



**2011-12**

# **Student Handbook**

## **KNOWLEDGE OF STUDENT HANDBOOK AND REGULATIONS**

All students are charged with knowledge of the contents of this handbook and are responsible for complying with all of its requirements, rules and regulations. Students are also charged with knowledge of all information distributed by the Daily Docket; sent in mail to the student's address on file with Student Records; sent to the student's U of L e-mail (or other email addresses students use in communicating with law school staff or faculty); and appearing in course notes, course schedules, and registration materials.

While every effort is made to ensure the accuracy and currency of the information in the Student Handbook and the other modes of communication referenced above, students should contact the Office of the Associate Dean for Student Life for clarification in the rare event of ambiguities or discrepancies in distributed information.

*This handbook was last revised on August 2, 2011. It contains degree requirements, academic regulations, information regarding student rights, responsibilities and discipline, student-related University policies, and directory information. The faculty reserves the right to change requirements, regulations, and procedures applicable to students.*

*This publication was prepared by the University of Louisville and printed with state funds pursuant to KRS 57.375. The University of Louisville is an equal opportunity institution. The Brandeis School of Law at the University of Louisville does not discriminate against persons on the basis of race, religion, sex, age, disability, color, national origin, or sexual orientation.*

# **UNIVERSITY OF LOUISVILLE LOUIS D. BRANDEIS SCHOOL OF LAW**

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## **STUDENT HANDBOOK 2011-12**

August 2011

On behalf of my faculty and staff colleagues, let me welcome you to the University of Louisville School of Law. Educating students like you is the primary reason for the School of Law's existence, and everyone here is firmly committed to helping you achieve success.

This is a watershed in your life. You are about to embark on a new career path. The path begins by learning to think critically about the law. That learning process is a joint venture between you, your fellow students, and the faculty. To allow that process to work effectively, the School of Law has developed a system of policies and procedures, which are set out in this Handbook.

It is also important to recognize that the practice of law is a profession. Lawyers are governed by a professional code of ethics. A similar code—which is attached as an Appendix to this Handbook—applies to law students. From your first day here until you graduate, you should conduct yourself not only as a conscientious law student, but as a member of a learned profession. From this day forward, you will be building the reputation that you will carry with you throughout your professional life. Remember that today's classmates are tomorrow's colleagues.

This Handbook has been prepared to help you understand the procedural aspects of the School of Law as well as the ethical obligations that bind law students. In order to maintain a level playing field in the interests of all, we try not to depart from the policies and procedures stated here. Exceptions are rare because procedural rules lose their force when they are disregarded arbitrarily or too often. For this reason, the burden of justifying any exception is on the individual seeking it. This may seem harsh, but it is essential if we are to be fair in treating in a like manner all students who are similarly situated.

Please familiarize yourself with the information in this Handbook. If you have questions, please feel free to contact me. My "office hours" are simple—if my door is open, and I am not with someone else or on the telephone, I am available for consultation. Most of my faculty colleagues follow a similar practice.

I am sure I speak for everyone when I say I look forward to getting to know all of you during your years at the School of Law.

John T. Cross  
Grosscurth Professor of Intellectual Property Law  
Associate Dean for Student Life

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## Chapter 1. Directory Information

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## Selected University Offices

### Affirmative Action

---

Dean of Students Office  
SAC W301  
852-6538 and 852-5787

### Athletic Ticket Office

---

SAC, Room E301  
852-5151

### Bursar

---

Houchens Building  
852-6503

### Commuter Student Services Office

---

105 Davidson Hall  
852-7070

### Counseling Center

---

Student Health Building  
852-6585

### Cultural Center

---

Across from College of Education  
852-6656

### Disability Resources Center (DRC)

---

Stevenson Hall  
852-6938

### Financial Aid

---

110 Houchens Building  
852-5511

### Health Services Center

---

Cardinal Station  
215 Central Avenue, Suite 110  
852-6479

### International Center

---

Brodschi Hall  
852-6602

### Intramural Sports and Recreation

---

SAC, Room E102  
852-6707  
852-6709 (Fax)

### Law School Resource Center

---

Room 272

852-1230 or 852-6389

### Law Library

---

Law School  
852-6393

### Lost and Found

---

Law Library  
852-0729

### Office for Lesbian, Gay, Bisexual & Transgender (LGBT) Services

---

104 Red Barn  
852-0696

### Office of Minority Affairs

---

120 E. Brandeis Street  
852-6656

### Parking Office (Belknap)

---

2126 S. Floyd Street  
852-7275

### PEACC Program

---

(Prevention Education and Advocacy on Campus and in the Community)  
Student Health Building, Room 100  
852-2663

### Postal Services (Belknap)

---

Houchens Building  
852-6699

### Public Safety (Belknap)

---

2126 S. Floyd Street  
852-6111

### Registrar's Office

---

Houchens Building, Room 36  
852-6522

### Student Activities Office

---

SAC, Room W310  
852-669  
852-7332 (Fax)

**Student Affairs**

---

Vice President for Student Affairs  
SAC, Room W302  
852-6933

**Student Bar Association (SBA)**

---

Law School, Room 245  
852-6398

**Student Government Association  
(SGA)**

---

SAC, Room W310  
852-6695

**University Archives**

---

Ekstrom Library  
852-6674

**Women's Center**

---

Administrative Annex  
852-8976

## Chapter 2. Degree Requirements

The faculty of the School of Law will recommend for the degree of Juris Doctor (J.D.) only those candidates who have complied with the following requirements:

### Part A. Credit Hours

Each Juris Doctor candidate must complete at least 90 semester hours of course work. Transfer students must complete at least 30 of their last 36 credit hours at the University of Louisville, and all students must complete at least half of their 90 credit hours at the University of Louisville.

### Part B. Quality Point Standing

Attainment of a cumulative grade point average of at least C (2.0) in all graded courses taken, exclusive of courses transferred from other law schools, or taken in non-law graduate courses, is required for graduation.

### Part C. Courses Required for Graduation

All students must pass the following:

1. **All required courses in the basic full-time curriculum** (Basic Legal Skills, Civil Procedure I and II, Contracts I and II, Criminal Law, Legal Research, Property I and II, Torts I and II; Professional Responsibility; Introduction to Lawyering Skills and Professionalism; and Constitutional Law I and II);
2. At least **one perspective course** (see Chapter 2, Part H.);
3. The **Upper Division Writing Requirement** (see Chapter 2, Part F.);
4. At least **24 hours of “core” courses** (Administrative Law; Basic Income Taxation; Business Organizations; Conflict of Laws; Criminal Procedure: Constitutional Issues; Criminal Procedure: Judicial Process; Decedents' Estates and Trusts; Domestic Relations; Estate and Gift Taxation; Evidence; Negotiable Instruments; and Secured Transactions);
5. **Professional skills instruction** (see Chapter 2, Part G. ); and
6. **The Legal Profession Curriculum** (*effective 2011-12*, see Chapter 2, Part I.).

NOTE: Courses satisfying the above requirements may be changed from time to time, and the faculty may impose additional requirements for graduation. For example, the Public Service Requirement, Part E, is a graduation requirement. Please refer to the Graduation Requirement Checklist provided by the Student Records Office.

In addition, ABA Standard 304(b) and the School of Law prohibit students from counting more than 25 hours of the following non-traditional courses or credit hours towards the 90 credit hours required for graduation: (1) graduate courses in another college or school; (2) externships; (3) hours earned for moot court and in other skills competitions; (4) independent studies; (5) hours earned for journal or law review; and (6) Clinic II.

## Section 1. Students Matriculating in 2009 or Later

The rules and guidelines in the following paragraphs apply to students matriculating in 2009 or later. The first-year curriculum consists of the following courses:

Full-Time Program	
Fall Semester	Spring Semester
Basic Legal Skills	Basic Legal Skills
Legal Research	Criminal Law
Contracts I	Contracts II
Torts I	Torts II
Property I	Property II
Civil Procedure I	Civil Procedure II
	Introduction to Lawyering Skills and Professionalism

Part-Time Program	
Fall Semester	Spring Semester
Basic Legal Skills	Basic Legal Skills
Legal Research	Introduction to Lawyering Skills and Professionalism
In addition, part-time students must take at least two of the following two-semester first year required courses:	
Contracts I	Contracts II
Torts I	Torts II
Property I	Property II
Civil Procedure I	Civil Procedure II

The faculty strongly recommends that first year required courses be taken concurrently or in the order listed below:

Contracts I	Contracts II
Torts I	Torts II
Property I	Property II
Civil Procedure I	Civil Procedure II
	Criminal Law

Part-time students must take all first-year required courses before taking other courses. Students may, however, take other courses in any semester when there is no first-year required course offered that the student is not currently taking or has not already passed. Any full- or part-time student who has not passed all first-year required courses must have his or her schedule approved by the Associate Dean for Student Life.

All beginning students, both full- and part-time, must take the complement of first-year courses prescribed by the faculty, as set out above. Further, first-year students, whether full- or part-time, will not be permitted to reduce their course loads during their full first year of study. If a student has enrolled in Contracts I, for example, the student must take Contracts II. In addition, students are not permitted to drop a course once the semester has begun. If, however, a first-year student demonstrates, in a timely manner, compelling circumstances that require a course-load reduction, the Associate Dean of Student Life may authorize an appropriate schedule adjustment if it is in the best interest of the

student's law school education. There is a presumption against course-load reduction, and in most circumstances the student will be advised to take a leave of absence from the School of Law.

A part-time student may add Criminal Law in the spring semester so long as the student is in good academic standing.

**Model Plans:**

1. **To graduate in the traditional three-year program** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills and Professionalism, Contracts I and II; Torts I and II; Property I and II; Civil Procedure I and II; and Criminal law, leaving approximately 15-16 hours a semester to graduate in three years.
2. **To graduate in four years** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills and Professionalism, and three additional year-long foundational courses, leaving approximately 11-12 credit hours per semester to graduate in four years.
3. **To graduate in five years** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills and Professionalism, and two additional year-long foundational courses, leaving approximately 9-10 credit hours per semester to graduate in five years.

After their first year, part-time students may take as few as six (6) credit hours and as many as twelve (12) credit hours (thirteen (13) with permission of the Associate Dean for Student Life), but all students must satisfy requirements for graduation within seven (7) years from their date of matriculation. The faculty strongly recommends that all students satisfy requirements for graduation within three (3) to five (5) years from their date of matriculation.

After their first year, students must take a minimum of six (6) credit hours per semester. Any student enrolled in more than thirteen (13) credit hours in any semester shall be considered a full-time student.

## Section 2. Students Matriculating in 2008 or Earlier

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The rules and guidelines in the following paragraphs apply to students matriculating in 2008 or earlier.

1. Evening part-time students must complete Property I and II and Criminal Law in the evening part-time section.
2. Evening part-time students must take Property I and II during the second year.
3. Evening part-time students must take Criminal Law in the second or third year, in accordance with the rolling two-year evening class schedule.
4. All first-year requirements must be completed in the section (day or evening) in which the student initially enrolled.
5. If Criminal Law is not offered after 5:00 p.m. in the year an evening part-time student takes Property I and II, a student who has transferred to the full-time day program may request permission to take Criminal Law in a day section. Permission will be granted based on availability.

### Part D. Computer Competency

All students must satisfactorily complete training in computer-assisted legal research during the first year (Westlaw and Lexis-Nexis). This training will be provided as part of the required Legal Research class.

### Part E. Public Service Requirement

Students must complete the public service requirement prior to graduation by engaging in at least 30 hours of law-related public service at an approved placement. Failure to complete the public service hours and submit all required documentation by the published deadline will result in delayed graduation.

