

**DUNCAN**  
**SCHOOL OF LAW**  

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*Lincoln Memorial University*

**STUDENT HANDBOOK**

**AND**

**CATALOG**

**2014-2015**

**The Duncan School of Law reserves the right to alter or amend any portion of this Catalog, at any time, with or without notice.**

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## **I. MISSION AND PURPOSE OF LINCOLN MEMORIAL UNIVERSITY**

Lincoln Memorial University is a values-based learning community dedicated to providing educational experiences in the liberal arts and professional studies. The University strives to give students a foundation for a more productive life by upholding the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God.

The University is committed to teaching, research, and service. The University's curriculum and commitment to quality instruction at every level are based on the beliefs that graduates must be able to communicate clearly and effectively in an era of rapidly and continuously expanding communication technology, must have an appreciable depth of learning in a field of knowledge, must appreciate and understand the various ways by which we come to know ourselves and the world around us, and must be able to exercise informed judgments.

The University believes that one of the major cornerstones of meaningful existence is service to humanity. By making educational and research opportunities available to students where they live and through various recreational and cultural events open to the community, Lincoln Memorial University seeks to advance life in the Cumberland Gap area and throughout the region through its teaching, research, and service mission.

## **II. INSTITUTIONAL GOALS**

Lincoln Memorial University is a private, independent, non-sectarian university with a clearly defined mission that distinguishes it from other educational institutions. While the University cherishes its heritage and rich traditions, it recognizes that dynamic growth and change are required to meet the needs of today's students. The University has identified the following goals, which are derived from its Mission and reflect its vision for the future:

- A. To secure and maintain fiscal integrity in all its activities, programs, and operations through concerted efforts to continuously increase its endowment and financial standing;
- B. To provide quality educational experiences that have their foundation in the liberal arts and professional studies, promote high personal standards, and produce graduates with relevant career skills to compete in an ever-changing, increasingly global market;
- C. To make educational opportunities available to all persons without reference to social status. The University seeks to stabilize undergraduate enrollment by strengthening recruitment efforts and increasing student retention through the creation of an academic and social environment that facilitates success and rewards achievement;
- D. To advance the Cumberland Gap and tri-state region through community service programs in continuing education, leadership development, recreation, and the fine and performing arts;

- E. To continue as a critical educational, cultural, and recreational center for the area and to develop and maintain facilities which are safe, accessible, and conducive to the development of body, mind, and spirit;
- F. To attract and retain a highly qualified faculty and staff, committed to teaching, research, and service, by providing the best compensation program possible;
- G. To commit resources to support the teaching, research, and service role of the institution and the faculty;
- H. To continue to strengthen the faculty and staff development program with priority for allocation of resources determined by institutional needs;
- I. To increase technology for all educational sites. Specifically, the University seeks to continuously improve its computer and other technological resources for faculty and students;
- J. To develop and implement academic programs in response to anticipated or demonstrated educational need and to continuously evaluate and improve the effectiveness of current programs;
- K. To continue the tradition of providing a caring and nurturing environment where students, faculty, and staff with varied talents, experiences, and aspirations come together to form a community where diversity and growth in the pursuit of academic and career goals are encouraged. The University seeks to develop students' potential in a supportive environment while challenging them to grow intellectually and personally; and
- L. To provide high quality educational opportunities through selected undergraduate and graduate degree programs for students who live or work a significant distance from the University's main campus, and for whom other options are not as accessible or satisfactory.

### **III. DUNCAN SCHOOL OF LAW MISSION STATEMENT**

The Lincoln Memorial University-Duncan School of Law builds upon a foundation that upholds the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God. Through teaching, research and service, the Lincoln Memorial University-Duncan School of Law will prepare graduates:

- \* who are committed to the premise that the cornerstone of meaningful existence is service to humanity;
- \* who understand their professional responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice under the law; and
- \* who have an understanding of the fundamental principles of public and private law, an understanding of the nature, basis and role of the law and its institutions, and the skills of legal analysis and writing, issue recognition, reasoning, problem solving, organization, and oral and written communication necessary to participate effectively in the legal profession.

***The School of Law will:***

- \* graduate Doctors of Jurisprudence;
- \* provide a values-based learning community as the context for teaching, research, and service that supports student achievement;
- \* provide an educational program that prepares graduates for admission to the bar, and for effective and responsible participation in the legal profession; and
- \* enhance access to quality legal counsel for the under-served rural communities of Appalachia.

## **IV. NON-DISCRIMINATION POLICY**

In support of the Mission Statement and the principles upon which it is based, Lincoln Memorial University is committed to equal opportunity for all students, staff, and faculty, to nondiscrimination in the recruitment, admission, and retention of students, and to nondiscrimination in the recruitment, hiring, promotion, and retention of faculty and staff. Lincoln Memorial University reaffirms its commitment to personnel and educational policies that comply with the requirements applicable to equal opportunity/affirmative action laws, directives, executive orders, and regulations to the effect that no person at Lincoln Memorial University shall, on the basis of age, color, creed, disability, ethnic/national origin, gender, military status, pregnancy, race, religion, sexual orientation, or any other class protected by applicable law, be excluded from participating in, or be denied benefits of, any employment or educational opportunity.

## **V. CAMPUS FACILITIES**

The School of Law facility is a wonderful asset. Properly cared for, it will be a valuable resource and a source of pride for a long, long time.

### **A. Guidelines for Building and Equipment Usage**

- 1. Furniture Set-ups in Classrooms and Public Areas.** Please maintain appropriate furniture arrangements in classrooms and keep the public areas free of tables, chairs, etc. that are not being used. If it is necessary to rearrange the furniture in a classroom for a particular purpose, please move it back to its original configuration when finished.
- 2. Tables and Stack Chairs.** Tables and chairs are available for activities sponsored by officially recognized law student organizations. If you need tables or chairs, please contact the Assistant Dean for Students. Please do not sit on the tables.
- 3. The Furniture.** The building is furnished with high-quality tables, chairs and casual seating. Please take care of them.
- 4. Posting Announcements, Notices, Etc.** Notices of meetings, events, or other signs should be posted only on bulletin boards and easels. To post an announcement digitally, please contact the Emerging Technologies Librarian.

Easels are also available from the Dean's Office, but please return them promptly when you are finished with them. **Notices should not be posted on walls, woodwork, or pillars in any of the classrooms or Law Library. Notices posted on restricted areas will be removed.**

- 5. Smoking.** The School of Law building is a smoke-free facility. Smoking is prohibited on campus except in the designated area. The area designated for smoking is located on the side of the building near faculty parking.

## **B. Lockers**

Student lockers are located on the lower level of the School of Law.

If requested and available, a locker may be assigned at the start of the school year. Students who desire a locker should contact the Assistant Dean for Students. Students keep the same locker for the entire year but must remove their belongings before leaving for the summer. Lockers are reassigned each August. Each student should understand that his/her locker is subject to random searches for items prohibited by the University, the School of Law, the State of Tennessee, or the United States Government. By using lockers each student waives his/her right to privacy to items within the locker. Items that remain in lockers after May 31, 2015 will be subject to disposal at the discretion of the School of Law.

Students may not receive U.S. mail addressed to them at the School of Law. Any mail sent to a student in care of the School of Law will be returned to the sender.

## **C. Lost and Found**

Students should check for lost items with the faculty assistant in Room 216.

## **D. Break Room**

There is a break room located on the first floor of the School of Law. Tables and chairs, microwave ovens, coffeemakers, a toaster, and a refrigerator are provided so that students may eat in the break room. Vending machines are also located in the break room. Students are responsible for ensuring that the break room remains tidy after their use.

## **E. Mail**

Students may not receive U.S. mail addressed to them at the School of Law. Any mail sent to a student in care of the School of Law will be returned to the sender.

# **VI. ADMISSIONS**

Lincoln Memorial University is a mission-driven institution. LMU was established to serve the underserved and underrepresented populations throughout the Cumberland Gap and southern

Appalachian region. The School of Law in Knoxville assumes that mantle in its admissions policies. We will consider admission of qualified applicants who have a desire to serve the underserved and underrepresented populations and geographical areas within this region.

The School of Law seeks to attract and retain a talented, inquisitive, energetic, and passionate cohort of students from all walks of life. Thus, the Office of Admissions, the Admissions Committee, the faculty, and the staff will actively seek prospective students from varied backgrounds, socio-economic and family educational attainment levels, perspectives, life experiences, and worldviews, consistent with the policies contained herein and the Admissions Policy and Procedure Manual.

### **A. Pre-requisite Admissions Requirements**

To be considered for admission to the Duncan School of Law, an applicant must hold a baccalaureate degree prior to matriculation. The baccalaureate degree must be earned from a college or university that is accredited by an approved accrediting agency and is recognized by the Secretary of the United States Department of Education.

While no particular major program of study is required, applicants would be well served to pursue an undergraduate major that emphasizes certain skills. The American Bar Association recommends a curriculum that emphasizes, “analytic and problem-solving skills, critical reading abilities, writing skills, oral communication and listening abilities, general research skills, task organization and management skills, and the values of serving faithfully the interests of others while also promoting justice.” (Taken from the *Statement of Skills and Values* contained in the 1992 Report of the American Bar Association Task Force on School of Laws and the Profession, Legal Education and Professional Development—An Educational Continuum). There are no pre-requisite course requirements.

### **B. How to Apply for Admission**

Each applicant must complete the application for admission which is located on the School of Law’s web page at <http://www.lmunet.edu/law/>. The application should be completed and submitted electronically. If you require a printed copy of the application, you may contact the Office of Admissions. Printed copies of the application for admission should be mailed to the School of Law at 601 W. Summit Hill Drive, Knoxville, Tennessee 37902.

An applicant must take the Law School Admission Test (LSAT). Registration and other pertinent information can be found on the Law School Admission Council’s (LSAC) website at [www.LSAC.org](http://www.LSAC.org). We will not accept scores older than five (5) years of the year in which you intend to matriculate.

All applicants must register with the Law School Credential Assembly Service (CAS). Registration and other pertinent information can be found on the Law School Admission Council's (LSAC) website at [www.LSAC.org](http://www.LSAC.org). Additionally, each applicant must submit two (2) letters of reference. These items should be submitted to CAS.

All deadlines will be posted on the School of Law's web page.

### **C. Factors Considered by the Admissions Committee and Dean**

The Admissions Committee and Dean will select students for admission based on a variety of factors. When reviewing application files, the Admissions Committee and Dean will consider the applicant's overall grade-point average (GPA), grades in individual courses, undergraduate curriculum, exposure to the legal profession, participation in volunteer experiences, participation in preadmission or conditional admission programs at the School of Law or elsewhere (as deemed appropriate by the Admissions Committee and the Dean) communication skills, background, LSAT scores, and any other pertinent information.

The DSOL Admissions Committee ("the Committee") shall consider all responses included in the DSOL Application, and any attachments thereto, when making an admissions decision. The goal of the review is to determine whether the applicant: is qualified, is capable of completing the academic program, and possesses the requisite character and fitness to be a law student and a member of the legal profession. Under no circumstances, however, shall the Committee deny admission to any applicant on the basis of the applicant's political, social, or economic views. Furthermore, the Committee may not deny admission to any applicant on the basis of an applicant's race, color, religion, national origin, gender, sexual orientation, age, or disability.

In most circumstances, no singular factor presented by an applicant will, in and of itself, determine whether the School of Law will extend an offer of admission. Rather, the decision to extend an offer of admission will be based on the totality of the evidence presented by the applicant. However, some factors will carry more weight than others. For example, the overall GPA—based upon a careful examination of the undergraduate, post-baccalaureate, graduate and professional transcripts, if any—and the LSAT score(s), will, except in extraordinary circumstances, carry considerable weight in the decision-making process. Other factors, such as individual grades in all courses attempted; experience in the legal field; letters of recommendation; the applicant's overall "fit" with the Mission of the Duncan School of Law; changes in academic performance, over time, due to age and maturity; major accomplishments; etc. will also be considered.

### **D. Applicants Previously Academically Disqualified by Another Institution**

The School of Law does permit admission of applicants who were previously academically disqualified by another legal institution. As to admission, an applicant who was previously academically disqualified must demonstrate that he or she possesses the requisite ability to succeed at the School of Law. The applicant must also demonstrate that the previous disqualification does not indicate a lack of capacity to complete the course of study at the DSOL, extraordinary circumstances contributed to his or her inability to meet the academic requirements of another legal institution and the circumstances resulting in the student's academic disqualification have been remedied or no longer exist. An applicant must also provide the following:

1. If less than two (2) years have elapsed since the applicant's disqualification, then the applicant must provide a letter from the disqualifying institution which demonstrates the previous disqualification does not indicate a lack of capacity to complete a law program;
2. If two (2) or more years have elapsed since the previous disqualification, then the applicant must provide:
  - a. a written statement detailing the nature of the interim work, activity, or studies which occurred since the disqualification; and
  - b. a statement describing why the applicant believes he/she now has a stronger potential for the study of law and is likely to successfully complete the course of study at the Duncan School of Law.

## **E. Test of English as a Foreign Language**

1. Credential Evaluation for Applicants Who Studied Outside the U.S. and Canada

The Law School Admission Council Credential Assembly Service (LSAC CAS), in association with the American Association of Collegiate Registrars and Admissions Officers (AACRAO), provides transcript authentication and evaluation for all institutions located outside the U.S., its territories, or Canada. AACRAO will produce a credential evaluation document which will be incorporated into your LSAC CAS Report. The Duncan School of Law requires that all foreign educated applicants use this service. However, foreign coursework completed through a study abroad, consortium, or exchange program sponsored by a U.S. or Canadian institution and so indicated on the originating institution transcript need not be submitted for evaluation.

Detailed information regarding registration and required fees can be found on the Law School Admission Council website at [www.lsac.org](http://www.lsac.org).

## 2. English Language Proficiency Examination

Foreign educated applicants must arrange to have their Test of English as a Foreign Language (TOEFL) or International English Language Testing System (IELTS) score reports submitted directly to the Law School Admission Council (LSAC) by the testing agency. The credential evaluation and its associated documents are incorporated into your Law School Admission Council Credential Assembly Service (LSAC CAS) Report.

The LSAC has arranged with the Educational Testing Service (ETS) to receive your TOEFL score(s) electronically. **You must supply ETS with the LSAC institution code 8395 at the time you place your order for a copy of the score report to be sent to the LSAC.** No paper copies from applicants will be accepted.

Detailed information about the TOEFL may be obtained from the Educational Testing Service at [www.toefl.org](http://www.toefl.org).

The LSAC has also arranged with IELTS to receive your score report electronically. **You must indicate before or at the time of your examination that the LSAC receive an official score report.** If you do not make the request at this time, the LSAC will be unable to retrieve your score information, and you will need to have your score report sent directly to the Duncan School of Law.

Detailed information about the IELTS may be obtained at [www.ielts.org](http://www.ielts.org).

If you have any questions, please feel free to contact the Director of Admissions, at 865-545-5303. The Director of Admissions is the primary contact for students applying to the School of Law.

## VII. TUITION AND FEES

### A. Cost of Attendance - 2014-2015

#### Direct Costs

Costs incurred for enrollment in Duncan School of Law that are billed directly to the student by the university. Financial aid can be requested to cover some or all of these costs.

Tuition Rate: **\$975 per credit hour**

## Fees

Full-time student – 13-15 credit hours/semester	<b>\$867 per semester/\$1,734 per year</b>
Part-time student – 8-12 credit hour	<b>\$775 per semester/\$1,550 per year</b>
Half-time student – 6-7 credit hours-summer term	<b>\$775 per semester/\$1,550 per year</b>
One-time fee billed the term in which the student graduates	<b>\$250 graduation fee</b>

## Indirect Costs

Costs a student may incur while enrolled in Duncan School of Law but are **not** billed to the student by university. Financial aid can be requested to cover some or all of these costs.

### Full-time Students: Enrolled 13-15 credit hours per semester:

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Books & Supplies	1,100	1,100	<b>\$2,200</b>
Transportation	1,680	1,680	<b>\$3,360</b>
Room & Board Allow	5,850	5,850	<b>\$11,700</b>
Personal	800	800	<b>\$1,600</b>
Loan Fees	500	500	<b>\$1,000</b>
<b>Totals</b>	<b>\$9,930</b>	<b>\$9,930</b>	<b>\$19,860</b>

### Part-time Student: Enrolled 8-12 hours per semester:

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Books & Supplies	800	800	<b>\$1,600</b>
Transportation	1,680	1,680	<b>\$3,360</b>
Room & Board Allow	4,390	4,390	<b>\$8,780</b>
Personal	600	600	<b>\$1,200</b>
Loan Fees	400	400	<b>\$800</b>
<b>Totals</b>	<b>\$7,870</b>	<b>\$7,870</b>	<b>\$15,740</b>

### Half-time Student<sup>1</sup>: Enrolled 6-7 credit hours per semester:

	<u>Fall</u>	<u>Spring</u>	<u>Total</u>
Books & Supplies	550	550	<b>\$1,100</b>
Transportation	840	840	<b>\$1,680</b>

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<sup>1</sup> The School of Law does not have a “half-time” curriculum. However, students may delay the taking of the electives set forth in § XII.G.

Room & Board Allow	2,925	2,925	<b>\$5,850</b>
Personal	400	400	<b>\$800</b>
Loan Fees	250	250	<b>\$500</b>
<b>Totals</b>	<b>\$4,965</b>	<b>\$4,965</b>	<b>\$9,930</b>

## VIII. FINANCIAL AID

Lincoln Memorial University recognizes the problem of constantly increasing educational costs and thus offers a substantial program of financial aid to help students pay for their education. The University makes every effort to ensure that qualified students are not denied the opportunity to attend the University due to their limited financial resources. After the student submits the necessary application forms, the Financial Aid Office will determine the student's eligibility for financial assistance. Each applicant for financial aid must submit a Free Application for Federal Student Aid (FAFSA). The FAFSA should be submitted to the federal processing center in time for processing and payment of tuition for students entering the following fall. The priority deadline to apply for financial aid is June 1.

Financial aid can be affected by a student's academic performance. Failure to achieve or remain in good standing, as defined in § XV.A.1. herein, or to comply with any rules or policies of the School of Law that results in a student's dismissal or involuntary withdrawal, could result in financial aid warning or suspension of financial aid.

In order to remain eligible for financial aid, a student must successfully complete 67% of the credits attempted within an academic term and remain in good standing as described in § XV.A.1. herein. Assuming a student is in good standing, a student who completes 67% of the credits attempted within an academic term shall be deemed to have made satisfactory academic progress. Failure to make satisfactory academic progress could result in financial aid warning or suspension of financial aid.

A student who has failed to remain in good standing or that fails to make satisfactory academic progress will be placed on financial aid warning for the next consecutive term in which the student is enrolled. Financial aid eligibility will not be suspended during the initial probationary semester; however, failure to achieve or remain in good standing or to make satisfactory progress by the end of the probationary semester will result in a loss of eligibility to receive financial aid for any subsequent academic terms.

A student who has been dismissed from the School of Law is not eligible to file an Appeal seeking reconsideration of their financial aid status until a Petition for Readmission has been granted by the Academic Standards Committee. An appeal of a decision regarding financial aid may be filed with the office of the School of Law Financial Aid Coordinator. The Financial Aid Coordinator shall forward the Appeal to the Lincoln Memorial University Financial Aid Appeals Committee. In the event that the Financial Aid Appeals committee, from a review of the records, does not summarily reinstate the student's financial aid eligibility, a hearing will be scheduled with reasonable notice to the student to attend and present evidence and testimony.

All students who have received loans in furtherance of their undergraduate, graduate, or legal education shall be required to attend debt counseling during their last academic year at the School of Law and at other times after matriculation. Failure to attend such counseling could result in the withholding of your degree or disenrollment from the School of Law.

For additional information, please contact the Admissions and Financial Aid Coordinator for the School of Law at (865) 545-5304.

## **IX. POLICY REGARDING CHANGING STUDENT STATUS**

- A. Students seeking to change their status from full-time to part-time<sup>2</sup> or part-time to full-time must apply for and receive permission from the Associate Dean for Academics. Once an application is received, the Associate Dean for Academics may, in his/her sole discretion:
1. approve the application;
  2. deny the application;
  3. request additional information prior to issuing a decision; and/or
  4. require that the student seek and receive counseling provided by the University.
- B. Notwithstanding the above, the Associate Dean for Academics shall not approve any application for a status change, unless:
1. the applicant has completed all first-year required courses as defined within this Handbook in § XII.G.1;
  2. the student, if currently a part-time student that is seeking to change to full-time status, has a cumulative GPA of at least a 2.800;
  3. the student, if currently a part-time student that is seeking to change to full-time status, has not received a final grade below a “C” during his/her first-year required courses;
  4. the student has sought and acquired a positive recommendation from a School of Law professor from whom he/she has taken a class;
  5. the student, if receiving financial aid, has met with the Coordinator for Financial Aid for the School of Law or the Director of Financial Aid for LMU and received appropriate counseling on the effect of changing status;
  6. the Coordinator for Financial Aid for the School of Law or the Director of Financial Aid for LMU has signed the application indicating the above counseling has been given;
  7. an available seat exists within the anticipated cohort; and

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<sup>2</sup> Full-time students who will graduate within three (3) years of the date of their matriculation as contemplated by § XII.F. herein, are not obligated to change their status in an academic term if the credit hours in which they are enrolled are twelve (12) or less, so long as the student will graduate during the term in which the student is taking the reduced course load.

8. the change in status adheres to sound academic standards and does not adversely impact the cohort in which the student is enrolled or the cohort in which the student seeks to transfer his/her enrollment.

## **X. ATTENDANCE REQUIREMENTS**

### **A. Required Class Attendance**

1. Regular and punctual class attendance is required of all students in all courses. Faculty members are required to take attendance in all courses. Students have the responsibility for indicating their attendance for each class.
2. No student may miss more than twenty percent (20%) of the scheduled class meetings in any course. This requirement is not subject to modification by a professor, nor may a professor “excuse” an absence. “Scheduled class meetings” is defined as the total number of classes that are established for a particular course, pursuant to the school calendar, with such number remaining the same in spite of modifications that might arise during the semester (speakers, inclement weather, professor cancellation, etc.). In the event that the percentage results in a fraction, and if the fraction is less than .5, it shall be rounded down; if the fraction is .5 or more, it shall be rounded up. However, a student who is tardy or who exits class early may, at the discretion of the professor, be marked as absent for the entire class.
3. Nothing within this rule shall prohibit a professor from adopting a more restrictive attendance rule. To the extent a professor adopts such a rule, that rule shall control. Moreover, students on probation may be subject to a more restrictive attendance rule, pursuant to their probationary contract.
4. Students must keep track of their absences. Students should not expect the School of Law to warn them when their absences are close to exceeding that which is allowed. Any such warning that might be given is gratuitous by a specific professor, advisor, or dean and shall not be construed as creating an obligation on the part of the School of Law to provide warning to any student.
5. Students who fail to comply with the attendance requirements shall be immediately administratively withdrawn from the class, and a grade of “AW” shall be given.
6. The School of Law reserves the right to require students to attend workshops, presentations or meetings, as deemed necessary by the administration of the School of Law, to facilitate the legal education of each of its students. The School of Law will provide as much notice as possible to students of the scheduling of such events that require student attendance. Failure to attend such events without prior approval or subsequent waiver from the Associate Dean for Academics could result in sanctions as described in § XVII.G.
7. Students that matriculated in Fall 2011 and thereafter must attend a minimum of eight (8) designated “Professionalism Series” presentations prior to graduation, with attendance at a minimum of one each fall and spring term in which the student is enrolled at the School of Law, until the student has attended eight (8) designated presentations.

