

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

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*Lincoln Memorial University*

**STUDENT HANDBOOK**

**AND**

**CATALOG**

**2010-2011**

**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 Dean of 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.

## **B. Lockers**

Student lockers are located on the lower level of the School of Law. Students may be assigned a locker which contains a slot that may also be used as a mailbox.

If requested and available, a locker may be assigned at the start of the school year. 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 for anything other than mail slots, each student waives his/her right to privacy to items within the locker.

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 332.

## **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.

# **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.



## 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 a regional 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 Law Schools 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 printed and mailed to the Office of Admissions. The mailing address of the School of Law is 601 W. Summit Hill Drive, Knoxville, Tennessee 37902.

An applicant must take the Law School Admission Test. 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 accept scores through the June 2011 test administration for admission in fall 2011. We will not accept scores older than 3 years from the fall of the year in which you apply.

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 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, 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 goals of the review should always be to determine whether the applicant: is qualified, 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 the most 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**

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 in law school. 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. Specifically, an applicant must provide the following:

1. If less than two 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 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.

If you have any questions, please feel free to contact Paul Carney, 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 - 2010-2011

First Year Part-Time Program - 9 hours

	<b>Fall</b>	<b>Spring</b>	<b>Total</b>
Tuition*	\$8,505	\$8,505	\$17,010
Fees**	\$315	\$315	\$630
Books & Supplies***	\$500	\$500	\$1,000
Transportation	\$1,000	\$1,000	\$2,000
Room & Board Allowance	\$5,000	\$5,000	\$10,000
Personal	\$1,350	\$1,350	\$2,700
Loan Fees	\$205	\$205	\$410
<b>TOTAL</b>	<b>\$16,875</b>	<b>\$16,875</b>	<b>\$33,750</b>

\*Tuition is based on 9 credit hours in fall and spring terms.

\*\*Annual fees include Tech Fee of \$500, Library Fee of \$100 and Student Bar Assn. of \$30

\*\*\*Books & Supplies include estimates of \$150 per course and \$100 for supplies.

Second-Fourth Year Part-Time Program - 12 hours

	<b>Fall</b>	<b>Spring</b>	<b>Total</b>
Tuition*	\$11,340	\$11,340	\$22,780
Fees**	\$315	\$315	\$630
Books & Supplies***	\$700	\$700	\$1,400
Transportation	\$1,000	\$1,000	\$2,000
Room & Board Allowance	\$5,000	\$5,000	\$10,000
Personal	\$1,350	\$1,350	\$2,700
Loan Fees	\$205	\$205	\$410
<b>TOTAL</b>	<b>\$19,910</b>	<b>\$19,910</b>	<b>\$39,920</b>

\*Tuition is based upon 12 credit hours in fall and spring terms.

\*\*Annual fees include Tech Fee of \$500, Library Fee of \$100 and a Student Bar Assn. of \$30

\*\*\*Books & Supplies include estimates of \$150 per course and \$100 for supplies

Full-time Program - 15 hours

	<b>Fall</b>	<b>Spring</b>	<b>Total</b>
Tuition*	\$13,650	\$13,650	\$27,300
Fees**	\$315	\$315	\$630
Books & Supplies***	\$850	\$850	\$1,700
Transportation	\$1,000	\$1,000	\$2,000
Room & Board Allowance	\$5,000	\$5,000	\$10,000
Personal	\$1,350	\$1,350	\$2,700
Loan Fees	\$205	\$205	\$410
<b>TOTAL</b>	<b>\$22,370</b>	<b>\$22,370</b>	<b>\$44,740</b>

\*Tuition is based upon 15 credit hours in fall and spring terms.

\*\*Annual fees include Tech Fee of \$500, Library Fee of \$100 and Student Bar Assn. of \$30

\*\*\*Books & Supplies include estimates of \$150 per course and \$100 for supplies

## **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 to be received by July 1 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 probation 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 probation 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 probation 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. Failure to attend such counseling will result in the withholding of your degree.

For additional information, please contact the Financial Aid Coordinator for the School of Law at (865) 545-5326.

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

- A. Students seeking to change their status from full-time to part-time 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 Section 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 2.8;
  - 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 class; and
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. "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.
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 "WA" shall be given, if the student has a passing grade at the time of the withdrawal. If a student has a failing grade at the time of the withdrawal, a grade of "WF" shall be given. In the case of extraordinary circumstances, a student shall be allowed to withdraw and receive a grade of "W."

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. 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 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 Dean of Students.

- A. Upon completion, the student must submit confirmation of the performance of pro bono service to the Dean of Students, and if such service, in the discretion of the Dean of Students, satisfies the requirements enumerated herein, the Dean of Students shall provide written approval of the same to the Associate Dean for Academics.
- B. At least 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.

## **XII. CURRICULUM**

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

In the fall, each part-time student will 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 will 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).



hours). Students with a cumulative GPA of 2.35 or below will take Academic Success Program II, a course that is elective for all other first-year students.

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 88 semester hours for conferment of the J.D. degree. All requirements must be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the School of Law or a law school 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, and, after completion of said courses, full-time students shall not be employed more than 20 hours per week. "Full-time student" is defined as a student enrolled in more than 12 credit hours during an academic term.

Part-time students may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours. A violation of this policy 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 17 credit hours during any academic term.

Graduation requirements for full-time and part-time students are identical. Both full-time and part-time students will begin in the fall of each year.

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



## 1. Concentration

The School of law is offering a pilot program that allows students to seek enrollment in an area of concentration. The concentration area is Domestic Relations. Upon satisfying all other graduation requirements, students who successfully complete the requirements of the concentration will receive a Certificate of Concentration issued by the Dean. The concentration program and the students therein shall comply with the following:

- a. the number of students admitted into the concentration program shall be determined by the Associate Dean for Academics, in her sole discretion, considering the faculty and physical resources available; and
- b. in order to successfully complete the concentration program, a student must apply for enrollment, be admitted into the program, and complete a minimum of 15 credit hours from the following courses:

• Juvenile Law	LAW 3271	3 cr. hrs.
• Trial Advocacy	LAW 3361	3 cr. hrs.
• Interviewing, Negotiation & Counseling	LAW 3251	3 cr. hrs.
• Domestic Violence Law	LAW 3084	3 cr. hrs.
• Advanced Legal Writing: Domestic Relations Drafting	LAW 4014	3 cr. hrs.
• Advanced Domestic Relations	LAW 3024	3 cr. hrs.