## Part F. Upper Division Writing Requirement

All students must complete a substantial writing project after completing 22 hours or more of course work.

The writing requirement may be fulfilled by writing:

1. A research paper for a writing seminar, involving significant legal research, organization, and analysis; or
2. A note involving significant legal research, organization, and analysis and capable of being published for the University of Louisville Law Review or the Journal of Animal and Environmental Law; or
3. A note or comment accepted for publication in another law review and certified by the Associate Dean for Student Life as involving significant legal research, organization, and analysis and as meeting the writing requirement; or
4. Appellate briefs, trial court memoranda, or inter-office memoranda that involve significant legal research, organization, and analysis, in a course or seminar.

Other than as specified in Chapter 2, Part F, Section 4, drafting documents, such as complaints, depositions, trial memoranda, or estate plans, will not fulfill the writing requirement. Additionally, independent study papers or papers in courses other than a writing seminar will not fulfill the writing requirement.

With respect to seminar papers or course work in fulfillment of the writing requirement:

1. To ensure that the topic of the paper provides an opportunity for substantial research, the teacher should either choose the topic or be actively involved in the choice of a topic;
2. To provide for an adequate educational experience, the student shall submit a draft of the paper which shall be reviewed by the teacher, whereupon a consultation between the teacher and the student shall be scheduled in which the draft is reviewed and suggestions for improvements made; and
3. The paper must not have been used in a previous course nor have been prepared for publication in a law review.

To meet the writing requirement, a paper, *University of Louisville Law Review* note or comment, *Journal of Animal and Environmental Law* note or comment, or brief or memorandum, must span at least twenty-five (25) pages, double-spaced, exclusive of footnotes or endnotes, and must be supported by footnotes, endnotes, or other appropriate citation of authority. A paper submitted in a seminar, as well as one submitted for journal publication, must be typed.

The faculty member supervising the fulfillment of the writing requirement shall submit to the Student Records Office at the end of each semester the names of the persons who have fulfilled the writing requirement and the grades on the students' papers. A writing shall not satisfy the writing requirement unless the supervisor awards it a grade of "C" or higher. The Student Records Office shall note the fulfillment of the writing requirement on each student's academic record.

## Part G. Professional Skills Requirement

All students must complete a substantial skills experience after completing 22 hours or more of course work.

1. The skills requirement may be fulfilled by successful completion of a course, seminar, clinic, extramural advocacy competition or externship designated as a "skills" experience by the Associate Dean for Academic Affairs. Work done in satisfaction of the Public Service graduation requirement may not satisfy the Skills requirement.
2. Courses, seminars, extramural advocacy competitions and externships designated as "skills experiences" shall be those which provide substantial instruction in professional lawyering skills. Such skills may include trial and



appellate advocacy, dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, drafting, or other professional lawyering skills.

3. A student may not satisfy the skills requirement during the same course or seminar in which the student satisfies the upper division writing requirement or the Perspective requirement. If the satisfaction of the skills requirement involves the production of written work product, that written work product must not be submitted for credit in any other course or seminar or in satisfaction of any other requirement of the School of Law.
4. To satisfy the skills requirement, the course, seminar, externship or clinic shall contain the equivalent of at least one (1) credit hour of skills training and the student's performance of those skills must be assessed by the instructor or supervisor as part of the experience. Assessment will include substantial, documented feedback to the student regarding the quality of the student's performance and opportunity, as appropriate, to improve the student's skills performance in the course of the experience.
5. The faculty member supervising the fulfillment of the skills requirement shall submit to the Student Records Office at the end of each semester the names of the persons who have fulfilled the skills requirement and the grades earned by each student. A student shall not satisfy the skills requirement in a graded course unless the student earns a grade of "C" or higher in the course, or in a pass/fail course unless the student receives a grade of "pass." The Student Records Office shall note the fulfillment of the skills requirement on each student's academic record.

Effective date: The skills instruction component of this resolution shall apply to all students entering the Law School in the fall semester 2009 or thereafter.

## Part H. Perspective Requirement

Courses that meet the Law School's perspective course graduation requirement are defined as follows: A perspective course gives systematic, pervasive, and in-depth analysis of legal issues and institutions from one or more vantage points (perspectives) outside of society's current lawmakers in one of three categories: 1) perspectives from legal systems outside the domestic U.S. legal system (e.g., international law or comparative law perspectives); 2) perspectives from people and groups who are not lawmakers, often critical perspectives on dominant U.S. legal institutions (e.g., critical race perspectives; gender perspectives); and 3) perspectives from non-legal disciplines (e.g., economic analysis of law; legal history). A course meeting the perspective course requirement may be one designated by the faculty because of its course description and inherent content, or may be a particular offering of a course designated by the Associate Dean for Academic Affairs based on the particular offering's systematic, pervasive, and in-depth analysis of law from one or more perspectives, as defined above. The latter might include a 999 course offering (e.g., a one-time offering of Law and Anthropology), or a professor's particular structuring of a course in a given semester (e.g., a seminar that is systematically or pervasively taught from a critical race or law-and-economics perspective in a given semester, but is not limited to this approach in the course description). A course must be at least two credit hours to satisfy the perspective course requirement.

## Part I. The Legal Profession Curriculum

ABA Standard 302(a)(5) requires that each student receive substantial instruction in "the history, goals, structure, values, rules and responsibilities of the legal profession and its members." In addition, Interpretation 302-6 requires that the School of Law "involve members of the bench and bar in the instruction required by Standard 302(a)(5)." The School of Law's Legal Profession Curriculum is designed to provide instruction on professionalism issues concerning law students and lawyers and also to satisfy the ABA's requirement in Standard 302(a)(5).

The Legal Profession Curriculum is a graduation requirement for all students, *effective 2011-2012*. The current curriculum (2011-12) includes programming on substance abuse, financial responsibility, and character and fitness issues. The Associate Dean for Student Life, in consultation with the Associate Dean for Academic Affairs and the Curriculum Committee, may modify the substantive programming as needed, but each year of their legal education, students will be required to attend at least one program focusing on professionalism issues concerning law students and lawyers. Alternative arrangements will be made for students who have an unavoidable conflict.

Required programming:

1. **Program on substance abuse:** This program will be offered in the context of professionalism and a lawyer's obligation to uphold the values of the profession. It will explain the problem of substance abuse among lawyers and highlight the unprofessional conduct that often results from lawyers who engage in substance abuse. Ordinarily the program will be provided to first year law students and offered in cooperation with the Kentucky Office of Bar Admissions and the Kentucky Lawyer Assistance Program. [This program is currently provided as part of Introduction to Lawyering Skills and Professionalism.]
2. **Program on financial responsibility:** This program will be offered in the context of professionalism and a lawyer's obligation to uphold the values of the profession by exercising financial responsibility. It will explain how financial debt can evidence a lack of financial responsibility and further, how debt can lead to financial pressures and interfere with a lawyer's responsibilities to his or her clients. Ordinarily the program will be provided to second year students and offered in cooperation with the Kentucky Office of Bar Admissions.
3. **Program on candor:** This program will be offered in the context of professionalism and a law student's obligation to uphold the values of the profession by exercising candor in communications with the bar. It will focus on a student's obligation to answer honestly and fully all questions when applying to take the bar exam. Ordinarily the program will be provided to third year students and offered in cooperation with the Kentucky Office of Bar Admissions.

Additional optional programming will be provided to students when possible, emphasizing the values and standards of the legal profession.

## Part J. Course Load and Completion of Studies

Full-time students matriculating before 2009, to remain full time, must enroll in and pass at least ten semester hours per semester. Part-time students matriculating before 2009 must enroll in and pass at least eight semester hours each semester, and to remain part-time may be enrolled in no more than thirteen (13) hours per semester. A student must complete his or her course of study no sooner than 24 months and not longer than 84 months after a student has commenced law study at the School of Law or a law school from which the School has accepted transfer credit. Ordinarily, a full-time law student will complete his or her degree in three academic years, and the part-time student in four or five years. The School of Law discourages the acceleration of completion of requirements for graduation.

## Part K. Degree Application

At the beginning of the semester or summer session in which a student expects to graduate, the candidate for the degree must fill out a degree application online. The degree application process will be available on the Web through ULink ([ulink.louisville.edu](http://ulink.louisville.edu)). All candidates for degrees, whether or not participating in Commencement, must apply for degrees according to the deadlines published by the University.

## Part L. Honors

The degree of J.D. will be granted summa cum laude to those who have a point standing of 3.8, magna cum laude to those who have a point standing of 3.5, and cum laude to those who have a point standing of 3.2.

## Part M. Double Competence Programs

In recognition of the interdisciplinary nature to the law, the law school offers a number of dual competence programs providing students an opportunity to earn two degrees in a reduced period of time. Students interested in any of these programs should consult the Associate Dean for Student Life. Generally, law students must apply to a dual degree program prior to completing 45 hours of law school course work. Applicants must be admitted independently to both schools and must be accepted for the dual degree program by both schools. **Students must complete the requirements for both degrees before either degree is awarded.** Students may not count credit hours towards their law degree if the credit hours were earned before they matriculated in the School of Law. Further, in the first year of law study, the participating student must take law classes only. The Associate Dean for Student Life or the Associate Dean's delegate must approve dual degree students' course schedules.

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## Section 1. Master of Business Administration/Juris Doctor

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Under the joint MBA/JD program it is possible for a student to receive both a JD and MBA degree in four years, plus summers. Students must be admitted to both the College of Business and Public Administration and the School of Law and obtain the approval of the Associate/Assistant Deans before entering this program. Students are required to take at least 81 hours in the School of Law and 27 hours in the College of Business and Public Administration, and nine credit hours from the COBPA, in courses approved by the law school, can be counted as electives in the School of Law.

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## Section 2. Juris Doctor/Master of Divinity

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As a joint venture, the Brandeis School of Law and the Louisville Presbyterian Theological Seminary offer a double competence program leading to both a JD and MDiv degree. Generally, students complete one year of seminary study before beginning law classes. Applicants interested in this program should contact the Theological Seminary, as several options are available. Students are required to take at least 81 hours in the School of Law and 63 hours in the Seminary, and nine hours from each program can be counted as electives in the other program.

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## Section 3. Master of Science in Social Work/Juris Doctor

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The joint competency in social work and law is a collaborate program with the University's Kent School of Social Work. Through this program, students can complete both degrees in a reduced period of time. Applicants must be admitted to both schools. Students are required to take at least 81 hours in the School of Law and 48 hours in the MSSW curriculum. Nine credit hours from the Kent School, in courses approved by the law school, may be applied as electives toward the J.D. degree.

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## Section 4. Juris Doctor/Master of Arts in Humanities

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Offered jointly with the Division of Humanities of the Graduate School, this interdisciplinary program may be of particular interest to community professionals and students who wish to pursue civil leadership positions. Applicants must be admitted to both the Graduate School and the School of Law. Students are required to take at least 81 hours in the School of Law and 21 hours in the MAH curriculum, and nine hours from each program can be counted as electives in the other program.

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## Section 5. Juris Doctor/Master of Arts in Political Science

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This program recognizes the many connections among politics, government, and law. Students interested in these connections will have a unique opportunity to explore them in the course of completing the dual degree program. Students enrolled in the program will also acquire interdisciplinary skills in research and writing. Students are required to take at least 81 hours in the School of Law. The hours required in the Department of Political Science vary depending on the course of study the student selects. Nine hours from each program can be counted as electives in the other program.

