



# Lincoln Memorial University Duncan School of Law

## Policies for Facilities & Programming

### Fall 2020

**Revised – August 14, 2020**

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When on-campus learning resumes at LMU Law in the Fall 2020 semester, the safety of students, faculty, and staff will remain our top priority. As a result, the primary goal of these policies is to provide a safe environment for everyone in the law school community in accordance with federal, state, and local guidelines.

When we return to in-person classes in the fall, legal education will not be the same. Yet, in the years to come, our school's mission to provide a meaningful, practice-focused legal education so that graduates of LMU Law are equipped to address the needs of the underserved will be more important than ever. To achieve that mission, it is incumbent upon everyone in the law school community to adhere to these policies despite the inconveniences and adjustments they will necessarily entail.

#### **LMU Return-to-Campus Questionnaire**

Before coming to campus in the Fall 2020 semester, all LMU employees and students must complete Return-to-Campus Questionnaire, which is available online at <https://www.lmunet.edu/questionnaire.php>.

#### **University Policies**

LMU has adopted university-wide policies to mitigate the potential spread of COVID-19 on LMU campuses, available at <https://www.lmunet.edu/covid.php>. The law school's policies are specific to its programming and facilities, and they serve to supplement the university-wide policies.

## Class Format & Attendance

Most classes will return to an in-person format during the Fall 2020 semester. However, to ensure compliance with the social-distancing and room-capacity policies set forth below, faculty may implement a variety of methods and modifications, including simulcasting (broadcasting to another classroom with the opportunity for live class participation and interaction with the professor) and hybrid courses (a mix of in-person and online class sessions). In addition, many in-person classes will include online components, and certain courses or sections may be completely online. Students will be notified of the details pertaining to each of their courses in advance of the beginning of the semester so that they can modify their schedule as needed.

**Attendance.** Students requesting a blanket exemption allowing them to attend all classes remotely instead of in person must seek an accommodation in accordance with LMU policies. This accommodation will be available if a student or someone in the student's household is at increased risk of severe illness from COVID-19. Students seeking an accommodation based upon their own increased risk should contact LMU's Director of Accessible Education Services, Dr. Dan Graves, at [dan.graves@lmunet.edu](mailto:dan.graves@lmunet.edu) or (423) 869-6531. Students seeking an accommodation based upon the increased risk of a household member should contact the Office of the Associate Dean for Academic Affairs at LMU Law by emailing Kathy Baughman at [Kathy.Baughman@lmunet.edu](mailto:Kathy.Baughman@lmunet.edu).

**Alternative Methods of Attendance & Excused Absences.** An alternative method of attendance is permitted when a student is prohibited from attending class by any provision of these policies, including when a student must refrain from travelling to the school upon testing positive for or exhibiting symptoms of COVID-19, or upon exposure to someone who has tested positive for COVID-19. A professor may award attendance when a student is unable to attend a class session in person if the student satisfies all conditions specified by the professor to make up for the missed class session, such as watching a recording of the missed class session and completing any other task required by the professor. Professors awarding attendance in this manner must ensure that they require students to meet conditions that are an adequate substitute for the in-person class experience.

The Associate Dean for Academic Affairs retains the exclusive authority to excuse absences. When alternative methods of attendance are not feasible because of health or other reasons, the Associate Dean for Academic Affairs will determine whether to excuse absences or grant a leave of absence pursuant to the relevant provisions of the LMU Law Student Handbook.

Generally, students with children are responsible for making arrangements for childcare during each school day. Students may not bring children to the law school.

If a student is unable to attend a class session due to the temporary closure of their child's school or child-care facility, the Associate Dean for Academic Affairs may, at his discretion, allow the student to utilize an alternative method of attendance for the missed class session.

**Office Hours.** Professors will hold online office hours, at specified times or by appointment, to meet with students individually or in small groups. At each professor's discretion, students may be required to use online office hours instead of visiting a professor in person. A professor may require a student to attend an office-hour appointment online to make up for a class the student cannot attend in person.