- c. the administration reserves the right to supplement the courses listed above as trends in law necessitate or faculty resources allow.

## D. Upper-Level Writing Requirement

Each student must complete two substantial legal research and writing projects to graduate from the School of Law. One project requirement will be met upon successful completion of the four semesters of Lawyering Skills. The second project requirement may be met in one of three ways:

### 1. Seminar

By taking a course with not more than 20 enrolled students and writing a paper complying with one of the following two requirements:

#### 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) 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 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.

3. **Law Review**

Students who successfully complete two years of service on the Law Review and who produce 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 will satisfy the advanced writing requirement. An outline and draft of the note must be submitted and critiqued by the Journal’s Faculty Advisor or another supervising faculty member prior to submission of the final paper, and either the Journal’s Faculty Advisor or the supervising faculty member must deem the final paper to be the quality of which would be a “B” or better if graded.

**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	Academic Success Program II.....NC*
<b>Total Hours</b> 9	<b>Total Hours</b> 9

**\*Mandatory for students with a cumulative GPA of 2.35 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 Success Program III.....NC*		Academic Success Program IV.....NC*	
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

**\*Mandatory for students with a cumulative GPA below a 2.00 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 Success Program IV.....NC*		Academic Success Program IV.....NC*	
<b>Total Hours</b>	<b>12</b>	<b>Total Hours</b>	<b>12</b>

**\*Mandatory for students with a cumulative GPA below a 2.00 and elective for all other students.**

### Year 4

Fall Semester		Spring Semester	
Course Name	Hours	Course Name	Hours
Conflicts of Law .....	3	Elective .....	3
Lawyering Skills IV.....	3	Bar Examination Skills* .....	2
Elective .....	3	Secured Transactions .....	3
Elective .....	2	Elective.....	2
Academic Success Program IV.....NC**		Academic Success Program IV.....NC**	
<b>Total Hours</b>	<b>11</b>	<b>Total Hours</b>	<b>11</b>

**\* Mandatory for students with a cumulative GPA of 2.50 or below and elective for all other students.**

**\*\*Mandatory for students with a cumulative GPA below a 2.00 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 2.35 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 Success Program III.....	NC*	Academic Success Program IV.....	NC*
<b>Total Hours</b>	<b>15</b>	<b>Total Hours</b>	<b>15</b>

**\*Mandatory for students with a cumulative GPA below a 2.00 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 .....	2	Elective .....	3
Elective .....	3	Elective .....	3
Conflicts of Law .....	3	Elective .....	3
Elective .....	3	Bar Examination Skills* .....	2
Academic Success Program IV.....	NC**	Academic Success Program IV.....	NC**
<b>Total Hours</b>	<b>14</b>	<b>Total Hours</b>	<b>14</b>

**\* Mandatory for students with a cumulative GPA of 2.50 or below and elective for all other students.**

**\*\*Mandatory for students with a cumulative GPA below a 2.00 and elective for all other students.**

## Legend

1000 Level: 1st-Year Required Courses

2000 Level: Upper-Level Required Courses

3000 Level: Upper-Level Electives

4000 Level: Designed to Satisfy the Upper-level Writing Requirement

## 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 2.35 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 Success Program III	NC	Req'd for students with a GPA of less than 2.0.
Law 2002	Academic Success Program IV	NC	Req'd for students with a GPA of less than 2.0.
Law 2006	Bar Examination Skills	2	Req'd for students with a GPA of 2.50 or below.
Law 2011	Business Organizations	3	Contracts I and II
Law 2021	Commercial Transactions	3	Contracts I and II
Law 2031	Conflict of Laws	3	Civil Procedure I & 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 & II
Law 2131	Wills, Trusts and Estates	3	Property I & II
	<b>3. Electives *♦</b>		
	<i>* = indicates satisfies upper-level writing requirement</i>		
Law 3021	Advanced Criminal Procedure	3	Criminal Procedure; Constitutional Law
Law 3024	Advanced Domestic Relations	3	Domestic Relations
Law 4014	Advanced Legal Writing: Domestic Relations Drafting*	3	Domestic Relations
Law 3061	Bankruptcy	3	Secured Transactions
Law 3081	Directed Study	1-3	
Law 3084	Domestic Violence Law	3	Domestic Relations
Law 3091	Education Law	2	
Law 3161	Externship I	2-3	
Law 3171	Externship II	2-3	Externship I
Law 3191	Federal Income Taxation	3	
Law 4041	First Amendment Seminar *	3	Constitutional Law
Law 4051	Independent Study *	1-2	
Law 3251	Interviewing, Negotiation & Counseling	3	
Law 3271	Juvenile Law	3	
Law 4101	Pleadings and Practice *	3	Lawyering Skills I and II
Law 3321	Products Liability	3	Torts I and Torts II
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 3361	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 years. Because we are a 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 years. As of this date, the availability of these courses has yet to be determined.

Students who would like specific offerings should 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 law school 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 fall, spring, maymester and summer sessions. Auditing is not permitted in independent studies courses, internships, externships, or similar courses.
2. Auditors do not write papers, take essay quizzes or essay examinations, or request review of written work. 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.*

### 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 law school. 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 law school, with increased emphasis on the ability to apply the law through essay exam writing, provide insight into multiple-choice exam question, 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 2.35 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 possessory estates and interests, as well as joint and concurrent ownership.

Property II

*Hours: 3*

*Course Frequency: Each Spring*

*Prerequisite(s): Property I*

This course focuses on the rights, duties, and liabilities of landlords and tenants; acquisition, ownership, and transfer of property; rights of possession; donative transactions; issues in the conveyancing system; and governmental regulations.

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.

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.