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## Section 6. Juris Doctor/Master of Urban Planning

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This dual degree program is offered jointly with the University's School of Urban and Public Affairs. The dual JD/MUP program recognizes the values of interdisciplinary study and encourages students having an interest in both law and urban planning to pursue these degrees simultaneously. Both planning and legal issues pervade most decisions about land use, whether made by government institutions, environmental or business entities, or private landowners. Nine hours from each program, from a list of previously approved courses, can be counted as electives in the other program.

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## Section 7. Juris Doctor/Master of Arts in Bioethics and Medical Humanities

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The dual degree program in Bioethics and Medical Humanities is offered jointly with the U of L Graduate School, Department of Philosophy, and Division of Medical Humanities and Ethics. It is intended for law students who wish to

add expertise in bioethics to enhance their future professional, educational, and scholarly pursuits. Applicants must be admitted to both the Graduate School and the School of Law. Students are required to take at least 81 hours in the School of Law and nine hours from the Bioethics program can be counted as electives in the other program.

## Part N. Policy for Law Students Who Want to Take Courses Outside the Law School Curriculum

The Law School believes that some students may benefit by taking courses offered in departments other than the Law School. Such courses may be taken in accordance with the following guidelines:

1. The course offered outside the law school must be one offered at the graduate or professional level and must enhance the student's legal education.
2. Special ABA restrictions apply to on-line courses. Consult the Associate Dean for Student Life for details.
3. The instructor and department for the course must agree to the participation of the law student before the student may register for the course.
4. To be applied as credit for the student's J.D., the student must earn at least a B for the course.
5. The law student must not be on probation during the semester in which the graduate credit is earned.
6. The law student may apply up to six hours of credit toward the J.D. under this policy.
7. Prior to registration, the law student must submit to the Associate Dean for Student Life the official description of the course along with a written statement describing why the student believes the course would benefit him/her.
8. The law student must obtain the approval of the Associate Dean for Student Life before the student may register for the course. The administration of the law school may exercise its discretion in determining the propriety of the course for the law student's course of study.
9. This policy does not apply to the law student who is participating in a joint degree program. Such a student may not use this policy to take courses offered by other departments and which would be in addition to the courses required as part of the joint degree program. Students who withdraw from a joint degree program may not use this policy to apply towards graduation the courses already taken in the other department.
10. The student must earn at least 22 credits from the law school before taking an outside course.

## Part O. Admission to the Bar

As soon as possible after deciding to study law, a student is urged to investigate the rules governing admission to the bar in the state in which he or she intends to practice. The rules of many states require registration upon beginning the study of law. **Compliance with bar admission requirements is the sole responsibility of the student.**

NOTE: Any applicant who plans to sit for the Kentucky bar must have passed the multistate bar exam on professional responsibility before sitting for the Kentucky bar. Information regarding the Kentucky Bar Examination may be obtained from Kentucky Board of Bar Examiners, Suite X, 1510 Newtown Pike, Lexington, KY 40511; <http://www.kyoba.org/>. See Supreme Court Rule 2.014 for further details. The Associate Dean's Office can provide the addresses of bar examiners throughout the United States.

## Chapter 3. Academic Regulations

### Part A. General Rules

1. No credit is given for work done in absentia. However, with the prior approval of the Associate Dean for Student Life, a student may take a limited number of course hours at another ABA approved law school and receive credit toward graduation from the School of Law. A student will only receive credit for courses approved by the Associate Dean for Student Life and in which a grade of C or higher is earned. The grades received at another law school will not be included in the law school grade point calculation.
2. No student will be permitted to register for more than 16 class hours per week in the full-time division or 12 hours in the part-time division without special permission of the Associate Dean. With permission of the Associate Dean for Student Life, a full-time student may register for a maximum of 18 class hours and a part-time student may register for a maximum of 13 class hours. In addition, a part-time student who is enrolled 11 or 12 credit-hours in a given semester may add up to two credits of skills competition and/or journal membership/editorship during the semester, notwithstanding the fact that the added credits will put the student over the respective limit on credit hours and notwithstanding the fact that the student is employed more than 20 hours a week – provided that the student otherwise qualifies for such credit hours. Similarly, a full-time student who is enrolled in 17-18 credit hours in a given semester may add up to two credits of skills competition and/or journal membership/editorship during the semester, notwithstanding the fact that the added credits will put the student over the respective limit on credit hours, provided that the student otherwise qualifies for such credit hours.
3. After the first year, any student enrolled must take a minimum of six credit hours per semester. Any student enrolled in more than thirteen (13) credit hours in any semester shall be considered a full-time student.

For students who matriculated before 2009: To continue as a full-time student, a student must take a minimum of ten hours per semester; to continue as a part-time evening student, a student must take a minimum of eight hours per semester

Students who matriculated in 2009 or later must take a minimum of six hours per semester.

Only students who matriculated in 2008 or earlier may be in the part-time evening section.
4. Students enrolled in the School of Law are not permitted to enroll in any other college or school of this University or in any other institution of learning without the consent of the Associate Dean for Student Life.
5. All beginning students, both full- and part-time, must take the complement of first-year courses prescribed by the faculty, as set out above. Further, first-year students, whether full- or part-time, will not be permitted to reduce their course loads during their full first year of study. If a student has enrolled in Contracts I, for example, the student must take Contracts II. In addition, students are not permitted to drop a course once the semester has begun. If, however, a first-year student demonstrates, in a timely manner, compelling circumstances that require a course-load reduction, the Associate Dean of Student Life may authorize an appropriate schedule adjustment if it is in the best interest of the student's law school education.

There is a presumption against course-load reduction, and in most circumstances the student will be advised to take a leave of absence from the School of Law. A part-time student may add Criminal Law in the spring semester so long as the student is in good academic standing.
6. Part-time evening students must complete Property I and II and Criminal Law in the part-time evening division. Part-time evening students must take Property I and II during the second year. Part-time evening students will take Criminal Law in the second or third year, in accordance with the rolling two-year part-time evening division schedule. For students matriculating before 2009, all first year requirements must be completed in the division in which the student initially enrolled. If Criminal Law is not offered in the year a student takes Property I and II in the evening part-time division, a student who has transferred to the full-time division may request permission to take Criminal Law in the full-time division. Permission will be granted based on availability.

## Part B. Good Standing, Dismissal, and Probation

1. Any student whose cumulative grade point average at the end of any semester is 2.0 or better on a 4-point scale shall be in good standing.
2. Any student whose cumulative grade point average at the end of any semester is less than 2.0 shall be placed on probation for one semester.
3. A student placed on probation as a result of prior grades may attend summer school immediately after being placed on probation, but that summer semester is not the equivalent of the "probation semester." Grades earned during that summer semester while on probation are part of the student's cumulative GPA, which must be equal to a 2.0 or better at the end of the fall or spring probation semester.
4. Within 30 days of the beginning of the semester in which the student is on probation, the student may petition the Reinstatement and Probation Committee for a second semester on probation. A second semester of probation shall not be granted unless the Committee finds that compelling reasons justify a second semester of probation and there is a substantial likelihood that the student's quality point deficiency could be removed with two semesters of probation. The content of any such petition filed after the 30-day period is limited to compelling reasons which have occurred subsequent to the filing of the first petition or the expiration of the 30-day period, whichever is applicable.
5. Except as is provided in Rule 6 below, any student who does not remove the quality-point deficiency in the probation semester(s) shall be dismissed. A student who is granted a second semester of probation pursuant to paragraph 4, but does not remove the quality point deficiency as required by the Committee in the probation semester(s) shall be ineligible for readmission.
6. Any first-year student placed on probation at the end of his or her first semester who attains better than a 2.0 semester average during the next semester in which enrolled but who fails to remove all quality point deficiency during that semester shall be granted an expedited hearing before the Reinstatement and Probation Committee. The student shall be continued on probation for one additional semester if, in the Committee's opinion, there is a strong prospect that the student will be able to remove all quality point deficiencies by the end of the third semester of enrollment. Should such student fail to remove all quality point deficiency and attain the status of a student in good standing by the end of the third semester of enrollment, the student shall be dismissed from the School of Law and shall be ineligible for readmission.
7. Any student on probation shall register for a full load of classes as defined by the rules of the School of Law. (See Procedural Rules for the Reinstatement and Probation Committee.) A part-time first year student may not add Criminal Law in the spring semester of his or her first year unless he or she is in good academic standing.
8. Any student on probation who fails to register or withdraws without a leave of absence shall be dismissed from the School of Law.

## Part C. Law School Reinstatement and Probation Rules

The Reinstatement and Probation Committee shall have jurisdiction and final authority over all reinstatement petitions. The Committee is authorized to grant or deny relief incident to reinstatement, including extension of time to complete studies for the J.D. degree. In extraordinary circumstances, the committee may grant academic bankruptcy for one semester to any first-year student dismissed at the end of his or her first year. The Committee shall not have the power to change or eliminate grades. **A student who is granted academic bankruptcy is not thereafter eligible to appeal for an additional semester of probation if he or she fails to obtain a cumulative GPA of better than 2.00.**



### Appeal to the Reinstatement and Probation Committee

1. Every student who has been dismissed for academic reasons shall have a right to appeal, which appeal shall be taken to the Reinstatement and Probation Committee. The decision of that Committee shall be final.
2. No student dismissed shall be readmitted unless the Reinstatement and Probation Committee shall find that compelling reasons justify his or her readmission. Students dismissed will not ordinarily be readmitted to the school. Any student seeking readmission shall present to the Reinstatement and Probation Committee clear and convincing evidence that the difficulty which led to dismissal has been eliminated. The Reinstatement and Probation Committee may set whatever conditions it considers appropriate on readmission, provided that the committee shall not allow any readmitted student more than two semesters to remove any grade point deficiency. (See Dismissal *supra*, and The Procedural Rules for the Reinstatement and Probation Committee, available from the Student Records Office.)

## Part D. Academic Advising

Students whose cumulative grade point averages fall below 2.5 at the end of a semester are required to meet with the Associate Dean for Student Life or a faculty or staff member designated by the Associate Dean for Student Life before registering for courses for the next semester. Course schedules for any student whose cumulative grade point average is below 2.5 must be approved by the Associate Dean for Student Life or designated faculty or staff member.

## Part E. Examinations

1. In order to receive credit in any course, the student must attain a grade not lower than "D-". Credit will not be given for any course unless the examination or other evaluative mechanism is passed. (Special rules apply to the writing requirement, the skills requirement, and pass/fail courses).
2. Students are not permitted to take examinations in courses for which they have not registered.
3. Students may take exams only in authorized locations. The faculty policy regarding examinations is as follows:
  - a. In order to avoid any appearance of impropriety, all exams, unless otherwise limited by faculty, must be taken in the classrooms of the School of Law or other specially designated computer rooms. A student who is taking an exam in an approved alternate location may close the door,
  - b. All other areas of the school, including but not limited to the library, student offices, restrooms, and faculty offices should not be used to take exams. Under special circumstances, the Associate Dean's Office may authorize a student to take an exam in an area not normally permitted.
4. If sickness or other adjudged good cause results in a student's failure to take the regularly scheduled examination in any subject, the student must contact the Associate Dean for Student Life as soon as possible. The Associate Dean may authorize a make-up examination during the regularly scheduled make-up period, or the Associate Dean and the faculty member involved will arrive at a mutually agreeable date for a make-up examination. All make-up exams and incomplete or deferred grades must be approved by the Associate Dean for Student Life by the last day of class for the applicable semester, except when the basis for the request occurs later, e.g., illness on the day of the exam.
5. A student has an exam conflict and may reschedule an exam if he or she has more than one examination scheduled to begin within 12 hours of another exam, or if the student has an exam at 6:00 p.m. with another exam the next morning at 9:00 a.m. Three exams in three days do not qualify as a conflict. In the event of an "exam conflict," the student shall take the make-up at the next available make-up session that does not create another conflict. All rescheduled and make-up examinations must be approved by the Associate Dean for Student Life. If a professor and student want to schedule a make-up exam on a day other than the make-up day, they may do so with the approval of the Associate Dean for Student Life only after the Associate Dean for Student Life has determined that there is an exam conflict. In such event, the make-up exam may not be given before the regularly scheduled exam and it must be administered by the faculty member. The Student Records Office will administer make-up exams that are scheduled on the regular make-up days.