**Externships.** To the extent practicable, all externship sites will be evaluated to ensure compliance with all federal, state, and local COVID-19 guidelines and compliance with recommendations by the Centers for Disease Control and Prevention ("CDC"). All students who choose to participate in an externship during the Fall 2020 semester will be required to sign an informed consent agreement.

### **Building Policies & Procedures**

The policies in this section apply to all persons in the law school building, including students, faculty, staff, and visitors, except as otherwise indicated.

**Screening & Self-Assessment.** All students entering the law school at designated high-traffic times will be checked with a no-contact thermometer to ensure that they do not have a temperature of 100.4 degrees Fahrenheit or greater. A student who has a temperature of 100.4 degrees Fahrenheit or greater will be given an opportunity to have a second temperature check after a five- to ten-minute period of rest. If the student registers a temperature of 100.4 degrees Fahrenheit or greater on the second check, the student will not be permitted to enter the building and will be permitted to return to campus only upon compliance with all applicable provisions of the "Policies for COVID-19 Infection, Risk, or Exposure" set forth below.

In addition, before traveling to the law school, all persons, including faculty, staff, and students, are required to conduct a self-assessment by completing the following steps:

1. Verify that you have not had **any signs or symptoms of a fever** in the past 24 hours, including chills, sweats, feeling unusually flushed or overheated, or having a temperature of 100.4 degrees Fahrenheit or greater.
2. Verify that you have not experienced **any of the following symptoms** within the past 24 hours:
  - Cough;

- Shortness of breath or chest tightness;
  - Sore throat;
  - Nasal congestion or runny nose;
  - Body aches;
  - Loss of taste or smell;
  - Diarrhea;
  - Nausea; or
  - Vomiting
3. Verify that you have not been **exposed**<sup>1</sup> to a **person diagnosed with COVID-19** within the past 10 days.
  4. For students, verify that you have not **travelled** to any location greater than **150 miles** from the law school within the past 10 days, unless you have received approval from the Assistant Dean of Student and Career Services (for students) to return to the building. For Employees, verify that you have obtained clearance from your supervisor to return to campus if required by the LMU COVID-19 policies pertaining to employee travel.

By entering the law school campus, all persons attest that they have completed each step of this self-assessment. Any person who cannot complete the necessary verifications in the self-assessment must comply with the “Policies for COVID-19 Infection, Risk, or Exposure” set forth below before returning to the law school.

**Masks.** Everyone in the law school building must wear an effective cloth face covering or a similar covering that provides equivalent or greater protection. This requirement applies at all times and in all parts of the building, subject to the following exceptions: (1) Individuals may temporarily remove their masks when alone in a room or in other private locations when distanced from others by at least six feet, including while eating and drinking; (2) faculty and staff may elect not to wear a mask while alone in their offices or when distanced from others in the same office by at least six feet; and (3) faculty and guest lecturers may elect not to wear a mask during classes as specified below in the “Classroom Policies & Procedures” section. Upon request, the school will provide a mask to any person in the law school community who does not have one. The determination of whether a student’s cloth face covering is sufficiently

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<sup>1</sup> In accordance with CDC guidelines and University policies, the term “exposure,” as used in this provision and in other provisions of these policies, is defined as encompassing the following interactions: (1) you were within six feet of someone who has been diagnosed with COVID-19 for at least 15 minutes, irrespective of whether either you or the other person were wearing a mask or other protective gear; (2) you have provided direct care to someone who has been diagnosed with COVID-19; (3) You have had direct physical contact with someone who has been diagnosed with COVID-19 (e.g., touching, hugging, kissing); (4) you have shared eating or drinking utensils with someone who has been diagnosed with COVID-19; or (5) a person diagnosed with COVID-19 has sneezed, cough, or spit on you.