8. The Associate Dean for Academics may grant leave and relief from the attendance requirements in extraordinary circumstances.

## **XI. PRO BONO REQUIREMENT**

Each student must complete thirty (30) hours of community service prior to graduation from the School of Law. Community Service is limited to service for which the student receives no remuneration and which is approved, in advance of such service, by the Assistant Dean for Students.

- A. Upon completion, the student must submit confirmation of the performance of pro bono service to the Assistant Dean for Students, and if such service, in the discretion of the Assistant Dean for Students, satisfies the requirements enumerated herein, the Assistant Dean for Students shall provide written approval of the same to the Associate Dean for Academics.
- B. At least ten (10) hours of the community service completed must involve the rendering of meaningful law-related service to persons of limited means or to organizations serving such persons.
- C. A student may not embark upon such service until he/she has completed all of his/her First-Year Required Courses as defined in this Handbook in § XII.G.1. Any service performed prior to said completion shall not be considered toward the satisfaction of this requirement.
- D. Students that show an exemplary commitment to serving the community will be eligible to receive a Pro Bono Award upon graduation. Pro Bono Awards will be given to graduating students that have fulfilled all requirements set forth herein and have completed the following approved hours within the time contemplated within § C, *supra*:

General Oliver O. Howard Pro Bono Award:	100 – 250 hours
President Abraham Lincoln Pro Bono Award:	250 hours or more

## **XII. CURRICULUM**

The DSOL curriculum shall have as to its objective to maintain an educational program that prepares its students for admission to the Bar and effective and responsible participation in the legal profession. The curriculum is designed to prepare students to be effective attorneys by developing their abilities in critical thinking and problem-solving. The curriculum reflects a traditional legal education, while at the same time adopts the best practices for effective learning.

The School of Law operates on a semester system and requires successful completion of eighty-eight (88) credit hours (for students who matriculated in 2013 or prior thereto and remained continuously enrolled until degree conferral)

for conferment of the J.D. degree. Students who matriculated at the School of Law in 2014 and thereafter must successfully complete ninety (90) credit hours for conferment of the J.D. degree. All requirements must be completed no earlier than twenty-four (24) months and no later than eighty-four (84) months after a student has commenced law study at the School of Law or an institution from which the School of Law has accepted transfer credit.

Full-time students may not be employed until the completion of their first-year required courses (1000 level), unless said student receives a waiver from the Dean or the Associate Dean for Academics. A waiver may only be given for military service that does not exceed forty (40) hours per month. Nothing herein shall preclude a student from seeking a leave of absence pursuant to § XV.E. After completion of first year required courses, full-time students shall not be employed more than twenty (20) hours per week. “Full-time student,” for purposes of this provision, is defined as a student enrolled in more than twelve (12) credit hours during an academic term.

Part-time students may not be employed more than twenty (20) hours per week in any week in which the student is enrolled in more than twelve (12) class hours.

A violation of the work policies governing full-time or part-time students will be considered a violation of the Code of Academic Integrity and could result in a student being sanctioned, including the possibility of expulsion from the School of Law.

No student shall be allowed to enroll in coursework that, if successfully completed, would exceed seventeen (17) credit hours (for students whose degree requires eighty-eight (88) credit hours) or eighteen (18) credit hours (for students whose degree requires ninety (90) credit hours) during any academic term.

Graduation requirements for full-time and part-time students are identical. Students admitted to the full-time cohort shall take the required courses as set forth in § XII.F. in the order and sequence described therein. Students admitted to the part-time cohort shall take the required courses as set forth in § XII.E. in the order and sequence described therein. It is recommended that the elective course offerings set forth in each section also be followed; however, a student may delay the taking of elective courses, so long as all coursework is completed within eighty-four (84) months as set forth above. The only distinction<sup>3</sup> between the two cohorts is the time it takes to complete the program of legal education. The part-time cohort allows a student who needs to continue to work full-time or who has personal obligations that preclude taking a full-time course load to take fewer courses each term.

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<sup>3</sup> Part-time students who matriculated in 2009, 2010, 2011 & 2012 are provided an opportunity to take all courses during the evening hours. Part-time students who matriculate in 2013 and thereafter will be taking all courses with the full-time cohort, whenever those courses may be scheduled, day or evening.

The Associate Dean for Academics may cancel any scheduled course, even after enrollment by students, if less than ten (10) students are enrolled therein.

#### **A. First-Year Course Load**

Unless waived by the Associate Dean for Academics based upon extraordinary circumstances, as determined in her sole discretion, students must take all required courses during the academic terms and in the sequence as set forth in § XII.E. or XII.F. herein (as determined by the cohort status upon admission).

In the fall, each part-time student shall take the Academic Success Program I (No Credit); Civil Procedure I (3 hours); Torts I (3 hours); and Lawyering Skills I (3 hours). In the spring, each course will continue with Civil Procedure II (3 hours); Torts II (3 hours); and Lawyering Skills II (3 hours). Full-time students shall take the Academic Success Program I (No Credit); Civil Procedure I (3 hours); Torts I (3 hours); Contracts I (3 hours); Property I (3 hours) and Lawyering Skills I (3 hours).

In the spring, each course will continue with Civil Procedure II (3 hours); Torts II (3 hours); Contracts II (3 hours); Property II (3 hours) and Lawyering Skills II (3 hours). Students with a cumulative GPA of 2.320 or below shall take Academic Success Program II, a course that is elective for all other first-year students.

#### **B. First-Year Curriculum**

The first-year curriculum is designed to give students a broad understanding of the American Legal System and the role of law in society. First-year courses provide a solid foundation upon which upper-level courses will build, while offering a structure designed to build and strengthen students' skills in legal analysis, reasoning, research, problem solving, and oral communication.

#### **C. Upper-Level Curriculum**

The upper-level curriculum reinforces skills learned in the first-year curriculum while permitting students to take courses in areas which interest them. Unless waived by the Associate Dean for Academics based upon extraordinary circumstances, as determined in her sole discretion, students must take all required courses during the academic terms and in the sequence as set forth in § XII.E. or XII.F. herein (as determined by the cohort status upon admission). Students may opt to take elective courses at any time that they are offered to their cohort, as space allows. However, failure to follow the specific curriculum set forth in § XII.E. & XII.F. could delay graduation from the School of Law.

##### **1. Concentrations**

The School of Law offered a pilot program to students who matriculated in 2009, 2010 and 2011 that allowed students to seek a concentration in the area of Domestic Relations. Upon satisfying all other graduation requirements, students who successfully complete the requirements of the



By taking a 4000 level course with no more than twenty (20) enrolled students and writing a paper as proscribed by the faculty member teaching the course, complying with one of the following two options:

**Option 1**

- a. The paper must be either expository or argumentative writing of at least 5,000 words of substantive text, exclusive of footnotes, endnotes, headings and the like;
- b. An outline and draft must be submitted and critiqued by the supervising faculty member prior to the submission of the final paper;
- c. The paper must be supervised by a full-time faculty member; and
- d. The grade for the paper must be a “B” or better.

**Option 2**

- a. Writing a series of shorter memoranda, problems, or drafting exercises;
- b. The writings must cumulatively amount to at least 5,000 words of substantive text, exclusive of footnotes, endnotes, headings, and the like; and
- c. A draft of each writing must be submitted and critiqued by the supervising faculty member prior to the final submission of each writing.
- d. The cumulative grade for all of the writings is a “B” or better.

2. **Independent Study**

By taking an independent study with prior approval of the Curriculum Committee and complying with the following:

- a. Writing a paper which is either an expository or argumentative writing of at least 5,000 words of substantive text, exclusive of footnotes or endnotes, headings, and the like;
- b. An outline and draft must be submitted and critiqued by the supervising faculty member prior to submission of the final paper;
- c. The paper must be supervised by a full-time faculty member; and
- d. The grade for the final draft must be a “B” or better; and
- e. In compliance with the Independent Study Guidelines promulgated by the Curriculum Committee.

3. **Law Review**

By successfully completing two (2) academic years, including summer terms, on the Law Review and complying with the following:

- a. Producing a note which is either an expository or argumentative writing of at least 5,000 words of text, exclusive of footnotes, endnotes, headings, and the like.
- b. An outline and draft must be submitted and critiqued by the Law Review Faculty Advisor prior to submission of the final paper;
- c. A minimum of three (3) meetings shall be held between the student and the Law Review Faculty Advisor to allow the Advisor to provide detailed feedback to the students prior to the submission of the final paper.
- d. The note shall be: published in a law review journal or other similar legal publication; or, if approval is granted by the Law Review Faculty Advisor, accepted for publication in a law review journal or other similar legal publication; or, if approval is granted by the Law Review Faculty Advisor, of publishable quality.
- e. The paper must be supervised by the DSOL Law Review Faculty Advisor who shall be a full-time faculty member; and
- f. The quality of the final draft must be the quality for which a “B” or better would have been awarded if graded.
- g. The paper must be written independently and without collaboration from other students or others.

4. **Moot Court**

By being a member of the Moot Court Board and completing at least one formal intramural Moot Court competition and complying with the following:

- a. Producing a Brief in conjunction with the competition mentioned above and which is at least 5,000 words of text, exclusive of footnotes, endnotes, headings, and the like.
- b. An outline and draft must be submitted and critiqued by the Moot Court Faculty Advisor prior to submission of the final paper;
- c. A minimum of three (3) meetings shall be held between the student and the Moot Court Faculty Advisor to allow the Advisor to provide detailed feedback to the students prior to the submission of the final paper.
- d. The paper must be supervised by the DSOL Moot Court Faculty Advisor who shall be a full-time faculty member; and
- e. The quality of the final draft must be the quality for which a “B” or better would have been awarded if graded.
- f. The paper must be written independently and without collaboration from other students or others.

**E. Part-Time Curricular Schedule**

## Year 1

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Civil Procedure I .....	3	Civil Procedure II.....	3
Torts I.....	3	Torts II.....	3
Lawyering Skills I.....	3	Lawyering Skills II.....	3
Academic Success Program I.....	NC	Elective*.....	2
		Academic Success Program II** .....	NC
<b>Total Hours</b>	<b>9</b>	<b>Total Hours</b>	<b>11</b>

\* Students whose degree requires eighty-eight (88) credit hours do not need this course, unlike those requiring ninety (90) credit hours.

\*\*Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.

## Year 2

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Contracts I.....	3	Contracts II.....	3
Property I .....	3	Property II .....	3
Criminal Law .....	3	Evidence.....	3
Lawyering Skills III .....	3	Criminal Procedure .....	3
Academic Intervention Directed Study*... NC		Academic Intervention Directed Study*... NC	
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.

## Year 3

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Domestic Relations .....	3	Constitutional Law .....	4
Elective .....	3	Professional Responsibility.....	2
Wills, Trusts & Estates .....	3	Commercial Transactions.....	3
Business Organizations.....	3	Elective.....	3
Academic Intervention Directed Study*... NC		Academic Intervention Directed Study*... NC	
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.

## Year 4

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Conflicts of Law .....	2	Elective .....	3
Lawyering Skills IV .....	3	Bar Examination Skills .....	3
Elective .....	3	Secured Transactions .....	3
Elective .....	3	Elective.....	2
Academic Intervention Directed Study*... NC		Academic Intervention Directed Study*... NC	

<b>Total Hours</b>	<b>11</b>	<b>Total Hours</b>	<b>11</b>
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**\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.**

## F. Full-Time Curricular Schedule

### Year 1

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Civil Procedure I .....	3	Civil Procedure II.....	3
Contracts I.....	3	Contracts II.....	3
Property I .....	3	Property II .....	3
Torts I.....	3	Torts II.....	3
Lawyering Skills I.....	3	Lawyering Skills II.....	3
Academic Success Program I.....	NC	Academic Success Program II* .....	NC
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>

**\* Mandatory for students with a cumulative GPA of 2.320 or below and elective for all other students.**

### Year 2

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Criminal Law .....	3	Evidence.....	3
Business Organizations.....	3	Criminal Procedure .....	3
Lawyering Skills III .....	3	Commercial Transactions.....	3
Wills, Trusts & Estates .....	3	Constitutional Law .....	4
Domestic Relations .....	3	Professional Responsibility.....	2
Academic Intervention Directed Study*... NC		Academic Intervention Directed Study* ... NC	
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>

**\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.**

### Year 3

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Lawyering Skills IV .....	3	Secured Transactions .....	3
Elective .....	3	Elective .....	2
Elective .....	3	Elective .....	3
Elective .....	2	Elective .....	3
Conflicts of Law .....	2	Bar Examination Skills .....	3
Elective** .....	3	Academic Intervention Directed Study* ... NC	
Academic Intervention Directed Study*... NC			
<b>Total Hours</b>	<b>16</b>	<b>Total Hours</b>	<b>14</b>

**\*Mandatory for students with a cumulative GPA below a 2.000 and elective for all other students.**

**\*\*Students whose degree requires eighty-eight (88) credit hours do not need this course, unlike those requiring ninety (90) credit hours.**

## Legend

1000 Level: 1<sup>st</sup>-Year Required Courses

2000 Level: Upper-Level Required Courses

3000 Level: Upper-Level Electives (unless designated herein as a required course based upon established criteria)

4000 Level: Upper-Level Electives that Could Satisfy the Upper-level Writing Requirement, pursuant to § XII.D. (20 or less students per section)

5000 Level: Electives that are skills courses (that do not satisfy the Upper-Level Writing Requirement, pursuant to § XII.D.)

## G. Course Listings

Course Number	Title	Hours	Prerequisite
<b>1. First-Year Required Courses</b>			
Law 1001	Academic Success Program I	NC	
Law 1002	Academic Success Program II	NC	Req'd for students with a GPA of 2.320 or below.
Law 1011	Civil Procedure I	3	
Law 1012	Civil Procedure II	3	Civil Procedure I
Law 1021	Contracts I	3	
Law 1022	Contracts II	3	Contracts I
Law 1031	Property I	3	
Law 1032	Property II	3	Property I
Law 1041	Torts I	3	
Law 1042	Torts II	3	Torts I
Law 1051	Lawyering Skills I	3	
Law 1052	Lawyering Skills II	3	Lawyering Skills I
<b>2. Upper-Level Required Courses</b>			
Law 2001	Academic Intervention Directed Study	NC	Req'd for students with a GPA of less than 2.000.
Law 2004	Bar Examination Skills	3	Must be taken in academic term in which student will graduate.
Law 2011	Business Organizations	3	Contracts I and II
Law 2021	Commercial Transactions	3	Contracts I and II
Law 2031	Conflicts of Law	2	Civil Procedure I and II
Law 2041	Constitutional Law	4	
Law 2061	Criminal Law	3	
Law 2062	Criminal Procedure	3	Criminal Law
Law 2071	Domestic Relations	3	

Law 2081	Evidence	3	
Law 2051	Lawyering Skills III	3	Lawyering Skills II
Law 2052	Lawyering Skills IV	3	Lawyering Skills III
Law 2101	Professional Responsibility	2	
Law 2121	Secured Transactions	3	Contracts I and II
Law 2131	Wills, Trusts and Estates	3	Property I and II
	<b>3. Electives</b>		
	<i>* Upper-Level Electives that Could Satisfy the Upper-level Writing Requirement</i>		
Law 3021	Advanced Criminal Procedure	3	Criminal Procedure
Law 3024	Advanced Domestic Relations	3	Domestic Relations
Law 4014	Advanced Legal Writing: Domestic Relations Drafting*	3	Domestic Relations
Law 5004	Advanced Trial Advocacy- Civil	3	Civil Procedure I and II, Trial Advocacy
Law 4444	Asylum Law	3	Administrative Law, Constitutional Law
Law 3061	Bankruptcy	3	
Law 5030	Clinical Experience: Juvenile Law	2	Juvenile Law
Law 4025	Death Penalty Seminar*	3	Criminal Law and Criminal Procedure
Law 3081	Directed Study	1-3	
Law 4031	Drafting Transactional Documents*	2	Commercial Transactions
Law 4035	Education Law*	2	
Law 3101	Employment Law	3	
Law 5070	Externship I	2-3	
Law 5071	Externship II	2-3	Externship I
Law 3191	Federal Income Taxation	3	
Law 4041	First Amendment Seminar*	3	Constitutional Law
Law 3211	Immigration Law	3	
Law 4051	Independent Study*	1-2	
Law 4055	International Human Rights*	3	
Law 5100	Interviewing, Negotiation & Counseling	3	
Law 3261	Jurisprudence	3	
Law 3271	Juvenile Law	3	
Law 4089	National Security & U.S. Foreign Relations Law Seminar*	3	Criminal Procedure
Law 4111	Real Estate Transactions*	3	Property I and Property II
Law 3325	Remedies	3	Contracts I and II, Torts I and II
Law 4121	Technology and the Law	2	
Law 5210	Tennessee Bar Studies I	2-3	

Law 5211	Tennessee Bar Studies II	2-3	
Law 5230	Trial Advocacy	3	Evidence

*Note re: Electives*

Additional elective offerings are anticipated. Electives offered will vary based upon student interests and the skills and experience of faculty members. ABA guidelines prohibit listing courses in the school's catalog that are not currently offered and which have not been offered in the previous two (2) years. Because we are a relatively new institution, we are providing a table of some of the electives which have been approved by the faculty and are likely to be offered in the next two (2) years. As of this date, the availability of these courses has yet to be determined. Students who would like specific offerings may make suggestions to the Associate Dean for Academics.

## **H. Course Auditing**

1. To audit a course, persons seeking to enroll must obtain written permission from the course instructor and from the Associate Dean of Academics, whose permission shall only be given provided that enrollment in the course does not adversely affect the quality of the course or the School of Law program. Requests to audit a course may be submitted only after the end of the official registration period (the last day for students to add a course or late register) when it may be determined whether or not space is still available in the class. This procedure applies to all terms including, but not limited to, fall, spring and summer sessions. Auditing is not permitted in independent study courses, internships, externships, or similar courses.
2. Auditors do not write papers, take essay quizzes or essay examinations, or request review of written work, unless approved by the Associate Dean for Academics. Furthermore, they do not participate in class discussions unless otherwise directed by the course instructor.
3. Auditors are required to register with the University Registrar for any course that they have been approved to audit. Auditors will appear on the instructor's class roll but may not request grades. No transcript of record will be issued and no grades will be accepted by the University Registrar.
4. No credit will be awarded for auditing a course.
5. Students registering to audit a course must pay the applicable fee.
6. Students that have been granted permission to audit a course must provide written permission to the University Registrar and pay the applicable fee prior to attendance in the course.
7. Students may not regularly attend any class that he or she is not registered for, either for-credit or as an auditing student.

## XIII. COURSE DESCRIPTION

*Course descriptions may be revised, from time to time, to reflect current trends in the law and legal education. Course descriptions are guidelines and actual course content may vary as determined by the Professor.*

### A. First-Year Required Courses

#### Academic Success Program I

*Hours: Noncredit*

*Course Frequency: Each Fall*

*Prerequisite: None*

This course is designed to enhance skills that are necessary to succeed in the School of Law. The course is taught in large group, workshop format and focuses on the ability to create and understand class outlines; read, analyze and brief cases; apply the law through essay exam writing; provide insight into multiple-choice exam questions; improve student study techniques; and manage student stress and time.

#### Academic Success Program II

*Hours: Noncredit*

*Course Frequency: Each Spring*

*Prerequisite: None*

This course is designed to enhance the skills that are necessary to succeed in the School of Law, with increased emphasis on the ability to apply the law through essay exam writing, provide insight into multiple-choice exam questions, and improve student study techniques. The course is taught in small group, lab format. This course is required for students that have a cumulative GPA of 2.320 or below and elective for all other first year students.

#### Civil Procedure I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of the rules, statutes, and principles governing the process by which courts resolve civil disputes. Specifically, it includes a study of the judicial process and of the relationship between the procedural and substantive law; pleadings; principles of jurisdiction, including jurisdiction over subject matter, persons, and service of process; and an introduction to the allocation of jurisdiction between the state and federal courts.

#### Civil Procedure II

*Hours: 3*

*Course Frequency: Each Spring*  
*Prerequisite(s): Civil Procedure I*

This course focuses on pleadings, joinder of parties and claims, discovery, motions, trial, post-trial matters, disposition without trial, appellate review, and the effects of judgment.

### Contracts I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of the basic principles of the common law of contracts. It focuses on legal theories for enforcing promises or preventing unjust enrichment and principles controlling the formation, modification, and enforceability of contracts.

### Contracts II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Contracts I*

This course focuses on the law related to the sale and lease of goods, particularly as affected by the Uniform Commercial Code and related federal statutes. This course further provides a study of the legal principles dealing with performance, remedies for nonperformance or threatened nonperformance, excuses for nonperformance, rights of nonparties to enforce contracts, assignment of rights, and delegation of duties.

### Property I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of the fundamental concepts applicable to real property such as acquisition, ownership, and estates in land.

### Property II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Property I*

This course continues the study of fundamental property concepts initially explored in Property I, with additional focus on land transactions, recording systems and public and private land use controls.

### Lawyering Skills I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides an introduction to the law library and basic legal research. In addition, this course will provide a basic introduction to the fundamentals of both writing and legal writing.

### Lawyering Skills II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Lawyering Skills I*

This course provides an introduction to predictive legal writing, continued instruction and heightened sophistication in legal researching methods, and an introduction to drafting basic legal correspondence.

### Torts I

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of intentional torts against persons and property and the privileges thereto. It further focuses on the basic principles of negligence and other standards of care.

### Torts II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Torts I*

This course focuses on the remaining issues in negligence, including particular duties of landowners, damages, joint and several liability, and defenses. Additionally, the class will survey the following areas: products liability, wrongful death, vicarious liability, and nuisance.

## **B. Upper-Level Required Courses**

### Academic Intervention Directed Study

*Hours: Noncredit*

*Course Frequency: Each Fall and Spring*

*Prerequisite(s): Academic Success Program I*

A directed study for students on academic probation during any semester after their first year of law school. The course is taught on an individual faculty/student basis which must be approved by the Director of the Academic Success Program. The directing faculty member, after consultation with the student will set forth the objectives, requirements, and guidelines for successful completion of the course. The directed study will typically require the enrolled student to meet with the Director of the Academic Success Program or his designee on a regular basis; work with Director of the Academic Success Program or his designee to identify their strengths and weaknesses in the study of the law; attend academic support workshops geared towards the

student's particular needs as identified by the Director of the Academic Success Program or his designee; take practice exams or other relevant exercises concerning subject-matter regarding other courses in which the student is currently enrolled and to meet with a member of the faculty to review their work; and to develop a study plan to guide them through their studies during their probationary semester.