6. Make-up examinations must be scheduled after the regular examination date. In no event will a student be permitted to take a make-up examination prior to the regular examination time as reflected in the examination schedule. Because of our exam software license, the School of Law cannot guarantee that students scheduling make-up exams which extend beyond the official examination period will be able to use computers to take those exams.

## Part F. Completion of Graduation Requirements and Leaves of Absence

The maximum elapsed time permitted between first matriculation and graduation, including, but not limited to, any time spent on leave of absence, shall be eighty-four (84) months. A student who does not remain continuously enrolled, excluding summers, must obtain a leave of absence in order to return to the School of Law. The faculty of the School of Law reserves the right to change the schedule of classes, the program of instruction, the requirements for degrees, and any other similar rules or regulations.

## Part G. Period of Retention and Review of Examination Materials

Examination booklets and papers are retained by faculty for one (1) year. Students are encouraged to seek review of their examinations in a timely manner.

## Part H. Student Records Policy

The School of Law maintains records on each student. These begin with the student's application and supporting materials and also include the student's transcript. Other documents relating to the student's education here (e.g., medical records submitted in connection with a request for an accommodation; letters of recommendation requested from a member of the faculty; records of disciplinary proceedings; notations of awards or commendations, etc.) may also be included. It is our policy to safeguard the privacy of these records in accordance with University regulations and the Family Educational Rights and Privacy Act of 1974 (FERPA).

Each year, the University provides an annual announcement to notify current students of their FERPA rights. The announcement is published in the Schedule of Courses, in The Cardinal, and at <http://louisville.edu/library/archives/stupriv/notfstud.html>. This notice will explain the basis on which faculty and other law school personnel may seek and obtain access to student records.

Each semester, awards and other academic recognitions will be published within the Law School community. A student must request in writing not to have her or his name published. For more information, go to <http://louisville.edu/library/archives/stupriv/FERPAForm.pdf>.

The School of Law encourages students to familiarize themselves with these policies.

## Part I. Attendance and Classroom Performance

The right to take examinations, as well as the privilege of continuing as a student in the School of Law, is conditioned on regular attendance and satisfactory participation in class work. Unsatisfactory attendance or unsatisfactory classroom performance may result in lowering of your final grade for the course, involuntary withdrawal from the course, failing the course, or other resolution. **There are no excused absences**, except as provided by University policy. For information concerning religious holidays, see Chapter 3, Part J, below. For information concerning participation in University sanctioned events, see the University policy at <http://louisville.edu/provost/what-we-do/classroom-policies/>.

1. In two-, three-, or four-hour courses, three absences will be permitted each semester. In one-hour courses, only two absences will be permitted each semester.



2. Notwithstanding the above general rule: (1) in courses that meet only once a week, a student may have no more than two absences; and (2) no more than three absences will be permitted for the year in Basic Legal Skills. Basic Legal Skills (BLS) is a three-hour course spread over two semesters.
3. When a student has three absences (or two in a one-hour course), the Professor will notify the Associate Dean for Student Life who will take appropriate action.
4. In a course where a professor cancels and reschedules more than one class, a student should not be counted as absent if he or she does not attend the rescheduled classes.

## Part J. University Policy on Work-Restricted Religious Holidays

Federal law and University policy prohibit discrimination on the basis of religious belief. Students who observe work-restricted religious holidays must be allowed to do so without jeopardizing their academic standing in any course. Faculty are obliged to accommodate students' requests for adjustments in course work on the grounds of religious observance, provided that the students make requests in writing during the first two weeks of term. Deans and department chairs must investigate and resolve student complaints arising from alleged faculty failure to make reasonable accommodation under these guidelines. Note: A calendar of typical work-restricted holidays is available at: <http://www.louisville.edu/ur/onpi/infoctr/wr.html>. Information about specific holidays is also available by phone from the University Multi-ethnic and Cross-cultural Programs at 852-8867.

## Part K. Outside Employment

The study of law is a very demanding discipline. In accordance with the requirements of the accrediting agencies, the curriculum in the full-time program of study is designed to occupy the full-time of the student. The work load is heavy and the classes are scheduled in such a way as to encourage students to devote their entire time to their studies. It is unwise for students to divide their efforts by outside work. Students who need financial assistance should seek a loan or a scholarship rather than impair the quality of their law school experience.

A student may be considered a full-time student only if the student devotes substantially all of his or her working hours to the study of law. Under ABA Standard 304 and the rules of the School of Law, a student may not engage in employment for more than twenty (20) hours per week in any semester in which the student is enrolled in more than twelve (12) class hours. This means that a full-time student may not work in excess of 20 hours per week while attending the School of Law. However, a part-time student who works more than 20 hours per week and is enrolled 11 or 12 class hours in a given semester or a full-time student who is enrolled in 17-18 class hours in a given semester may add up to two credits of skills competition and/or journal membership/editorship during the semester, notwithstanding the fact that the added credits will put the student over the School of Law's limit on total class hours, provided that the student otherwise qualifies for such credit.

Violations of the work and class hours limits, as set out in the above paragraph, may result in adverse disciplinary action, reporting to the Character and Fitness Committee of the Board of Bar Examiners, or exclusion from school. All students are required to report their employment to the Student Records Office.

Because the first year presents demands and methods of study which most first year students have not experienced, it is strongly recommended that first-year students not engage in outside employment.

For those students who find it necessary to work, the part-time program has been provided. There the course load has been reduced in order to permit the students to divide their time between the study of law and their employment. Part-time students are encouraged to inform their employers of their class schedules and that they are obligated to attend law school classes during these times throughout the academic semester. Students occasionally will be required to attend other special classes, meetings, or programs and must be able to take off work or otherwise make arrangements to attend these functions.

## Part L. Grade Reports and Grading Scale

Reports showing the quantity and quality of work done during the semester are issued by the University Registrar's Office through ULINK at the end of each semester. The unit of credit is the semester hour, which is given for one class hour per week for one semester. The following method of grading will be used for all courses:

Grade	Quality Points per Semester Hour
A	4.0
A-	3.7
B+	3.3
B	3.0
B-	2.7
C+	2.3
C	2.0
C-	1.7
D+	1.3
D	1.0
D-	0.7
F	0.0
I	0.0
W	0.0
P/F	0.0
X	0.0
AU	0.0
CR	0.0

## Part M. Calculation of Grade Point Average

The grade point average (GPA) of a student will be calculated by dividing the number of quality points earned by the number of semester hours attempted for all courses in which he/she receives grades of "A", "A-", "B+", "B", "B-", "C+", "C", "C-", "D+", "D", "D-", and "F". A student must have a cumulative grade point average of 2.0 in all courses taken to be in good standing.

1. The law school faculty has adopted a policy whereby certain courses, seminars and externships are available on a pass/fail basis only. They include externships, University of Louisville Law Review, Extramural Advocacy Competition, and other designated courses that do not lend themselves to traditional evaluation.
2. In addition to the above, upper-level students may elect to take a seminar or independent study on a pass/fail basis with the permission of the instructor and the Associate Dean for Student Life if there is substantial basis for assessing the student's performance. Students must obtain approval and register for pass/fail grading no later than the last day to add a class. Students may apply no more than two pass/fail seminars or independent studies under this subsection toward graduation.
3. A grade of "C" (2.0) must be earned in order to receive a pass under either subsection 1 or 2.

## Part N. Incomplete Grades

All incomplete (I) grades will automatically convert to failing grades (F) unless the work in the course is completed and an actual grade is substituted within one year after the completion of the semester in which the course was taken.

## Part O. Failure in a Required Course

A student receiving a failing grade (F) in a required course must repeat the course. The repetition of the course does not remove the prior grade from the student's academic record. Students who fail a first year course must retake the course at its next offering.

## Part P. Repeating a Failed Course

A student who has received a failing grade in a course may not register or be assigned to retake that course with the same professor. A student requesting an exemption from this rule must submit a written request to the Associate Dean for Student Life showing compelling circumstances.

## Part Q. Official Withdrawal Required

A student who leaves school without officially withdrawing will receive the grade(s) of F in his or her classes. To officially withdraw, the student should meet with the Associate Dean for Student Life. A student who ceases to attend a class, but who does not officially withdraw from the class, will receive a grade of F.

The academic calendar each semester establishes a last day to withdraw from a class (e.g., October 16, 2009, for the Fall 2009 semester). Requests by upper-level students to withdraw after this date must be accompanied by a timely statement of compelling circumstances to justify why the student should be withdrawn rather than receive a failing grade. The Associate Dean for Student Life, in consultation with appropriate faculty, shall determine whether to grant the request.

## Part R. School of Law Academic Grievance Procedure

### Section 1. Introduction

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This procedure is designed to provide fair means for dealing with a student's complaints regarding a specific action or decision made by the law school administration, the faculty, or a faculty member. Any students who believe they have been treated unfairly, discriminated against, or have had their rights abridged may initiate a grievance. (Redbook, Sec. 6.8.1)

There shall be a School of Law Student Academic Grievance Committee, hereinafter referred to as the Committee, which shall have the power to hear all grievances involving academic matters other than (a) substantive grade appeals and (b) matters falling within the jurisdiction of the Reinstatement and Probation Committee. Academic matters are defined as those concerning instructional activities, research activities, activities closely related to either of these functions, or decisions involving instructions or affecting academic freedom. (Redbook, Sec. 6.8.3). The Committee may review allegations that a grade has resulted from an unfair procedure, but it shall not render a judgment contrary to that of the faculty member on the substantive merits of the grade. Where the dean agrees with a Committee determination that procedural irregularities have occurred, the dean shall consult with the faculty member involved and the Reinstatement and Probation Committee as to the grade to be recorded in the student's official transcript.

To assist the student, a Student Grievance Officer shall be provided who is responsible for informing students of their rights and obligations under the grievance procedure and especially the deadlines that have been established. The Student Grievance Officer shall seek to resolve informally as many grievances as possible. (Redbook, Sec. 6.8.2).

Students are encouraged to seek the assistance of the Student Grievance Officer at any stage of the grievance process. The Associate Dean for Academic Affairs is the contact person in the law school.

## **Section 2. School of Law Student Grievance Committee**

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The Committee shall be composed of five (5) members selected as follows: One (1) student selected by the Student Bar Association and four (4) faculty members appointed by the dean. The dean shall select the chair of the Committee. In a situation where the student member is involved in the grievance or removed because of challenge, the Student Bar Association shall appoint an alternate student member for that grievance. When a faculty member of the Committee is involved in the grievance or removed because of challenge, the dean shall appoint an alternate faculty member to serve on the Committee for that grievance.

