and take an essential skills course as required by VI.B.3. However, if the student successfully completed an essential skills course with a grade of C or above while on CASS jurisdiction under Rule VI.A, the student is not required to take a second essential skills class but must consult with ASP about course selection.

## C. Review of Student Standing for Mandatory ASP Meeting

1. A student who at the end of any semester:
  - a. Has a ranking in the bottom quartile of the class; and
  - b. Is not under CASS jurisdiction under Rules VI(A) or (B), shall meet with the Director of the Academic Success Program or the Director's designee to develop a written action plan for strengthening essential skills necessary for improved academic performance and bar exam readiness. This meeting will include, if possible, the student's faculty advisor and a member of CASS. The action plan may include—but is not limited to—engaging in essential skills self-assessments, implementing new study routines and methods, or doing individual skills-building work sessions with ASP.
2. A first-year student who after midterm examinations during the first semester has demonstrated serious weakness on any midterm or midterm assessment equivalent—for example, a grade of C- or below on a midterm—shall meet with the Director of the Academic Success Program or the Director's designee and if possible, with the student's faculty advisor to develop an action plan for strengthening essential skills necessary for improved academic performance and bar exam readiness. The action plan may include—but is not limited to—engaging in essential skills self-assessments, implementing new

study routines and methods, or doing individual skills-building work sessions with ASP.

- ASP will notify the Associate Dean for Academic Affairs, or their designee, of any student who fails to complete the required meeting under Rule VI(C) in a timely and good faith fashion. The Associate Dean, or their designee, will contact such students to give them a reasonable time to complete this requirement. Students who do not complete the requirement during this time must meet with the Associate Dean to assess their cultivation of personal responsibility for their academic development. The Associate Dean may place students who fail to have this meeting on early intervention status under Rule VI(B).
- Required meetings with ASP under Rule VI(C) shall not be designated on student transcripts.

## D. Identification of Student

(adopted by faculty 4/17/2014)

The Assistant Dean of Students in cooperation with the Registrar's Office shall, at the end of each semester, identify any student ineligible under the standards in Rule VI(A) to continue as a degree candidate.

The Director of Academic Success or the Director's designee in cooperation with the Registrar's Office shall, at the end of each semester and after midterms for first-year students, identify and contact (1) any student who meets the criteria of Rule VI(B) for early intervention and (2) any student who meets the criteria of Rule VI(C) for a mandatory meeting with Academic Success.

## E. Advice of Rights and Obligations

In each meeting held after a student's response to the request for it, the Assistant Dean for Students shall:

- Assure an understanding of the student's rights and obligations;
- Assure an understanding that the student must take the initiative and responsibility both to assess the causes of deficient performance and to develop a plan to overcome the deficiency; and
- Make suggestions for or help arrange such therapy or other assistance as the student may reasonably request.

## F. Submission of Plan

The student must present a written plan for overcoming deficiencies to CASS before the deadline set by CASS. The Assistant Dean for Students shall investigate any instance of failure of a student to present a plan and shall advise the student about the consequences of such failure. The Assistant Dean for Students shall forward to CASS a statement indicating that such advice was given.

CASS may request that a student, in addition to submitting a written plan, appear before CASS to discuss the student's academic difficulty and the student's plan for rehabilitation.

A student may bring their faculty advisor or other members of the staff or faculty whom the student selects. The invited member of the staff or faculty is invited to be present to support the student, but not to speak or advocate on the student's behalf. A student shall not be disadvantaged by not bringing a member of the staff or faculty to their meeting before CASS.

Where suspension or dismissal is a likely outcome, CASS should communicate with the student, and individual CASS members should

refrain from communicating or meeting separately with the student. If a student believes that a particular member of CASS cannot objectively review that student's plan, the student may make a written request that the CASS member be recused from this deliberation. The written request must state the grounds for the belief that the CASS member is unable to be objective. The fact that the student received a low and/or failing grade from the CASS member, standing alone, is not grounds for recusal.