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

### Academic Success Program III

*Hours: Noncredit*

*Course Frequency: Each fall*

*Prerequisite: None*

This course is designed to enhance the skills that are necessary to succeed in law school, with increased emphasis on the ability to apply the law through essay exam writing, provide insight into multiple-choice exam question, and improve student study techniques. The course is taught in small group, lab format. This course is required for third semester upper-level students that are on academic probation and elective for all other students.

### Academic Success Program IV

*Hours: Noncredit*

*Course Frequency: Each semester*

*Prerequisite: None*

This course is designed to further enhance the students' individual skills that are necessary to succeed in law school. By identifying each student's strengths and weaknesses and requiring completion of assignments based on these findings, the course will focus on enhancing the students' ability to apply law through essay exam writing, successfully complete multiple choice questions, and improve their study skills. This course is required of all fourth and subsequent semester students who are on academic probation and elective for all other students.

### Bar Examination Skills

*Hours: 2*

*Course Frequency: Offered each Spring (Beginning Spring 2013)*

*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 is mandatory for students with a GPA of 2.50 or below and elective for all other students.

### Business Organizations

*Hours: 3*

*Course Frequency: Offered one semester every year (Beginning Fall 2011)*

*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: Offered one semester every year (Beginning Spring 2012)*

*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.

### Conflict of Laws

*Hours: 3*

*Course Frequency: Offered one semester every year (Beginning Spring 2012)*

*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: Offered one semester every year (Beginning Fall 2011)*

*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: Offered at least one semester every year*

*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: Offered one semester every year (Beginning Fall 2011)*

*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: Offered one semester every year (Beginning Fall 2011)*

*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: Offered one semester every year*

*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: Offered one semester every year (beginning fall 2011)*

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

This course introduces students to drafting basic pre-trial documents, including but not limited to complaints, answers, scheduling orders, request for interrogatories, requests to admit, and request for production. This course will additionally discuss basic motions practice and require that the students draft and orally argue basic motions. Finally, this course will introduce students to basic modes of alternative dispute resolution.

#### Professional Responsibility

*Hours: 2*

*Course Frequency: Offered one semester every year (Beginning Fall 2011)*

*Prerequisite(s): None*

This course provides a study of the authority and duties of lawyers in the practice of their profession as advocates, mediators, and counselors, including discussions focusing on lawyers' responsibility to the courts, to the bar, and to their clients. This course further provides a study of the American Bar Association (ABA) Model Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, controlling constitutional decisions, and generally accepted principles established in leading federal cases, state cases, and in procedural and evidentiary rules.

#### Secured Transactions

*Hours: 3*

*Course Frequency: Offered one semester every year (Beginning fall 2012)*

*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: Offered one semester every year (Beginning fall 2011)*

*Prerequisite(s): Property I & II*

This course provides a study of the law governing the basic devices in gratuitous transfers, including the drafting and probate of wills, the appointment of personal representatives of

decedents' estates, the administration of such estates (duties and powers of personal representatives), the appointment of testamentary trustees, and the administration of trusts generally (duties and powers of trustees).

## C. Elective Courses

### ◆ *Note re: Electives*

*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 years. Because we are a 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 should 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; Constitutional Law*

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.

### Bankruptcy

*Hours: 3*

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

*Prerequisite(s): Secured Transactions*

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.

### 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 law school 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.

### Domestic Violence Law

*Hours: 3*

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

*Prerequisite(s): Domestic Relations*

This course explores the complex dynamics, pervasiveness and significance of violent behavior in intimate relationships and asks how our laws and legal institutions can protect and assist battered adults and affected children. Placing the problem of domestic violence in social, historical, and economic context, the course covers responses to victims, batterers and children within the child protective system; the family law system; the civil protective or restraining order system; the criminal justice system; the law of torts; and federal civil rights and international human rights remedies.

### Education Law

*Hours: 2*

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

*Prerequisite(s):*

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.

### Externship I & II

*Hours: 1-2*

*Course Frequency: Will be offered every semester with limited availability (Beginning Fall 2012)*

*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 one or two hours each.

### 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.

### 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.

### 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 Law Schools 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.

### 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.

### Pleadings and Practice \*

*Hours: 3*

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

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

This course provides a study of pre-trial practices and procedures. Students will become familiar with the relevant Rules of Civil Procedure and other pre-trial techniques, including client interviewing and counseling, witness interviewing, informal discovery techniques, litigation planning, expert development and discovery, pleadings, interrogatories, depositions, requests for production, requests for admission, pre-trial motion practice, settlement strategies, settlement brochures, settlement conferences, pre-trial conferences, and settlement agreements.

### Products Liability

*Hours: 3*

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

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

This course provides a study of the liability of manufacturers and distributors for defects in their products. This course provides particular focus on the origins of strict liability in tort for defective products, as well as negligence and warranty theories. The course will cover recent developments in recovery, elements of proof, available defenses, and tort reform.

### 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.

### 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.

### 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 PLAN**

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 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 towards graduation no more than six 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 Plan 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 Plan. 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 Plan.
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 credit-hour Externship Course must work at their field-placement sites or on site-related activities for a minimum number of hours over the semester. Students who register for the two credit-hour Externship Course must work at their field-placement sites or on site-related activities for a minimum number of hours over the semester. The specific number of hours has not yet been determined and will be determined by the faculty with significant input from the Externship Director. The externship policies will provide that students must work at the site a minimum of six weeks over the semester; however, students will be encouraged during the fall and spring semesters to work twelve weeks due to their class schedules. Students in both courses must attend, during the semester, four hours of scheduled classroom instruction with the Externship Director and must meet with their faculty sponsors an additional four hours over the course of the semester.

### **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 hours 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.

## **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 2.0 or better.
2. A student who has satisfied all other graduation requirements but has not retained a cumulative GPA of 2.00 shall not graduate. A student who has

acquired 88 credit hours or more but fails to achieve a cumulative GPA of 2.00 shall be dismissed from the School of Law without a Probationary Semester, as defined in section XV.A.3.