## **Section 3. Preliminary Steps**

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In pursuing a grievance concerning academic matters within the law school, a student shall follow this procedure:

1. The student shall first discuss the grievance with the person or persons grieved against (hereinafter referred to as the respondent), and shall attempt to resolve it through informal discussion. This discussion should take place not later than thirty (30) days after the date on which the student first learned, or may reasonably have been expected to have learned, of the cause of the grievance.
2. If there is no resolution, and if the grievance is not against the law school administration, the student shall discuss the grievance with the Associate Dean for Academic Affairs, who shall attempt to mediate a resolution.
3. If the student still has not been able to obtain a resolution, the student may request the Student Grievance Officer to attempt informal mediation of the grievance.
4. If the grievance has not been satisfactorily resolved through the informal process, the student may submit a written statement of the grievance to the Committee through the Office of the Associate Dean for Academic Affairs. This statement shall not be submitted later than one year after the date on which the student first learned, or may reasonably have been expected to have learned, of the cause of the grievance. The statement shall contain: (a) a brief narrative of the condition giving rise to the grievance; (b) a designation of the respondent; and (c) a statement of the remedy requested.

## **Section 4. Committee Action**

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Upon receipt of a written statement of a grievance, the chair of the Committee shall:

1. Consult with the student, the respondent, the Associate Dean for Academic Affairs, and the Student Grievance Officer to obtain assurance that all steps of the informal process were completed and that the issues in the statement were discussed at all levels.
2. Send a copy of the statement to the respondent and to all Committee members.
3. Notify the grievant and the respondent of their right to make one (1) peremptory challenge to a Committee member and to challenge Committee members for cause. The Committee's notice shall include: (a) the names of the Committee members; and (b) a request that any challenges be made promptly to expedite the grievance procedure.
4. Call a meeting of the Committee to be held within twenty (20) days after receipt of the written statement to review and consider it and to decide whether the grievance states grounds sufficient to warrant a hearing.
5. Notify the grievant and the respondent of the Committee's decision and its reasons therefore in writing.
6. If a hearing is to be held, notify in writing all parties, and any witnesses, of the date, time, and place of the hearing. The notice shall be sent at least ten (10) days prior to the hearing date.

7. In its notice of hearing, request in writing from the grievant and the respondent any pertinent material that the Committee shall require for its review prior to the hearing. The respondent may submit to the Committee a written statement outlining issues from the respondent's perspective. The statement and materials either party chooses to submit shall be submitted to the Committee not later than four (4) days prior to the hearing. Committee members shall make every effort to maintain confidentiality throughout the entire grievance process.

## **Section 5. Hearing and Reporting Process**

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All Committee hearings and reports thereon shall be conducted confidentially in the following manner:

1. The grievant and the respondent must be present during the information-gathering portion of the hearing. Witnesses will be available and called when needed. The Committee may allow the presence of a secretary or technical assistant.
2. All statements made during the information exchange phase of the hearing shall be tape-recorded (or video-taped). This record shall be preserved in the University Archives for a minimum of five (5) years and shall be confidential.
3. Any Committee member may question any of the participants at the hearing.
4. The grievant shall be afforded the opportunity to present statements and to have witnesses testify before the Committee.
5. The respondent shall have the opportunity to question the grievant and the grievant's witnesses about their statements.
6. The respondent shall be afforded the opportunity to present statements and to have witnesses testify before the Committee.
7. The grievant shall have the opportunity to question the respondent and the respondent's witnesses about their statements.
8. After all information is exchanged, all persons, other than Committee members and the recording secretary, shall leave the committee room. The grievant, respondent, and witnesses shall continue to be available to the Committee should further information be needed.
9. The Committee shall meet in closed session to decide upon its recommendations to the Dean. If the grievance directly involves the Dean, the report and recommendations of the Committee shall be referred for decision to the Provost.
10. The Committee shall submit its report with recommendations and reasons therefore to the grievant, the respondent, and the Dean (or Provost).
11. The student's grievance shall be included in the student's record.
12. Until the grievance is resolved, the student may continue the student's natural academic progression through the academic unit, subject to the requirements of Redbook, Article 6.6 (Academic Review, Advancement, Probation, and Dismissal of Students) and Article 6.7 (Nonacademic Disciplinary Procedures).
13. The burden of proof shall be on the grievant. The grievant shall establish his right to relief by clear and convincing evidence.

## **Section 6. Final Decision**

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The Dean (or Provost) shall approve or reject the Committee's recommendations within twenty-eight (28) days after they are received. If the decision of the Dean (or Provost) is in accord with the Committee's recommendations, the recommendations shall be implemented. If the decision is not in accord with the Committee's recommendations, the Dean (or Provost) shall state the reasons for that decision, in writing, to all persons directly involved in the grievance and to the Committee. That decision shall be implemented after the time for appeal has elapsed.

## Section 7. Rehearing Before the Committee

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Within 21 days after delivery of its report, the grievant or the respondent may petition the Committee to reconsider its report. The petition must be based upon evidence of misrepresentation of material facts or upon newly discovered evidence clearly not available at the original hearing.

## Section 8. Appeal to the University Student Grievance Committee

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Any party to the grievance may appeal to the University Student Grievance Committee within 21 days from the date of the final decision of the Dean (or Provost) if the decision does not accord with the recommendations of the Committee. The appeal shall be in accordance with Sections 6.8.11, 6.8.12, and 6.8.14 of Redbook.

## Part S. Credit for Course Work at Another ABA Law School

Students may, with the advanced approval of the Associate Dean for Student Life, earn a limited number of hours at another ABA accredited law school. This may be done by visiting another school for one or two semester(s) or a summer term, or by participating in an approved international program. Credit will be given only in courses approved by the Associate Dean for Student Life and in which the student earns a grade of C or higher. Special ABA restrictions apply to on-line courses. For details, consult the Associate Dean for Student Life. Neither the course name nor the grade will be posted on the student's official transcript. Note that transfer students must complete at least 30 of their last 36 credit hours at the University of Louisville. See II.A.

## Part T. Seminar Rules

1. Students having a 2.0 or better average and at least 22 hours may register for seminars.
2. No more than two seminars may be taken in any semester.
3. All seminars have limited enrollment.
4. Priority in registration for seminars is governed by the seminar registration procedures. Part-time students have priority for all seminars, but must comply with the registration rules to exercise this priority.
5. Both part-time and full-time students are eligible to take seminars, subject to the above rules.

## Part U. Independent Study Rules

1. An Independent Study may be for one (1) or two (2) credit hours.
2. With the permission of the Associate Dean for Student Life and the supervising faculty member, a student may take an independent study on a pass/fail basis. Students may apply no more than two pass/fail independent studies or seminars toward graduation.
3. Students may apply no more than four (4) credit hours of independent studies toward graduation, unless the Associate Dean grants a hardship exception.
4. An independent study paper does not satisfy any graduation requirement, e.g., the writing requirement or the skills requirement, other than counting toward the total credits required for graduation from the School of Law.
5. Only full-time faculty members in the School of Law may supervise independent studies.
6. To enroll in an independent study, the student must submit to Student Records a completed Independent Study Form, which requires the supervising faculty member's signature. This completed form must be submitted prior to the last day to add a class, so that the Associate Dean may approve the Independent Study in time for the student to register.
7. Students must have a 2.0 cumulative grade point average to enroll in an Independent Study.

## Part V. Externship and Clinic Rules

1. Students may take one externship a semester. A student may register for a second externship in the same semester if (1) the field placement supervisors confirm that concurrent enrollment will not create conflicts; (2) the faculty supervisors and Associate Dean for Student Life approve; (3) seats are available after the close of registration; and (4) the student's Supreme Court Student Practice Certification can be completed in a timely manner. Students may not apply more than 8 hours of externship and Extramural Advocacy Competition (934) credit toward the 90 hours necessary for graduation. (See Extramural Advocacy Rules below). All participants in the Law Clinic and the Criminal Justice, Judicial, Legal Aid, Tax, Immigration, and Domestic Violence Externships must be certified under the Kentucky Student Practice Rule and must have completed 60 hours. Applications for certification must be submitted by the deadline established by the Student Records Office. The instructor may refuse applications submitted after the deadline. All externships are pass/fail.
2. Students who enroll in the Judicial Externship must have completed Evidence and Civil Procedure. Students in the Criminal Justice Externship must have completed Criminal Law, Criminal Procedure: Constitutional Issues, and Evidence. Constitutional Law and Criminal Procedure: Judicial Process are strongly suggested. Students who enroll in the Clinic must have completed Professional Responsibility or take it as a co-requisite. Students who enroll in the Innocence Project Externship must have completed the first year curriculum.

## Part W. Extramural Advocacy Rules

Upon approval of the faculty, students may earn academic credit for participation in extramural advocacy competitions. Each competition must consist of a rigorous educational experience under the guidance and support of a qualified coach and/or faculty advisor which places emphasis on the development of professional legal skills. In order to receive academic credit for Moot Court competitions, a student must participate in an adequate number of meetings and preparation sessions, and communicate regularly with the team coach and/or faculty advisor.

The coach and/or faculty advisor must provide the competitors with training in the skills that are the subject of the competition, multiple opportunities to practice those skills, and detailed, in-depth feedback. Such competitions must require that competitors apply and demonstrate specific professional legal skills, such as written and oral advocacy at appellate or trial levels, arbitration, negotiations, or client interviewing and counseling. So much as competition rules permit, students must perform under substantial, continuous supervision and instruction by (1) a full time School of Law faculty member or (2) an adjunct or other individual, appointed by the Associate Dean for Academic Affairs, working with a full-time School of Law faculty member.

The faculty members and other instructors shall evaluate the students' written and oral performances and determine the number of credits each student has earned. Students may earn no more than two (2) hours credit for participation in a single competition and may apply no more than six (6) hours of Extramural Advocacy Competition (934) credit toward the ninety (90) hours necessary for graduation.

Students may receive credit for no more than one extramural advocacy per semester and ordinarily may participate in no more than one per semester. For a student to participate in more than one in the same semester, the Associate Dean for Student Life, faculty members, and other instructors must first approve. First-year students are ineligible to participate, except to the extent of trying out for a team if the competition will take place during their second year. (See Externship Rules above for other limitations on credit).

## Part X. Law Study Abroad

### Section 1. Study Abroad Through Another Law School

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Students may take up to twelve (12) hours at an ABA-approved program of foreign law study. Students enroll for a semester or summer abroad. Students must obtain permission from the foreign host school; a faculty contact at the host school must be provided; and the curriculum and proposed course of study must be approved by the Associate Dean for Student Life. While international course work is generally elective in nature, the perspective requirement may be met through international course work.



Those courses in which a student receives a C or above will be counted as Pass, and those courses in which a student receives a C- or below will not be awarded credit.

## **Section 2. Study Abroad at Our Partner Institutions**

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The faculty of the University of Louisville Louis D. Brandeis School of Law (the Law School) reaffirms that study of international law, as well as study of the legal systems and cultures of other countries, contributes to and enhances students' legal education. The Law School has developed relationships with several foreign law schools and law faculties and has regularly exchanged faculty members with those schools, and now seeks to include students in these exchanges. The Law School thus intends to allow its students to participate in available educational opportunities at foreign institutions which will enhance the students' legal educations, subject to the following criteria:

1. Students in good standing at the Law School may spend no more than two semesters of study at any foreign institution after completion of their first year of study;
2. A proposed course of foreign study must be approved in advance by the Associate Dean for Student Life, and must comply with the ABA Criteria for Student Study at a Foreign Institute (the ABA Criteria);
3. Students may earn no more than 30 credit hours towards the J.D. degree outside the Law School. This includes credit hours from foreign institutions, other ABA-approved law schools as a visiting student, and graduate-level courses taken outside the Law School;
4. In order to count credit hours earned under this rule toward the J.D. degree, students must earn grades of the equivalent of C or higher. Credit hours will be applied towards the J.D. degree on a pass-fail basis, and grades earned will not be reflected in a student's GPA or class rank.
5. No more than six (6) students may undertake study at any particular foreign institution within the three-year period including the current academic year and the two previous academic years;
6. A full-time faculty member at the Law School familiar with the course of study at the foreign institution must act as sponsor of the student's foreign study;
7. Courses taken at a foreign institution may, in appropriate circumstances and with the approval of the Associate Dean for Student Life, satisfy the student's Perspective Course requirement. They may not satisfy the student's Upper Division Writing Requirement or other specific graduation requirements of the School of Law;
8. Credit will be given only for approved academic coursework at foreign institutions, and not for foreign externships;
9. Ordinarily, foreign courses of study will only be approved at institutions with which the Law School has an existing working relationship;
10. Student study at foreign institutions must comply with all other rules promulgated from time to time by the Law School administration for purposes of compliance with the ABA Criteria.