effective is within the discretion of law school faculty and administrators and is subject to any further specifications and guidance that may be issued by the law school in the future. If a student cannot wear a cloth face covering or other similar covering for health reasons and instead needs to wear an alternate type of face covering, the student must seek an accommodation in accordance with LMU policies. To request this type of accommodation, contact the Director of Accessible Education Services, Dr. Dan Graves, at [dan.graves@lmunet.edu](mailto:dan.graves@lmunet.edu) or (423) 869-6531. For more information about the characteristics of an effective cloth face covering and evidence of the effectiveness of cloth face coverings in preventing the transmission of COVID-19, especially by people who are unaware that they are infected, see CDC, *Cloth Face Covers* (May 23, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

**Social Distancing.** Everyone on the law school campus must practice social distancing by making a reasonable effort to stay at least six feet (about two arms' lengths) away from others. In addition, everyone on the law school campus must make a reasonable effort to avoid congregating in groups of more than five people outside of class. Faculty, students, and staff are encouraged to hold meetings, study groups, and other gatherings online instead of in person whenever possible. For more information about how to practice social distancing and its effectiveness in preventing the transmission of COVID-19, see CDC, *Social Distancing* (May 6, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

**Hygiene & Handwashing.** Everyone in the law school must make reasonable efforts to maintain effective practices pertaining to hygiene. This includes frequent handwashing, especially during the following key times: before, during, and after preparing food; before eating food; before and after treating a cut or wound; after using the restroom; after blowing your nose, coughing, or sneezing; and after touching garbage. Effective handwashing requires scrubbing for at least 20 seconds. When soap and water are not readily available, the use alcohol-based hand sanitizer containing at least 60% alcohol is encouraged. Law school staff will work to ensure the availability of soap and hand sanitizer. For more information on the importance of hygiene and handwashing, including detailed instructions on effective handwashing and use of sanitizer, see CDC, *Handwashing: Clean Hands Save Lives* (Apr. 2, 2020), <https://www.cdc.gov/handwashing/when-how-handwashing.html>.

**Sanitation.** LMU has arranged for surfaces throughout the building to be sanitized on a routine basis. In addition, classrooms will be sanitized between classes of different cohorts. As explained in greater detail below under the "Classroom Policies & Procedures" section, Students must not linger in classrooms after class when cleaning is scheduled to take place. Faculty, students, and non-maintenance staff

should frequently clean their personal belongings such as keyboards, phones, and the like.

**Building Entry & Exit.** Employees may enter the building using their key cards at the door nearest the library, located next to the faculty/staff parking lot. Students must enter the building at the set of doors closest to the reception desk (facing east, toward Market Square and the Langley Garage). The building exits for everyone will include the door nearest the kitchen and the security desk (facing west and the faculty/staff parking lot), the door at the bottom of the down-only staircase facing the faculty/staff parking lot, and the door exiting the west side of the building nearest Congressman Duncan's office and the Legal Aid building. Entry and exit doors will be clearly marked.

**Hallways & Staircases:** Hallways and staircases will be one-way only, marked with arrows on the floor and other signs. Please attempt to keep at least six feet between individuals walking through the hallways. The building will operate in a clockwise directional manner, with arrows noting the proper direction. The main staircase leading up from the lobby to the third-floor atrium will be "up only," as will the staircase leading up from outside the Dean's office to Room 325. All other staircases will be "down only," including the staircases on either end of the Dean's office floor running from the third floor to the second floor, the staircase next to the elevators running from the fourth floor to the second floor, and the staircase near the faculty/staff men's bathrooms running from the third floor to the first floor.

**Elevator.** Only one person at a time may use the elevator. To ensure that individuals who need to use it are able to do so, elevator use shall be limited to individuals with a documented medical need, as well as to faculty and staff transporting materials on rolling carts. Students who need to use the elevator must receive advance approval from the Assistant Dean of Student and Career Services, who may grant such approval on a temporary or semester-long basis.