3. A student will be placed on academic probation if the student has a cumulative GPA below 2.00 at the end of any fall or spring semester. 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 probationary semester from the time of initial matriculation at the School of Law and their graduation. A student who, after having completed a probationary semester, regains good standing and subsequently has a cumulative GPA below 2.00 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 that matriculate in fall 2011 and all students who matriculate thereafter.
5. A student placed on academic probation at any time during his or her law school 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 in law school, 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 containing the information detailed in this section.
  - b. The Associate Dean for Academics or the Dean's 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 law school, at the discretion of the Associate Dean for Academics.
- f. A student who fails to achieve a cumulative GPA of 2.0 after his or her Probationary Semester shall be academically withdrawn. A student that 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 1.25 or above, in any fall or spring semester, shall be administratively dismissed from the law school without a probationary period as described above. 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 received notice that he or she is to be disqualified may petition the Academic Standards Committee for readmission and permission to continue his or her studies on academic probation for the following semester.
2. The petition must be submitted to the chair of the Academic Standards Committee no later than five calendar days after grades are posted.
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 the first five (5) working days of the semester following academic withdrawal, including summer sessions.
5. The chair of the Academic Standards Committee will inform the student of the Committee's decision within two 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 law school 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 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 law school;
  - 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.

## **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. 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. 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 determined complete.

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

The Duncan School of Law 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 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

\*\*Anytime 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.

### **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 Academic Students 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.



## **F. Repeating Courses**

1. Students receiving an “F,” “W,” “WA,” 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, both the original grade earned and the grade earned on repetition shall be reported on the transcript and 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 17-hour maximum credit allotment contained within XII.A. herein.

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

### **Preamble**

Consistent with the goal of training lawyers whose professional and personal conduct exemplifies high ethical standards and reflects well upon the law school and the legal profession, the faculty of the School of Law has adopted the following Code of Academic Integrity (“the Code.”). As law students are expected to conduct themselves at all times in a courteous and professional manner with respect to any other student, faculty or staff member of the Duncan School of Law, a student shall not transmit information directly or indirectly regarding any employee or student of the Duncan School of Law, speak, post, blog, e-mail or issue any inappropriate, offensive, derogatory, inflammatory, or suggestive statement or physical gesture to, nor create any inappropriate, offensive, derogatory, inflammatory or suggestive likeness of, any faculty, administration or staff member of Lincoln Memorial University or the Duncan School of Law, or any present, past or future students of Lincoln Memorial University or the Duncan School of Law, at any time while engaged in school related activities including the student’s presence in the law school facility at any time or any Lincoln Memorial University or Duncan School of Law sponsored functions, meetings, luncheons, mixers, internships, externships, or student bar association events convened outside of the law school facility.

### **A. COMMITTEE COMPOSITION AND SELECTION**

1. There shall be a committee known as the Committee on Academic Integrity (“the Committee”), which shall be composed of six members: two students, three faculty members, and the Associate Dean for Academics.
  - a. The Dean shall appoint three members to serve on the Committee.
  - b. The SBA Vice-President shall appoint two students for one-year terms. To be eligible for appointment, a student must be in good academic standing and shall not have been convicted of a violation of this Code.
2. If an alternate is required for a faculty position, the same process described in A.1.a. shall be used. If an alternate is required for a student position, the SBA President shall serve as an alternate. If the SBA President is unable to serve, 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 a faculty member. 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 carry the duties provided for in XVII.C.1 and/or XVII.E.7.
3. The accused may petition the Committee for the recusal of any Committee member for good cause. If a member of the Committee is recused or recuses himself or herself, then an alternate will be appointed in accordance with A.2. above.

4. A Committee member may voluntarily withdraw from participation in a hearing for good cause. In that event, an alternate will be appointed in accordance with A.2. above.

## **B. COMPLAINT AND PRELIMINARY INVESTIGATION**

1. Complaints of misconduct under the Code must be made to either the Associate Dean for Academics or the Chairperson of the Committee.
2. Any member of the law school community may submit a complaint alleging that a student has violated one or more provisions of the Code. A complaint shall consist of a written statement identifying the nature of the violation and the name of the accused who is the subject of the complaint.
3. Once the Chairperson receives the complaint, the Chairperson shall, within seven days, review the complaint to see if the matter alleged in the complaint is a matter that falls within conduct prohibited by the Code (contained in Section XVII.F.). The Committee shall not be used to resolve purely personal conflicts between students. If the Chairperson determines the complaint is not appropriate for disposition by the Committee, the Chairperson shall dismiss the complaint and no negative record shall be made with regard to the student.
4. If the complaint is accepted, the Chairperson shall convene the Committee, if reasonably possible, within two weeks from the date the complaint was accepted.
5. Once the Committee is convened, the Committee shall choose a subcommittee consisting of a faculty member and a student member to conduct a preliminary investigation of the complaint (“the Subcommittee”). Under no circumstances shall the Associate Dean for Academics serve as a member of any Subcommittee.
6. The Committee shall make and keep records to track the complaint until its final disposition.
7. Preliminary Investigation
  - a. The Subcommittee shall conduct a confidential investigation in which it shall interview the accused, the accuser, and any other persons who may possess information pertinent to the complaint. It shall further examine any materials provided by the various parties and witnesses and shall examine any other pertinent materials. The Subcommittee shall not participate in any vote pursuant to Sections XVII.C. or XVII.E. of this Code.
  - b. The accused shall be confidentially informed of the charges against him or her by registered and regular mail within one week of the commencement of the investigation by the Subcommittee.
  - c. Both members of the Subcommittee shall agree on the recommended disposition of the case—whether to recommend a full hearing, a plea agreement, a dismissal, or some other disposition. 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 recusal of the Associate Dean for Academics during any other portion of the proceedings pursuant to this Code. In either event, there is no appeal from the decision. The standard for proceeding to a full hearing shall be as follows: there must be credible evidence to believe that the violation of the Code alleged in the complaint actually occurred and that the violation was committed by the accused.

- d. If during the course of the investigation, the Subcommittee discovers 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 Section XVII.B.7.c. above, whether to recommend a full hearing regarding these alleged violations. If during the course of the investigation, the Subcommittee determines there is credible evidence to believe that a student or students other than the accused 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 is authorized to amend its statement of formal charges, when appropriate, notwithstanding the time parameters contained within Section XVII.B.7.b.
- e. The Subcommittee shall make its recommendation within no more than three weeks, if reasonably possible, or within a reasonable period of time if witnesses or information are unavailable.