## **Part Y. Bad Weather Schedule**

The School of Law follows the University's lead in all weather-related cancellations and delays.

1. We will cancel classes up to a certain time and begin with our full class schedule at that point. For instance, if we delay opening until 10:00 a.m., all classes that begin before 10:00 a.m. will be cancelled. Classes meeting at 10:00 a.m. and later will meet at their regular times and will include the full instruction period.
2. For purposes of this policy, evening classes will be defined as any classes beginning at or after 4:15 p.m.
3. Please note that the University will provide official school closing information in the following ways: A notice at the top of the University home page ([www.louisville.edu](http://www.louisville.edu)); e-mails sent to all students and employees on their official university e-mail accounts; a recorded message at 852-5555.

These are the only venues through which we can guarantee accurate information. They are the first three methods by which we will communicate, although we will continue to announce our decisions through media as well.



## Chapter 4. Law School Technology Policies and Procedures

Nothing in this Chapter shall supersede any applicable University of Louisville policy.

### Part A. Law School Computers and Audiovisual Equipment

#### Section 1. Law Library Computer Labs

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UofL Law maintains two computer labs for the exclusive use of its students, faculty and staff. The labs are located on the first floor and in the basement of the Law Library. Each lab features eleven workstations, one Westlaw printer, one Lexis-Nexis printer, and one network printer. There is also a dedicated laptop printer located outside the first floor lab.

Computer lab users may not make modifications to, or attempt to make modifications to, any hardware or software, including installing applications. Law School-owned computers and printers are maintained by the UofL Law IT department. Students should not attempt to remedy or repair computer problems, clear printer jams, etc. themselves; and instead are asked to report problems as soon as possible to the IT staff in rooms 115-119.

UofL Law also maintains a file server and allocates 100 megabytes (MB) of storage space to each student. This file storage space is available on campus only and will be mapped as the "Z:\drive" on lab computers. Students may also connect their laptops to their file storage space. Students who store more than 100 MB of data will be required to reduce their storage to within the 100 MB limit.

Computer lab users are expected to show consideration for other lab users by keeping conversation and noise to a minimum and not viewing Web pages or images that may be offensive to others.

Violation of this policy may result in loss of the use of computer lab resources, including printing.

#### Section 2. Classroom Technology

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Classroom presentation technologies are maintained by the UofL Law IT department to enable and enhance the School's teaching mission, to include use by UofL faculty, staff and students, University of Louisville users and guest speakers and lecturers.

Classroom technology users may not make modifications to, or attempt to make modifications to, any hardware, software, or other technologies. Nor should classroom users attempt to remedy or repair problems with those technologies; and instead are asked to report problems as soon as possible to the IT staff in rooms 115-119.

Violation of this policy by students may result in loss of the use of UofL Law technology resources, including printing.

#### Section 3. Student Office Computers and Printers

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Desktop computers and printers are maintained in certain student organization offices by the UofL Law IT department for the exclusive use of those organizations' officers or editors and members. Student organization users may not make modifications to, or attempt to make modifications to, any hardware or software, including installing applications. Those users should not attempt to remedy or repair computer problems, clear printer jams, etc. themselves; and instead are asked to report problems as soon as possible to the IT staff in rooms 115-119.

Student organizations are allocated and encouraged to use space on the law school's file server for storage of organization documents, spreadsheets, etc. It is the responsibility of each organization's leadership to notify the IT

staff of the names and UofL user names of all officers or editors and members whom should have access to the organization's electronic files.

Violation of this policy by students may result in loss of the use of UofL Law technology resources, including printing.

## Section 4. User Accounts

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All users' computer accounts (e.g., ULink, GroupWise, Active Directory, PeopleSoft, Resource25) are created, maintained and, if appropriate, deleted, by the University of Louisville's Information Technology Security & Account Management unit. Students are hereby given notice that use of their computer accounts are governed by the University of Louisville Information Security Office's policies respecting **User Accounts and Acceptable Use** (<http://security.louisville.edu/PolStds/ISO/PS007.htm>) and **Passwords** (<http://security.louisville.edu/PolStds/ISO/PS008.htm>).

## Part B. Printing

### Section 1. Generally

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Each fall and spring semester, five hundred (500) pages of printing credit are allocated to each enrolled student for use on the Law Library lab printers, including the laptop printer. This allocation does not affect Westlaw and Lexis printers, though students are advised to print Westlaw and Lexis-Nexis research only to those services' respective printers.

At any time, students may purchase additional printing credit at the Law Resource Center in room 272 at a cost of five cents (\$.05) per page. Additional printing credit is sold in increments of one hundred (100) pages, that is, five dollars for 100 pages. **Additional printing credit purchased at the Law Resource Center will not be credited to the student's printing account until the next business day.** Therefore, it is incumbent upon each student to monitor his or her printing balance and plan accordingly.

Violation of this policy by students may result in loss of the use of UofL Law technology resources, including printing.

### Section 2. Refunds

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Refunds of printing credit will only be granted if a student is charged for print jobs that do not print, or his/her prints are sufficiently flawed as to make them objectively unusable. All such determinations shall be made by a member of the IT staff. To receive a refund for an aborted or flawed print job, the student must report the problem to the UofL Law IT staff, in rooms 115-119, immediately. Refunds will be granted only for the number of flawed pages, and not for the entire print job.

### Section 3. Exceptions

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Exceptions to general printing limits will be granted to the following students in the following manners.

#### *Student Organization Officers, Editors and Members*

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Editors, officers and members of student organizations, including the *University of Louisville Law Review*, *Journal of Law & Education*, *Journal of Animal & Environmental Law*, Student Bar Association, and Moot Court Board, may and should use the organization's office printer(s) for organization-related work.

#### *Research Assistants*

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Faculty research assistants will be granted access to a network printer in the Law Resource Center (Room 272). This printer should only be used for work related to one's assignments as a research assistant.

## Part C. Support for Student-Owned Computers

The UofL IT staff can only provide limited support for law students' laptop computers, to include:

- Installation, configuration and troubleshooting of applications specifically required or distributed free of charge by UofL Law or the University of Louisville, such as Exam4 and Symantec Endpoint Protection.
- Connecting to the University of Louisville's wireless network, ulsecure.
- Connecting to the law school's file server and laptop printer.

The UofL Law IT staff does support, repair or diagnose any student-owned hardware or operating system problems; and only supports those software applications named above. Students must obtain such support from their computer's manufacturer, software vendors or private computer repair services. iTech Xpress, located in the Miller Information Technology Center (MITC) offers hardware and software repair under existing warranties, and, on a pay-for basis, for non-warranty work.

## Part D. Examinations on Computer

### Section 1. Generally

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The School of Law permits students to take examinations on computer or by handwriting in exam bluebooks. Typewritten exams are no longer permitted. Taking any examination on computer is not a right but a privilege, subject to individual faculty approval and conditioned on each student's compliance with all of the requirements and expectations set forth in this policy.

The School of Law licenses and supports Extegrity's Exam4 software for use by every student on in-class, essay exams, but cannot and does not guarantee compatibility between Exam4 and any particular student's computer. Each student must provide:

1. His or her own computer. The computer must meet or exceed Exam4's hardware and software requirements, which are updated regularly and posted at [www.law.louisville.edu/it/students](http://www.law.louisville.edu/it/students)
2. A portable storage device, such as a USB flash drive, for storage and submission of completed exams.

Students must also successfully complete a practice exam using the Exam4 system, under rules established by the Assistant Dean of the Office of Information Technology. Students taking exams on computer acknowledge and accept that if they do not complete the practice exam, or in cases of pertinent software or hardware problems, they may be required to take or complete an exam by hand in approved bluebooks.

A new version of Exam4, for both Mac and PC, will be provided at least once each semester, and each student is responsible for obtaining, installing and testing the most recent version available for his or her exams by applicable deadlines, which are published on UofL Law's Web site and in The Daily Docket e-mail newsletter.

### Section 2. Practice Test Requirement

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Each semester in advance of exams, UofL Law IT staff will make Exam4 available for download by students and publish instructions for obtaining, downloading, installing, and testing Exam4. Each student who wishes to use his or her computer to take any exam that semester must successfully:

1. Download the applicable version(s) of Exam4;
2. Install the applicable version(s) of Exam4;
3. Properly complete a practice test, or tests, if applicable, using the most recent version(s) of Exam4 available for his or her exams; and

4. Submit the practice test(s) by the published deadline(s) for doing so. The practice test deadline(s) each semester will be published on UofL Law's Web site and in The Daily Docket e-mail newsletter, and every student is presumed to have notice of such deadlines.

A properly completed practice test is one on which the student has identified himself or herself using his or her University of Louisville computer accounts user name (e.g., ldbran01). A practice test on which the student has identified himself or herself by his or her name, or a portion thereof, student ID number, a string of sequential or random numbers, etc. is not properly completed.

Because of limitations imposed by the University of Louisville's network firewall, each student must successfully take and submit the practice test on campus each semester. No student will have satisfied the practice test requirement whose practice test was not successfully submitted electronically using Exam4.

Any student who experiences difficulty downloading, installing or running Exam4, submitting a practice test, or otherwise complying with these requirements by the published deadline each semester must notify an IT staff member on or before the date by which practice tests must be submitted. The IT staff shall make reasonable efforts and/or recommendations to assist the student in complying with the practice test requirement and deadline.

### **Section 3. Exemptions and Extensions**

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Exemptions from or extensions or other modifications to the practice test requirement may only be made for cause by the Associate Dean for Student Life upon petition from the student seeking such exemption, extension or modification. Any student seeking an exemption, extension or modification to the practice test requirement must make such petition to the Associate Dean for Student Life on or before the practice test deadline for that semester.

### **Section 4. Penalties**

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Any student who does not comply with the practice test requirement, as detailed above, in any semester is not permitted to use a computer for any exam that semester. Any student who has not complied with the practice test requirement in any semester and who attempts to circumvent the requirement by taking any exam on computer shall be refused technical assistance should he or she experience any computer problem or issue during any exam.

Additionally, any student who cannot successfully submit his or her exam electronically and who has failed to bring a USB flash drive on which to copy the exam file shall be refused technical assistance.

If the identity of any student who has not complied with the practice test requirement, above, and who takes or attempts to take any exam on computer becomes known to the IT staff, the IT staff shall report the student's name to the Associate Dean for Student Life.

### **Section 5. Exam Day Procedures and Support**

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#### *Before Exams*

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The IT Staff will be available to provide technical support for least one (1) hour before any exam on which students are permitted to take the exam on computer, during all such exams and for a reasonable time after any such exam has ended. Each student planning to take an exam on computer must bring:

1. The computer on which they successfully installed and tested Exam4, along with the computer's AC adapter/power supply and fully charged battery or batteries;
2. A USB flash drive;
3. Approved bluebooks, which are available for sale in the Law Resource Center in Room 272; and
4. Ink pens or other writing instruments.