### Bar Examination Skills

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): None*

This course is designed to improve legal analysis, writing, and study skills in preparation for taking the Bar Examination. It will assist with developing and practicing test taking strategies and skills. It will also provide a familiarity with the methodology of the exam. Multiple essays will be completed and critiqued during the course. The critiques will involve peer assessment, other forms of collaborative learning, and professor assessment. Multiple choice strategies and practice exams will be covered. This course is skills based, not substance based, so it is not intended to replace substantive course study review and/or commercial Bar Examination preparation courses. This course must be taken during the semester in which the student will graduate.

### Business Organizations

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): Contracts I & Contracts II*

This course provides a study of the formation, structure, and characteristics of the various business entities including unincorporated associations, partnerships, for-profit and not-for-profit business corporations, and limited liability companies. This course will additionally provide a study of agency relationships.

### Commercial Transactions

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Contracts I & Contracts II*

This course provides a study of Articles 1, 2, 3, and 6 of the Uniform Commercial Code and includes the sale of goods, bulk sales, and payment through negotiable instruments.

### Conflicts of Law

*Hours: 2*

*Course Frequency: Each Fall*

*Prerequisite(s): Civil Procedure I & II*

This course provides a study of the legal policies, rules of law, and constitutional requirements for resolving disputes that have connections with: more than one state, a state and a foreign

country, or both state and federal interests. It explores the principles that courts use in selecting the proper law to apply in such cases under the American system of divided sovereignty—divided both between states and between state and federal governments.

### Constitutional Law

*Hours: 4*

*Course Frequency: Each Spring*

*Prerequisite(s): None*

This course studies the basic principles of constitutional law, including the nature of a written constitution, the framework of the U.S. Constitution, the Marshall legacy and judicial review, theories of interpretation, and principles of interpretivism. Emphasis is given to the distribution of governmental powers in the federal system; separation of powers; the federal commerce, taxing, and foreign affairs powers; intergovernmental relations; due process; and equal protection.

### Criminal Law

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): None*

This course provides a study of the general principles, sources, and purpose of criminal law, including the act requirement, the mens rea requirement, causation, liability for attempted crimes, accomplice liability, defenses, criminal code interpretation, and a review of Tennessee criminal law.

### Criminal Procedure

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of the procedural aspects of the criminal justice system, including the law of arrest, search and seizure, police interrogation, and the privilege against self-incrimination. This course will provide particular emphasis on the impact of the fourth, fifth, and sixth amendments to the United States Constitution, as well as discuss Tennessee criminal procedure.

### Domestic Relations

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): None*

This course provides a study of Federal and State laws affecting formal and informal family relationships: premarital disputes; antenuptial contracts; creation of common law and formal marriages; legal effects of marriage; support obligations within the family; legal separation,

annulment, divorce, alimony, and property settlements; child custody and child support; abortion; and illegitimacy. The course will emphasize Tennessee law.

Evidence

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): None*

This course provides a study of the rules regulating the admission and exclusion of oral, written, and demonstrative evidence at trials and other proceedings, including relevance, character evidence, competence, impeachment, hearsay, privileges, expert testimony, authentication, and judicial notice.

Lawyering Skills III

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): Lawyering Skills I & II*

This course provides an introduction to persuasive legal writing at both the trial and appellate levels and further continues to enhance students' legal researching skills. Additionally, this course provides an introduction to oral advocacy at both the trial and appellate levels. In addition to other requirements, this course will include at least one rigorous writing assignment with a minimum of 5000 words of text, exclusive of footnotes, endnotes, headings and the like.

Lawyering Skills IV

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): Lawyering Skills I, II, & III*

This course introduces students to drafting provisions in transactional documents, which may include contracts and wills; drafting legal correspondence, which may include demand letters, client letters, and letters to opposing counsel; and drafting pre-trial documents, which may include complaints, answers, settlement agreements, and discovery plans. Additional emphasis will be placed on the students' ability to draft legal documents subsequent to an evaluation of a hypothetical legal scenario and while under time constraints.

Professional Responsibility

*Hours: 2*

*Course Frequency: Each Spring*

*Prerequisite(s): None*

Graduates will demonstrate respect for diversity and the rule of law as evinced by their knowledge and understanding of diversity and the rule of law. Furthermore, graduates will demonstrate values, and attitudes, as evinced by their behavior and/or performance, congruent with the code of ethics established by the profession as provided in American Bar Association, Tennessee Rules of Professional Conduct and pro bono service to the community.

### Secured Transactions

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Contracts I & II*

This course provides a study of Article 9 of the Uniform Commercial Code and discusses securing debt through the collateralization of personal property. The course will discuss the creation and enforcement of security interests in personal property as well as methods of determining priority between multiple secured debts on the same personal property.

### Wills, Trusts and Estates

*Hours: 3*

*Course Frequency: Each Fall*

*Prerequisite(s): Property I & II*

This course introduces students to the fundamentals of the law governing the intergenerational transfer of wealth. Applying the case law set forth in the assigned textbook and the Uniform Probate Code (“UPC”) as a model, the course introduces students to estate planning and probate and surveys the law of intestacy, wills, will substitutes, trusts and the duties and powers of trustees in trust administration. It will also introduce students to the law of future interests and the Rule Against Perpetuities. At every point, the course will emphasize the ethical challenges inherent in the practice of this body of law.

## **C. Elective Courses**

*Note re: Electives*

*Electives offered will vary based upon student interests and the skills and experience of faculty members. ABA guidelines prohibit listing courses in the school’s catalog that are not currently offered and which have not been offered in the previous two years. Because we are a relatively new institution, we are providing a selection of some of the electives which have been approved by the faculty and are likely to be offered in the next two years. As of this date, the availability of these courses has yet to be determined. Students who would like specific offerings may make suggestions to the Associate Dean for Academics.*

### Advanced Criminal Procedure

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Criminal Procedure*

This course provides a study of the procedural problems experienced in the preparation and prosecution of a criminal proceeding. Major areas of analysis include: arraignment and bail; an examination of the problems encountered in a preliminary hearing; the scope, extent, and goals of a grand jury proceeding; pre-trial discovery, motions and suppression hearings; and the "plea bargaining" process.

### Advanced Domestic Relations

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Domestic Relations*

This course builds on the fundamental concepts from the Domestic Relations Course by discussing the financial ramifications of divorce and separation, including taxes and consequences, spousal and child support, and retirement benefit allocations. It will also address child visitation, parental relocation, and kidnapping.

### Advanced Legal Writing: Domestic Relations Drafting\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Domestic Relations*

This course focuses on the basic skills associated with drafting legal documents, by studying and writing documents in the context of domestic relations litigation (dissolution of marriage, primarily). Students will draft documents that create the relationship with the client, such as scope of representation letters and fee agreements as a way to explore some of the ethical and professional responsibilities that arise between attorneys and clients. Students will also draft pleadings related to divorce litigation as a way to explore the relationships between the governing law and the procedural mechanisms by which the client's cause of action is actually presented to the court. Finally, students will draft agreements that are intended to resolve or avoid litigation, as a way to consider contract-related considerations. This class may satisfy the Upper Level Writing Requirement.

### Advanced Trial Advocacy- Civil

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Civil Procedure and Trial Advocacy*

This skills-based course will have limited student enrollment and will build on and enhance trial skills taught in Trial Advocacy. Students will prepare a case and conduct a civil trial of that case. Students will focus on discovery, case theory development, trial strategy, jury selection, opening statement, direct and cross examination, motions and closing argument.

### Asylum Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Administrative Law and Constitutional Law.*

This foundational course provides an introduction to the international legal regime for the protection of involuntary migrants. The essential premise of the course is that refugee law should be understood as a mode of human rights protection, the viability of which requires striking a balance between the needs of the victims of human rights abuse, and the legitimate aspirations of the countries to which they flee. This course will focus primarily on U.S. asylum law and

procedure. It will explore the statutory and case law framework of U.S. asylum law in detail, and students will become familiar with the asylum process involving U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), the Executive Office for Immigration Review (EOIR), and the federal courts. We will also examine international refugee protection law and procedure, and significant debates involving protection law issues.

We will examine in detail the legal definition of the term “refugee” and all of the elements required to establish asylum and refugee protection in the United States. Topics include review of the debate over the causes of refugees, the evolution of international legal refugee protection, and the extent to which Congress sought to make U.S. asylum law comport with U.S. international obligations. The course provides an understanding of the policy considerations underlying asylum law, review and critique of prevailing asylum law, and litigation issues in asylum removal proceedings and on appeal.

### Bankruptcy

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the rights and remedies of debtors and creditors under the Federal Bankruptcy Code. In addition, the interplay of the Bankruptcy Code and the provisions of Article 9 of the Uniform Commercial Code and other provisions of state law are examined.

### Clinical Experience: Juvenile Law

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Juvenile Law*

The juvenile law clinic allows students to represent actual clients who are either the subject of or been sued in a juvenile court proceeding. Although students are responsible for all aspects of the representation, including client correspondence, motions, briefs, and litigation on behalf of the client and depending on the number of cases assigned, students may work individually or in teams. Although every effort will be made to confine student participation to the prescribed class time, students may have to participate in hearings, meetings, depositions, and other client related matters outside of the regularly scheduled class time. All work undertaken by the clinic is supervised by a Tennessee licensed faculty member. To participate in the clinic, students must either be enrolled in or have successfully completed juvenile law.

### Death Penalty Seminar\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Criminal Law & Criminal Procedure*

This seminar focuses on the death penalty in the United States. The seminar will survey its history, its future, and the pro and con arguments, addressing the legal, moral, and ethical

considerations. It will also examine the interplay between the death penalty and both substantive and procedural criminal law. The seminar provides a vehicle for each student to engage in an in-depth scholarly examination of a facet of the death penalty, focusing predominately, but not necessarily exclusively, on its legal dimensions. This class may satisfy the Upper-Level Writing Requirement.

#### Directed Study

*Hours: 1-3*

*Course Frequency: Offered as needed by students and faculty availability allow*

*Prerequisite(s): Same as the course which is represented by the Directed Study*

This course is available in a limited number of subject areas. A directed study is a regular School of Law course offering taught to a student on an individual faculty/student basis which must be approved by the faculty member and the Associate Dean for Academics (or the Dean). In a directed study, the directing faculty member sets forth the objectives, requirements, and guidelines for earning credit in a course. A directed study syllabus for each course stating established meeting times with a faculty member, examination, readings, and a general outline of what is to be learned is provided. A directed study course will be denied if the course is available that same semester.

#### Drafting Transactional Documents\*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Commercial Transactions*

Through classroom discussion, reading assignments, in-class exercises, and writing assignments students will learn to draft the "building blocks" of a commercial contract and learn to effectively allocate risk within the context of a specific business deal. The lawyer's function in the negotiating and drafting process and drafting ethics are also covered.

#### Education Law\*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the law relating to public, private, and home education. Emphasis is placed on the legal framework for public education, the First Amendment and other Constitutional issues related to the public schools, and the nature of parental rights in the context of public education. This class may satisfy the Upper Level Writing Requirement.

#### Employment Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the statutes, regulations, and cases dealing with a number of legal rights and concerns of employees and employers. Areas covered may include: (a) worker's compensation law and practice; (b) labor standards legislation, such as wage-and-hour laws (e.g., Fair Labor Standards Act—FLSA, public contract “prevailing wage” requirements); health-and-safety laws (e.g., Occupational Safety and Health Act—OSHA); an introduction to pension-protection laws (e.g., Employee Retirement Income Security Act—ERISA); and (c) wrongful discharge and at-will employment.

### Externship I & II

*Hours: 2-3*

*Course Frequency: Will be offered every semester with limited availability*

*Prerequisite for Externship I: None*

*Prerequisite for Externship II: Externship I*

Students will spend time at off-campus “sites” which have been previously approved by the Director of the Externship Program. These sites will have a supervisor which may be an attorney or judge. Each student will also have a responsible faculty sponsor to which the student will report. Weekly journals and writing assignments will be completed and reviewed by the faculty sponsor and the Director of the Externship Program. Students may participate in up to two externships for course credits of either two or three hours each. These courses are graded on a pass/fail basis.

### Federal Income Taxation

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the basic principles of federal income tax, concentrating on individual taxpayers, business taxpayers, and investors as taxpayers. Particular emphasis is placed on the use of the Internal Revenue Code and federal tax regulations. Topics include items of inclusion and exclusion from gross income, deductions from gross income, capital gains and losses, basic tax accounting, and the identification of income to the appropriate taxpayer.

### First Amendment Seminar\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Constitutional Law*

This course provides a study of the history, theory, and jurisprudence of the First Amendment, with particular emphasis on the speech, press and religion clauses.

### Immigration Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisites(s): None*

This course provides a study of the legal, historical, and policy perspectives that shape U.S. law governing immigration and citizenship, including the constitutional bases for regulating immigration, the history of immigration law in the United States, and the source and scope of congressional and executive branch power with regard to immigration. The course will also examine the role of the judiciary in interpreting immigration law, citizenship and naturalization, the admission and removal of immigrants and non-immigrants, and the issue of undocumented immigration. Students will also analyze the impact of immigration in other areas, including employment, criminal law, family unification, and discrimination.

#### Independent Study\*

*Hours: 1-2*

*Course Frequency: Offered every semester; Requires faculty sponsor*

*Prerequisite(s): None*

An Independent Study is appropriate for a student who wishes to study a particular area of law that is not covered in the school's existing course offerings. An independent study is supervised by a faculty member, with prior approval of the Curriculum Committee. A student wishing to conduct an independent study for credit must complete a Request for Independent Study consistent with the Guidelines for Independent Study. This class may satisfy the Upper Level Writing Requirement. The Independent Study Request Form proposal should be completed prior to the following deadlines based on the semester in which the student wishes to do the Independent Study: fall semester, July 1; spring semester, November 1; summer semester, March 15.

#### International Human Rights\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides an overview of the unique nature, history, and philosophies of international human rights law. It compares United Nations, European, Inter-American, and African systems of human rights, and also the roles of governmental and non-governmental organizations. This class may satisfy the Upper Level Writing Requirement.

#### Interviewing, Negotiation and Counseling

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course will develop students' skills in the fundamentals of interviewing and counseling clients and negotiating agreements. These three skills have been identified by the *ABA Task Force on School of Laws and the Profession: Narrowing the Gap* as essential components of competent lawyering. The course will cover conceptual foundations for understanding the processes involved in interviewing, counseling, and negotiation.

### Jurisprudence

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of various legal theories, concepts, philosophies and problems. Coverage may include: legal positivism, natural law theory, legal realism, idealism, historical jurisprudence, utilitarianism, sociological jurisprudence, policy science, and critical studies.

### Juvenile Law

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of the: rights and responsibilities of children in relation to parents, society, and institutions; history of the Juvenile Court; development of children's rights; and trends in juvenile justice.

### National Security and U.S. Foreign Relations Law Seminar\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Criminal Procedure*

This course provides a study of presidential and congressional national security powers under the Constitution and case law. Major areas of analysis include: the domestic effect of international law, the use of the armed forces at home and abroad, intelligence operations abroad, investigating terrorism and other national security threats, with a focus on electronic surveillance and privacy, prosecuting terrorists in the federal courts, detention and trial of terrorists by military commissions, congressional investigations and oversight, and restraints on disclosing and publishing classified information. This class may satisfy the Upper Level Writing Requirement.

### Real Estate Transactions\*

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Property I & Property II*

This course will include such skills as searching a title and drafting instruments necessary to convey interests in real property. Topics may include legal requirements for the conveyance of real property, financing real estate, title examinations, recording acts, loan closing, foreclosure practices, and planned unit developments. This class may satisfy the Upper Level Writing Requirement.

### Remedies

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Contracts I, Contracts II, Torts I & Torts II*

This course provides a study of the law of judicial remedies, both legal and equitable, focusing on the nature and scope of relief as distinguished from substantive and procedural law. The four major categories of remedies are addressed: damages, including measurement issues for both compensatory and punitive damages and limitations on the damages remedy; restitution, including measurement issues and issues related to rescission, constructive trust, and equitable lien; injunctions, including issues relating to requirements for obtaining preliminary and permanent injunctive; and declaratory relief, including ancillary remedies to effectuate the relief obtained and legal and equitable defenses.

#### Technology and the Law\*

*Hours: 2*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): None*

This course provides a study of how technology impacts the law and how the law affects technology. The course will cover aspects of internet and software copyright issues, trade secrets, computer crime, privacy, antitrust, and regulation of internet content. Timely issues that may arise near or during the time of the course offering may also be examined.

#### Tennessee Bar Studies I

*Hours: 3*

*Course Frequency: Every Fall or Spring*

*Prerequisite(s): None*

This is a skills-development course that provides students with an intensive substantive review of selected legal material routinely tested on the written portion of the Tennessee bar exam. Subjects include Business Organizations, Civil Procedure, Personal Property, and Professional Responsibility. Through the use of questions and exercises in a bar exam format, students will become familiar with techniques for analyzing, organizing, and responding to essay questions on the Tennessee bar exam. There will be weekly assignments as well as required regular conferences with the course instructor to review written work and evaluate bar exam preparedness. This course, which is not intended to replace any commercial bar examination preparation course, is strongly recommended for students planning on taking the Tennessee bar exam. Tennessee Bar Studies I, along with Tennessee Bar Studies II and Bar Examination Skills, will expose students to all subjects tested on the Tennessee bar exam. Only students on track to take the next July administration of the bar exam are eligible to enroll.

#### Tennessee Bar Studies II

*Hours: 3*

*Course Frequency: Every Fall or Spring*

*Prerequisite(s): None*

This is a skills-development course that provides students with an intensive substantive review of selected legal material routinely tested on the written portion of the Tennessee bar exam.

Subjects include Conflicts of Law, Domestic Relations, Negotiable Instruments, Remedies, Secured Transactions, and Wills Trusts and Estates. Through the use of questions and exercises in a bar exam format, students will become familiar with techniques for analyzing, organizing, and responding to essay questions on the Tennessee bar exam. There will be weekly assignments as well as required regular conferences with the course instructor to review written work and evaluate bar exam preparedness. This course, which is not intended to replace any commercial bar examination preparation course, is strongly recommended for students planning on taking the Tennessee bar exam. Tennessee Bar Studies II, along with Tennessee Bar Studies I and Bar Examination Skills, will expose students to all subjects tested on the Tennessee bar exam. Only students on track to take the next July administration of the bar exam are eligible to enroll.

### Trial Advocacy

*Hours: 3*

*Course Frequency: Offered when student interest and faculty availability allow*

*Prerequisite(s): Evidence*

This course will provide practical instruction in relation to the skills of advocacy in civil and criminal cases. Students will learn effective skills for jury selection, opening statements, direct and cross examination of witnesses (both lay and expert), objections, and closing arguments. Additionally, students will focus on case theory development and strategies best suited to jury persuasion.

## **XIV. EXTERNSHIP PROGRAM**

The School of Law has developed a robust externship program. This program is a field-placement program which will provide upper-level students with the opportunity to assist in handling real legal problems or to assist in providing service to real clients, both under the direct supervision of selected judges or licensed, practicing attorneys at private, educational, governmental, or non-profit sites. Upper-level students in good academic standing will be permitted to register for the Externship Course and may apply toward graduation no more than six (6) hours of academic credit earned from the successful completion of the courses.

### **A. Goals**

The goals of the Externship Program are set forth in the School of Law's Externship Policy and Procedures Manual and are augmented by the following more specific educational goals:

1. To provide exposure to the actual workings of the legal system under the guidance of an experienced attorney in the public service;
2. To provide research and writing opportunities in an actual case setting. (Note: the writing component may be broadly understood to encompass such activities as the drafting of bench memoranda, writing jury instructions, drafting orders of the court, etc.). This writing requirement,

however, may not be used to satisfy the Upper-Level Writing Requirement;

3. To introduce students to the ethical concerns and issues of professionalism that arise in actual case settings;
4. To provide opportunities for enhancing professional communication skills; and
5. To build skills in reflecting on the practice of law and in using those reflections as tools for professional development.

## **B. Components**

1. **Field Placement:** The first component is the field-placement component where students work at a selected field-placement site under the direct supervision of a judge or licensed, practicing attorney, who shall have been selected, trained, and evaluated pursuant to the School of Law's Externship Policies and Procedures Manual. The field placement supervisor and the faculty supervisor shall communicate regarding the student's participation in the Externship Program in accordance with the School of Law's Externship Policies and Procedures Manual.
2. **Classroom:** The second component is a class component where the students meet with the Director of the Externship Program at regularly scheduled classroom sessions over the semester. The scheduled classes provide for instruction on issues associated with the practice of law as a profession.
3. **Faculty Supervision:** The third component is a reflective component where students meet regularly over the semester with a faculty sponsor (a full-time member of the faculty from the School of Law) who ensures the Externship policies are being followed, ensures that the Externship Course requirements are being met, and provides one-on-one sessions for reflection on issues that arise with respect to clients and the work environment. The faculty sponsors also review their externs' time logs, journals, and writings.

## **C. Hour Requirements**

Students who enroll in the three (3) credit-hour Externship Course must work at their field-placement sites or on site-related activities for a minimum of one hundred and twenty (120) hours over the semester. Students who register for the two (2) credit-hour Externship Course must work at their field-placement sites or on site-related activities for a minimum of eighty (80) hours over the semester. The externship policies provide that students must work at the Site a minimum of eight (8) weeks over the semester; however, students will be encouraged during the fall and spring semesters to work twelve (12) weeks due to their class schedules. Students enrolled in an Externship must attend, during the semester, a minimum of five (5) of the six (6) scheduled classroom meetings with the Externship Director and must meet with their faculty sponsors an additional four

(4) occasions over the course of the semester, in compliance with the Externship Policies and Procedures Manual

#### **D. Pass/Fail Grading**

The Externship Course will be graded on a pass or fail basis. To receive a passing grade for the Externship Course, a student must successfully: (a) provide weekly written reports to his or her faculty sponsor consisting of a time log of hours worked and a journal entry of 500 words, providing reflections on program-approved topics; (b) submit up to three writings completed under the supervision of the site supervisor; (c) attend the regularly scheduled classes; (d) meet with his or her faculty sponsor four (4) occasions over the semester; (e) receive a satisfactory mid-term and final evaluation from the site supervisor; and (f) meet all requirements without receiving any type of compensation or remuneration, with the exception of reimbursement of reasonable out-of-pocket expenses related to the field placement and meet all other obligations set forth in the Externship Policies and Procedures Manual

### **XV. ACADEMIC PROBATION, REQUESTS FOR READMISSION, WITHDRAWALS & AUTOMATIC DISMISSAL**

#### **A. Academic Probation**

1. A student is in good standing if he or she retains a cumulative GPA of 2.000 or better.
2. A student who has satisfied all other graduation requirements but has not retained a cumulative GPA of 2.000 shall not graduate. A student who has acquired eighty-eight (88) credit hours (or ninety (90) for students who matriculated in 2014 and thereafter) or more but fails to achieve a cumulative GPA of 2.000 shall be dismissed from the School of Law without a Probationary Semester, as defined in § XV.A.3.
3. A student will be placed on academic probation if the student has a cumulative GPA below 2.000 but not below a 1.800 at the end of any fall or spring semester. A student with a cumulative GPA below 1.800 will be dismissed without a probationary semester pursuant to § XV.B. The fall or spring semester following the moment a student is placed on academic probation shall be known as the Probationary Semester. Students placed on academic probation will be placed on financial aid probation as set forth in § VIII herein.
4. A student shall only be eligible for one (1) probationary semester from the time of initial matriculation at the School of Law and their graduation. A student who, after completing a probationary semester, regains good

standing and subsequently has a cumulative GPA below 2.000 at the end of a fall or spring semester, shall be administratively dismissed from the School of Law. This provision is applicable to all students who matriculate in fall 2011 or thereafter.

