

4.12 READMISSION

4.12.1 In General

Readmission is a means for students who have been academically dismissed from the University of Dayton School of Law to resume their legal studies after twenty-one months from the date of their dismissal if they are first-year students, or after nine months from the date of their dismissal if they are upper-level or Hybrid students, under a limited set of circumstances. The term "readmission" includes both reinstatement to continue (from the point of dismissal) and to begin "afresh" (that is, start law school again). The Readmissions Committee does not dismiss students; rather, it has limited authority to hear applications from students who have been dismissed based solely upon their failure to achieve the minimum academic standards established by the School of Law. No student is entitled to readmission, which is rare and based only upon exceptional occasions. The right to apply for readmission may be exercised only once. The readmission procedure has two steps: (1) the student files an application for readmission; and (2) by a majority vote, the Readmissions Committee makes a decision with respect to that application. The specific votes of "yea" or "nay" for each Committee member will not be disclosed to the applicant or anyone else except the Dean, the Associate Dean for Academic Affairs, and the Registrar, except as required by law.

Readmission is the exception rather than the rule. Therefore, students who have been academically dismissed are well-advised to make alternative educational and career plans instead of counting on readmission. In its ongoing efforts to counsel academically struggling and dismissed students, the Associate Dean for Academic Affairs and the Registrar will assist the Committee by: (1) meeting with all dismissed students in order to counsel them regarding the possibility of taking a leave of absence from the School of Law and/or pursuing alternate academic degrees such as a Masters in the Study of Law; (2) connecting dismissed students with UD's Student Affairs Department for additional assistance with their personal and professional development; and (3) maintaining all relevant information regarding dismissed and readmitted students and providing that information in writing to the Committee on an annual basis.

4.12.2 Standards

The faculty of the School of Law has established minimum academic standards, and a student who fails to achieve those standards prima facie is not entitled to continue legal studies. A student who has been dismissed bears the heavy burden of persuasion that he or she merits readmission by presenting clear and convincing evidence that: (1) he or she experienced substantial hardship caused by extraordinary and unforeseeable circumstances other than an inability to study law, which were justifiable and/or beyond his or her control; (2) the factors that contributed to the student's insufficient academic performance no longer exist; (3) he or she will do good quality law school work if readmitted; and (4) if reinstated to continue, he or she will be able to attain the required cumulative grade point average in the first semester following reinstatement. Mere identification of the reasons that a student failed to succeed accompanied by an argument that the student can perform better if readmitted will never be a sufficient basis for readmission.

Students on probation are required to make progress every semester toward a 2.20 cumulative grade-point average. In order to make that progress, the student must achieve grades above "C+;" that is, they must show a "capacity for overreach." The best evidence of capacity for overreach is a significant number of law school grades higher than "C+" in examination courses.

Students dismissed during the first year of legal studies will not be readmitted to continue from the point of dismissal. If readmitted, they will begin afresh.

Students who have satisfied the requirements for graduation except for the minimum cumulative grade-point average may not be readmitted to continue.

4.12.3 Applications

A student who has been academically dismissed may file an application for Readmission at any time after twenty-one months have passed from the date of his or her dismissal in the case of first-year students, and after nine months have passed from the date of his or her dismissal in the case of upper-level and Hybrid students. The Readmissions Committee will consider such applications in the Spring term during each academic year. In no case, however, may a student seek readmission after three years have passed from the date of his or her dismissal, after which point the student's only option to participate in the JD program is reapplication to the School of Law through the Admissions Office.

The application, which shall be in the form specified by the Committee as set forth in Section 4.12.4.9 below, must set forth all of the reasons for readmission. Exhibits, such as transcripts of other academic work, certificates of completion of GRASP courses or other remedial education programs, letters of recommendation from persons in a position to know the student's academic potential, and medical records including evidence of treatment if medical reasons support the application for readmission may be submitted with the application. Students should not submit legal writing samples or other work product, as the Committee will not consider such documents in its determination whether to readmit. While students may solicit letters of recommendation from their professors, any such letters should be submitted directly to the Registrar for distribution to the Committee members. To preserve the integrity of the system, students will not receive a copy of any letter of recommendation submitted on their behalf. The Readmissions Committee is not the proper forum in which to contest a course grade. The school has established a grade review procedure that is the exclusive remedy for a student who feels aggrieved by any course grade.

4.12.4 Readmissions Committee

4.12.4.1 *Composition*

The Readmissions Committee consists of seven members: four faculty members, one of whom will be a member of the Academic Success Program (the "ASP") serving *ex officio*, and three students, comprised as follows: one rising third-year student and one Hybrid student both of whom will be voting members, and one rising second-year student who will observe but not be a voting member. One faculty member will serve as Chair.

4.12.4.2 *Confidentiality*

Each member of the Committee shall keep Committee deliberations and information about applicants confidential, except for information that can be shared with other Committee members, the Dean, the Associate Dean for Academic Affairs and the Registrar, or unless otherwise required by law.