**Study Rooms & Study Spaces in Common Areas.** Each room in the building will have a sign on or near the door designating how many people are allowed in the room at one time. Small study rooms will be limited to one student at a time. Classrooms will be open at designated times outside of class sessions to serve as group study rooms, with appropriate seating limitations and signs provided to ensure that students maintain appropriate distancing. The only study spaces in common areas that should be used are the library, the third-floor atrium, and the second-floor verandas. Seating will be limited in these areas to ensure appropriate distancing. Students are encouraged to adjust their study habits to study at home when possible.

## Classroom Policies & Procedures

In addition to the building policies set forth above, the policies in this section apply during classes.

**Masks.** The mask policy remains in effect during class, requiring everyone to wear a mask consisting of a cloth face covering or a similar covering that provides the equivalent or greater protection. However, faculty and guest lecturers may elect not wear a mask during classes if they wear a face shield in addition to either (1) standing behind a plexiglass barrier or (2) maintaining a distance of at least 15 feet from the nearest student.

**Classroom Layout.** There will be a sign on or near the door of each classroom indicating the number of students who may be in the classroom at one time. Students must make reasonable efforts to comply with these classroom occupancy limits. In addition, there will be signs and other indicators to demonstrate where students may sit in each classroom. Students must comply with the seating indicators to ensure appropriate distancing.

**Assigned Seating.** Professors will be responsible for assigning seats in each class to limit exposure among students. At the professor's discretion, a seating arrangement may be based on where the student sits during the first day of class or any other method, but students should expect to use the same seat for the entire semester. Each student is expected to keep their area clean and is encouraged to use disinfectant wipes upon leaving their assigned seat at the end of class.

**Staggered Class Times.** Professors may keep students a few minutes late after class ends or end class a few minutes early to alleviate congestion in hallways between classes. Professors may also consolidate shorter class sessions by conducting a smaller number of longer in-person classes to minimize the number of students in the building at one time.

**Classroom Entry & Exit.** Students must make reasonable efforts to maintain distancing when entering and exiting classrooms, following any signs or arrows on the floor and following flow of foot traffic to minimize congestion in the hallways. Students must not linger in classrooms after class ends when cleaning is scheduled to take place. Students should make reasonable efforts to minimize the number of students congregating inside and outside the bathrooms upon exiting the classroom during breaks between classes.

**Eating & Drinking in Class.** Eating and drinking in class is prohibited to ensure compliance with the mask policy. If a student needs to be able to eat or drink in class for health reasons, the student must seek an accommodation in accordance with LMU policies. To request this type of accommodation, please contact the Director of

Accessible Education Services, Dr. Dan Graves, at [dan.graves@lmunet.edu](mailto:dan.graves@lmunet.edu) or (423) 869-6531.

## **Policies Regarding Travel**

**Travel for School.** Any student travel on behalf of the school must be approved in advance by the faculty advisor for the relevant student organization and the Dean.

**Student Personal Travel.** While the school is not in the business of regulating student personal travel, individual student travel can put the health and safety of other members of the law school community at risk. Students are required to notify the Assistant Dean of Student and Career Services any time they travel to any location greater than 150 miles from the law school. A student who has completed such travel must receive approval from the Assistant Dean of Student and Career Services before returning to campus. If a student travels to a higher-risk geographic area or engages in international or cruise travel, the student may be required to remain away from the law school building for at least 14 days or submit written confirmation from a medical provider that it is safe for the community for the student to return. Students are responsible for determining the distance of their travel. However, for ease of reference, Nashville, Atlanta, Charlotte, and Louisville are located more than 150 miles from the law school and travel to those areas would require notification to the Assistant Dean of Student and Career Services pursuant to this policy. This policy applies to travel during the school term as well as to travel over school breaks and applies regardless of the method of travel.