5. A student placed on academic probation at any time during his or her School of Law career must comply with the following obligations to be allowed to continue his or her legal education at the School of Law:
  - a. The student must meet with the Associate Dean for Academics or the Dean's designee for counseling. The student must review all of his or her exams from the previous semester and must identify in writing: the most common feedback the student received on his or her work, how the student studied for each class, why the student believes he or she has not performed well at the School of Law, and how the student will change his or her studying process to improve his or her grades. The student must provide a report to the Associate Dean for Academics or her designee containing the information detailed in this section.
  - b. The Associate Dean for Academics or her designee shall offer the student information regarding the student's necessary grade point average to avoid academic dismissal and working with the student, will develop an education plan designed to maximize the student's chance of avoiding academic dismissal.
  - c. The student shall complete all Academic Success Probation Program paperwork, including an Academic Success Probation Program Contract.
  - d. The student shall comply with all of the requirements of the Academic Success Probation Program, including meeting attendance requirements with respect to meetings with program personnel, fulfilling all agreements made in the Academic Success Probation Program Contract, and completing all Academic Success Probation Program assignments.
  - e. A student who fails to meet any of the foregoing obligations may be administratively dismissed from the School of Law, at the discretion of the Associate Dean for Academics.
  - f. A student who fails to achieve a cumulative GPA of 2.000 after his or her Probationary Semester shall be academically withdrawn. A student who is academically withdrawn from the School of Law shall have their financial aid eligibility suspended.

## **B. Automatic Dismissal**

Notwithstanding any other provision herein, a student who fails to achieve a cumulative GPA of 1.800 or above, in any semester, shall be administratively dismissed from the School of Law without a probationary period as described above and with no opportunity to seek readmission, pursuant to § XV.C. below. A student that is administratively dismissed from the School of Law shall have their financial aid eligibility suspended.

## **C. Requests for Readmission**

1. A student who has a cumulative GPA of 1.800 or higher and has received notice that he or she is to be disqualified, pursuant to § XV.A.5.f., may petition the Academic Standards Committee for readmission and permission to continue his or her studies on academic probation. A student may not be re-enrolled until one (1) calendar year has expired since the student's disqualification.
2. The petition must be submitted to the chair of the Academic Standards Committee by October 1<sup>st</sup> for a spring enrollment, March 1<sup>st</sup> for a summer enrollment and May 1<sup>st</sup> for a fall enrollment.
3. The petition must allege facts that meet each of the below-referenced standards for readmission and must comply with the requirements of the Petition for Readmission Instruction Sheet. Any student who fails to comply with these requirements will be denied a hearing on the petition. Denial of a hearing under the subsection is not appealable.
4. A student may elect to stand on his or her petition alone. But, if the student requests a hearing in conformance with the requirements of this section, a hearing will be conducted by the committee within two (2) weeks of the submission of the Petition for Readmission.
5. The chair of the Academic Standards Committee will inform the student of the Committee's decision within two (2) calendar days after the committee makes a determination.
6. As a condition of readmission, the committee may require, among other things, that the student re-take certain School of Law classes or otherwise address deficiencies by doing additional reading, obtaining tutoring, and/or taking writing classes.
7. A student may be granted permission to continue his or her studies under this provision only one (1) time during his or her studies at the School of Law.
8. A student who is readmitted shall be readmitted on probation. As such, the student must comply with all requirements stated in the academic probation policy.
9. The Academic Standards Committee may grant a petition if the student establishes the following:
  - a. extraordinary circumstances contributed to his or her inability to meet the academic requirements of the School of Law;

- b. the student's failure to meet the standards for continuing his or her studies does not indicate a lack of capacity to complete the program of study and, in fact, the student possesses that capacity; and
  - c. the circumstances resulting in the student's academic disqualification have been remedied or no longer exist.
- 10. Students that have been granted readmission to the School of Law, if seeking financial aid, must file an Appeal of the suspension of their eligibility to receive financial aid, as set forth in § VIII herein.
- 11. Upon a favorable readmission decision from the Academic Standards Committee, the Dean of the School of Law may endorse the readmission decision of the Academic Standards Committee or may deny the student readmission to the DSOL, based upon the factors enumerated above. Any decision of the Academic Standards Committee to deny a Petition for Readmission is final and shall not be reviewable by the Dean.

## **D. Withdrawal from Courses**

### **1. Financial Considerations for Withdrawal**

- a. Students are not permitted to withdraw from courses after the add/drop period without the approval of the Associate Dean for Academics for the Duncan School of Law.
- b. Although students may discontinue attendance at the School of Law without approval, subject to the penalties set forth herein, the official date of the withdrawal is the date that the Associate Dean for Academics receives and approves the student's written request for a leave or withdrawal. Only by approval of the written request for withdrawal will a student be considered withdrawn from the Duncan School of Law. All materials assigned to the student by the Duncan School of Law must be returned before the withdrawal process will be deemed complete.

### **2. Tuition and Fees**

In the event that a student withdraws from the School of Law, the policy for refunds of Tuition and Fees will be based on the following schedule for fall and spring semesters:

If the student withdraws on or before the first official day of class, 100% of applicable institutional dollars will be refunded. If the student withdraws after the first official day of classes and during the first week of the semester 90% will be refunded; during the second week 75% will be refunded. During the third week 50% will be refunded. During the fourth week 25% will be

refunded. Students who withdraw after four (4) weeks will not receive any refund.

A different and more abbreviated schedule will apply to summer and maymester semesters.

For example: A typical summer course that begins on or about June 1 and concludes on or about July 31 would have the following refund schedule:

100% credit	–	June 1
90% credit	–	June 3
75% credit	–	June 7
50% credit	–	June 9
25% credit	–	June 11

\*\*Any time after June 11, no credit will be given for dropping or withdrawing from the course.

The LMU Student Accounts Office will determine all refund calculations for Institutional charges (i.e. Tuition and Fees) based upon the Official Withdrawal date submitted by the Duncan School of Law Associate Dean for Academics. Any questions regarding tuition and fee refunds or charges incurred due to withdrawal should be addressed to the LMU Student Accounts office at (423) 869-6282.

### **3. Financial Aid**

The Higher Education Amendments of 1998 regulate how colleges and universities handle Title IV funds when a recipient withdraws from school. This policy is separate from the University's refund of institutional charges. The return of Title IV funds, which is handled by the Duncan School of Law Financial Aid office, includes all Stafford Loans and Graduate PLUS loans received during the current semester in attendance. The policy states that up through the 60% point in each semester a pro-rata schedule will be used to determine how much Title IV aid the student has earned. The percentage of time completed in the enrollment period is determined by dividing the number of days completed by the number of days in the enrollment period. If 60% of the semester has been completed, there is no return of Title IV funds. For example, if the student has attended 31% of the enrollment period, the student has earned 31% of his/her Title IV aid, and 69% of the aid must be returned to the federal government. After the 60% point in the semester, the student has earned 100% of the aid for which the student was eligible. Additional information on the return of Title IV funds may be obtained from the Duncan School of Law Financial Aid Office.

## **E. Leave of Absence**

1. A leave of absence requires prior approval from the Associate Dean for Academics or the Dean and the student should be aware that any leave from the University may have financial impact.
2. Any student in good standing who discontinues her/his attendance may resume law studies upon approval of the Associate Dean for Academics or the Dean.

## **F. Repeating Courses**

1. Students receiving an “F,” “W,” “AW,” or “WF” in a required course must retake the course.
2. Students may repeat any course from which he or she withdrew or was dropped, provided that the course is otherwise being offered and space is available.
3. All other requests to repeat a course must be submitted to the Academic Standards Committee. The Committee may grant such approval only upon a showing of extraordinary circumstances.
4. In the case of repetition of a course in which the student received an “F”, both the original grade earned and the grade earned on repetition shall be reported on the transcript but only the grade earned on repetition shall be computed as part of the student’s cumulative average.

## **G. Refusal to Enroll by the School of Law**

Nothing contained herein or provided elsewhere shall abrogate the School of Law’s right to refuse to enroll a student or to discontinue enrollment of a student. A student may be denied continued enrollment at the School of Law, for reasons listed below, but not limited thereto:

1. failure to pay their tuition or any fees associated therewith;
2. failure to complete all documents necessary to enrollment or continued enrollment, as determined by the School of Law;
3. failure to comply with the policies of this Handbook;
4. disturbing the administration of education at the School of Law;
5. exhibiting behavior that is threatening, harassing or offensive to other students, staff or faculty of the School of Law; or
6. demonstrating traits that evince a deficiency in character or fitness to practice law.

## **XVI. WAIVER OF ACADEMIC RULES**

Requests for waiver of any School of Law rule, regulation, or policy shall be submitted in writing to the Dean who shall forward requests to the faculty committee having jurisdiction over the matter. The Dean may also forward a recommendation to the faculty. If none of the standing

faculty committees has jurisdiction over the issue(s) raised, then the Dean, in her/his discretion, may grant or deny the waiver. The student will be notified of the decision in writing. Under no circumstances may the Dean grant a waiver to the maximum credit hour allotment contained within § XII.A. herein.

## **XVII. CODE OF ACADEMIC INTEGRITY**

Consistent with its goal of training lawyers whose professional and personal conduct exemplifies high ethical standards and reflects well upon the Duncan School of Law (the “School of Law”) and the legal profession, the faculty has adopted the following Code of Academic Integrity (the “Code”). This Code, revised in 2011, is the result of experience with a previous Code, faculty input, and a study of Codes used by other schools of law. The Code constitutes a delegation of authority from the President of Lincoln Memorial University (the “University”) and the Dean of the School of Law to the Academic Integrity Committee (the “Committee”). As such, this Code is binding on all students, faculty, and staff of the School of Law. Every law student is expected to read and observe the Code. Any proceedings brought pursuant to this Code shall be governed by the procedures set forth herein rather than the Disciplinary Procedures of the University.

### **A. Article 1. Obligation of the Law Student**

**1.01** A law student or candidate seeking admission to the School of Law is obligated to assist in maintaining the integrity, competence, and purpose of the School of Law, and to conduct herself or himself in a manner consistent with the ethics of the legal profession, the academic community, and this Code.

### **B. Article 2. Violations of the Obligation**

**2.01** Unless otherwise specified, violations shall consist of conduct that is performed intentionally, knowingly or recklessly. Knowledge that an act constitutes a violation of the Code, however, is not a necessary element of a violation. The following misconduct on the part of a law student is a violation of his/her obligation under this Code and shall be a cause for disciplinary action against the law student. Pursuant to this Code, no student shall:

#### **1. General Misconduct**

- a. Violate any rule, regulation, or policy of the School of Law duly promulgated by the Dean, an Associate Dean, an Assistant Dean, or faculty of the School of Law.
- b. Violate any duly promulgated rule, regulation, or policy of the University.
- c. Disrupt the normal and orderly administration or operation of any activity or function of the University or the School of Law.

- d. Steal from, threaten, assault, harass, or misrepresent facts about any student, faculty, staff member or employee of the University or the School of Law with the intention of inflicting harm on that person. Any complaints involving sexual harassment should be brought pursuant to the University Sexual Harassment policy and are not regulated by this Code.
- e. Conduct oneself in an unprofessional manner during any event sanctioned, held, conducted, or permitted by the University or the School of Law.
- f. Assist another student in violating the Code or attempting to enlist the assistance of any person with the purpose of violating the Code. For purposes of this rule, “assistance” shall include any action taken in preparation of a violation, any action in furtherance of a violation, or any action that furthers, enhances, protects, or secrets the violation after the fact.
- g. Fail to timely comply with a sanction imposed by the Committee pursuant to this Code, or fail to abide by the requirements necessary for the satisfactory and timely completion of any plea arrangement entered into between the student and the Committee, the Dean, or the Associate Dean for Academics pursuant to this Code.
- h. Fail to report conduct, including one’s own conduct, prohibited by the Code. All such reports shall be made to the Associate Dean for Academics or the Chair of the Committee promptly upon witnessing or obtaining knowledge of conduct that violates the Code.
- i. Impugn or malign the honesty or integrity of any student, faculty member, staff member, or employee of the University or the School of Law to any person orally or in any written or electronic medium. Reports of such activity should be made to the Associate Dean for Academics or the Chair of the Committee, who shall review the allegations and determine whether a formal written complaint should be filed pursuant to Article 4 of the Code.
- j. Fail to notify the School of Law of the student’s own citation, arrest or indictment for any charge or allegation, a finding of contempt against the student by a court or other judicial body, or any other order or judgment by a court or other judicial body that places restrictions on the student’s freedom of movement, including, but not limited to, an injunction, restraining order, or protective order entered against the student. Such notification shall be made to the Associate Dean for Academics or the Chair of the

- Committee within one week of the citation, arrest, indictment, or court order.
- k. Commit a criminal, quasi-criminal, unethical, immoral, or fraudulent act that reflects adversely on the student's honesty, trustworthiness, or moral and ethical fitness to be a lawyer or a law student, by a preponderance of the evidence.
  - l. Commit a criminal, quasi-criminal, unethical, immoral, or fraudulent act against any student, faculty member, staff member, or employee of the University or the School of Law or any member of the University community, by a preponderance of the evidence.
  - m. Refuse to participate in a preliminary investigation brought pursuant to Article 5 of the Code or testify at a hearing proceeding under Article 6 of the Code, as to the facts within the student's knowledge, unless the student himself/herself is the accused student.
  - n. Act dishonestly in any academic pursuit.

2. **Specific Examples of Misconduct**

- a. Misconduct Involving Examinations
  - i. Give or secure any information about an examination except as authorized by the course professor. For purposes of this Code, "examination" shall include a midterm and/or final examination and any in-class or out-of-class assignment, test and/or quiz, whether administered by written or electronic means.
  - ii. Copy the work of another student during any examination.
  - iii. Use, process, consult, or copy from books, outlines, papers, taped materials, notes or any other written or electronic materials during an examination except as expressly authorized by the course professor or an exam proctor. In the event that the student receives an accommodation pursuant to § XXVIII of this Student Handbook, only those materials expressly authorized by the ADA coordinator or the Associate Dean for Academics may be accessed during an examination.
  - iv. Continue writing an examination when, to the student's knowledge, the time allotted for writing the examination has elapsed.

- v. Hide, mutilate, or destroy any library materials or remove any materials from the library except as authorized, or allow any other person to do so.
- vi. Leave the examination room before completing the examination without permission of the exam proctor, if an exam proctor has been assigned to the room. If a student is granted permission to leave the examination room during the course of the examination, the student shall not review any materials or discuss the exam or related matters with any person during his/her absence from the room.
- vii. Talk or engage in any conduct that unreasonably distracts or disturbs other students during an examination. No student shall engage in oral, written, electronic, or other communication once an examination has begun. Students shall continue to refrain from any conversation while examinations are being submitted, either by hand or electronically, or while examinations are still in any student's possession.
- viii. Remove any examination, or portion thereof, from the examination room without the express permission of the course professor or an exam proctor. No student shall transcribe, deliver, or receive notes taken while the examination is in the student's possession. No student shall discuss the nature or substance of an examination with another student whom he/she knows has not yet taken that examination.
- ix. Take an examination for another student or permit another person to take an examination for him/her.
- x. Violate the security maintained for preparation or storage of any examination materials or other course materials.
- xi. Attempt to enlist the assistance of any person with the purpose of violating any of the provisions of this Code.

3. **Misconduct Involving Work Submitted to Satisfy a School of Law Course, Program or Other Requirement**

- a. Submit plagiarized work in any academic pursuit. Plagiarism consists of the appropriation of the literary composition(s) or other creative work(s) of another, or

part(s) of passages thereof, or ideas of the same, with the intention of passing it off as the product of one's own mind. Plagiarism includes, but is not necessarily limited to, the misappropriation of: (a) language taken verbatim, or nearly verbatim, from other sources without crediting the author of the original work by use of appropriate forms of attribution; (b) the original ideas of another without appropriate attribution; or (c) the original pattern of ideas or organization of one or more original works over a substantial portion of the paper. This third category of plagiarism occurs when a student uses the work of others over a substantial portion of the paper, while paraphrasing the language of the original work, without indicating that the pattern of thought or structure of the paper comes from the original source.

- b. Submit the work of another person to satisfy a course, program, or other requirement of the School of Law, whether or not authorized to do so. This includes, but is not limited to, work completed by another law student, practicing attorney, law professor, or judicial body.
- c. Submit work to satisfy a course, program, or other requirement of the School of Law that the student has either: (a) previously submitted to satisfy a course, program, or other requirement of the School of Law or any other academic institution; or (b) completed in satisfaction of non-academic work requirements outside the School of Law, without the express, prior written consent of the professor to whom the student is currently submitting the work.
- d. Submit work produced in collaboration with another without the express, prior written consent of the professor. This includes collaboration with respect to the substantive content of work or writing style, grammar, citation form, or proofreading.

#### 4. **Other Misrepresentations or Dishonesty**

- a. Misrepresent facts to the School of Law or any of its students, faculty members, staff members, or employees, or any potential or existing employer. This includes, but is not limited to: misrepresentation of degrees obtained, grades earned, subjects studied, work performed, or other personal or professional achievements or experiences. To the extent the student provides any information to the School of Law or any of its students, faculty members, staff members, or employees, the student shall have the

continuing obligation to update the School of Law as such information may change. Any discrepancies between information that is reported to the School of Law and information reported on an application submitted to the National Conference of Bar Examiners or any state bar examiner may result in discipline by the School of Law. The School of Law will also provide notice of such discrepancies to the National Conference of Bar Examiners and the bar examiners in the state or states in which the student is seeking admission to practice law. Students are warned that such discrepancies may affect a student's ability to sit for a bar examination and/or pass the character and fitness portion of his/her bar application.

- b. Forge or alter University or School of Law documents or instruments, or fail to be truthful in statements to University or School of Law personnel concerning University or School of Law matters.
- c. Sign, electronically or otherwise, the attendance roster for himself/herself if he/she did not attend a majority of the class period, for another student who is absent from, or late to, class, or enlist the assistance of another to sign, electronically or otherwise, his/her name on the attendance roster.
- d. Submit an affidavit that contains false statements made intentionally, knowingly or with reckless disregard as to their veracity, which may include the failure to reasonably verify the truth or falsity of each statement prior to the submission of the affidavit.

**2.02** No statement can exhaust the possible application of a law student's obligation to conduct himself/herself in a manner consistent with this Code. Therefore, each enumeration of general and specific types of misconduct in Section 2.01 is by way of illustration only. Any conduct in violation of a law student's obligations under Article 1 and Article 2 shall constitute cause for disciplinary action.

### **C. Article 3. Academic Integrity Committee**

**3.01** There shall be a committee known as the Academic Integrity Committee (the "Committee"), which shall be composed of no fewer than three faculty members, two student members, and the Associate Dean for Academics as *ex-officio*, which *ex-officio* position shall be a non-voting position; this means that while the Associate Dean for Academics may be present in all deliberations as a member of the Committee and may voice his/her opinions or concerns regarding any complaint before the Committee, the Associate Dean for Academics shall not vote on any proceeding under this Code, unless expressly called to do so by this Code.

- 3.02** The Dean of the School of Law shall appoint at least three faculty members to serve on the Committee, for a term of one year. The Dean shall appoint one of the faculty members to serve as Chair of the Committee (the “Chair”).
- 3.03** The Student Bar Association Vice President, or his/her Designee, shall appoint two students from any class for a term of one year. To be eligible for appointment, a student must be in good academic standing and shall not previously have been determined to have violated of this Code. Student members appointed hereunder may be excluded or limited in their participation on the Committee upon determination by a simple majority of the voting faculty members of the Committee that extraordinary circumstances exist to warrant the same. Such exclusion or limitation shall be determined based upon the circumstances of each pending matter.
- 3.04** In the event that any Committee member determines that he/she is temporarily unable to serve upon the Committee for good cause, including, but not limited to, unavailability, conflict of interest, or voluntary recusal, the Committee member shall promptly notify the Dean and Chair in writing. If the Chair determines that good cause exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06, 3.07, or 3.08.
- 3.05** The accused student may petition the Committee for the involuntary recusal of any Committee member for good cause. Upon determination by a simple majority of the voting members of the Committee that good cause for recusal of that Committee member exists, the Dean shall appoint an alternate committee member pursuant to Article 3.06, 3.07, or 3.08.
- 3.06** In the event an alternate is required for a faculty member on the Committee, the Dean shall appoint another faculty member to temporarily fill that position.
- 3.07** In the event an alternate is required for a student position on the Committee, the SBA President shall serve as the alternate. If the SBA President is unable to serve as the alternate, the SBA Vice President shall serve as an alternate. If both the SBA President and SBA Vice President are unable to serve, the Dean shall appoint another faculty member to temporarily fill that position.
- 3.08** If an alternate is required for the Associate Dean for Academics, the Dean shall appoint an alternate. Unless specifically authorized by the Dean, however, the Dean’s replacement for the Associate Dean for Academics will not perform the duties provided for in Article(s) 5.03, 6.07, 8.05 and/or 10.06, and such duties will still be carried out by the Associate Dean for Academics.

## **D. Article 4. Initiation of Disciplinary Proceedings**

- 4.01** Any person may file a written complaint against any student at the School of Law for conduct prohibited by the Code. The charges shall only be filed with the Associate Dean for Academics or with the Chair. If the Associate Dean for Academics or the Chair has personally witnessed the conduct in question, the Associate Dean for Academics or the Chair may personally file the written charge with the other; in the event the Associate Dean for Academics and the Chair have both witnessed the same alleged violation of the Code, the complaint shall be made directly to the Dean, who shall then proceed as outlined herein.
- 4.02** A complaint shall consist of a formal, signed, written statement identifying: (a) the name of the accused student; (b) the nature of the violation, including the specific sections of the Code that allegedly have been violated; (c) specific facts supporting the allegation, including, but not limited to, (i) the date(s) of the alleged violation, (ii) the circumstances under which the violation is suspected to have occurred, and (iii) the names of any witnesses with knowledge of the alleged event(s); and (d) copies of documents supporting every allegation, attached as exhibits to the complaint. If the complaint is filed by the Dean, an Associate or Assistant Dean, a faculty member, or a staff member, the complainant may recommend a sanction to be imposed on the accused student. If the complaint is filed by a student or other person, the complainant may include a statement describing the impact that the alleged violation has had on the complainant. The Committee may, but is not required to, consider any sanction recommendation or impact statement in determining the appropriate course of action to be taken against the accused student. By signing the complaint, the complainant swears that the facts contained therein are true and accurate to the best of his/her belief.
- 4.02(a)** All investigations and disciplinary proceedings conducted pursuant to the provisions of this Code shall be conducted as confidentially as possible, except otherwise specified in Sections 6.06, 7.05 and 7.06. If reasonably practicable, the identity of the person filing the written charge shall be kept confidential from the accused student, until such time as the accused student formally denies the charges, requests and is granted a date for a hearing. Upon the setting of the formal hearing, the accused shall be permitted to access all information obtained in the preliminary investigation of the Subcommittee pursuant to Section 6.13 herein below.
- 4.03** Within five (5) business days of the filing of the complaint, the Chair shall review the complaint to determine whether the conduct alleged therein constitutes a violation of the law student's obligation as set forth in Article 2 of the Code.