## **C. FULL HEARING**

1. The Committee, in its sole discretion, possesses the power to accept or reject the recommendation of the Subcommittee. Unless extraordinary circumstances exist or unless the accused enters into a plea bargain pursuant to Section XVII.E. herein, the Committee should normally accept the recommendation of the Subcommittee. To the extent the Subcommittee could not reach unanimity in a recommendation and the Associate Dean for Academics is thus called upon to make a recommendation pursuant to XVII.B.7.c., the Committee must accept the recommendation and proceed to either a full hearing pursuant to this section or a plea agreement pursuant to Section XVII.E.
2. Notification of Accused and Timing of Hearing

- a. In the event of a determination to proceed to a full hearing, the Committee shall notify the accused and shall set a date for the hearing that falls within two weeks of the determination to proceed.
- b. 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.
- c. At any time after the determination to proceed but before the full hearing, the Committee may meet to consider any preliminary matters as they arise including the accused's request to sever parties or to have discreet violations heard separately. Such determinations shall remain within the sole discretion of the Committee. Furthermore, the Committee shall be empowered to enter into a plea agreement with the accused at any time after the Subcommittee finishes its preliminary investigation and makes a recommendation pursuant to these rules.

### 3. Hearing Rules

- a. The Hearing panel shall consist of the four members of the Committee that did not sit on the Subcommittee during the preliminary investigation of the alleged incident as well as the Associate Dean for Academics. There shall be no prehearing discovery. In the event that a full hearing will be held, the accused shall have access to the evidence gathered in the preliminary investigation.
- b. The accused shall be presumed innocent. The members of the Committee may question the accused, the accuser, and any witnesses. The Committee shall also consider any supporting materials, including documentary materials of any kind.
- c. The formal rules of evidence shall not apply.
- d. The accused shall have the right to counsel during the hearing.
- e. The accused shall have the right to make a statement at the opening and closing of the hearing.
- f. The accused shall have the right to refuse to answer any question that may incriminate him or her. No inferences shall be drawn from the exercise of this right.
- g. The accused has the right, and shall be provided any and all reasonable opportunity, to submit materials to the Committee.
- h. All proceedings and hearings of the Committee shall be closed to all but those directly involved in the proceeding. Nevertheless, nothing within this provision shall prevent the Dean from attending the hearing.
- i. Requests for continuance of a scheduled hearing shall be heard by the Committee and shall only be granted in extraordinary circumstances.

- j. The accused's unreasonable failure to appear at the full hearing shall entitle the Committee to summarily render a decision against the accused.
- k. The full hearing shall be recorded.
- l. The Associate Dean for Academics shall sit as the Chief Committee Member during all hearings. In the event the Associate Dean for Academics is unavailable, for any reason, the Chairperson of the Committee shall sit as the Chief Committee Member during all hearings. In the event neither the Associate Dean for Academics nor the Chairperson of the Committee is available, the Chief Committee Member shall be appointed by the Dean from within the members of the Committee.

#### 4. Committee Determination

- a. At the close of questioning and upon consideration of all the relevant materials, the Committee shall decide whether the accused is guilty in a closed-door meeting.
- b. The accused can only be found guilty if a simple majority of the Committee finds by clear and convincing evidence that the accused committed acts that violate the Code. For purposes of any vote pursuant to this rule, each Committee member, regardless of rank, shall have one vote.
- c. If the Committee finds the accused is guilty, it shall determine the appropriate sanction by a simple majority vote.
- d. The Committee shall notify the accused of its determination at its earliest possible convenience.
- e. All information in relation to the identity of the accused shall remain confidential. No information describing or characterizing the accused shall be disseminated by members of the Committee. Notwithstanding the above provisions, the Chairperson is authorized and required to transmit pertinent information regarding the evidence and/or final disposition of the hearing to the Dean and Registrar. Additionally, the Registrar is authorized to transmit information regarding the final disposition of the hearing in which the accused is found guilty to any and all persons requesting information about the accused's academic standing at the School of Law. The Registrar shall seek permission from the accused in writing prior to providing the information to anyone pursuant to this subsection. To the extent the accused refuses to provide consent for such a request or fails to provide consent within one week of the request, the Registrar shall not transmit any academic information of any kind to the person requesting such information. Instead, the Registrar shall send a letter to the person requesting the information stating that the accused did not consent to release of his or her academic information.

- f. The fact that a specific violation of the Code has occurred, that an individual has been found guilty, and the nature of the sanction levied, if any, may be promulgated to the School of Law community by the Chairperson as long as the disclosure does not violate any part of subsection XVII.C.4.e. of this section.

#### **D. APPEAL**

1. The accused shall have the right to appeal an adverse finding by the Committee. Such appeal shall lie in the sole discretion of the Dean and must be made within two weeks of the Committee's transmission of the disposition to the accused. For purposes of this rule, transmission shall be defined as the date the Committee mailed, sent, emailed, or faxed the disposition to the accused.
2. Should the accused require additional time, he or she must make a written request to the Dean within the same two-week period. The Dean may, within his or her discretion, grant such additional time for appeal.
3. With respect to the finding(s) and sanction(s) determined by the Committee, the Dean may, within his or her discretion, alter any portion of the Committee's findings or sanctions.
4. To the extent this section (section D.) is inconsistent with section E.4., this section (section D.) shall be subordinate.