4.12.4.3 *Ex Parte Communications*

Committee members may not speak with applicants about their application at any time between the filing of an application and the Committee hearing on it. During this time, only the Chair, Dean, Associate Dean for Academic Affairs, or the Registrar will discuss procedures and criteria for readmission with the applicant. The Committee generally encourages students who have been academically dismissed to consult with faculty about their skills and circumstances, and faculty members are encouraged to assist individual students as they are able.

4.12.4.4 *Challenges*

An applicant may request that one or more members of the Committee not participate for good cause only. The fact that the former student was enrolled in a faculty member's course or received a low grade from a faculty member is not sufficient cause for excusing that faculty member from participating in the proceedings.

4.12.4.5 *Requests for Additional Information*

If, after the Committee considers a student's application, it requires additional information, it will present the student with a list of targeted and specific questions to answer either in writing or via a video-taped response, per the student's preference. No new evidence (documentary or otherwise), or reasons in support of the requested relief, may be brought forth for the first time in the student's response except at the request of, or with the

permission of, the Committee.

4.12.4.6 *Communications with Faculty Members*

After receiving an application seeking readmission, the Registrar will notify every faculty member who had the applicant in a class and the ASP faculty. The Registrar will provide the faculty members who are notified with a date and time during which they may meet online or in person with the Committee in order to provide verbal comments about the dismissed student. Any information regarding applicants submitted by faculty other than during the online or in-person meeting(s) will not be considered, save for the letters of recommendation discussed in Section 4.12.3 above. All information provided to the Committee by faculty members and ASP faculty will be confidential and will not be shared with the applicant or anyone who is not a member of the Committee, other than the Dean, the Associate Dean of Academic Affairs, and the Registrar, except as otherwise required by law, nor will such information become part of the applicant's file.

4.12.4.7 *Report and Decision*

After making its decision, the Committee will submit a written report to the applicant with its decision regarding readmission, including, in the case of a decision to readmit, any limitations or special conditions the Committee believes should be imposed. The decision of the Committee not to readmit a student is final and shall not be appealable. Committee members are forbidden to engage in conversations with non-readmitted students regarding the final, non-appealable decision not to readmit. Students who have been denied readmission should, therefore, not contact any Committee member(s) regarding the Committee decision for reasons including but not limited to requesting a meeting to discuss the Committee decision. If a student who was denied readmission wishes to discuss future academic or professional prospects, he or she may contact the Associate Dean for Academic Affairs, the Registrar, the Assistant Dean for Graduate Programs, and/or the Assistant Dean of the Career Services Office for assistance.

4.12.4.8 *Conditions*

4.12.4.8.1 *Residential Students*

All students on probation, including those readmitted, are required to carry a full-time load of 12 semester hours or more. In addition, each readmitted student is required to devote his or her entire energies to the study of law, and may not hold any employment or engage in any business or extracurricular activity, with or without compensation, except as specifically allowed by the terms of readmission. Accordingly, students are usually required to establish that they have an absolutely certain source of funds to complete the next academic year.

Readmitted students are subject to the same course restrictions as other students on probation. Priority must be given to repeating any required course in which the student received an "F." Beyond this, students on probation may take only "core" or required courses until they have achieved a cumulative grade-point average of 2.20 or above.

The Committee will impose appropriate limitations or special conditions on every readmitted student, including without limitation, his or her completion of a Formal Success Plan following the ASP's template that incorporates the applicant's plan for success, as well as required bi-weekly meetings with faculty members within the ASP.

The Dean, in his or her discretion, may impose any additional reasonable conditions upon readmitted students.

4.12.4.8.2 *Hybrid J.D. Students*

All students on probation, including those readmitted, are required to carry the load prescribed by the Hybrid J.D. curriculum. Readmitted students are subject to the same course restrictions as other students in the Hybrid J.D. Program on probation. Priority must be given to repeating any required course in which the student received an "F."

The Committee will impose appropriate limitations or special conditions on every readmitted student, including without limitation, his or her completion of a Formal Success Plan following the ASP's template that incorporates the applicant's plan for success, as well as required bi-weekly meetings with faculty members within the ASP.

The Dean, in his or her discretion, may impose any additional reasonable conditions upon readmitted students.

4.12.4.9 Form of Readmission Application

4.12.4.9.1 Form of Readmission Application Residential Students

Name Q. Student
1234 Street Address
City, State Zip

Current Telephone Number:
123-456-7890

Month XX, 20XX (current date)

Professor ABC
Associate Dean for Academic Affairs
University of Dayton School of Law
300 College Park
Dayton, Ohio 45469-2772

APPLICATION FOR READMISSION

This letter is my Application for Readmission to the University of Dayton School of Law.