Each student planning to take an exam on computer must:

1. Report to the assigned exam room;
2. Set up and boot up his or her computer and log on to the University's wireless network (ulsecure);
3. Start up Exam4, providing one's assigned exam number and other information at the appropriate prompts, stopping at the screen that says "Wait!" in large red letters; and
4. Click Begin Exam only when instructed by the professor that he or she may begin the exam.

### *Troubleshooting Procedure*

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Any student whose computer exhibits a problem or irregularity in anticipation of taking, while taking or having immediately taken an exam on computer must bring his or her computer and AC adapter/power supply immediately and directly to the IT staff on duty for that exam and describe the problem(s) in as much detail as possible.

The IT staff member on duty will complete an Exam4 Incident Report, noting:

1. The time the student arrived;
2. The student's name and exam number;
3. The nature of the problem;
4. Steps taken to resolve the problem and whether the problem was resolved; and
5. The time the student leaves.

The student must then take the Exam4 Incident Report to the Dean on Duty. The Dean on Duty will determine whether to allow the student additional time and, if so, how much time, then, if appropriate, permit the student to resume the exam as instructed.

At the end of the exam, the Dean on Duty will return Exam4 Incident Reports to the IT staff, who will use the forms to assess whether a pattern of similar problems is emerging and take appropriate remedial action in conjunction with Exam4's publisher, Extegrity.

### *Following Exams*

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Upon the student completing and electronically submitting an exam, Exam4 will confirm that the exam was successfully submitted. However, students may further confirm their exam submission by visiting [www.law.louisville.edu/it/exam-tracker](http://www.law.louisville.edu/it/exam-tracker).

Any student who cannot successfully submit his or her exam electronically must save the exam to a USB flash drive and immediately bring the flash drive to an IT staff member on duty, who will copy the encrypted exam file and return the flash drive to the student.

Any student who cannot successfully submit his or her exam electronically and who has failed to bring a USB flash drive on which to copy the exam file will be referred immediately by the IT staff to the Dean on Duty, who will note the incident in the student's file.

An Exam4 file is not like a conventional word processing document. It is encrypted and cannot be modified once an Exam4 session is ended. Therefore, it is extremely important that each student:

1. Correctly identify himself or herself using his or her assigned exam number;
2. Correctly provide any other information, such as a pledge, as instructed by the professor; and
3. Do nothing that will disclose the student's identity to the professor or otherwise compromise his or her anonymity.

The IT staff will not correct students' mistakes or make other modifications to a completed exam.



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## APPENDICES

## Appendix 1. Student Rights, Responsibilities, and Discipline Generally

Students of the School of Law are subject to all University regulations, including those relating to student rights, responsibilities, and disciplinary matters. In addition, students are subject to the special regulations of the faculty of the School of Law. The faculty reserves the privilege of amending or changing its regulations at any time, and of making such changes applicable to students previously registered in the School of Law.

Violations of the Honor Code, Code of Student Conduct or other applicable standards of student conduct will be reported to bar admission authorities as part of their character and fitness inquiry procedures.

If a student knowingly makes a false statement or conceals material information on an application for admission, registration forms, or any other University document, or is otherwise guilty of dishonest conduct, the student's registration may be canceled and he or she will be ineligible (except by special action of the faculty) for subsequent registration.

The School of Law reserves the right to terminate the attendance, or to strike from the list of candidates for the J.D. degree, any student whom it deems unworthy because of neglect of study, incapacity for the law, or defect in conduct or character not in keeping with the standards of the School of Law and of the legal profession.



## Appendix 2. School of Law Honor Code

### Explanation

The School of Law treats compliance with the Honor Code as each student's most serious obligation. Every student is responsible for being aware of the provisions of the Code. In familiarizing yourself with the standards to which you will be held, you should keep in mind that the University's Code of Student Rights and Responsibilities is an integral part of the School of Law's Honor Code, as set forth in the Preamble immediately below. For example, the Code of Student Rights and Responsibilities contains an explicit definition of what constitutes plagiarism, and a violation of that provision is, per force, a violation of the School of Law's Honor Code. The Code of Student Rights and Responsibilities is available in this handbook and on the University's web page, at

<http://www.campuslife.louisville.edu/policies/studentcode.html>.

There has been an average of about one Honor Code proceeding each year. These matters include issues of:

- Students signing attendance sheets when they have not been in full attendance in class;
- Discussing assignments with classmates when they were instructed to work on their own; and
- Providing unauthorized assistance to other students, including collaboration on take-home exams.

Most Honor Code violations involve plagiarism usually quoting passages from law review articles or other materials without proper attribution. Technology makes it readily possible for faculty members reviewing papers and other academic assignments (including exams) to identify such plagiarism.

Each situation is unique, and the sanctions vary accordingly. Sanctions in recent years have included a reprimand and probation, suspension, permanent expulsion, loss of scholarships, removal from leadership and membership in student organizations, deferral of graduation, and not being allowed to participate in the graduation ceremony. A finding of an Honor Code violation (no matter how minor) remains in the student's permanent record and will be reported to the board of bar admissions as part of the character and fitness documentation.

In short, members of the legal profession hold a high position of trust. Their conduct - and yours, as you take your initial steps in joining the profession as students at the School of Law - must be at the highest level of integrity. That begins with the Honor Code.

### Honor Code

#### Preamble

As members of the University community and as future members of the legal profession, we recognize the need to set and maintain the highest standards of conduct. The University has set minimum standards of student conduct in various policy statements including, but not limited to, the Code of Student Conduct and the Code of Student Rights and Responsibilities. The standards of academic conduct established by the University, as well as those established by Article I, shall constitute the Honor Code, and shall be applicable to the students in the Louis D. Brandeis School of Law at the University of Louisville.

#### Article I. Standard of Conduct

1. A student who knowingly does any of the following may be disciplined under this Honor Code:
  - a. Violating any standard of academic conduct established by University policy. See Appendix A, Code of Student Rights and Responsibilities. [Plagiarism is included in the Code of Student Rights and Responsibilities as one of several examples of academic dishonesty. It is defined as:
    - “Representing the words or ideas of someone else as one's own in any academic exercise, such as:
      - a. Submitting as one's own a paper written by another person or by a commercial 'ghost writing service'.
      - b. Exactly reproducing someone else's words without identifying the words with quotation marks or by appropriate indentation, or without properly citing the quotation in a footnote or reference.

- c. Paraphrasing or summarizing someone else's work without acknowledging the source with a footnote or reference.
  - d. Using facts, data, graphs, charts, or other information without acknowledging the source with a footnote or reference. Borrowed facts or information obtained in one's research or reading must be acknowledged unless they are 'common knowledge'. Clear examples of 'common knowledge' include the names of leaders of prominent nations, basic scientific laws, and the meaning of fundamental concepts and principles in a discipline. The specific audience for which a paper is written may determine what can be viewed as 'common knowledge': for example, the facts commonly known by a group of chemists will differ radically from those known by a more general audience. Students should check with their teachers regarding what can be viewed as 'common knowledge' within a specific field or assignment, but often the student will have to make the final judgment. When in doubt, footnotes or references should be used.”]
- b. Taking an exam in an unauthorized location.
  - c. Taking or using the notes, books, papers, or other materials of another student without permission.
  - d. Reporting false information about an externship.
  - e. Misrepresenting or distorting academic or biographical data, either in writing or orally, in the employment search process.
  - f. Misrepresenting or distorting academic or biographical data in connection with an application for honors, scholarships, journal membership, or awards.
  - g. Misrepresenting class attendance.
  - h. Hiding library or placement materials for the purpose of obtaining an unfair academic or economic advantage for oneself and/or any other person.
  - i. Removing library or placement materials, except in compliance with established procedures, for the purpose of obtaining an unfair academic or economic advantage for oneself and/or any other person.
  - j. Using a student Westlaw or Lexis account for unauthorized academic purposes.
  - k. Taking an exam for or completing an assignment for another student.
  - l. Misrepresenting information to postpone exams or assignment deadlines.
  - m. Disclosing the content of an exam to a student who is scheduled to take the same exam.
  - n. Refusing an Honor Council request to appear as a witness before the Honor Council or refusing to produce materials to the Honor Council.
  - o. Refusing to sign an accurate written complaint of an alleged Honor Code violation.
  - p. Failing to report a violation of the Honor Code.
  - q. Engaging in any other dishonest conduct involving academic endeavors.
2. "Knowingly" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.
  3. University policies governing non-academic conduct are normally administered by the Vice President for Student Affairs, not the Honor Council, but the Louis D. Brandeis School of Law retains the right to determine whether a student who has violated these policies is fit to continue at the Louis D. Brandeis School of Law.

## Article II. Enforcement

### 1. Enforcement Machinery

#### a. The Honor Council

The Provisions of this Honor Code shall be administered by the Honor Council.

#### b. Composition of the Honor Council

- i. The Honor Council shall consist of five members and three alternates.
- ii. There shall be three members and two alternates from the third or fourth year classes, and two members and one alternate from the second year class of the Louis D. Brandeis School of Law. The Honor Council shall elect one of the members to act as Chair.
- iii. If for any reason there is a permanent vacancy on the Honor Council, the first alternate shall become an active member. In the case of the two senior class alternates, the first alternate shall be the one with the most votes in the election in which the present Honor Council was elected, or otherwise determined by the remaining members of the Honor Council.

#### c. Selection of Members and of Alternates of the Honor Council

- i. All elections shall be by secret ballot and shall be conducted under the auspices of the Student Bar Association, subject to the election procedures of the Honor Council.
- ii. To be a candidate for the Honor Council, one must be in good academic standing.

#### d. Service of Members and of Alternates on the Honor Council

- i. Any student who is not enrolled in or is not in good academic standing at the Louis D. Brandeis School of Law during any fall or spring semester shall be terminated from the office of the Honor Council.
- ii. The five members shall serve as the body to hear matters brought before the Honor Council, and to recommend appropriate action to the Dean.
- iii. Disqualification and Substitution of Alternates in a Particular Case
  1. Any member who discovers a conflict of interest in a particular matter, or is unable to attend all of the hearings for that case shall disqualify himself or herself from that case. The Special Counsel or the accused may also petition the Honor Council to disqualify a member for a particular case if a conflict of interest exists.
  2. Upon disqualification, the alternate from the same class as the member shall serve in his or her place for the remainder of the sessions on the particular matter from which the member was absent or disqualified.
  3. If the regular member is unable to serve for any reason in any case, one of the remaining alternates is to serve instead for that case.

#### e. Internal Organization and Operation of the Honor Council

The Honor Council shall have the power:

- i. To enact needed rules and regulations for the operation of the Honor Council which are not inconsistent with this Honor Code; and
- ii. To propose amendments to the Honor Code as it is determined necessary.

## 2. Enforcement Procedure

### a. Complaint

- i. Anyone who obtains credible knowledge that a violation has occurred shall report the alleged violation to a member of the Honor Council or the Associate Dean for Student Life in an oral or written complaint. Except under extraordinary circumstances, the report shall be made within a reasonable amount of time not to exceed three weeks after gaining knowledge of the alleged violation(s). The complainant who made an oral report shall submit to the Honor Council a signed, detailed report of the allegations.
- ii. The written complaint shall contain a statement of the facts forming the basis of the complaint including, but not limited to, the name of the accused, the time and place of the incident, and the name(s) of any witness(es).
- iii. After alleging a violation the complainant should avoid discussion of the alleged violation with persons other than members of the Honor Council, the Special Counsel, and the accused.