#### **E. PLEA AGREEMENTS**

1. At any point following the preliminary investigation and the recommendation of the Subcommittee, the Committee shall be empowered to enter into a plea agreement with the accused(s).
2. For a plea agreement to be enforceable:
  - a. the accused(s) must unequivocally admit and accept responsibility for the prohibited conduct as stated within the plea agreement and consent to the sanction imposed by the Committee;
  - b. a simple majority of the Committee must agree:
    - i. to accept the plea agreement;
    - ii. sufficient evidence exists to demonstrate that the accused committed the prohibited conduct; and
    - iii. the sanction imposed by the plea agreement is appropriate.
  - c. the accused must have been expressly warned, in the text of the agreement, that he or she is permitted to seek legal counsel prior to executing the agreement. Nothing within this provision, however, should be construed to indicate that the School of Law or any of its agents or employees is responsible for securing, providing, or recommending specific legal counsel. Furthermore, nothing within

- this rule should be construed to indicate that the School of Law or any of its agents or employees is encouraged to secure, provide, or recommend specific legal counsel.
- d. it must be in writing and signed by the accused and the Associate Dean for Academics. The Associate Dean for Academics shall not sign such an agreement without the appropriate approval of a simple majority of the Committee.
  - e. the plea agreement must expressly warn the accused, in the text of the agreement, that execution of the agreement will constitute a waiver of any alleged error in the process, whether known or unknown at the time of execution, pursuant to the Code. Furthermore, the plea agreement must expressly warn the accused(s) that no right to appeal any alleged error, whether known or unknown, shall be preserved.
3. The Committee, in its sole discretion, is authorized to reduce, alter, and/or amend the charges against the accused(s) within the plea agreement. Furthermore, the Committee, in its sole discretion, is authorized to 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(s) with a right to an exercise of such discretion.
  4. 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 process, 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. To the extent this subsection is inconsistent with Section XVII.D., this subsection shall control.
  5. Notwithstanding the termination of a matter pursuant to XVII.E.4., 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 accused(s)' failure to fully comply with the sanctions shall be preserved until all of the sanctions imposed within the plea agreement are completed.
  6. For purposes of any vote pursuant to this rule, each Committee member, regardless of rank, shall have one vote.
  7. In the event the Associate Dean for Academics is unavailable to sign the plea agreement, the Chairperson of the Committee shall sign the plea agreement. In the event neither the Associate Dean for Academics nor the Chairperson of the Committee is available to sign the plea agreement, the Dean shall appoint a member of the Committee as the acting Chairperson to sign the plea agreement.

## **F. PROHIBITED CONDUCT**

The following rules hereby set forth violations of the Code. 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 misconduct.

1. Misconduct Involving Work Required for a School of Law Course, Program or Other Requirement
  - a. Plagiarism: A student shall not plagiarize the work of another. Plagiarism includes (a) the misappropriation of 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 misappropriation of the original ideas of another without appropriate attribution; or (c) the misappropriation of the original pattern of ideas or organization of one or more original works over a substantial portion of the paper. This third species of plagiarism occurs when a student follows the work of others, idea for idea, 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. Use of work completed by another: A student shall not submit the work of another in fulfillment of any law school requirement. This includes work completed by another student, practicing attorney, or any other person.
  - c. Multiple submission of work: A student shall not submit work in fulfillment of any law school requirement which the student has submitted in compliance with the requisites for any other class or program at this or any other academic institution without the express, written consent of the present professor. This provision shall also apply to work submitted for law school credit which was previously completed in satisfaction of non-academic work requirements outside the School of Law.
2. Unauthorized collaboration: A student shall not submit work produced in collaboration with another without the written permission of the professor. This includes collaboration with respect to the substantive content of work as well as the writing style, grammar, proofreading, or citation form.
3. Misconduct Involving Examinations:
  - a. A student shall not copy the work of another during the course of any examination.
  - b. Unauthorized use of materials during examinations: During an examination, a student shall not use any materials that are not expressly permitted by the professor or exam proctor. This includes use of books, outlines, notes, taped materials, or any other materials.
  - c. Departure from the exam room: A student shall not leave the exam room before completing the exam without permission of the exam

proctor, if an exam proctor has been assigned to the room. If permission is granted to leave the exam room, a student shall not review any materials during his/her absence from the examination room nor shall he or she discuss the exam or related matters with any person during the course of the exam.

- d. Interference with other students during exam: A student shall not talk or engage in other conduct that unreasonably distracts or disturbs other students during an examination.
- e. Unauthorized departure with, or discussion of, an exam: Without the express permission of the professor, a student shall not remove any exam, or any portion thereof, from the exam room. A student shall not transcribe, deliver, or receive notes taken during or after an exam. No student shall discuss with another student whom he or she knows has not yet taken an exam the nature or substance of the examination.
- f. Cheating by substitution: A student shall not take an exam for another student nor shall a student intentionally or knowingly permit another to take an exam for him or her.
- g. Violation of exam security: A student shall not in any way violate the security maintained for preparation or storage of any exam materials or other course materials.
- h. Attempts to enlist assistance of third parties: A student shall not attempt to enlist the assistance of another student or third party with the intention of violating any of the foregoing provisions.

#### 4. Misconduct Involving Library Materials

- a. A student shall not tear, deface, destroy, or otherwise dispose of library materials or equipment.
- b. A student shall not disrupt others with respect to their use of library materials, equipment, or resources.
- c. A student shall not remove library materials without complying with established library procedures.
- d. A student shall not conduct himself or herself in a matter that unreasonably interferes with others' use of library materials, equipment, or resources or that violates a library rule about which the student should know.

#### 5. Other Misrepresentations or Dishonesty

- a. Misrepresentation: A student shall not misrepresent facts to the School of Law, any of its agents or employees, or any potential or existing employer. This includes but is not limited to: misrepresentations 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 agents or employees, the student shall have the continuing obligation to update the School of Law as such information may change.

- b. Misrepresentation of class attendance: A student shall not sign, electronically or otherwise, the attendance roster for another student who is absent from, or late to, class. A student shall not enlist the assistance of another to sign, electronically or otherwise, his or her name on the attendance roster.

6. General Offenses

- a. Other offenses: A student shall not steal from, harm, threaten or harass any person, nor shall he or she misrepresent facts about another person with the intention of harming that person in connection with some academic or professional function, capacity, or opportunity. Any complaints involving sexual harassment should be brought pursuant to the University Sexual Harassment Policy and are not regulated by this Code.
- b. Conduct unbecoming a member of the profession: Students shall conduct themselves in a professional manner during all events sanctioned, held, conducted, or permitted by the School of Law.
- c. Third parties: A student shall not assist another student in violating the Code nor shall any student attempt to enlist the assistance of a third party with the purpose of violating the Code. For purposes of this rule, “assistance” shall include any actions taken in preparation of a violation, any actions taken in furtherance of a violation, or any actions that further, enhance, protect, or secret the violation after-the-fact.
- d. Failure to comply with sanctions imposed by the Committee: It shall be a violation of this Code for a student to fail to comply with a sanction imposed by the Committee.