- 4.04** If the Chair determines that the conduct described in the complaint does not constitute a violation of the Code, the Chair shall dismiss the complaint. The Committee shall not be used to resolve purely personal conflicts between students, or perceived conflicts between faculty, administration and students. The Chair shall make a written record of his/her administrative dismissal of a complaint. Any complaint that is administratively dismissed by the Chair shall not be placed in the accused student's file at the School of Law, nor shall the Chair be required to notify the accused student of such complaint. If the Chair chooses to notify a student of a complaint against him/her that has been administratively dismissed, the student shall not be required to disclose such complaint on any future disclosure requests. A complaint that is administratively dismissed by the Chair shall be considered a nullity, as if having never been filed.
- 4.05** If the Chair determines that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code, the Chair shall notify the other members of the Committee that he/she will convene the Committee to address the allegations in the complaint. Such notice to the Committee shall be made by e-mail or any other means deemed reasonably secure by the Chair and shall be accompanied by a copy of the written complaint, including any exhibits. All information sent by the Chair to the Committee for its review shall be deemed strictly confidential. The Chair shall deliver a copy of the written complaint, including any exhibits, to the Dean and the Associate Dean for Academics, if they do not already possess a copy of the complaint, as soon as practicable after making the decision to convene the committee.
- 4.06** If the Dean, after receiving notice that a written complaint has been filed against a student, determines that extraordinary circumstances exist, the Dean, or his/her authorized agent, may suspend the accused student pending consideration of the case. Such extraordinary circumstances may include, but not be limited to, situations where the continued presence of the accused student would constitute a physical danger to the University or School of Law community or would create a disruption in the educational process of the University or the School of Law. Nothing in this paragraph prevents the Dean or appropriate University officials from suspending an accused student through the exercise of their inherent authority. The Dean may, at his discretion, suspend or restrict the accused student's access to: (a) University or School of Law facilities; (b) University or School of Law resources, including, but not limited to, any computers, web sites, library resources, printers, research web portals, Pathway, TWEN, Web Advisor, or Mediasite; (c) University or School of Law functions, including off-campus functions sponsored by the University or the School of Law; or (d) any other facility, resource, or function that the Dean may deem necessary and appropriate under the circumstances.

- 4.07** The Associate Dean for Academics, or his/her authorized agent, shall, within five (5) business days of the decision by the Chair to convene the Committee, notify the accused student by means set out in Article 11 herein, that: (a) a written complaint has been received; (b) the Chair has determined that the conduct described in the complaint alleges a viable cause of action against the accused student pursuant to Article 2 of the Code; (c) the Committee is being convened to investigate of the complaint made against the accused student; and (d) a copy of the written complaint has been forwarded to the Dean of the School of Law. Such notice shall be accompanied by: (a) a copy of the written complaint, including any exhibits; (b) a copy of this Code; and (c) notice that the accused student may obtain counsel to represent him/her in this matter, pursuant to the caveats set out in Article 6.12 below. If the accused student wishes to respond to the complaint, then he/she shall respond in writing to the Chair within five (5) business days after he/she received the complaint.
- 4.08** The withdrawal of an accused student from the School of Law subsequent to the date that the complaint is delivered to the student by the Associate Dean for Academics shall not terminate the jurisdiction of the Committee to conduct any further disciplinary proceedings specified in this Code.
- 4.09** Within five (5) business days after receiving the accused student's response, or, in the event the student files no response, within five (5) business days from the date the response was due, the Chair shall set a time and date for convening the Committee, unless an extension is required by the Chair due to his/her inability to gather the members of the Committee due to travel, holiday or other unavoidable circumstance.
- 4.10** In the event that the accused student fails to timely respond to the complaint, all allegations therein shall be deemed admitted. Although the accused student or his/her representative will have the right to appear at full hearing later convened by the Chair pursuant to Article 6 of this Code, they will not be permitted to present evidence denying the factual allegations of the complaint. If the event that the accused student or his/her representative neither timely responds to the complete nor appears at the Article 6 hearing, the Committee shall thereupon proceed to enter its judgment of the accused student and assess punishment, if appropriate, as if the accused student were present.
- 4.11** In the event that the accused student informs the Chair in writing that he/she wishes to admit the allegations set forth in the complaint and waive any further proceedings under the Code, the Chair may, after consultation with the accused student and the Associate Dean for Academics, convene the Committee at a time earlier than that specified Article 4.09 of this Code for the purpose of accepting the accused student's admission and determining appropriate discipline pursuant to Article 8 of this Code.

- 4.12** When the Committee is convened, its members shall elect a subcommittee consisting of one faculty member and one student member to conduct a preliminary investigation of the complaint (the “Subcommittee”). The Associate Dean for Academics shall not serve as a member of the Subcommittee.
- 4.13** When the Committee is convened, its members shall, by a simple majority of the voting members, choose a Secretary, who shall be responsible for: (a) making and keeping records of every meeting of the Committee; (b) recording the attendance of each Committee member; and (c) tracking the complaint until its final disposition. Upon the final disposition of the complaint, all records kept by the Secretary shall be delivered to the Chair, who shall be charged with maintaining and protecting the records and delivering them to the faculty member who is appointed Chair in the subsequent academic year.

## **E. Article 5. Preliminary Investigation**

- 5.01** The Subcommittee shall conduct a confidential investigation in which the Subcommittee shall interview the accused student, the complainant, and any other witnesses who may possess information pertinent to the allegations set forth in the complaint. The Subcommittee shall further examine any exhibits to the complaint and any other pertinent materials provided by the various parties and witnesses. The members of the Subcommittee shall not participate in any vote pursuant to Article 7 of this Code, but shall be allowed to make personal observations to the Committee as to the veracity of the various witnesses interviewed and evidence reviewed during the course of their investigation.
- 5.02** Prior to any interview with the Subcommittee or any other representative of the School of Law charged with investigative responsibilities under this Code, the accused student shall be advised that: (a) the student may remain silent, (b) the student may terminate the interview at any time; (c) the student may postpone the interview until he/she has had a reasonable time to consult counsel, and (d) anything the student says in the interview may be used as evidence against him/her.
- 5.03** Both members of the Subcommittee shall agree on the recommended disposition of the case, i.e., whether to recommend to the Committee a full hearing pursuant to Article 6 of this Code, a plea agreement pursuant to Article 10, a dismissal, or some other disposition. The Subcommittee may also recommend that the Committee table further action on the complaint pending the outcome of any court or other judicial proceedings outside of the School of Law. In the event that the Subcommittee determines that there is credible evidence sufficient to support a finding by the preponderance of the evidence that the accused student committed some or all of the violations of the Code alleged in the complaint, the

Subcommittee may recommend that the matter proceed to a full hearing. If the Subcommittee cannot reach unanimity, the recommendation shall be made by the Associate Dean for Academics upon a summary presentation of the evidence gathered by the Subcommittee. In the event the Associate Dean for Academics is called upon to make this recommendation, that shall not, without more, constitute a basis for his/her recusal during any other portion of the proceedings pursuant to this Code. In either event, no appeal shall lie from the Subcommittee's recommendation to the Committee.

- 5.04** If, during the course of the investigation, the Subcommittee discovers evidence of additional or related violations of this Code other than those contained in the original complaint, the Subcommittee shall investigate such violations and determine, consistent with Article 5.03 above, whether to additional allegations should be levied against the accused student. The Subcommittee shall also agree on the recommended disposition of these new allegations. If, during the course of its investigation, the Subcommittee determines there is credible evidence that a student or students other than the accused student have violated this code, such evidence shall form the basis of a separate complaint. To the extent the Subcommittee should find additional bases of violations of the Code during its preliminary investigation, the Subcommittee shall notify the Committee when it makes its recommendation.
- 5.05** The Subcommittee shall make its recommendation to the Committee within three weeks of the first meeting of the Committee, or as soon as reasonably possible thereafter. The recommendation of the Subcommittee shall be made available only to the members of the Committee, until or unless such time as a full hearing is scheduled pursuant to Article 6 of this Code.

## **F. Article 6. Full Hearing**

- 6.01** The Committee possesses the sole discretion to accept or reject the recommendation of the Subcommittee, including the recommendation by the Subcommittee to table further disciplinary action pursuant to Article 5.03 above, which acceptance or rejection of the Subcommittee recommendation shall be determined by a simple majority of the voting members of the Committee. Unless extraordinary circumstances exist or unless the accused student enters into a plea agreement pursuant to Article 10 of this Code, however, the Committee should accept the Subcommittee's recommendation. In the event the Committee determines to accept the recommendation of the Subcommittee to table further adjudication of an alleged academic violation to a future date, or in the event the Subcommittee was unable to agree upon a recommendation and the Associate Dean for Academics was called upon to make a recommendation pursuant to Article 5.03 above and recommended that the

Committee table further adjudication of an alleged academic violation to a future date, the Committee must obtain the written acquiescence of the accused student in order to formally table the further adjudication of an alleged academic violation to a future date.

- 6.02** In the event that the Committee decides to proceed to a full hearing, the it shall set a date for the hearing that falls within two weeks of the determination to proceed, or as soon as reasonably possible thereafter if extenuating circumstances are present. The Committee may decide to set the date of the hearing at a later date in extenuating circumstances. Extenuating circumstances shall include, but not be limited to, the unavailability of witnesses, the unavailability of Committee members, or the scheduling of examinations or other events at the School of Law.
- 6.03** The Associate Dean for Academics shall promptly notify the accused student of the hearing date by the method set out in Article 11 of this Code. Requests for a continuance of a scheduled hearing shall be heard by the Committee and granted only in extraordinary circumstances.
- 6.04** The Hearing Panel shall consist of the members of the Committee who did not sit on the Subcommittee during the preliminary investigation, as well as the Associate Dean for Academics. In the event that a full hearing is scheduled, the accused student shall have access to the evidence gathered in the Subcommittee's investigation. There shall be no other prehearing discovery.
- 6.05** At any time after the determination to proceed to a full hearing but before the hearing is held, the Hearing Panel may meet to consider any preliminary matters as they arise, including, but not limited to, the accused student's request to sever parties or to have discrete violations heard separately. Such determinations shall remain within the sole discretion of the Hearing Panel. Furthermore, the Hearing Panel may propose and enter into a plea agreement pursuant to Article 10 of the Code with the accused student at any time after the Subcommittee finishes its preliminary investigation and makes its recommendation to the Committee.
- 6.06** The hearing shall be confidential and closed to all but those directly involved in the proceeding, unless the student, by written request delivered to the Chair not later than 24 hours before the hearing, requests that the hearing be public. Nothing within this provision shall prevent the Dean from attending the hearing.
- 6.07** All members of the Committee must be present at the hearing. The Associate Dean for Academics shall preside as the Chief Committee Member at the hearing and shall state at the commencement thereof: (a) the scope of the hearing, the allegations in the complaint, the identity of

the accuser, and the jurisdiction of the Committee; (b) the procedure to be followed in the hearing; (c) the possible penalties to be imposed should violation(s) of the Code be proven; and (d) the rights of the accused student following the hearing. In the event that the Associate Dean for Academics is unavailable, has a conflict of interest, or has been recused voluntarily or involuntarily pursuant to Article 3.03 or 3.04, the Chair shall sit as the Chief Committee Member during the hearing. In the event that neither the Associate Dean for Academics nor the Chair is available, the Dean shall appoint the Chief Committee Member from among the remaining Committee members who comprise the Hearing Panel.

- 6.08** The Chair may appoint a “Prosecutor” to present witnesses and evidence against the accused student at the hearing. The Prosecutor may be a full-time or adjunct professor of law, an attorney outside of the School of Law, or any other person whom the Chair deems suitable, after consultation with the Associate Dean for Academics, the Committee, or both. The Chair may also forego the appointment of a Prosecutor, in which case the members of the Committee shall have the right to call and examine witnesses, present evidence, and cross-examine witnesses presented by the accused student, including the student himself/herself if he/she testifies.
- 6.09** The accused student has the right not to testify at the hearing. No inferences shall be drawn from the exercise of this right.
- 6.10** The hearing shall be conducted in such a manner as to do substantial justice and shall not be unduly restricted by the rules of procedure or evidence; therefore, neither the Federal nor Tennessee Rules of Evidence shall apply.
- 6.11** The accused student shall be presumed innocent. The accused student has the right, and shall be provided any and all reasonable opportunity, to present witnesses and submit evidence at the hearing, including documentary materials of any kind.
- 6.12** The accused student may be represented by a person of his/her choice. It is the sole responsibility of the student to obtain representation. This Code in no manner creates a responsibility of the Committee, the Dean, or the School of Law to provide appointed representation for the accused student or to provide compensation to the accused student’s representative.
- 6.13** Once a final hearing has been set, and upon the written petition of the Associate Dean for Academics, the Prosecutor, or the accused student, or by his/her own authority as Chair, the Chair shall issue a written request to students, faculty members, staff members or employees of the School of Law to appear as witnesses at the hearing and/or produce physical or documentary evidence in their possession that was identified during the

Subcommittee's investigation, including but not limited to, the identity of any person who filed the report of violation against the accused student and any statement by that reporter. The Chair shall sign the written request and deliver it to the prospective witness or source of physical or documentary evidence, or his/her department head, at least three days before the hearing, or as soon as reasonably possible thereafter. The Chair may refuse to issue a written request if he/she determines the evidence sought is confidential and/or privileged under the rules or regulations of the University or the School of Law. The Chair may amend, modify, or rescind the request, if, after the request is issued, he/she determines that the evidence sought confidential and/or privileged under the rules or regulations of the University or the School of Law. Upon receipt of a written request, the student, faculty member, staff member or employee of the School of Law shall appear as a witness at the hearing and/or produce the physical or documentary evidence requested unless extraordinary circumstances prevent it.

- 6.14** The hearing shall be recorded by stenographic, mechanical, electronic, or sound photographic means. After the Committee has rendered a decision in a case, its opinion and all other records and documents pertaining to the proceeding shall be delivered to the Associate Dean for Academics for safekeeping for a period not less than five years, after which time said opinion, records and documents may be destroyed.
- 6.15** In the event that the hearing results in a dismissal of all charges, the Associate Dean for Academics shall ascertain that the complaint and any other references to the proceedings are promptly deleted from the accused student's file at the School of Law.
- 6.16** In the event that the hearing results in a determination that a violation occurred, the Hearing Panel shall determine the appropriate disciplinary sanctions pursuant to Article 8 of the Code herein. The student may present evidence in mitigation.
- 6.17** A brief written opinion stating the Hearing Panel's findings of fact and the basis for its judgment shall be prepared by the Secretary.
- 6.18** The Committee may adopt any further rules or make any further regulations necessary for a fair and impartial hearing that are not inconsistent with Article 6 of this Code.

## **G. Article 7. Committee Determination**

- 7.01** At the close of questioning and upon consideration of all of the evidence presented, the Hearing Panel shall decide whether the accused student has committed a violation in private deliberations.

- 7.02** A determination by the Hearing Panel that the accused student violated the Code requires a simple majority of the voting members of the Hearing Panel to determine, by a preponderance of the evidence, that the accused student committed acts that violated the Code. For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 7.03** If the Hearing Panel determines that the accused student violated the Code, it shall determine the appropriate sanction by a simple majority of the voting members of the Committee. The Hearing Panel's vote on the determination of the violation and sanctions shall become the determination of the Committee.
- 7.04** The Associate Dean for Academics shall notify the accused student of the Committee's determination at its earliest possible convenience by the method set out in Article 11 of the Code. If the Committee determined that the accused student violated the Code, such notification shall advise the student of his/her right to appeal pursuant to Article 9 of this Code.
- 7.05** The identity of the accused student shall remain confidential, and no information describing or characterizing the accused student shall be disseminated by members of the Committee. Notwithstanding the above provisions, the Chair shall transmit information regarding the final disposition of the hearing, including any pertinent evidence presented therein, to the Dean of the School of Law and the University Registrar. Before transmitting information to any person or organization requesting information about the academic standing of a student who was determined to have violated the Code, the Registrar shall seek the written consent of the student, made either directly to the Registrar or to the requesting person or organization. In the event that the student who was determined to have violated the Code refuses to consent to the Registrar's request or fails to provide consent within one week of the request, the Registrar shall not transmit academic information of any kind to the person or organization requesting such information. Instead, the Registrar shall send a letter to the person or organization requesting the information stating that the student did not consent to the release of his or her academic information.
- 7.06** Upon completion of the full hearing, or the entry of the accused student into a plea agreement, the Office of the Associate Dean for Academics shall post on the administrative bulletin board or TWEN site, or both, a brief statement describing: (a) the violations of the Code alleged in the complaint; (b) whether the accused student was found innocent, admitted the violations, or was found to have committed the violations alleged in the complaint; and (c) the sanctions imposed by the Committee, if any.

The name of the accused student shall be omitted from the public statement unless the student exercises his/her option to have the hearing made public pursuant to Article 6.06 of this Code. In the event that the accused student has requested a public hearing, his/ her name will be included in the public statement.

## **H. Article 8. Sanctions**

**8.01** Misconduct constituting a violation of this Code may result in the imposition of any one or a combination of the following sanctions for any period of time the Committee deems appropriate:

1. Unwritten warning by the Dean or Associate Dean for Academics;
2. Written reprimand not of record;
3. Written reprimand of record;
4. Public discussion, which requires the student to engage in public discussion of his/her act in the best interest of educating and deterring other students. This sanction shall not be imposed in the absence of the written consent of the student and may be imposed as an alternative to other sanctions.
5. Probation, meaning the suspension of any sentence subject to future non-violation of this Code;
6. Suspension from the School of Law;
7. Withdrawal of the University or School of Law privilege relating to the misconduct, including, but not limited to, termination of membership in a student organization;
8. A monetary assessment in the form of restitution for any damages to property;
9. Expulsion from the School of Law;
10. Granting the student an "F" or other appropriate grade in the course in question;
11. Revocation of a former student's diploma, if the violation of the Code occurred while the student was matriculating at the School of Law; or
12. Any further sanction authorized by the Dean of the School of Law.

**8.02** All sanctions shall bear reasonable relationship to the severity of the misconduct, except that an offending student's record of prior misconduct, including warnings and written reprimands not of record, or the absence thereof, may be taken into account.

**8.03** All disciplinary actions shall be executed by the Office of the Associate Dean for Academics, and, with the exception of those described in Articles 8.01(a) and 8.01(b), shall be recorded on the student's official record.

- 8.04** The Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the Committee to impose further sanctions for the failure of the student to fully comply with the sanctions shall be preserved until all of the sanctions imposed are completed.
- 8.05** Unless specifically stated by the Committee as part of sentencing, the Associate Dean for Academics shall mandate all time frames within which the student shall comply with all sanctions levied by the Committee. In the event a student fails to comply with any requirements of a plea agreement entered into with the Committee, or with a sanction levied after a full hearing, the Associate Dean for Academics shall notify the Chair. After conferral with the Associate Dean for Academics, the Chair may extend the time within which the student must comply with the sanctions or provisions of the plea agreement.
- 8.06** If the Chair has reason to believe that the failure of the student to comply with previously imposed sanctions or provisions of a plea agreement is an intentional and willful disregard of the authority of the Committee and a violation of 2.01(7) of this Code, the Chair shall immediately convene the Committee to discuss further action. In the absence of an extraordinary circumstance justifying non-compliance, any plea agreement or lesser sanction shall be deemed withdrawn and void, and, upon a vote of a simple majority of the voting members of the Committee, the matter may proceed to full hearing on the original allegation, if not tried, or to a limited hearing only on the failure of the student to comply with the sanctions of the Committee after preliminary investigation, hearing, and determination. The Committee shall have the full range of sanctions available to it under Article 8.01 at this non-compliance hearing, including, but not limited to, expulsion from the School of Law. The determination of the Committee with regard to willful non-compliance with a signed plea agreement or previously assessed sanctions for violation of the Code shall not be appealable pursuant to Article 9 of the Code.

## **I. Article 9. Appeal**

- 9.01** A student whom the Committee has determined to have violated the Code shall have the right to appeal the adverse ruling by the Committee. Such appeal shall lie in the sole discretion of the Dean and must be made within fourteen (14) calendar days of date that notice and service of the Committee's judgment was provided to the student as set forth in Article 11 of the Code.
- 9.02** If the student desires additional time to prepare an appeal, he/she must make a written request to the Dean within the same 14-day period. The

Dean may, within his/her sole discretion, grant such additional time for appeal.

- 9.03** With respect to the finding(s) and sanction(s) determined by the Committee, the Dean may, within his/her discretion, alter any portion of the Committee findings or sanctions.
- 9.04** An accused student who enters into a voluntary plea agreement with the Committee is not entitled to appeal the entry of the plea agreement or any of the conditions set forth therein.

## **J. Article 10. Plea Agreements**

- 10.01** At any point following the preliminary investigation and the recommendation of the Subcommittee, the Hearing Panel shall be empowered to enter into a plea agreement with the accused student on behalf of the Committee.
- 10.02** As a condition of any plea agreement, the accused student must unequivocally admit and accept responsibility for the misconduct as stated within the plea agreement and consent to the sanction imposed by the Committee.
- 10.03** Before entering into a plea agreement, the Hearing Panel, by a simple majority of the voting members, must determine that: (a) sufficient evidence exists to demonstrate that the accused student committed misconduct constituting a violation of the Code; (b) that the sanction imposed by the plea agreement is appropriate; and (c) that the plea agreement is acceptable.
- 10.04** The plea agreement must expressly warn the accused student that he/she may seek legal counsel prior to executing the agreement, subject to the caveats set forth in Article 6.12 of this Code. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees either is responsible for securing, providing, or recommending specific legal counsel or is encouraged to do so.
- 10.05** The plea agreement shall expressly warn the accused student that execution of the agreement will constitute a waiver of the right to appeal any alleged procedural error in the disciplinary proceedings, whether known or unknown at the time of execution, pursuant to Article 9 of the Code.
- 10.06** The plea agreement shall be written and signed by the accused student and the Associate Dean for Academics. The Associate Dean for Academics

shall not sign the agreement without the approval of a simple majority of the voting members of the Hearing Panel.