**Employee Travel.** Employees must follow the procedures pertaining to travel set forth in the University's policies to mitigate the potential spread of COVID-19 on LMU campuses.

## **Policies for COVID-19 Infection, Risk, or Exposure**

The policies in this section are designed to minimize the risk of harm if someone in the law school community contracts or is at high risk of contracting COVID-19.

**Notification.** Any LMU employee or student must advise the Office of the Dean (for employees)<sup>2</sup> or the Office of the Associate Dean for Academic Affairs (for students)<sup>3</sup> if the employee or student: (1) **tests positive** for COVID-19; (2) experiences flu-like or

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<sup>2</sup> Please send an email to both Dean Lyon ([Matthew.Lyon@lmunet.edu](mailto:Matthew.Lyon@lmunet.edu)) and Melissa Van Kirk ([Melissa.Vankirk@lmunet.edu](mailto:Melissa.Vankirk@lmunet.edu)).

<sup>3</sup> Please send an email to both Associate Dean for Academic Affairs William Gill ([William.Gill@lmunet.edu](mailto:William.Gill@lmunet.edu)) and Kathy Baughman ([Kathy.Baughman@lmunet.edu](mailto:Kathy.Baughman@lmunet.edu)).



COVID-19 **symptoms**; or (3) is **exposed** to someone who has tested positive for COVID-19. The symptoms of COVID-19 include fever, chills, persistent cough, shortness of breath or difficulty breathing, persistent chest pain or pressure, muscle pain, sore throat, and/or a new loss of taste or smell. For more information, see CDC, *Symptoms of Coronavirus* (May 13, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

In addition, any employee or student who tests positive for COVID-19 must give the Dean (for employees) or Associate Dean for Academic Affairs (for students) a list of all members of the law school community who were exposed to the employee or the student within 48 hours of the diagnosis.

Upon being informed that someone in the law school community has tested positive for COVID-19, the administration will follow LMU Department Level Protocol for COVID-19 the Response Plan set forth in the LMU COVID-19 Plan issued by the University. Based upon the Response Plan and all relevant circumstances, the Dean will determine whether to restrict access to the building, modify classes to be delivered in an online or hybrid format, or take other appropriate measures.

In addition, law school administration will communicate with state and local public health organizations as appropriate if there are circumstances indicating a confirmed or likely infection of COVID-19 of a person who has been on the law school premises.

**Return to Campus.** Employees and students who are experiencing **symptoms** of COVID-19, have **tested positive** for COVID-19, or who have been **exposed** to someone who has tested positive for COVID-19 must comply with the COVID-19 Employee/Student Leave Policy set forth in the Appendix of the LMU COVID-19 Plan issued by the University. Pursuant to that policy, students should follow the protocols set forth below depending on the applicable circumstances.

***Option #1: Symptom/Quarantine-Based Strategy***

- **Asymptomatic** individuals who have been **exposed** to someone who has tested positive for COVID-19 may return to campus **14 days** after the date of exposure.
- Individuals who are experiencing **mild or moderate symptoms** of COVID-19 and who are **not severely immunocompromised** may return to campus when:
  1. At least **10 days** have passed since symptoms first appeared; **AND**
  2. At least **24 hours** have passed since the student last had a **fever** without use of fever-reducing medications; **AND**
  3. Symptoms (e.g., cough, shortness of breath) have improved.

- Individuals who are experiencing **severe to critical illness** or who are **severely immunocompromised** may return to campus when:
  1. At least **20 days** have passed since symptoms first appeared; **AND**
  2. At least **24 hours** have passed since the individual last had a fever without use of fever-reducing medications; **AND**
  3. Symptoms have improved.
  
- Individuals **who have tested positive for COVID-19**, who are **not severely immunocompromised**, and who were **asymptomatic** throughout their infection can return when at least **10 days** have passed since the date of their first positive test result.
  