7. Risk of Serious Harm

Posing Imminent Risk of Serious Harm: Students who pose an imminent risk of serious harm shall be suspended immediately and accorded due process, otherwise consistent with this Code, at a later date. The decision to invoke this subsection lies in the sole discretion of the Dean.

8. Failure to Report

Failure to Report Prohibited Conduct: It shall be a violation of this Code to intentionally or knowingly fail to report prohibited conduct. All such reports shall be made to the Associate Dean for Academics or the Chairperson of the Committee promptly upon obtaining knowledge of conduct that violates the Code.

## G. SANCTIONS

Unless authorized by the Dean, the Committee may impose only the following sanctions, singly or in combination:

- a. Written Warning: Written notice to be placed in the student's permanent file;
- b. Probation: The suspension of any sentence subject to future non-violation of this Code;
- c. Restitution;
- d. Suspension from School;
- e. Expulsion from School; and/or
- f. Public Discussion: The student is required to undertake public discussion of his or her act in the interest of educating and deterring others. This sanction shall not be imposed in the absence of the written consent of the accused and may be imposed as an alternative to other sanctions. To the extent this subsection is inconsistent with any other section of this Code, this subsection shall control.

## 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 take the bar examination in Tennessee.

The Dean is fully informed as to the Standards and Rules of Procedure for the Approval of Law Schools 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 Courses:**

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. For each class, the cumulative average grade shall fall between 2.30 and 2.70, inclusive.

#### **2. Level 2000 Courses**

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. For each class, the cumulative average grade shall fall between 2.60 and 3.00, inclusive.

#### **3. Other Provisions**

These provisions contained within XIX.A.1. & XIX.A.2. shall apply to the final course grades of all 1000 and 2000 level courses in which 20 or more students are enrolled. These provisions shall also apply to all Lawyering Skills courses without regard to student enrollment.

Mid-term examinations and final examinations shall have a course (by each section) mean that shall not exceed a 2.6.

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 a faculty member submits grades for a covered course that conform to the grading curves (both as to the required grades and as to the required cumulative average), the Associate Dean shall process the grade(s) as usual by notifying the faculty member that the grades may be added, by them, to their course WebAdvisor page, subject to verification by the University Registrar. 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	4.00	C	2.00
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.00	D	1.00
B-	2.67	D-	.67
C+	2.33	F	0.00

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 law school.

**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. After six months, an unresolved I becomes an F (0.00). 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 after the fourth week of classes in a full term or the second week of classes in a summer term. The W grade confers no credit and is not calculated in the grade average.

**WA = Withdrew Absences**

A grade of WA is posted on the transcript whenever a student is withdrawn from a course for excessive absences and has a passing grade at the time the student is withdrawn. The WA grade confers no credit and is not calculated in the grade average.

**WF = Withdrew Failing**

A grade of WF is posted on the transcript whenever a student is withdrawn from a course for excessive absences and has a failing grade at the time the student is withdrawn. The WF grade confers no credit and is calculated in the grade average (0.00).

**WD = Withdrew from University**

A notation of WD denotes official withdrawal from the University prior to the conference of a grade in the course.

**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 is designed for those situations in which a course is expected to take more than one semester to complete. This notation also 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 (0.00). A failing grade will be calculated as part of a student's grade point average.

1. 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.
2. **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.

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 or final 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. Faculty shall use traditional essay questions and multiple-choice. Except for take-home exams, exam rooms will be proctored.

## **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 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.

## **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 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. completed all first-year required courses as indicated in section 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 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.
- C. For purposes of ranking, student cohorts shall be governed by credit hours. At the end of the fall or spring semester, students shall be ranked within the following groups:
  - 30-44 completed credit hours
  - 45-66 completed credit hours
  - 67-88 completed credit hours
- D. Students shall receive a final Graduation Class Rank upon completing all graduation requirements. The Graduation Class Rank shall only be computed once per year—at the end of the fall term. The Graduation Class Rank shall include all students who have completed graduation requirements since the last issuance of a Graduation Class Rank. Only the Graduation Class Rank will appear on a student's official transcripts.

## **XXIII. ACADEMIC HONORS**

- A. To be named to the Dean's List, a student must have:
  - 1. a 3.25 grade point average, in any spring or fall semester in which the student has successfully completed a minimum of 9 credit hours.

- B. 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.

## **XXIV. RESCHEDULING LAW SCHOOL EXAMS**

- A. All law school exams shall be scheduled by the Dean, the Associate Dean of Assessment, or their 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 of Assessment or the Dean. 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) exams in one day.
- C. **Reschedule Date:** The date for the taking of any rescheduled examination shall be set by the Associate Dean of Assessment or the Dean. Students should expect any rescheduled examination to be administered only on the School of Law's designated Exam Conflict Day. Exceptions to this scheduling will be exceedingly rare, and students should not anticipate ever being granted a rescheduled examination date that would occur before the date for regularly-scheduled administration of that examination.
- D. **Conditions.** In considering requests for the rescheduling of an examination in the absence of course exam conflicts, the Associate Dean of Assessment 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.

## **XXV. TRANSFER STUDENTS**

- A. **Credit earned prior to matriculating at the School of Law:**
  - 1. Applicants who have completed the equivalent of the first year of law school from an ABA-accredited law school may apply to transfer to the School of Law. Transfer applicants must submit the following:
    - a. A complete application for admission;
    - b. One letter of recommendation from a faculty member at the applicant's existing or previous institution;
    - c. A statement of good standing from the dean of the applicant's existing or previous institution;
    - d. An official transcript from the applicant's existing or previous institution;
    - e. A statement of why a transfer is requested;

- f. A specific list of courses for which the student seeks to obtain credit;
- g. 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 Student Admissions Policy contained herein.
- 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 student's existing or previous institution;
- ii. The similarity between the type of classes taken at the student's existing or previous institution with comparable classes at the School of Law;
- iii. Whether the classes taken at the student's existing or previous institution are classes traditionally taken at a law school accredited by the ABA;
- iv. The grades received by the student in the classes taken at the student's existing or previous institution; and
- v. The student's entire admission file.