1. The explanation for my failure to achieve the minimum academic grade point average required for continuing at the School of Law is directly related to substantial hardship(s) caused by extraordinary and unforeseeable circumstances other than my inability to study law, which were justifiable and/or beyond my control. These factors include:

2. At the time that my hardship(s) arose, I took the following affirmative steps to remediate my situation:

(Please include in this section (a) whether and how many times you met with your professors to discuss your situation and (b) whether you met with the administration to discuss taking a leave of absence or withdrawal from the School of Law and if not, please specifically explain why you did not consider this course of action in light of your situation.)

3. The factors that contributed to my insufficient academic performance no longer exist for the following reasons:

4. Since dismissal, I have been engaged in the following personal/academic/professional endeavors which demonstrate my seriousness in pursuing improved academic performance at the School of Law:

(Please attach to this letter your original Personal Strategic Plan as first provided to the ASP, as well as an updated Personal Strategic Plan that reflects upon and improves upon the original plan and re-addresses how you will work to achieve academic success in light of your situation if readmitted).

5. If readmitted, my academic performance at the School of Law would be good in quality, and given one more semester of legal study, I will be able to attain the required cumulative grade point average for the following specific reasons:

6. If readmitted, I would take the following courses in the fall and spring semesters:

7. I have not requested review of or otherwise appealed any of my law school grades...or...I am in the process of appealing my grade(s) in the following course(s):

8. I have not commenced any academic work in any institution or higher learning subsequent to the date I was dismissed

from the University of Dayton School of Law...or...Subsequent to the date I was dismissed from the University of Dayton School of Law, I began the following higher education courses [*here set forth the name of the institution, course titles, course numbers, and grades received*], and I have arranged for each college or university to send a transcript of my academic work directly to you.

9. The membership of the Readmissions Committee, which I understand to be Professors W, X, Y, and Z, and students P Q and R, is acceptable to me...or...is acceptable to me except for ____, whom I request to disqualify himself or herself or be disqualified by the Committee for the following reasons:

10. If readmitted, I will devote my full time during the academic year to the study of law. I have an absolutely certain source for the payment of all my school, living, personal, and health expenses through May XX, 20XX. If readmitted, I promise that I will not undertake any part-time or full-time employment or any business or extra-curricular activity, whether with or without compensation, at any time during the academic year.

11. The relief which I request is...

Respectfully submitted,

Name Q. Student

4.12.4.9.2 Form of Readmission Application Hybrid J.D. Students

Name Q. Student
1234 Street Address
City, State Zip

Current Telephone Number:
123-456-7890

Month XX, 20XX (current date)

Professor ABC
Associate Dean for Academic Affairs
University of Dayton School of Law
300 College Park
Dayton, Ohio 45469-2772

APPLICATION FOR READMISSION

This letter is my Application for Readmission to the University of Dayton School of Law.

1. The explanation for my failure to achieve the minimum academic grade point average required for continuing at the School of Law is directly related to substantial hardship(s) caused by extraordinary and unforeseeable circumstances other than my inability to study law, which were justifiable and/or beyond my control. These factors include:

2. At the time that my hardship(s) arose, I took the following affirmative steps to remediate my situation:

(Please include in this section (a) whether and how many times you met with your professors to discuss your situation and (b) whether you met with the administration to discuss taking a leave of absence or withdrawal

from the School of Law and if not, please specifically explain why you did not consider this course of action in light of your situation.)

3. The factors that contributed to my insufficient academic performance no longer exist for the following reasons:

4. Since dismissal, I have been engaged in the following personal/academic/professional endeavors which demonstrate my seriousness in pursuing improved academic performance at the School of Law:

(Please attach to this letter your original Personal Strategic Plan as first provided to the ASP, as well as an updated Personal Strategic Plan that reflects upon and improves upon the original plan and re-addresses how you will work to achieve academic success in light of your situation if readmitted).

5. If readmitted, my academic performance at the School of Law would be good in quality, and given one more semester of legal study, I will be able to attain the required cumulative grade point average for the following specific reasons:

6. If readmitted, I would take the following courses in the fall and spring semesters:

7. I have not requested review of or otherwise appealed any of my law school grades...or...I am in the process of appealing my grade(s) in the following course(s):

8. I have not commenced any academic work in any institution or higher learning subsequent to the date I was dismissed from the University of Dayton School of Law...or...Subsequent to the date I was dismissed from the University of Dayton School of Law, I began the following higher education courses [*here set forth the name of the institution, course titles, course numbers, and grades received*], and I have arranged for each college or university to send a transcript of my academic work directly to you.

9. The membership of the Readmissions Committee, which I understand to be Professors W, X, Y, and Z, and students P Q and R, is acceptable to me...or...is acceptable to me except for ____, whom I request to disqualify himself or herself or be disqualified by the Committee for the following reasons:

10. The relief which I request is...

Respectfully submitted,

Name Q. Student