- 10.07** The Hearing Panel, in its sole discretion, may reduce, alter, and/or amend the allegations of misconduct against the accused student within the plea agreement, so long as said amendments do not increase the level of accused sanction to which the student has agreed without notice to the accused student and an opportunity for the accused student to withdraw acquiescence to the agreement. Furthermore, the Hearing Panel, in its sole discretion, may consider the plea as a mitigating factor for purposes of imposing its sanctions within the plea agreement. However, nothing within this section shall be construed to provide the accused student with a right to an exercise of such discretion.
- 10.08** Once a plea agreement is properly executed in compliance with this rule, the matter shall be terminated, and notwithstanding any errors that may have occurred during the preliminary investigation or any other portion of the disciplinary proceedings, whether known or unknown at the time of execution, no right to appeal shall be preserved regardless of the alleged error's severity, type, potential for repetition, or import.
- 10.09** Notwithstanding the termination of a matter pursuant to Article 10.08, the Committee shall maintain jurisdiction over the matter until such time as the imposed sanctions are fully completed. Furthermore, the right, ability, and jurisdiction of the Committee to impose further sanctions for the student's failure to fully comply with the sanctions shall be preserved until all of the sanctions imposed within the plea agreement are completed, as more specifically stated in Articles 8.05 and 8.06 of this Code.
- 10.10** For purposes of any vote pursuant to this rule, each member of the Hearing Panel, regardless of rank, shall have one vote.
- 10.11** In the event the Associate Dean for Academics is unavailable to sign the plea agreement, the Chair shall sign the plea agreement. In the event neither the Associate Dean for Academics nor the Chair is available to sign the plea agreement, the Dean shall appoint an acting Chair to sign the plea agreement from among the remaining Committee members who comprise the Hearing Panel.

## **K. Article 11. Notice and Service**

- 11.01** Any duly promulgated rule, regulation or order of the School of Law posted on the administrative TWEN bulletin board shall serve as constructive notice to the student body within 48 hours of its posting. Further, any e-mail sent to a student at the e-mail address assigned to them

by the School of Law shall be deemed delivered pursuant to the notice requirements of this Code on the day following the sending of the e-mail in question.

**11.02** In all cases where the Code charges a person with the responsibility for the delivery of complaints, notices, statements, judgments, or any other documents whatsoever, the person making delivery thereof shall first make a reasonable attempt to serve the document in question personally and by e-mail upon the person entitled to receive it. If such personal or e-mail service cannot be accomplished, a certified letter, and regular U.S. Mail letter, duly posted to the most recent address of the person as listed in School of Law files, shall conclusively be presumed to provide notice and service required by the Code. Service will be considered complete one day after the posting of the certified letter.

**11.03** All time periods in this Code commence to run exclusive of the day of service, notice, or judgment. Further, all deadlines will end at 5:00 p.m. Eastern Time on the day due, regardless of weekend or weekday.

## **L. Article 12. Reserved Powers**

**12.01** Nothing in this Code shall be construed to limit the authority of a faculty member or a School of Law organization to deal with misconduct arising in the faculty member's class or organization. Such action shall not be the basis for a plea of double jeopardy by the student involved.

**12.02** The Dean and faculty of the School of Law reserve the right to modify, alter, amend, extend or restate any section of this Code at any time.

**12.03** Any student who, within the sole discretion of the Dean, poses an imminent risk of serious harm to the School of Law community, may be suspended immediately and shall be accorded due process, otherwise consistent with this Code, at a later date.

**12.04** No section of this Code, determination of the Committee, or plea agreement entered into by any student under this Code, shall be construed as limiting or controlling the discretion of the Dean of the School of Law to exercise his or her discretion regarding whether or not to endorse any student as possessing the necessary character and fitness for the practice of law.

## **XVIII. ACCREDITATION**

### **A. University Regional Accreditation**

Lincoln Memorial University is accredited by the **Commission on Colleges of the Southern Association of Colleges and Schools** to award associate, baccalaureate, masters, specialist and doctorate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call (404) 679-4500 for questions about the accreditation of Lincoln Memorial University.

In April of 2009, The Southern Association of Colleges and Schools Commission on Colleges (SACS-COC) granted approval for Lincoln Memorial University (LMU) to offer the Doctor of Jurisprudence (JD) degree program. The Substantive Change allowed LMU to open the John J. Duncan, Jr. School of Law in August of 2009.

## **B. Duncan School of Law Accreditation**

On February 24, 2009, the Lincoln Memorial University School of Law earned approval from the Tennessee Board of Law Examiners for its graduates to be eligible to apply to take the bar examination in Tennessee.

On November 7, 2013, the Lincoln Memorial University School of Law received an extension from the Tennessee Board of Law Examiners for its graduates to be eligible to apply to take the bar examination in Tennessee until May 31, 2018.

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of School of Laws by the American Bar Association. The Administration and the Dean are determined to devote all necessary resources and in other respects to take all necessary steps to present a program of legal education that will qualify for approval by the American Bar Association. The School of Law makes no representation to any applicant that it will be approved by the American Bar Association prior to the graduation of any matriculating student.

## **XIX. GRADING POLICIES**

### **A. Mandatory Grade Distribution**

#### **1. Level 1000 Final Course Grades:**

Grades of A and A- shall be awarded to no more than 20% of the class. The total grades of A, A-, B+, B, and B- shall be awarded to no more than 55% of the class (distribution curve). For each class, the cumulative average grade shall fall between 2.300 and 2.700 (mean curve). Students receiving a grade of 'F' shall be omitted from the calculation of the cumulative average.

The mandatory distribution curve shall not apply to any Level 1000 or 2000 course with fewer than twenty (20) students enrolled. The mean curve will apply.

2. Level 2000 Final Course Grades:

Grades of A and A- shall be awarded to no more than 20% of the class. The total grades of A, A-, B+, B, and B- shall be awarded to no more than 55% of the class (distribution curve). For each class, the cumulative average grade shall fall between 2.600 and 3.000 (mean curve). Students receiving a grade of 'F' shall be omitted from the calculation of the cumulative average.

The mandatory distribution curve shall not apply to any Level 1000 or 2000 course with fewer than twenty (20) students enrolled. The mean curve will apply.

3. Other Provisions

Mid-term examinations and final examinations for Level 1000 courses shall have a mean that does not exceed a GPA of 2.600. Level 2000 courses shall have a mean that does not exceed a GPA of 2.900. Students receiving a grade of 'F' shall be omitted from the calculation of the cumulative average.

4. A faculty member shall submit mid-term exam grades, final exam grades and final course grades to the Associate Dean for Academics within the time designated by the Associate Dean. If the grades do not comply with the curve, they shall be returned to the faculty member for adjustment in conformity with the curve and resubmission to the Associate Dean. The Registrar shall not process any grades for a course until all grades for the course conform to the grading curves, unless a waiver has been obtained from the Dean or Associate Dean for Academics.
5. In extraordinary circumstances, the Dean or Associate Dean for Academics may grant a waiver for a faculty member not conforming to the grading curves for a particular course for a particular semester. It is not considered "extraordinary circumstances" that a faculty member simply considers the curve too strict or too generous, in whole or in part, or the class too strong or too weak for the curve to be applicable. Any such waiver shall be reported to the Academic Standards Committee in writing, together with the reasons for the waiver.

B. Grading

1. The School of Law uses a letter grade system as follows:

A	4.000	C	2.000
A-	3.670	C-	1.670
B+	3.330	D+	1.330
B	3.000	D	1.000

B- 2.670	D- 0.670
C+ 2.330	F 0.000

## 2. Explanation of Grades

**A** A grade of A is given to any student who completes the requirements for a course and does so in a fashion that is uniformly outstanding for a law student and future lawyer at this stage of his or her education.

**A-** A grade of A- is given to any student who completes the requirements for a course and does so in a fashion that is often outstanding but lacks the consistency associated with uniformly outstanding work for a law student and future lawyer at this stage of his or her education.

**B+** A grade of B+ is given to any student who completes the requirements for a course and does so in a fashion that is very good but lacks the consistency associated with outstanding work for a law student and future lawyer at this stage of his or her education.

**B** A grade of B is given to any student who completes the requirements for a course and does so in a fashion that is uniformly good work for a law student and future lawyer at this stage of his or her education.

**B-** A grade of B- is given to any student who completes the requirements for a course and does so in a fashion that is often good work, but lacks the consistency associated with uniformly good work for a law student and future lawyer at this stage of his or her education.

**C+** A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of competent but not rising to the level of good work for a law student and future lawyer at this stage of his or her education.

**C** A grade of C is given to any student who completes the requirements for a course and does so in a fashion that is competent for a law student and future lawyer at this stage of his or her education.

**C-** A grade of C- is given to any student who completes the requirements for a course and does so in a fashion that is below the level of competent, lacking the consistency necessary for competent work for a law student and future lawyer at this stage of his or her education. A student who maintains a C- average is not eligible to graduate and, if that average persists, is not eligible to continue his or her studies at the School of Law.

**D+** A grade of D+ is given to any student who completes the requirements for a course and does so in a fashion that reflects some skill but is solidly

below the level of competent for a law student and future lawyer at this stage of his or her education.

**D** A grade of D is given to any student who completes the requirements for a course and does so in a fashion that reflects some skill but is substantially below competent for a law student and future lawyer at this stage of his or her education.

**D-** A grade of D- is given to any student who completes the requirements for a course and does so in a fashion that generally reflects some minimal skill that is marginally above a failing grade for a law student and future lawyer at this stage of his or her education.

**F** A grade of F is given to any student who either (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion. This grade confers no credit for the course.

3. Other possible transcript notations and explanations:

**I** = Incomplete

A grade of I is given to a student who has not completed the requirements for a course in a timely fashion but has arranged with the instructor to do so within no more than six calendar months from the last day of exams for the applicable semester. A grade of Incomplete shall only be given in extraordinary circumstances. After six months, an unresolved I becomes an F (0.000). At no time does an I confer credit for a course.

**P** = Passing

Eligible courses will be graded on a pass/fail basis. A grade of P is given to any student who passes a pass/fail course. This grade confers credit but is not calculated in the grade average.

**W** = Withdrew

A grade of W is posted on the transcript whenever a student withdraws from a course prior to the deadline to drop a course. The W grade confers no credit and is not calculated in the grade average.

**AW** = Absence Withdrawal

A grade of AW<sup>4</sup> is posted on the transcript whenever a student is withdrawn from a course for excessive absences. The AW grade confers no credit but is calculated into the grade average in the same way as an "F" (0.000).

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<sup>4</sup> Prior to spring 2013, a notation of "WA" was listed on the transcript of any student who was withdrawn from a course due to excessive absences. Students who received a "WA" received no course credit and the "WA" did not calculate into the GPA in any way. Beginning in Spring 2013, a "AW" replaced the notation of "WA" and the "AW" does calculate into the GPA in the same way as a failing grade.

**WD = Withdrew from University**

A notation of WD denotes an administrative withdrawal from the University (from all courses), instigated by the University, prior to the conference of a grade in any course. The WD grade confers no credit and is not calculated in the grade average.

**X =** A notation of X is posted on the transcript if the student, through no fault of his or her own, has not yet received a grade for a course. This notation covers unforeseeable circumstances unrelated to the student. The X notation does not confer credit for the course and is not calculated in the grade point average.

**AU = Audit**

A notation of AU denotes an official audit of the course. No credit is awarded nor is a grade assigned.

4. Pass/Fail Grading

Any course in which letter grades are not expected to be given will be graded on a pass/fail basis. Students who pass the course receive a P for the course. Students who fail the course receive an F (0.000). A failing grade will be calculated as part of a student's grade point average.

- a. For all coursework taken on a pass/fail basis, whether at, or outside, the School of Law, a student must perform at no less than a C level to earn a P grade. Students who perform below a C level will receive an F.
- b. Credit Hour Limitation. Absent approval in writing from the Associate Dean for Academics, no student may count more than nine credit hours earned in courses graded on a pass/fail basis toward the total number of hours required for graduation (not including transfer credits).

5. Calculation of Grade Point Averages

After all grades have been recorded for students each semester, the Registrar will calculate and report to each student his or her individual grade point average. This information will be made available to all students through WebAdvisor.

6. Examinations

As a general matter, in non-writing and non-skills courses, a mid-term and a final exam will serve as the principal basis for evaluation of academic performance. Nothing contained herein prevents the Dean or the Associate Dean for Academics from waiving the necessity of a mid-term exam based upon the nature of the course and its duration, so long as sufficient assessment mechanisms within the course exist to gauge student learning outcomes and

achievement. The examination format will be left to the discretion of each faculty member. Unless a waiver is granted by the Dean or the Associate Dean for Academics, faculty shall use traditional essay and multiple-choice questions. Except for take-home exams, exam rooms will be proctored, but one proctor may facilitate exams being conducted in multiple rooms.

## **XX. ACADEMIC GRIEVANCE PROCEDURES**

### **A. Procedure for a Non-Grade Related Academic Grievance**

1. Grievances concerning any academic issues should first be taken to the instructor of the class, if a classroom situation is in dispute.
2. If a student feels he/she needs to take the matter further, the Associate Dean for Academics should be consulted, no later than two weeks following the first day of classes for the next semester (including summer terms), with such grievance being made in writing.
3. If a student is dissatisfied with the decision or remedial action taken by the Associate Dean for Academics, the student may appeal such decision to the Dean. An appeal under this subsection must be made within five (5) calendar days of the decision or remedial action that is the basis for the appeal and must provide, in writing, a copy of the grievance and a statement setting forth the appellant's basis for dissatisfaction. The Dean's decision shall be final and nonappealable.
4. Grievances concerning sexual harassment by a faculty member are not governed by this section.

### **B. Academic Grievances Seeking Grade Changes**

1. Grievances seeking a grade change should first be taken to the instructor of the class. If a student feels he/she needs to take the matter further, the Associate Dean for Academics should be consulted.
2. After a professor has submitted grades to the Registrar's office, the grades are final and may not be changed except with permission from the Academic Standards Committee, or, for changes arising from a mathematical, administrative or clerical error, the Associate Dean for Academics. All decisions of the Academic Standards Committee with respect to requests for grade changes shall be final.
3. Requests for changes to grades must be made no later than:

- a. forty-five (45) days after the date set by the official Academic Calendar for the end of that semester's final exams; or
  - b. three (3) weeks after the contested grades are posted, whichever is later.
4. To qualify, a requested grade change must allege facts indicating a basis for the change that falls within one of three categories set forth below and in accordance with the policies detailed below:
- a. **Mathematical, Administrative or Clerical Error**
    - i. Upon a showing that a grade was recorded in error due to a mathematical error, administrative error, or clerical error, a grade change will be presented to the Associate Dean for Academics.
    - ii. A mathematical error is an error based upon an incorrect calculation of a student's score on an exam or in a class, such as an error in addition, subtraction, or other formulaic error.
    - iii. An administrative error is a non-mathematical error made by a faculty member in reading a student's exam, such as unintentionally overlooking a portion of a student's exam answer.
    - iv. A clerical error is an error, other than those addressed above, such as a transcription error. Clerical errors are not limited to errors made by faculty and include errors made by a staff member after a faculty member has turned in his or her grades.
    - v. Challenges to grades based on any of the above grounds first shall be addressed directly with the faculty member responsible for the grade. If the faculty member agrees that a mathematical error, administrative error, or clerical error has been made, the faculty member shall submit the request for a grade change to the Associate Dean for Academics.
    - vi. If the faculty member does not agree that a mathematical error, administrative error, or clerical error has been made, the student may submit a written request for the change to the Academic Standards Committee. The committee shall allow the faculty member to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.
  - b. **Bias**

- i. A grade challenge made on the basis of bias would include an allegation by a student that his or her grade was unfairly awarded based upon a particular faculty member's bias with regard to (and presumably against) that student.
    - ii. To allege bias, a student must allege specific facts indicating professorial prejudice (either against a group of students or against the student making the allegation). To qualify for consideration, the challenge must allege that the prejudice stems from a source other than the student's performance in class discussions, on the course's webpage, on assignments, or on papers, quizzes, and examinations. Allegations of bias must be made under oath.
    - iii. Challenges based on bias shall be submitted in writing to the Associate Dean for Academics who shall forward the challenge directly to the Academic Standards Committee. The Committee shall allow the faculty member involved to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.
  - c. **Arbitrary and Capricious Grading**
    - i. A grade challenge made on the basis of an allegation of arbitrary and capricious grading must be submitted in writing to the Associate Dean for Academics who shall forward the challenge directly to the Academic Standards Committee.
    - ii. The Committee shall allow the faculty member involved to provide a written response and shall conduct any investigation it deems necessary. If the faculty member involved is a member of the Committee, the faculty member shall be recused from participating in the deliberations.

## **C. American Bar Association Student Complaint Policy**

1. **Formal Complaints Implicating American Bar Association Standards for Approval of Law Schools**

As an institution seeking accreditation by the American Bar Association (“ABA”), the Lincoln Memorial University - Duncan School of Law (“DSOL”) seeks to comply with the ABA Standards for Approval of Law Schools (“the Standards”). The Standards may be found at [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

### ***Procedures and Requirements for Filing a Complaint***

Any student at DSOL who wishes to file a formal complaint (“Complaint”) to the Administration of the DSOL of a significant problem that directly implicates DSOL’s program of legal education and its compliance with the Standards should take the following steps:

- a. Submit the Complaint, in writing, on the form contained in Appendix III herein, to the Associate Dean for Academics or the Associate Dean and Director of the Law Library;
- b. Describe, in detail, the behavior, program, or process complained of and demonstrate how it implicates the DSOL’s program of legal education and DSOL’s compliance with an identified Standard;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly impact the DSOL’s program of legal education and the DSOL’s compliance with an identified Standard including:
  - i. The date and time of the incident(s);
  - ii. The number and name of the standard implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the lack of compliance is alleged to have occurred if it does not relate to a specific incident detailed in I.A.4. above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student’s official DSOL email address, a phone number, and a mailing address for further communication about the Complaint; and
- g. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint.

### ***Time Limitations***

The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit.

### ***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part of the above procedures shall render the Complaint void and shall not require a response or any other action by DSOL.

The dean to whom the Complaint is submitted (“Associate Dean”) should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

Within fourteen (14) calendar days of acknowledgment of the Complaint, the Associate Dean or the Associate Dean’s designee shall either:

- a. Meet with the complaining student;
- b. Respond to the substance of the Complaint in writing; or
- c. Request additional information relating to the Complaint.

Subject to the provision below, the Associate Dean shall respond to the Complaint either by providing a substantive response to the Complaint or by providing the student information about what steps are being taken by the DSOL to address or further investigate the Complaint.

#### ***No Issue Found***

In the event that the Associate Dean determines that the Complaint does not raise issues relating to DSOL’s compliance with the Standards, the matter will be closed.

#### ***Appeals***

Appeals from the decision must be taken to the Dean of the DSOL within five (5) business days.

Any student filing an appeal should take the following steps:

- a. The appeal should be submitted, in writing, to the Dean;
- b. The appeal should state what portion or portions of the decision the student is appealing and the reason for the appeal;
- c. The appeal must provide the name of the student filing the appeal, the student’s official DSOL email address, a phone number, and a mailing address for further communication about the appeal.

Any decision made on appeal by the Dean of the DSOL is final.

#### ***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean of the DSOL for a period of no less than eight (8) years. A digital copy of the information shall be considered in compliance with this retention policy.

### ***Frivolous Complaints***

A student who files a Complaint that is determined to be frivolous shall be considered in violation of the Code of Academic Integrity and shall be referred to the Academic Integrity Committee for review and disposition. A frivolous claim is one which is determined by the Associate Dean or the Dean not to have a good faith substantive basis or merit including one brought for an unreasonable purpose such as harassment or personal bias. In determining whether a Complaint is frivolous, the following may be taken into account:

- a. the number of times the same Complainant has filed the same or similar complaint;
- b. the inability of the Complainant to substantiate his/her allegations;
- c. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- d. other factors as determined by the Associate Dean or the Dean.

The Associate Dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the Academic Integrity Committee (“AIC”) for a determination on the appropriate sanction, if any. The decision of the Associate Dean or, in the case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

If a timely appeal is filed, then the Associate Dean shall await the findings of the appellate process before taking any action with the AIC. If the decision of the Associate Dean is upheld on appeal, then the finding of frivolousness will stand, and the Complainant shall be turned over to the AIC. If the decision of the Associate Dean is reversed on appeal and the Complaint is found to have merit or is found not to be frivolous, then the finding of frivolousness will be withdrawn and the matter shall not be turned over to the AIC.

### ***Notification***

This policy shall be published in each edition of the Duncan School of Law Student Handbook and in other locations sufficient to provide notice to students of its existence.

2. Formal Complaints Regarding Safety; Faculty, Staff or Student Misconduct; Discrimination; and Handbook/Policy Violations

***Procedures and Requirements for Filing a Complaint***

Any student who wishes to bring a formal complaint to the DSOL Administration of a significant problem with safety; faculty, staff, or student misconduct; discrimination; and/or Handbook/policy violations should take the following steps:

- a. The Complaint should be submitted in writing to the dean, (“appropriate dean”) as delineated below, on the form contained in Appendix IV herein. The appropriate dean shall be determined by the nature of the Complaint. The type of Complaint and the appropriate dean designated to address such Complaints are as follows:

<b>Type of Complaint</b>	<b>Dean Designated to Address Complaint</b>
Americans With Disabilities Act (“ADA”)	Associate Dean for Academics
Career Services	Assistant Dean for Students
Code of Academic Integrity	Associate Dean for Academics
Faculty Misconduct (Non-academic)	Associate Dean for Academics  <i>(If the Complaint is against the Associate Dean for Academics, then the Dean. If the Complaint is against the Dean then the President of LMU)</i>
Family Educational Rights and Privacy Act (“FERPA”)	Associate Dean for Academics
Financial Aid	Assistant Dean for Students
Grievances Against Faculty Regarding Grading or Grade Appeals	Associate Dean for Academics  <i>(If the Complaint is against the Associate Dean for Academics, then the Dean. If the Complaint is against the Dean then the Vice President for Academic Affairs for LMU)</i>
Nondiscrimination Policy by a Faculty Member	Associate Dean for Academics
Nondiscrimination Policy by a Student	Assistant Dean for Students

Safety	Assistant Dean for Students
Staff Misconduct	Associate Dean for Academics
Student Handbook Violations ( <i>Not otherwise addressed in this chart</i> )	Associate Dean for Academics
Student Misconduct (Academic)	Associate Dean for Academics
Student Misconduct (Non-academic)	Assistant Dean for Students
Student Organizations	Assistant Dean for Students

- b. Describe in detail the facts upon which the Complaint is based and, if applicable, the specific policy or provision of the Handbook which are alleged to have been violated;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly violated a policy or provision of the Handbook and include:
  - i. The date and time of the incident(s);
  - ii. The policy or Handbook provision implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the allegations are to have occurred if it does not relate to a specific incident detailed in I.A.4 above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint;
- g. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint; and
- h. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint.