## G. Committee Review of Plan

CASS shall review each student's case to determine the probability of academic rehabilitation. CASS's concern is whether the student has obtained or will shortly obtain the academic knowledge and skills that UNH Law's curriculum is meant to impart. CASS's review and determination shall rest on two bases: an assessment of the student's abilities and an assessment of the feasibility of the student's plan.

The assessments may be based on such factors as CASS finds relevant, including but not limited to:

- The student's admissions record, including undergraduate and graduate school grades;
- Law school grades;
- LSAT, GRE or other relevant score;
- Written or oral faculty reports explaining a particular grade in a course or other academic work done by the student. Such written or oral reports may be requested from any relevant faculty member, including Committee members;
- Legal Residency evaluation;
- Results of outside testing undergone by the student;
- Evaluations of UNH Law essay and objective tests taken by the student. Such evaluations may be done by faculty members or other persons approved by CASS.
- The acceptability or feasibility of the student's plan as measured by:
  - The extent to which the plan accurately assesses the causes of the academic deficiencies;
  - The likelihood of the student's ability to meet the goals in the plan in light of the student's past performance and abilities;
  - The extent to which the student's attitude toward and motivation for rehabilitation make it likely that the student will successfully complete their plan. Included in this appraisal is the student's demonstration of attitude, effectiveness, self-reliance, and motivation as those qualities relate to academic performance.

The basis for CASS's review and decision shall be the academic performance of the student and the factors related to academic performance. CASS's determination of the probability of the student's rehabilitation shall not be based solely on issues of character and shall not anticipate a student's future conduct as an attorney. Issues of character are relevant only to the extent they bear directly on a student's ability to successfully complete UNH Law's course of instruction.

## H. Status of Student Pending Decision of the Committee on Academic Standing and Success

In the semester following a semester in which academic performance has put a student in academic difficulty, the student enrolls in or continues in classes at the student's own risk while awaiting a dispositive decision of CASS, the Appeals Panel, or the faculty concerning the right to continue as a student. The student may not enroll in classes, continue

to attend or participate in them, take final exams, or submit other required or optional work products following a dispositive decision that denies the student the right to continue. The student will be credited for the tuition charged for the uncompleted semester. Provided however, that a student who has been automatically dismissed under Rule VI(A)(3) may not attend class or take any other action toward satisfaction of the J.D. degree without resolution of the student's appeal, if any, to the Appeals Panel under Rule VI(I) (2).

## I. Disposition of Case

1. Following its review of the student's abilities and the feasibility of the student's plan, CASS shall:
  - a. Place the student on probation as a degree candidate; or
  - b. Suspend the student for a period of time, advising the student to resubmit a plan in the future upon the occurrence of specified conditions, if any; or
  - c. Dismiss the student from UNH Law. (Students automatically dismissed under VI-(A)(3) may not present a plan to CASS.)
2. If, based on its review of the student's abilities and the feasibility of the student's plan, CASS does not find that rehabilitation is probable, CASS may suspend or dismiss the student even though:
  - a. The student has not previously been before CASS or
  - b. The student has failed to submit a plan or has submitted an erroneous, incomplete, inaccurate, untimely, or otherwise inadequate plan where an adequate plan might have resulted in a decision less unfavorable to the student.
3. CASS's probationary conditions may include but are not limited to:
  - a. A limitation on the maximum or minimum credits in which the student may enroll;
  - b. A specification of curriculum offerings or types of offerings in which the student may enroll, including the requirement of exam and exam-only courses;
  - c. A requirement of attaining a specified grade in indicated credit offerings undertaken or in all work undertaken for credit in a semester. As a demonstration of academic ability, CASS may require that a student obtain more than a 2.0 for a given course or combination of courses. This requirement may exceed any of the degree eligibility requirements specified in Rule I(B) (2), where appropriate, to adjust for noncomparability.
  - d. A limitation on extracurricular activities;
  - e. A requirement that specified deficiencies be remedied through special resources and evaluation either inside or outside UNH Law.
4. A decision to dismiss a student shall be based on finding the student:
  - a. Lacks the abilities to complete the degree program; and/or
  - b. Has failed to satisfy terms of probation; and/or
  - c. Has failed to present a plan or has failed to present a feasible plan to CASS under the criteria in Rule VI(G)(8).