- Individuals who have **tested positive for COVID-19**, who are **severely immunocompromised**, and who were **asymptomatic** throughout their infection can return when at least **20 days** have passed since the date of their first positive test result.

***Option #2: Test-Based Strategy***

- Individuals who **experience symptoms of COVID-19 following exposure** to someone who has tested positive for COVID-19 may return to campus when:
  1. At least **24 hours** have passed since the individual last had a **fever** without use of fever-reducing medications; **AND**
  2. Symptoms have improved; **AND**
  3. The individual tests **negative** for COVID-19 on **two consecutive antigen-based tests** collected **more than 24 hours apart**.
  
- Individuals who **do not experience symptoms of COVID-19 following exposure** to someone who has tested positive for COVID-19 may return to campus when the individual tests **negative** for COVID-19 on **two consecutive antigen-based tests** collected **more than 24 hours apart**.

***Additional Protocol for Exposure to SARS-CoV-2 Virus***

- An individual exposed to the SARS-CoV-2 virus must quarantine and can return to campus when at least 14 days have passed with no symptoms suggestive of COVID-19.
  
- In the alternative, an individual exposed to the SARS-CoV-2 virus must quarantine and can return to campus when:

1. At least 48 hours have passed since the last exposure; **AND**
2. No symptoms suggestive of COVID-19 have appeared; **AND**
3. Results are negative from two consecutive antigen-based tests collected more than 24 hours apart.

Employees and students must receive approval from the Dean (for employees) or Associate Dean for Academic Affairs (for students) before returning to campus.

### **Enforcement of Policies**

A violation by a student of the policies set forth in this document may result in disciplinary measures in accordance with the Student Conduct Code of Honor set forth in the LMU Law Student Handbook. When a student commits an inadvertent violation, a reminder or warning will be the presumptive measure of enforcement. Repeated violations by the same student or violations based on conduct that is performed intentionally, knowingly, or recklessly will presumptively result in the initiation of disciplinary proceedings under the Student Conduct Code of Honor. When warranted or required by the Student Conduct Code of Honor, reports of violations may be made to the Assistant Dean of Student and Career Services or the Chair of the Student Conduct Committee.

Professors may additionally enforce health and safety requirements in their classes. For example, a professor may deny attendance credit for a class or refuse entry to a student who violates any of the policies set forth in this document.

A violation by an LMU employee may be reported to the employee's supervisor and will be handled pursuant to the LMU Employee Handbook.

### **Modification of Policies**

The LMU Law administration retains the authority and discretion to modify these policies. When warranted by changed circumstances, the LMU Administration may restrict access to the building, modify classes to be delivered in an online or hybrid format, or take other appropriate measures. Everyone in the law school community will be notified as soon as practicable of any modification of these policies.

### **Resources for Coping & Resilience**

Many people are experiencing increased stress, fear, and anxiety because of COVID-19. Students are encouraged to seek help for through LMU's counseling services. Students may schedule a counseling appointment using the following link:

<https://www.lmunet.edu/counseling/schedule-an-appointment-knoxville.php>. In the alternative, students may contact Jason Kishpaugh, LMU's Director of Counseling, or Julie Lamb, LMU Law's counselor, to set up an appointment or with any questions. Their email addresses are [jason.kishpaugh@lmunet.edu](mailto:jason.kishpaugh@lmunet.edu) and [julie.lamb@lmunet.edu](mailto:julie.lamb@lmunet.edu).

In addition, LMU Law students may access WellConnect, a confidential program that provides professional assistance and valuable resources to help resolve issues that interfere with your success. Students may obtain more information about this service and access it free of cost by registering at <https://wellconnect.personaladvantage.com/> and entering the following school code: LMU-STU

Students will also have the opportunity to attend sessions focused on coping and wellness as part of our Academic Success and Professionalism offerings.

For more information about coping with stress related to COVID-19, see CDC, *Coping with Stress* (May 7, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>.