***Time Limitations***

All Complaints must be received by the appropriate dean (or individual) designated above within twenty-one (21) days of the alleged action referred to in the Complaint. However, if lack of actual knowledge by the complainant exists, this limitation may be tolled, at the discretion of the appropriate dean.

### ***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part or parts of the above procedures shall render the Complaint void and shall not require a response or any other action by DSOL.

The appropriate dean to whom the Complaint is submitted should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made orally, by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

If appropriate, based on the nature of the Complaint, within fourteen (14) calendar days of acknowledgment of the Complaint, the appropriate dean or his or her designee shall either:

- a. Meet with the complaining student;
- b. Respond to the substance of the Complaint in writing;
- c. Request additional information relating to the Complaint; or
- d. In the event that the appropriate dean concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed

### ***Privacy Concerns***

It is important to note that due to circumstances involving privacy of students, faculty and/or staff, an individual making a Complaint may not necessarily be made aware of the outcome of an investigation (if any) or actions taken based on a Complaint.

### ***No Issue Found***

In the event that the appropriate (as designated above) concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed. The closing of an issue may, or may not, depending on the nature of the Complaint, be reported to the complainant(s).

### ***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean of the DSOL for a period of no less than eight (8) years. A digital copy of the information shall be considered in compliance with this retention policy.

### ***Frivolous Complaints***

A student who files a Complaint that is determined to be frivolous shall be considered in violation of the Code of Academic Integrity and shall be referred to the Academic Integrity Committee (“AIC”) for review and

disposition. A frivolous claim is one which is determined not to have a good faith substantive basis or merit including one brought for an unreasonable purpose such as harassment or personal bias.

In determining whether a Complaint is frivolous, the following may be taken into account:

- a. the number of times the same Complainant has filed the same or similar complaint;
- b. the inability of the Complainant to substantiate his/her allegations;
- c. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- d. other factors as determined by the reviewer.

The appropriate dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the Academic Integrity Committee (“AIC”) for a determination on the appropriate sanction, if any. The decision of the appropriate dean or, in the case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

If a timely appeal is filed, then the appropriate dean shall await the findings of the appellate process before taking any action with the AIC. If the decision of the appropriate dean is upheld on appeal, then the finding of frivolousness will stand, and the Complainant shall be turned over to the AIC. If the decision of the appropriate dean is reversed on appeal and the Complaint is found to have merit or is found not to be frivolous, then the finding of frivolousness will be withdrawn and the matter shall not be turned over to the AIC.

***Notification***

This policy shall be published in each edition of the Duncan School of Law Student Handbook and in other locations sufficient to provide notice to students of its existence.

## **XXI. FERPA**

The University complies with the provisions of the Family Education Rights and Privacy Act (FERPA), 1974, as amended. This law maintains that the institution will provide for the confidentiality of law student education records.

No one outside the University shall have access to, nor will LMU disclose any information from, law students' education records without the written consent of law students except to personnel within the institution, to officials of other institutions in which law students seek enrollment, to persons or organizations providing law students financial aid, to accrediting agencies carrying out their accreditation function, to persons in compliance with a judicial order, and to persons in an emergency in order to protect the health and safety of law students or other persons. Additionally, according to 1998 Higher Education Amendments, the University is authorized by law to contact parents or guardians when law students under the age of twenty-one (21) commit serious or repeated violations directly or indirectly involving our drug and alcohol policies. All the exceptions are permitted under the Act.

Law students may not inspect and review financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one law student, in which case LMU will permit access only to that part of the record which pertains to the inquiring law student.

#### **A. Confidentiality of Official Student Records and Maintenance of Progress Records**

All official student information records maintained by the academic and administrative offices of the School of Law are considered confidential, and only such information as is necessary to the normal operations of the School of Law is maintained in official student information records. The School of Law requires each record-keeping office to establish and maintain procedures and practices that will reinforce the principle of confidentiality.

The academic and administrative offices of the School of Law may maintain the following types of academic and non-academic student information records: permanent records of academic achievement (transcripts) including supporting documents, academic advisor and dean's files, admission files, loan and scholarship files, medical files, residence files, student conduct and activity files, Office of Career Services files, foreign student files, alumni/alumnae files, student account files, and library files.

All official student information records are maintained by School of Law staff members in the course of performance of their normally assigned duties, and only those administrative, faculty, and academic staff personnel who have a legitimate educational interest and require access to student information records in the course of their normally assigned duties shall have that right of access.

Only information directly relevant to the educational processes of the School of Law or that is voluntarily offered by the student and accepted from the student shall be included in the officially maintained student information records listed above. Specifically excluded from such student information records are references to political or social beliefs and practices, membership in any organization other

than professional and/or honorary societies, and student activities listed by the students themselves.

## **XXII. CLASS RANK POLICY**

- A. To be ranked, a student must have:
1. completed thirty (30) credit hours at the Duncan School of Law;
  2. successfully completed all first-year required courses as indicated in § XII.G.1 herein; and
  3. been enrolled in at least one course in the ranking semester.
- B. The Associate Dean for Academics, or a designee, shall calculate Interim Class Ranks twice per calendar year—after all student grades for the fall semester have been entered and after all student grades for spring semester have been entered. Interim Class Ranks will not be reflected on a student’s official transcript.
- C. For purposes of Interim Class Ranking, student ranking groups will be established based upon credit hours successfully completed. At the end of the fall and spring semesters, students shall be ranked within the following groups:
- Group I: 30-44 completed credit hours  
Group II: 45-66 completed credit hours  
Group III: 67-88+ completed credit hours
- D. A student’s Graduation Class Rank, based upon the student’s official final cumulative grade point average, will be the only rank that appears on a student’s official transcript. The Graduation Class Rank will rank all students that have graduated since the Graduation Class Rank was last calculated. The Graduation Class Rank will be calculated on June 15<sup>th</sup> of each year and will reflect on each graduating student’s official transcript within a reasonable time thereafter.

## **XXIII. ACADEMIC HONORS**

- A. Dean’s List:
1. To be named to the Dean’s List, a student must have:
    - i. a 3.250 or greater grade point average, in any spring or fall semester in which the student has successfully completed a minimum of 9 credit hours.
    - ii. The Associate Dean for Academics, or a designee, shall promulgate the Dean’s List, for the Dean’s review and approval, after all student grades for each spring and fall semester have been entered.

B. Graduation Honors

1. Graduation honors are as follows:

i.	Cum Laude	3.250 – 3.499
ii.	Magna Cum Laude	3.500 – 3.749
iii.	Summa Cum Laude	3.750 – 4.000

2. Graduation honors, which appear on the student's official transcript, are based upon the student's final cumulative grade point average.
3. Unofficial honors that the student receives at the graduation ceremony will be calculated based upon each student's cumulative grade point average at the end of the academic term preceding the academic term in which a student graduates.

## XXIV. SCHOOL OF LAW EXAMS

- A. All School of Law exams shall be scheduled by the Associate Dean for Academics or her designee.
- B. Course Exam Rescheduling. A student may obtain a rescheduling of an examination only upon the prior, written, discretionary approval of the Associate Dean for Academics or her designee. Rescheduling an examination is an extraordinary event, and students should expect such requests to be denied in the absence of exceptional circumstances. Multiple exams in one day is not an extraordinary event. Students may take two (2) or more exams in one day.
- C. Reschedule Date: The date for the taking of any rescheduled examination shall be set by the Associate Dean for Academics or her designee. Students should not anticipate ever being granted a rescheduled examination date. Circumstances must be extraordinary to warrant a rescheduled exam.
- D. Conditions. In considering requests for the rescheduling of an examination in the absence of course exam conflicts, the Associate Dean for Academics may require such documentation and impose such conditions as he or she deems proper. No individual faculty member at the School of Law may grant a rescheduling.
- E. Students must be seated and prepared to begin the exam a minimum of five (5) minutes prior to the scheduled start of the exam. A student may be prohibited from taking an exam if the student arrives late.
- F. Students who are late for an exam must complete the exam by handwriting in a proctor-designated bluebook. Computers may not be used by students who were not in their seat prepared for the exam administration a minimum of five (5) minutes prior to the schedule start of the exam. If handwritten exams are prohibited by the course instructor, a tardy student will not be permitted to take

the exam. Individual professors may preclude tardy students from entering the exam room or taking the exam under any circumstance.

- G. Students may leave the exam room after the completion of their exam but may not exit the exam room during the last thirty (30) minutes of the exam administration.
- H. Students must show state issued photo identification or their student identification card. A student who fails to show such identification maybe excluded from the exam or have the exam score disregarded or given zero points.
- I. Students must sign a receipt log upon the completion of the exam and must confirm to the proctor that their computer is turned off.
- J. Other exam policies may be applicable to individual exams. Such policies will be made available to students prior to exams.

## **XXV. TRANSFER STUDENTS**

### **A. Credit earned prior to matriculating at the School of Law:**

- 1. Applicants who have completed the equivalent of the first semester of law from a school that is either approved by the American Bar Association or is state approved (possible in Alabama, California, Tennessee, Massachusetts) may apply to transfer to the School of Law. Transfer applicants must submit the following:
  - a. A complete admissions file (Application; personal statement; two letters of recommendation; CAS report; official transcripts from every educational institution attended, at least one of which must evince a baccalaureate degree from a regionally accredited school);
  - b. A statement of good standing from an administrator of the law school(s) from which the applicant seeks to transfer credit;
  - c. A statement of why a transfer is requested;
  - d. A specific list of courses for which the student seeks to obtain credit;
  - e. An official course description for all courses for which the student seeks to obtain credit.
- 2. Applications for transfer credit shall be reviewed by:
  - a. The Admissions Committee and Dean. All applications for admissions shall be governed by the policies contained herein and as provided in the Admissions Policy & Procedures Manual.
  - b. The Academic Standards Committee. The Academic Standards Committee shall, in its sole discretion, determine whether transfer credit is appropriate for each credit sought on an individual basis. In

exercising its discretion, the Academic Standards Committee shall review:

- i. The type of classes taken at the law school(s) from which the applicant seeks to transfer credit;
  - ii. The similarity between the type of classes taken at the law school(s) from which the applicant seeks to transfer credit with comparable classes at the School of Law;
  - iii. Whether the classes taken at the law school(s) from which the applicant seeks to transfer credits are classes traditionally taken at a School of Law accredited by the ABA;
  - iv. The grades, including course grades awarded on a pass/fail basis, received by the student in the classes taken at the law school(s) from which the applicant seeks to transfer credit; and
3. Under no circumstances may a student transfer more than twenty-nine (29) credit hours. A student who has transferred from another law school must successfully complete at least fifty-nine (59) credit hours at the School of Law, with a cumulative grade point average of 2.000 or better, and satisfy all other degree requirements.
  4. Under no circumstances shall the Academic Standards Committee extend credit for any course in which the student earned a grade less than "C." Credit may be extended for courses in which a student was awarded a "P" or other similar indicia for a "pass/fail" graded course.

**B. Credit earned at a foreign institution after matriculation at the School of Law:** Students seeking to earn credit at a foreign institution while matriculating at the School of Law must comply with all provisions of this rule. For purposes of this rule, "foreign institution" shall include any institution other than the Duncan School of Law.

1. Students seeking to earn credit at a foreign institution must file a petition with the Academic Standards Committee prior to beginning any course of study at a foreign institution. The petition must include:
  - a. The name and contact information for the foreign institution;
  - b. The proposed course of study at the foreign institution, including the specific classes the student intends to take and the course descriptions for those classes
  - c. A statement from the foreign institution's admissions office indicating the student complies with the institution's admission requirements and has in fact been granted admission; and
  - d. A statement from the foreign institution's admissions office indicating that all coursework performed and all credits earned by the student occurred during a time that the foreign institution was accredited by the American

Bar Association or was state approved (possible in Alabama, California, Tennessee, Massachusetts).

2. After receiving a petition pursuant to this subpart, the Academic Standards Committee shall, in its sole discretion, determine whether credit from the target foreign institution could be acceptable. In considering a petition pursuant to this provision, the Academic Standards Committee shall consider:
  - a. The student's academic performance at the School of Law;
  - b. The student's disciplinary file, if any;
  - c. The type of classes the student seeks to take at the foreign institution;
  - d. The similarity between the type of classes the student seeks to take at the foreign institution and comparable classes at the School of Law; and
  - e. Whether the classes the student seeks to take at the foreign institution are classes traditionally taken at a School of Law accredited by the ABA.

After considering the above factors, the Academic Standards Committee shall either approve the petition or deny the petition. To be valid and serve as the basis for future consideration of credit pursuant to § XXV.A. and XXV.B., all approvals must be in writing and signed by the Chair of the Academic Standards Committee. Under no circumstances shall the approval or denial, without more, grant credit.

3. Once a student completes a course of study at a foreign institution pursuant to this rule, the student shall, if at all, petition the Academic Standards Committee for credit within six (6) months of completing the foreign institution's academic program. The petition must include an official transcript from the foreign institution and a statement from the foreign institution indicating the student is in good standing.
  4. After receiving a complete petition for credit, the Academic Standards Committee shall grant credit for all courses in which the student received a "C" or above.
- C. Notwithstanding any provision contained herein, a student may not transfer more than twenty-nine (29) hours of credit and all credits must have been accrued from an institution approved or accredited by the American Bar Association or is state approved (possible in Alabama, California, Tennessee, Massachusetts).
- D. **Transferring grades:** Accepted transfer credits, earned prior to or after matriculation at the School of Law, shall appear on a student's transcript as a "P," indicating the student earned pass/fail credit. Under no circumstances shall transfer credit be considered when determining a student's term GPA, cumulative GPA, or class rank at the School of Law (except to the extent that the total number of credits determines the group with which a student is ranked).

- E. **Distinction from Pass/Fail Credit:** While grades transferred from a foreign institution appear as pass/fail credit on a student's transcript at the School of Law, credit transferred from a foreign institution shall not be considered when calculating a student's maximum pass/fail credit pursuant to § XIX.

## XXVI. STUDENT ORGANIZATIONS

In addition to receiving a rigorous and stimulating classroom experience, Duncan School of Law students have the opportunity to enhance their educational experience by participating in organizations. Student organization members share unique talents, interests, skills, and goals that enrich the lives of each other, the community and the School of Law.

In addition to membership in the Student Bar Association (SBA), students may join any of the other organizations listed below or may seek approval for the creation of additional organizations. All student organizations must be approved by the Assistant Dean for Students who may be reached at (865) 545-5325, Room 335.

The following is a list of student organizations which have been approved as of the publication of this Student Handbook:

### A. **Appalachian Outdoor Society**

The Appalachian Outdoor Society (AOS) is designed to inform and educate the Appalachian community in the aspects of outdoor activities. The AOS provides opportunities and events for the students of Lincoln Memorial University John J. Duncan, Jr. School of Law (DSOL) to experience the outdoors in the form of hikes and outings; to provide for related educational opportunities; to encourage and teach outdoors ethics; to encourage conservation; to acquaint our members and others with the beauty and grandeur of the Great Smoky Mountains and other natural areas in this region; to edit, publish and distribute literature in furtherance of these objectives; and to aid the state and federal agencies which manage the local environment.

### B. **Black Law Students Association**

The Black Law Students Association (BLSA) is an organization formed to articulate and promote the needs and goals of African-American law students and effectuate change in the legal community. BLSA is dedicated to empowering African-American students to succeed in law school and to facilitate interaction between all students to draw from the advantages that true diversity brings to the educational experience. The goal of the BLSA is to set an example of service and humanitarian effort to its local community.

### **C. Criminal Law Society**

The Criminal Law Society (CLS) provides the students of the Duncan School of Law with an enhanced knowledge of the American criminal justice system utilizing an apolitical approach. CLS seeks to stimulate awareness of complex legal and social issues facing the criminal legal system today with an emphasis on gaining a better understanding of how fairness and justice can best be attained in America's hallmark adversarial system.

### **D. Christian Legal Society**

The Christian Legal Society, Student Chapter at Lincoln Memorial University's Duncan School of Law, is an organization devoted to developing and maintaining a vibrant presence on campus, enabling its members, individually and as a group, to love the Lord with their whole beings— hearts, souls, and minds—and to love their neighbors as themselves (Matthew 22:37-40).

### **E. Environmental Law Society**

The Environmental Law Society is dedicated to protecting the magnificent places, natural resources, and wildlife of the earth, as well as defending the right of all people to a healthy environment. This organization is dedicated to the goals of educating the law school and surrounding community about environmental injustice, disasters, and victories. The Environmental Law Society is equally dedicated to protecting the environment throughout the legal system.

### **F. Family Law Society**

The Family Law Society is a not-for-profit organization of students dedicated to providing education and enrichment regarding the practice of family law in the United States of America and more specifically in the State of Tennessee.

### **G. Federalist Society**

The purpose of the Federalist Society is to foster critical thought and debate about the application of conservative and libertarian principles to the law. This organization embraces the principle that the state exists to preserve freedom, that the separation of governmental powers is central to the integrity of the constitution of the United States of America, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be.

### **H. Immigration Law Society**

The Immigration Law Society ("ILS") offers and establishes a recourse and outlet for those students interested in immigration law and policy at Duncan School of Law. The ILS participates independently and/or in cooperation with other student groups, non-profit organizations, attorneys, law firms, companies, academic

institutions, and professional associations, in assisting local migrant communities through active involvement with attorney-supervised outreach, volunteer opportunities, or fund-raising activities. In addition, the ILS establishes and administers educational programs centered on immigration policy and law, including human rights, family unity, domestic violence, and the consequences of criminal activities on immigrants.

#### **I. Law Review**

Law Review is an entirely student-run organization. The staff of the Law Review edits and publishes articles written by scholars, practitioners and students. Law Review participation is highly respected by members of the legal community because of the unique educational experience it provides. Service on Law Review enhances analytical, organizational, and research acumen and signifies a level of expertise in these areas that is widely recognized in the legal community.

#### **J. Mock Trial**

The Mock Trial Board at DSOL is comprised of students at all levels of training, with first year students being limited to acting as witnesses in the actual competitions. The Mock Trial Board selection is based upon an initial competition, wherein the skills of each student are assessed based on their ability to zealously advocate their position, appropriately make and handle objections, project professionalism and confidence, and convince a trier of fact of the efficacy of their client's case. The Mock Trial Board members will undertake additional instruction in the art of trial advocacy, and will compete in preparatory internal competitions, regional and national competitions pitting our Mock Trial team's skills against other Mock Trial teams from law schools throughout the country.

#### **K. Moot Court**

The Moot Court Board at DSOL is comprised of second through fourth year students who have demonstrated excellence in trial and appellate advocacy. The Board is expected to travel and participate in a national Moot Court competition where the participants will draft appellate documents and conduct oral arguments.

#### **L. OUTlaw**

OUTlaw is a not-for-profit organization which seeks to generate discussion pertaining to legal issues affecting the Lesbian, Gay, Bisexual, and Transgender (LGBT) community, promote diversity among the law school student body, and provide a safe atmosphere for LGBT students and their allies. OUTlaw also agrees to assist the administration of the Duncan School of Law in the recruitment of LGBT students.

## **M. Ski Club**

The Duncan School of Law Ski Club is a not-for-profit organization of students who share an interest in winter sports, wish to share their knowledge and skills of skiing/snowboarding with other students, and encourage these sports as a form of healthy stress relief.

## **N. Student Animal Legal Defense Fund**

The Student Animal Legal Defense Fund is dedicated to providing a forum for education, advocacy, and scholarship aimed at protecting the lives and advancing the interest of animals throughout the legal system, and raising the profile of the field of animal law. This organization is dedicated to the goals of educating the law school and surrounding community about forms of institutionalized animal abuse, and engaging in projects that combat that abuse.

## **O. Student Bar Association**

The Student Bar Association (“SBA”) is the student government of the School of Law and shall consist of three branches—the Executive Branch, the Legislative Branch, and the Judicial Branch.

The Executive Branch shall have at least four Constitutional Officers who shall be elected by the entire student body—the President, the Vice-President, the Secretary, and the Treasurer. The Executive Branch shall be responsible for enforcing actions by the Legislative and Judicial Branches and for other duties in accordance with the SBA Constitution. Officers for the Executive Branch shall be elected annually to a one-year term.

The Legislative Branch shall consist of a Senate, which shall be comprised of not less than eight senators. Each class matriculating at the School of Law must be equally represented in the Senate irrespective of the size of the class. The Senate shall be responsible for the creation of bylaws, approving the budget, and other duties in accordance with the SBA Constitution. Officers for the Legislative Branch shall be elected annually to a one-year term.

The Judicial Branch shall have three Constitutional officers who shall be appointed by majority vote of the Senate to a one-year term. The Judicial Branch shall be responsible for interpreting the SBA Constitution and the Bylaws.

## **P. Women of the Law Society**

The Women of Law Society strives to be a source of support, information, and networking opportunities for current female law students. They hope to increase the community’s awareness of legal, political, and social issues, emphasizing women’s perspectives. They will conduct service activities promoting issues that are important to women’s rights, health, etc.

## XXVII. LAW LIBRARY

The Mission of the Law Library is to support the School of Law’s mission and curriculum. The Law Library will provide access to legal information to support the teaching, research, and scholarly activities conducted by faculty and students and develop legal research aids and programs that allow faculty and students to fully use and understand the use of legal research tools, including the development of the most effective legal research techniques. The Law Library will also assist the legal community of the Knoxville area through the development of a collection of mixed format resources

### **Regular Hours (fall/spring)**

Monday through Thursday	8:00 a.m. – 12:00 a.m.
Friday	8:00 a.m. – 8:00 p.m.
Saturday	10:00 a.m. – 6:00 p.m.
Sunday	12:00 p.m. – 12:00 a.m.

Regular, holiday, inter-term, and examination hours are frequently posted on the digital screen in the lobby. Hours may change during examination periods, holidays, and inter-term sessions. Announcements concerning Library hours are shared with the School of Law community via email, the digital announcements screen located in the lobby and TWEN.

## XXVIII. STUDENTS WITH DISABILITIES

LMU does not discriminate, for purposes of admission to LMU, or access to, and treatment in, LMU’s programs or activities, on the basis of disability. Every effort is made to accommodate the needs of the students with disabilities attending LMU. As buildings on the LMU campuses are remodeled, care is taken to assure that persons with disabilities have sufficient access to those buildings. LMU will also provide reasonable accommodations to students with properly documented disabilities. If a student with a disability has any issue or question about his/her disability, the Americans with Disabilities Act (“ADA”) or Section 504 of the Rehabilitation Act of 1973 (Section 504) he/she should contact the ADA Coordination (Duke 201, 423-869-6401.). That contact information is also listed on the class syllabus for every LMU class. In addition, students with learning disabilities should become familiar with the services of the Tagge Center for Academic Excellence located in the Carnegie Library on the LMU Harrogate campus and Student Support Services located in the DAR building on the LMU Harrogate Campus.

### **A. Request for Accommodations**

The following procedure must be followed in order for any student with a disability to receive accommodation:

1. The student must submit documentation of his/her disability to the ADA Coordinator (guidelines for proper documentation are set forth below);
2. The ADA Coordinator will contact the student concerning arrangements for reasonable accommodations (student must be prepared to discuss specific accommodation needs);

3. The student must contact the ADA Coordinator prior to each semester for reauthorization and accommodations for the upcoming semester.