## J. Committee Findings

1. In each case, CASS shall clearly indicate by notice in writing to the student, the Assistant Dean for Students, and the Registrar, its finding of substantial facts, conclusions, and decisions. Students who have been placed on probation, suspended, dismissed or who have been denied readmission, following dismissal, have a right to appeal CASS's decision. CASS's notice shall state the time period within which the student may appeal CASS's decision.

2. Appeals from findings of probation and terms of probation or from an automatic dismissal under Rule VI(A)(3) may only be taken to the Appeals Panel, comprised of three (3) full-time faculty members appointed by the Dean.

Appeals from findings of suspension or dismissal or denials of readmission may, at the student's option, be taken to either the faculty or the Appeals Panel.

Decisions of the Appeals Panel or the faculty are final and may not be further appealed.

3. Members of CASS shall not participate in the consideration of any appeal. However, CASS may submit orally or in writing to the faculty or the Appeals Panel and to the student, an explanation of its decision that supplements the content of its written notice.
4. The appeal shall be conducted in accordance with the Rules of Procedure for Appeals From Decisions of the Committee on Academic Standing and Success set out in Rule VII.

## K. Continuation Beyond the Semester When the Student Would be Graduated

1. A student who violates Rule VI(A), after completing six (6) semesters of full-time study (or its equivalent) is ineligible to continue at UNH Law until the student has filed a plan under Rule VI(F), and CASS has approved the readmission of the student. The student must file a petition for readmission within thirty (30) days after receiving a notice under Rule VI(D).
2. CASS shall assess the plan submitted by a student covered by Rule VI(K)(1) by the standards identified in Rule VI(G) and Rule VI (I).
3. In no event shall CASS permit a student more than two (2) semesters to cure deficiencies in the student's academic record. In most cases the academic work required of a student covered by Rule VI(K) (1) should be performed at UNH Law; however, CASS may permit exceptions to this policy in appropriate cases.
4. A student who is readmitted under Rule VI(K) and who fails to satisfy the terms of the readmission established by CASS shall be dismissed from UNH Law.
5. Notwithstanding the other provisions of this section, CASS may, without a formal notice or plan, consider whether the deficiencies of a student coming within its jurisdiction at the end of the sixth semester are insubstantial and ought to be waived. If CASS so chooses and finds that the deficiencies are neither evidence of substantial academic deficiency nor the result of culpable neglect, it may recommend to the faculty that deficiencies be waived, either completely or on conditions. Otherwise such a student shall be treated as any other student within CASS jurisdiction.

## L. Readmission After Academic or Automatic Dismissal

1. A student dismissed from UNH Law at any time before completing the regular academic program under an action by CASS under Rule IV(I)(1)(c), may seek readmission only if CASS does not bar a petition for readmission by the terms of the dismissal.
2. Petitions for readmission will not be accepted for a period of one (1) year following academic dismissal unless CASS specifies that a petition will be accepted before that time by the terms of the

dismissal. No petition for readmission will be accepted after three (3) years from the date of dismissal.

3. If a student has earned forty-two (42) or more credits toward the degree at the time of the academic dismissal, the student may be readmitted by CASS subject to such terms and conditions as it may set, to include requirements which exceed the degree eligibility requirements specified in Rule I(B). The credits earned before the dismissal may be counted toward the degree.
4. If a student has earned fewer than forty-two (42) credits toward the degree at the time of the academic dismissal, the student may be readmitted by CASS. Such student would be required to satisfy the JD course requirements for the class entering the law program that year. CASS will determine if the credits earned before the dismissal will be counted toward the degree.
5. At the student's option, a student may appeal the denial of readmission to the faculty or to the Appeals Panel.

## **M. Readmission After Automatic Dismissal**

A student automatically dismissed under Rule VI (A)(3) desiring to continue at UNH Law may apply for readmission to CASS not earlier than one year nor later than three years following the dismissal, or may apply for readmission under the terms of VI(L).