- 3. Under no circumstances may a student transfer more than 29 credit hours. A student who has transferred from another law school must successfully complete at least 59 credit hours at the School of Law, with a cumulative grade point average of 2.00 or better, and satisfy all other degree requirements.
- 4. Under no circumstances shall the Academic Standards Committee extend credit for any class in which the student earned a grade less than "C."

**B. Credit earned at a foreign institution while matriculating 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 an ABA-accredited law school.
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 law school 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 Section 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 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 29 hours of credit.
- D. **Transferring grades:** Accepted transfer credits 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 GPA, cumulative GPA, or class rank at the School of Law.

- 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 **GRADING POLICIES** Section XIX.

## XXVI. STUDENT ORGANIZATIONS

### A. **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.

### B. **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.

### C. **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.

### D. **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.

#### **E. 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.

#### **F. 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.

#### **G. 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.

#### **H. 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.

#### **I. 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.

## **J. 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 Associate Dean of Assessment who will forward all matters to the ADA Coordinator in the Office of Student Services (Student Center, Room 319, 423-869-6251). 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 and Student Support Services, both located in the Student Center 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 Associate Dean of Assessment who will forward the information to the ADA Coordinator (guidelines for proper documentation are set forth below);
2. The Associate Dean of Assessment or 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 Associate Dean of Assessment 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, timeliness, 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 students' 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 and the Associate Dean of Assessment. Upon receipt of the documentation from the Associate Dean of Assessment, 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 Associate Dean of Assessment, 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. 6251).

### **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: Vice President for Enrollment Management & Student Services (Chair), the ADA Coordinator, the Director of Student Success and Retention, the Director of Student Support Services, and the Dean. The decision of LMU's grievance committee is final. (1/06)

## **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 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 3mb download speeds. Students should also be aware that firewalls at their place of employment 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 for any unauthorized access to information transmitted.
- M.** 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.
- N. STUDENTS ARE PROHIBITED FROM DOWNLOADING ANY SOFTWARE PROGRAMS ON THEIR COMPUTERS WITHOUT EXPRESS, WRITTEN PERMISSION FROM THE ASSOCIATE DEAN FOR ACADEMICS.**
- O. 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.**

<b>LINCOLN MEMORIAL UNIVERSITY  DUNCAN SCHOOL OF LAW  ACADEMIC CALENDAR  2010-2012</b>		
<b>Fall</b>	<b>2010</b>	<b>2011</b>
Orientation for New Students	August 7	August 6
Bridge Week	August 9-13	August 8-12
Classes Begin (Day)	August 16	August 15
Classes Begin (Evening)	August 16	August 15
Last Day to Add Classes	August 23	August 22
Last Day to Withdraw without "WD"	September 16	September 15
Labor Day (offices closed)	September 6	September 5
Fall Break	October 7-8	October 13-14
Mid-Term Reading Day	October 11	October 17
Mid-Term Examinations Begin	October 12	October 18
Mid-Term Examinations End	October 15	October 21
Last Day of Classes	November 24	November 23
Thanksgiving holiday (no classes)	November 25-26	November 24-25
Final Exam Reading Days	Nov. 29 - Dec. 1	Nov. 28 - 30
Final Exams Period (excluding Sundays)	Dec. 2 – 10	Dec. 1 - 9
Christmas holiday (offices closed)	December 24	December 26
New Year's Day (offices closed)	January 1	January 1
<b>Spring</b>	<b>2011</b>	<b>2012</b>
Classes Begin (Day)	January 10	January 9
Classes Begin (Evening)	January 10	January 9
Last Day to Add Classes	January 18	January 16
Martin Luther King Day (no classes)	January 17	January 16
Last Day to Withdraw without "WD"	February 10	February 9
Mid-Term Reading Days	Feb 17 & 18	March 2
Mid-Term Examinations Begin	Feb 21	March 5
Mid-Term Examinations End	Feb 26	March 9
Spring Break	March 21-25	March 19-23
Good Friday (offices closed/no classes)	April 22	April 6
Last Day of Classes	April 29	April 26
Final Exam Reading Days	April 30 – May 3	April 27-May 1
Final Exams Period (excluding Sundays)	May 4 - May 14	May 2 - May 11

Memorial Day (offices closed)	May 30	May 28
<b>Maymester</b>	<b>2011</b>	<b>2012</b>
Classes Begin	TBD	TBD
Last Day to Add Classes	TBD	TBD
Last Day to Withdraw without "WD"	TBD	TBD
Last Day of Classes	TBD	TBD
Final Exams	TBD	TBD
<b>Summer</b>	<b>2011</b>	<b>2012</b>
Classes Begin	May 28	TBD
Last Day to Add Classes	TBD	TBD
Last Day to Withdraw without "WD"	TBD	TBD
Last Day of Classes	July 26	TBD
Final Exams	July 27-29	TBD
Independence holiday (offices closed)	July 4	July 4

LINCOLN MEMORIAL UNIVERSITY  
DUNCAN SCHOOL OF LAW

**GRADUATION CHECKLIST**

- \_\_\_\_\_ I have completed at least 88 credit hours, with no more than 29 credit hours from another law school.
  
- \_\_\_\_\_ I have completed all required courses as defined by the Student Handbook in § XII.G.1 & XII.G.2.
  
- \_\_\_\_\_ My cumulative GPA meets or exceeds a 2.0.
  
- \_\_\_\_\_ 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 law school loans).
  
- \_\_\_\_\_ I have completed 30 hours of pro bono work after all required courses were completed.
  
- \_\_\_\_\_ At least 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 law school from which the Duncan School of Law has accepted transfer credit.

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

\_\_\_\_\_  
Date

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