## **B. Documentation Guidelines**

Students requesting accommodations or services from LMU because of a learning disability are required to submit documentation to determine eligibility for those accommodations or services in accordance with Section 504 and the ADA. A diagnosis of a learning disability does not necessarily qualify a student for academic accommodations under the law. To establish that a student is covered under Section 504 and the ADA, the documentation must indicate that the disability substantially limits some major life activity, including learning.

The following guidelines are provided in the interest of assuring that documentation of a learning disability is complete and supports the student's request for accommodations. LMU will determine eligibility and appropriate services, case by case, based on the quality and completeness of the documentation submitted. The following requirements provide students, schools, and professional diagnosticians with a common understanding of the components of documentation that are necessary to validate the existence of a learning disability, the impact on the individual's educational performance, and the need for academic accommodations for the purpose of the ADA and Section 504. (10/05)

1. **A Qualified Professional Must Conduct the Evaluation**  
The assessment must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neurophysiologist, education diagnostician, or student clinicians who are being supervised by a qualified professional) who has had direct experience with adolescents and adults with learning disabilities.
2. **Documentation must be Current.**  
Reasonable accommodations are based on the current impact of the disability on academic performance. In most cases, this means that a diagnostic evaluation should be age appropriate, relevant to the student's learning environment, and show the student's current level of functioning. If documentation does not address the individual's current level of functioning, a re-evaluation may be required.
3. **Documentation Must Include a Specific Diagnosis**  
The report must include a clear and direct statement that a learning disability does or does not exist, including a rule out of alternative explanations of learning problems. Terms such as "learning difficulty," "appears," "suggests," or "probable" do not support a conclusive diagnosis.
4. **Documentation Must be Comprehensive**

The documentation must include a summary containing relevant historical information, instructional interventions, related services, and age of initial diagnosis. The documentation must also include objective data regarding aptitude, achievement, and information processing. Test scores (standard scores, percentiles, and grade equivalents) must also be included in the documentation.

5. Recommendations for Accommodations

A diagnostic report may include specific recommendations for accommodation(s). A prior history of an accommodation, without a demonstration of a current need, does not in and of itself warrant the provision of that accommodation. Each accommodation recommended by an evaluator should include a rationale. The evaluation should support the recommendations with specific test results or clinical observations. If an accommodation is not clearly identified in the diagnostic report, LMU will seek clarification and/or additional information either from the student's evaluator or from another trained professional chosen by LMU. LMU will make the final determination as to whether appropriate and reasonable accommodations are warranted and can be provided. LMU reserves the right to request reassessment of the student's disability when questions arise regarding previous assessment or provision of services or accommodations or when the student requests additional services or accommodations above and beyond what has been previously provided to the student.

6. Process for Receiving Reasonable Accommodations

All documentation related to the student's disability and accommodations shall be maintained by the ADA Coordinator. Upon receipt of the documentation the ADA Coordinator will meet with the student, either in person or by telephone, to discuss and make arrangements for accommodations for the upcoming semester. A Student Disabilities Form will be completed listing the agreed upon accommodations and will be signed by the student, the student's faculty members, and the ADA Coordinator. This process shall be followed each semester for which the student wishes to request accommodations.

If a problem arises concerning the reasonable accommodations, the student should contact the ADA Coordinator for assistance (Ext. 423-869-6401).

### **C. Grievance Procedure for Student with Disabilities**

All grievances concerning any aspect of the services or accommodations provided to student with a disability or related to any issue related to Section 504 or the

ADA should be taken to the ADA Coordinator within ten (10) working days. If the student feels he/she needs to take the matter further, LMU's grievance committee will review the matter. The LMU grievance committee consists of: Dean of Students (Chair), the Director of Academic Excellence, the Associate Dean of Students, a faculty member appointed by the chair of the committee and the academic dean or chair of the department in which the effected student is enrolled. The decision of LMU's grievance committee is final.

## **XXIX. FIREARMS AND WEAPONS**

LMU is committed to providing a safe, healthy learning and working environment, and to making adequate provisions for the safety and health of its students, staff, faculty and the public, and will not permit its students or employees, as well as visitors, to act in ways that may endanger themselves or others.

All visitors, students and employees (LMU or DSOL police and security personnel may be permitted to carry a weapon if authorized by the President of the University) are prohibited from possessing, carrying, trading or showing weapons of any kind, including firearms, fireworks, guns, explosives, bows and arrows, knives, etc. while on LMU premises, while on duty, while operating LMU vehicles or equipment, or while operating personal vehicles for LMU purposes. Visitors, students and employees are also prohibited from keeping weapons in their personal vehicles parked on LMU's premises. LMU premises include any property owned, operated, controlled or managed by it. Individuals are permitted to carry mace, pepper spray and pocket knives with blades less than four (4) inches as long as they are stored in a pocket, purse, briefcase or other personal belongings. Also permitted are paintball weapons to be used for organized recreational purposes on LMU premises.

This policy does not apply to those who are expressly authorized by LMU to use explosives and other authorized tools that could be viewed as weapons in the performance of their jobs.

LMU reserves the right, based upon reasonable suspicion of a violation of this policy, to search an office desk, and other property under the control of the visitor, student or employee, as well as the packages, purses, lunch boxes, briefcases, and students' or employees' vehicles parked on its premises. Individuals may also be required to remove a jacket or sweater and to turn out their pockets. Reasonable suspicion sufficient to justify a search may be based on a clear and reasonable belief, through observation or information provided by a reliable and credible source, that an employee is in violation of this policy. Searches of LMU property under the control of the visitor, student or employee are subject to being conducted without notice, once the reasonable suspicion standard has been met.

Violation of this policy may result in disciplinary action, up to and including expulsion or termination.

### **XXX. DRUGS ON CAMPUS**

- A. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or use illicit substances as defined by either the United States Code or the Tennessee Code without a prescription from their doctor.
- B. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, possess or consume alcoholic beverages unless approved, in advance, by the Dean.
- C. Students may not, at any time while on any property owned, leased, or controlled by the Duncan School of Law, carry, traffic, distribute, or manufacture illicit substances as defined by either the United States Code or the Tennessee Code.
- D. For purposes of this rule, the term “controlled” includes but is not limited to any property where the Duncan School of Law is holding or conducting a School event, whether on or off campus, regardless of who owns the property.
- E. For purposes of this rule, “property” shall include but is not limited to the interior of a student’s car when the student’s car is located in or on an area owned, leased, or regulated by the Duncan School of Law.
- F. Students violating this policy will be subject to disciplinary actions up to and including expulsion.

### **XXXI. CLASS CAPTURE & PODCASTING**

The School of Law has implemented a system of “class capture” technology using MediaSite in many of the classrooms, enabling the School of Law to visually and audibly record lectures. All School of Law classes are captured, allowing students to have unrestricted access to prior classes. Students may access Mediasite from within the School of Law or from off campus. For optimum viewing from off campus, LMU Information Services recommends that students have an Internet connection that allows at least 3mb download speeds. Students should also be aware that firewalls at their place of employment or residence may block access to streaming video.

In addition to the streaming media, Mediasite Podcast transforms a classroom presentation into portable audio content for on-the-go playback with iPods or any other MP3 player. Classroom learning constraints are minimized and learning opportunities are expanded by allowing students the flexibility to listen to a classroom lecture anytime, at their convenience.

### **XXXII. COMPUTER USAGE**

In support of its mission of teaching, scholarship, and service, the School of Law provides computer access for students. The computing resources of the School of Law, including laptop computers, facilities, hardware, software, networks, and computer accounts, are the property of the School of Law. The use of these resources is a privilege granted by the School of Law to authorized users only. The School of Law requires all persons authorized to use its computing resources to do so responsibly and in compliance with all state and federal laws, all contractual and license agreements, and all policies of the University and the School of Law. Authorized

users of the School of Law's computing resources must act responsibly to maintain the integrity and security of these resources. Each user of the School of Law's computing resources is ultimately responsible for the use of that computing resource and for the use of his or her computer account. Persons misusing the School of Law's computing resources in violation of federal and state laws or policies promulgated by the University or the School of Law are subject to disciplinary actions by the School of Law and/or forfeiture of their computer privileges. In the event such misuse of computer resources threatens to compromise the integrity or jeopardize the security of university computer resources or harm authorized users of those resources, the University's Chief Information Officer, the Dean, or any of their designees is authorized to take any and all necessary actions, including the immediate confiscation and/or disabling of a university computer resource or the temporary or permanent termination of a computer account, to protect, investigate, and ensure the security and proper use of computer resources.

- A.** Use of any School of Law computing resource is restricted to those having proper authorization to use that particular resource. It is a violation of the law and School of Law policy to assist in, encourage, or conceal from authorities any unauthorized use, or attempt an unauthorized use, of any of the School of Law's computers or network facilities.
- B.** No one shall knowingly endanger the security of any School of Law computing resource nor willfully interfere with authorized computer usage by circumventing or attempting to circumvent normal resource limits, logon procedures, or security regulations.
- C.** No technologies shall be connected to the School of Law's computing resources that interfere with authorized usage of those resources. The School of Law reserves the right to restrict the use of any technologies that may endanger the security and/or integrity of its computing resources.
- D.** The School of Law's computing resources shall not be used to attempt unauthorized use, or to interfere with another person's legitimate use, of any computer or network facility anywhere. Encroaching on, or disrupting another person's use of, the School of Law's computers is prohibited. Examples of such acts include but are not limited to: sending excessive messages either locally or off campus [including but not limited to electronic chain letters]; initiating denial of service attacks; printing excessive copies of documents, files, data, or programs; modifying system facilities, operating systems, or disk partitions; attempting to crash or tie up a university computer; damaging or vandalizing university computing facilities, equipment, software, or computer files; causing an inordinately large number of requests for files; spamming; sniffing; running scans; reconfiguring; or using an inordinately high percentage of bandwidth.
- E.** University computing resources and network facilities shall not be used for commercial purposes without specific authorization from the Dean or his or her duly authorized designee.
- F.** Passwords to any computing resource shall only be issued to authorized users. Password recipients are responsible for the integrity of their password and shall not distribute it to unauthorized users.
- G.** Misrepresenting a person's identity or relationship to the School of Law when obtaining or using School of Law computer or network privileges is prohibited.

- H. Accessing, reading, altering, or deleting any other person's computer files or electronic mail without specific authorization is prohibited.
- I. Copying, installing, distributing, infringing, or otherwise using any software, data files, images, text, or other materials in violation of copyrights, trademarks, service marks, patents, other intellectual property rights, contracts, or license agreements is prohibited. All usage of computing resources shall be in compliance with federal and state copyright laws.
- J. Creating, installing, or knowingly distributing a computer virus, "Trojan horse," or other surreptitiously destructive program on any School of Law computer or network facility, regardless of whether any demonstrable harm results, is prohibited.
- K. Only those persons with proper authorization shall modify or reconfigure any School of Law computing resource or network facility.
- L. Users of the School of Law computing resources shall have no expectation of privacy for materials downloaded, used, viewed, or stored on those resources. The School of Law reserves the right to access any of its computer resources **AT ANY TIME FOR ANY REASON OR FOR NO REASON, WITH OR WITHOUT NOTICE**. Furthermore, the School of Law makes no representation or guarantee that information transmitted on its network will not or cannot be accessed by third parties. By using the School of Law's computer resources, students release and hold the University and the School of Law harmless
- M. for any unauthorized access to information transmitted.
- N. Authorized computer users shall take full responsibility for messages that they transmit through the School of Law's computing resources. The School of Law's computing resources shall not be used to transmit any communications prohibited by law, including but not limited to fraudulent, harassing, obscene, or threatening messages.
- O. **STUDENTS ARE PROHIBITED FROM DOWNLOADING ANY SOFTWARE PROGRAMS ON THEIR COMPUTERS WITHOUT EXPRESS, WRITTEN PERMISSION FROM THE ASSOCIATE DEAN FOR ACADEMICS.**

**VIOLATION OF ANY RULE CONTAINED WITHIN THIS SECTION SHALL CONSTITUTE A SUFFICIENT BASIS FOR DISCIPLINARY ACTION(S) BY THE UNIVERSITY AND/OR THE SCHOOL OF LAW. ADDITIONALLY, VIOLATIONS OF ANY RULE CONTAINED WITHIN THIS SECTION SHALL CONSTITUTE A VIOLATION OF THE CODE OF ACADEMIC INTEGRITY.**

**LINCOLN MEMORIAL UNIVERSITY  
DUNCAN SCHOOL OF LAW  
ACADEMIC CALENDAR  
2013-2015**

<b>Fall</b>	<b>2013</b>	<b>2014</b>
Admission Through Performance Program Start Date	July 11	June 7
Admission Through Performance Program End Date	August 8	July 26
Orientation	August 5	August 6
Bridge Week	August 6-10	August 7-9, 11-12
Classes Begin	August 14	August 13
Last day to Drop/Add Classes	August 23	August 21
Labor Day	September 2	September 1
Midterm Reading Days	September 19-21	September 18-20
Midterm Examinations Begin	September 23	September 22
Midterm Examinations End	September 28	September 27
Last Day of Classes	November 26	November 25
Thanksgiving Holiday	November 28	November 26-27
Final Exam Reading Days	Nov 30-Dec 3	November 28-30
Final Examinations Begin	December 4	December 1
Final Examinations End	December 14	December 12
Commencement	December 14	December 13
<b>Spring</b>	<b>2014</b>	<b>2015</b>
Classes Begin	January 7	January 6
Last day to Drop/Add Classes	January 15	January 14
Martin Luther King Day	January 20	January 19
Midterm Reading Days	February 13-14	February 19-21
Midterm Examinations Begin	February 17	February 23
Midterm Examinations End	February 22	February 28
Spring Break	March 24-28	April 2-3
Good Friday	April 18	April 3
Last Day of Classes	April 28	April 21
Final Exam Reading Days	April 29-May 2	April 22-25
Final Examinations Begin	May 3	April 27
Final Examinations End	May 14	May 8
Commencement	May 17	May 9
<b>Summer</b>	<b>2014</b>	<b>2015</b>
Classes Begin	May 19	TBD
Last Day to Drop/Add Classes	May 27	TBD
Midterm Examinations	NA	TBD
Independence Holiday	July 4	July 4
Last Day of Classes	August 1	TBD
Final Examinations	NA	TBD

  
**LINCOLN MEMORIAL UNIVERSITY**  
**DUNCAN SCHOOL OF LAW**

## GRADUATION CHECKLIST

\_\_\_\_\_ I have completed at least eighty-eight (88) credit hours, with no more than twenty-nine (29) credit hours from another School of Law.

\_\_\_\_\_ I have completed all **required** courses as defined by the Student Handbook in § XII.G.1 & XII.G.2

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Academic Success Program (NC)</li> <li><input type="checkbox"/> ASP I</li> <li><input type="checkbox"/> ASP II (for students w/ a cumulative GPA of 2.320 or below)</li> <li><input type="checkbox"/> Academic Intervention Directed Study (for students w/ a cumulative GPA below 2.000)</li> <li><input type="checkbox"/> Bar Examination Skills (3)</li> <li><input type="checkbox"/> Business Organizations (3)</li> <li><input type="checkbox"/> Civil Procedure I (3)</li> <li><input type="checkbox"/> Civil Procedure II (3)</li> <li><input type="checkbox"/> Commercial Transactions (3)</li> <li><input type="checkbox"/> Conflicts of Law (2)</li> <li><input type="checkbox"/> Constitutional Law (4)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Contracts I (3)</li> <li><input type="checkbox"/> Contracts II (3)</li> <li><input type="checkbox"/> Criminal Law (3)</li> <li><input type="checkbox"/> Criminal Procedure (3)</li> <li><input type="checkbox"/> Domestic Relations (3)</li> <li><input type="checkbox"/> Evidence (3)</li> <li><input type="checkbox"/> Lawyering Skills I (3)</li> <li><input type="checkbox"/> Lawyering Skills II (3)</li> <li><input type="checkbox"/> Lawyering Skills III (3)</li> <li><input type="checkbox"/> Lawyering Skills IV (3)</li> <li><input type="checkbox"/> Professional Responsibility (2)</li> <li><input type="checkbox"/> Property I (3)</li> <li><input type="checkbox"/> Property II (3)</li> <li><input type="checkbox"/> Secured Transactions (3)</li> <li><input type="checkbox"/> Torts I (3)</li> <li><input type="checkbox"/> Torts II (3)</li> <li><input type="checkbox"/> Wills, Trusts &amp; Estates (3)</li> </ul> |
|---|--|

\_\_\_\_\_ I have completed seventeen (17) elective hours

<i>Course Name</i>	<i># of credit hours</i>
<input type="checkbox"/> _____	_____

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*Total elective credit hours completed:* \_\_\_\_\_

- \_\_\_\_\_ I have attended eight (8) Professionalism series presentations (if student matriculated fall 2011 or after).
- \_\_\_\_\_ My cumulative GPA meets or exceeds a 2.000.
- \_\_\_\_\_ I have successfully completed Lawyering Skills I, II, III & IV and an upper-level writing requirement.
- \_\_\_\_\_ I have completed debt counseling (if I have undergraduate or School of Law loans).
- \_\_\_\_\_ I have completed thirty (30) hours of pro bono work after all required courses were completed.
- \_\_\_\_\_ At least ten (10) hours of the pro bono work mentioned above involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.
- \_\_\_\_\_ I do not have an outstanding balance on any account with LMU or DSOL.
- \_\_\_\_\_ I have ordered my Graduation Attire (assuming the student intends to attend commencement) and have paid my Graduation Fee.
- \_\_\_\_\_ I began my legal studies more than twenty-four (24) months ago.
- \_\_\_\_\_ I will complete my studies at the Duncan School of Law in less than eighty-four (84) months of the commencement of law study at Duncan School of Law or a School of Law from which the Duncan School of Law has accepted transfer credit.

\_\_\_\_\_  
Printed Name of Student

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Faculty Advisor Signature

\_\_\_\_\_  
Date


  
**LINCOLN MEMORIAL UNIVERSITY**
  
**DUNCAN SCHOOL OF LAW**

## GRADUATION CHECKLIST

\_\_\_\_\_ I have completed at least ninety (90) credit hours, with no more than twenty-nine (29) credit hours from another School of Law.

\_\_\_\_\_ I have completed all **required** courses as defined by the Student Handbook in § XII.G.1 & XII.G.2

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Academic Success Program (NC)</li> <li><input type="checkbox"/> ASP I</li> <li><input type="checkbox"/> ASP II (for students w/ a cumulative GPA of 2.320 or below)</li> <li><input type="checkbox"/> Academic Intervention Directed Study (for students w/ a cumulative GPA below 2.000)</li> <li><input type="checkbox"/> Bar Examination Skills (3)</li> <li><input type="checkbox"/> Business Organizations (3)</li> <li><input type="checkbox"/> Civil Procedure I (3)</li> <li><input type="checkbox"/> Civil Procedure II (3)</li> <li><input type="checkbox"/> Commercial Transactions (3)</li> <li><input type="checkbox"/> Conflicts of Law (2)</li> <li><input type="checkbox"/> Constitutional Law (4)</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Contracts I (3)</li> <li><input type="checkbox"/> Contracts II (3)</li> <li><input type="checkbox"/> Criminal Law (3)</li> <li><input type="checkbox"/> Criminal Procedure (3)</li> <li><input type="checkbox"/> Domestic Relations (3)</li> <li><input type="checkbox"/> Evidence (3)</li> <li><input type="checkbox"/> Lawyering Skills I (3)</li> <li><input type="checkbox"/> Lawyering Skills II (3)</li> <li><input type="checkbox"/> Lawyering Skills III (3)</li> <li><input type="checkbox"/> Lawyering Skills IV (3)</li> <li><input type="checkbox"/> Professional Responsibility (2)</li> <li><input type="checkbox"/> Property I (3)</li> <li><input type="checkbox"/> Property II (3)</li> <li><input type="checkbox"/> Secured Transactions (3)</li> <li><input type="checkbox"/> Torts I (3)</li> <li><input type="checkbox"/> Torts II (3)</li> <li><input type="checkbox"/> Wills, Trusts &amp; Estates (3)</li> </ul> |
|---|--|

\_\_\_\_\_ I have completed seventeen (19) elective hours

<i>Course Name</i>	<i># of credit hours</i>
<input type="checkbox"/> _____	_____

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*Total elective credit hours completed:* \_\_\_\_\_

- \_\_\_\_\_ I have attended eight (8) Professionalism series presentations.
- \_\_\_\_\_ My cumulative GPA meets or exceeds a 2.000.
- \_\_\_\_\_ I have successfully completed Lawyering Skills I, II, III & IV and an upper-level writing requirement.
- \_\_\_\_\_ I have completed debt counseling (if I have undergraduate or School of Law loans).
- \_\_\_\_\_ I have completed thirty (30) hours of pro bono work after all required courses were completed.
- \_\_\_\_\_ At least ten (10) hours of the pro bono work mentioned above involved the rendering of meaningful law-related service to persons of limited means or organizations that provide service thereto.
- \_\_\_\_\_ I do not have an outstanding balance on any account with LMU or DSOL.
- \_\_\_\_\_ I have ordered my Graduation Attire (assuming the student intends to attend commencement) and have paid my Graduation Fee.
- \_\_\_\_\_ I began my legal studies more than twenty-four (24) months ago.
- \_\_\_\_\_ I will complete my studies at the Duncan School of Law in less than eighty-four (84) months of the commencement of law study at Duncan School of Law or a School of Law from which the Duncan School of Law has accepted transfer credit.

\_\_\_\_\_  
Printed Name of Student

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Faculty Advisor Signature

\_\_\_\_\_  
Date



## STUDENT COMPLAINT FORM IMPLICATING ABA STANDARDS

Procedures and requirements for filing a Complaint can be found in the Duncan School of Law Student Handbook in § XX.C.

Complaint\*: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date/Time of incident(s): \_\_\_\_\_

\_\_\_\_\_

Number and name of standard implicated: \_\_\_\_\_

\_\_\_\_\_

Name(s) of parties involved: \_\_\_\_\_

\_\_\_\_\_

\* The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit. The Complaint should be submitted in writing to the Associate Dean for Academics or the Associate Dean and Director of the Law Library.

Complainant Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

DSOL Email Address: \_\_\_\_\_

\_\_\_\_\_  
Complainant Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Formal Complaint Regarding: Safety; Faculty, Staff or Student Conduct; Discrimination; and/or Handbook/Policy Violations**

Procedures and requirements for filing a Complaint can be found in the Duncan School of Law Student Handbook in § XX.C.

Complaint\*: \_\_\_\_\_

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Date/Time of incident(s): \_\_\_\_\_

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Number and name of standard implicated: \_\_\_\_\_

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Name(s) of parties involved: \_\_\_\_\_

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\* The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit. The Complaint should be submitted in writing to the appropriate Dean, as listed in the chart in § XX.C.

Complainant Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

DSOL Email Address: \_\_\_\_\_

\_\_\_\_\_  
Complainant Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date