### b. Reasonable Cause Determination

- i. The Honor Council shall meet to determine if there is reasonable cause to believe there has been a violation of this Honor Code.
- ii. Except in extraordinary circumstances, the hearing shall be held within seven days after receipt of the written complaint. In no event, however, shall the hearing be held later than thirty days after the receipt of the written complaint.
- iii. The Honor Council shall determine if the accused, the complainant and /or any other witness(es) shall be present.
- iv. If the Honor Council determines no reasonable cause exists, it shall immediately dismiss the complaint. Notice of the dismissal shall be given only to the complainant, and, if the accused attended the reasonable cause hearing, to the accused.

### c. Notice to the Accused

If the Honor Council determines that reasonable cause exists, it shall notify, in writing, the accused, the complainant and the Assistant Dean of the charges as soon as possible. The notification shall advise the accused of the hearing, as described in Article II (2)(f).

- d. Within ten days following the receipt of such notice, the accused may move to dismiss the complaint or request a more definite statement. If the accused files a motion or request, the hearing shall be postponed at least five days after the Honor Council rules on the motion or request.
- e. The Special Counsel may move to dismiss the complaint at any time.

### f. Hearing

The Hearing shall be in accordance with the following procedure:

- i. Immediately after notification of the reasonable cause determination, the Assistant Dean shall appoint a full-time member of the Louis D. Brandeis School of Law faculty or law library faculty as a Special Counsel to present the case to the Honor Council. The Assistant Dean and the Special Counsel shall not have any communication with the Dean, with reference to the case, so long as the case remains unresolved. The accused may retain and be represented by counsel.
- ii. The Honor Council shall hold the hearing between ten and twenty days after notification of the accused unless the hearing is postponed under Article II (2)(d). The Chair of the Honor Council may set a later hearing date for good cause.

- iii. The hearing shall be conducted as follows:
  - 1. The Chair of the Honor Council or designate shall preside at the hearing, and shall have discretion regarding the conduct of the hearing. Formal rules of evidence shall not apply.
  - 2. The Special Counsel shall present the case to the Honor Council. The accused shall have the opportunity to respond to the charges.
  - 3. The Special Counsel and the accused may call witnesses and cross-examine opposing witnesses. The Honor Council may question the complainant, the accused or any witness.
  - 4. Upon its own initiative or upon request of either the Special Counsel or the accused, the Honor Council may request witnesses to appear before it or may request materials be produced to it.
- iv. The hearing shall be closed to all but those authorized by the Honor Council.

*[Honor Council matters are to be treated as confidential for all individuals participating.]*

g. Determination of an Honor Code Violation

- i. At the close of the proceeding, the Honor Council shall vote by secret ballot to determine its recommendation(s).
- ii. A member shall vote that there has been a violation if he or she believes that such violation has occurred by a preponderance of the evidence
- iii. If a majority of the Honor Council finds a violation, the Honor Council shall then recommend an appropriate sanction, if any.

h. Report to the Dean

The Honor Council shall report its finding to the Dean, which shall include the vote of the Honor Council and any dissenting opinions, and it shall recommend the course of action for the Dean to take. The findings shall be written, signed, and dated. A copy will be forwarded to the accused.

i. Decisions of the Dean

The Dean shall review the findings and recommendations of the Honor Council and shall render a final decision within forty-five days of receipt of the Honor Council's recommendations. The written decision shall be delivered to the accused and be made available to the Chair of the Honor Council and to the Special Counsel. A file of record will be made of all Honor Council violations.

j. Sanctions

- i. If the Dean determines that a violation has occurred, he or she may impose one or more of the following sanctions, as the Dean deems appropriate:
  - 1. Noting the violation in the student's file;
  - 2. Removing the student from organizations and extracurricular activities such as the Student Bar Association, law journals, Moot Court Board, skills competitions, the Honor Council, and the Brandeis Society;
  - 3. Placing the student on probation for a time certain;
  - 4. Suspending the student from law school classes for a time certain;
  - 5. Dismissing the student; and

6. The Dean may impose any other sanction, so long as the Special Counsel and the accused have a reasonable opportunity to express their views on it.
  - ii. If the Dean concludes that a violation occurred in connection with a specific law school course, the Dean shall notify the course instructor of the violation. The disposition of any Honor Code violation involving a law school course is independent from a student's grade in that course. All violations of the Honor Code will be reported as part of the character and fitness certification in the bar examination process.
  - k. Restriction of the Honor Council  
The Honor Council shall under no circumstances individually engage in investigation or discussion concerning any case pending before it.
3. Severability

Invalidation of any part of this Honor Code for any reason shall not affect the validity of the rest of the Honor Code.

4. Effective Date

This Honor Code is effective as of November 16, 1999. Approved by the faculty on November 15, 1999. *Italicized information is administrative clarification added August 22, 2003.* Honor Code amended by the faculty on August 24, 2010.

## Appendix 3. University of Louisville Code of Student Conduct

### 1. Coverage

The Code of Student Conduct is the University's policy regarding non-academic discipline of students. Academic discipline of students is not covered by this Code, but rather falls within the jurisdiction of the individual academic units of the University.

Code of Student Conduct subject to change in accordance with university procedures.

### 2. Rationale

The primary purpose for the imposition of non-academic discipline in the University setting is to protect and preserve a quality educational environment in the campus community. The University is not designed or equipped to rehabilitate students who do not abide by this Code. It may be necessary to remove those students from the campus and to sever the institutional relationship with them, as provided in this Code.

### 3. Interpretation of Code

The University's Code of Student Conduct is set forth in writing in order to give students general notice of non-academic prohibited conduct. The Code should be read broadly and is not designed to define non-academic misconduct in exhaustive terms.

### 4. Inherent Authority

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Code applies to incidents that take place on University premises or at University-sponsored activities.

When the University is notified, the Vice President for Student Affairs, in consultation with the Provost, may determine that acts prohibited by the Code but not committed on University premises could also be grounds for disciplinary action. Such action will be taken if a student has acted in a way that substantially interferes with or endangers the University community, or behavior with significant potential to disrupt the educational environment. Such acts include, but are not limited to, drug trafficking offenses and acts or threats of violence against persons.

### 5. Violations of Law and of This Code

Students may be accountable to both civil authorities and to the University for acts which constitute violations of law and of this Code. Those accused of violations are subject to the University disciplinary proceedings outlined in this Code during the pendency of any criminal or civil proceedings, or of any other University proceedings, regarding the same conduct. Accused students may not challenge the University disciplinary proceedings outlined in this Code on the grounds that criminal charges, civil actions, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated. The University will refer matters to Federal and/or State authorities for prosecution when appropriate.

### 6. Standard of Proof

The standard of proof for incidents of non-academic misconduct shall be a preponderance of evidence. Preponderance of evidence shall be defined as evidence that a reasonable person would find persuasive or more likely than not to have occurred.

### 7. Definitions when used in this Code

a. The term "consent" means freely given agreement by a competent person. A person is deemed incompetent to give consent when that person is under such an incapacitation that he or she does not appreciate the nature of the consent.

b. The term "distribution" means giving, selling, or exchanging.

- c. The term "group" means a number of persons who are associated with each other and who have not complied with University requirements for recognition as an organization.
- d. The term "intentionally" means a conscious objective to engage in the described conduct; intoxication is not a defense to a charge of intentional misconduct.
- e. The terms "notify in writing" or "transmit in writing" mean to mail written notice to the student's most recent address of record or to hand written notice to the student in person.
- f. The term "organization" means a number of persons who have complied with the University requirements for recognition.
- g. The term "reckless" means conduct which could reasonably be expected to create a substantial risk of harm to a person(s) or property, or which would be likely to result in interference with normal University or University-sponsored activities.
- h. The term "sexual conduct" means sexual intercourse, anal intercourse, fellatio, cunnilingus, touching of the genitals, breast, buttocks, or inner thighs or any other physical conduct or touching of a sexual nature.
- i. The term Discriminatory Harassment means
1. Behavior of any type (oral, written, graphic, physical) that creates a "hostile environment." Hostile environment harassment includes, but is not limited to, unwelcome comments or conduct that have the purpose of unreasonably interfering with an individual's work or academic performance, participation in a sponsored university activity, or creating an intimidating, hostile or offensive working or learning environment that a reasonable person would find threatening or intimidating;
  2. The behavior is directed at persons because of their race, color, national or ethnic origin, religion, gender (whether or not sexual in nature), age, disability, veteran status, or sexual orientation, unless otherwise permitted or required by applicable law; or
  3. Employment or academic decisions made in retaliation for a person's unwillingness to submit to such conduct, or benefits or privileges provided as a result of such submission; or participation in a university, state, or federal discrimination investigation AND, which also unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find threatening or intimidating.
- j. The term "student" means any person taking courses at the University, either full time or part time, pursuing undergraduate, graduate, or extension studies on a regular quarter, semester, or summer-term basis.
- k. The terms "University" and "institution" mean the University of Louisville.
- l. The term "University premises" means buildings, grounds owned, leased, operated, controlled, or supervised by the University.
- m. The term "University-sponsored activity" means any activity, on or off campus, which is funded or supervised by the University.
- n. The term "weapon" means any object or substance designed to inflict a wound, cause injury or incapacitate including, but not limited to, any weapon from which a shot readily capable of producing death or serious injury may be discharged; any knife other than an ordinary pocket knife; billy or nightstick; blackjack or slapjack; nunchaku karate stick; shuriken or death star; and artificial knuckles made from metal, plastic or similar hard material.
- o. The term "days" means business days as defined by the University calendar.
- p. The term "week" means five (5) business days as defined by the University calendar.
- q. The term "hearing official(s)" means person(s) designated by the Dean of Students Office to hold an administrative hearing.
- r. The term "University resources" means supplies, equipment, or technology services (e.g., computers, disk storage, software, voice communications (local or long distance,) network) which are owned, leased operated, controlled, supervised, or provided by the University via University supplied resources. These resources may be funded in part by state funds.



## 8. Prohibited Conduct

The following non-academic misconduct is subject to disciplinary action:

- a. Intentionally or recklessly causing physical harm to any person on University premises or at University-sponsored activities, or intentionally or recklessly causing reasonable apprehension of such harm.
- b. Unauthorized use, possession, or storage of any weapon on University premises or at University-sponsored activities.
- c. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University-sponsored activities.
- d. Intentionally or recklessly interfering with normal University functions and processes, University-sponsored activities, or any function, process or activity on University premises including, but not limited to, studying, teaching, public speaking, research, University business operations, processes or administration, or fire, police, or emergency services.
- e. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy.
- f. Intentionally or recklessly misusing or damaging fire or other safety equipment.
- g. Unauthorized distribution, possession, or use of any controlled substance or illegal drug, as defined by the Kentucky Revised Statutes, Chapter 218A, on University premises or at University-sponsored activities.
- h. Providing alcoholic beverages to individuals under 21 years of age, or possession or use of alcoholic beverages by individuals under 21 years of age, on University premises or at University-sponsored activities.
- i. Unauthorized possession of an open container of an alcoholic beverage on University premises.
- j. Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of distribution on University premises or at University-sponsored activities.
- k. Misrepresenting information or furnishing false information to the University.
- l. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any University (1) document, (2) identification/authentication method/mechanism or (3) access device/process.
- m. Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities.
- n. Theft or misuse of property or of services on University premises, at University-sponsored activities, or from University organization(s) or group(s), or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organization(s) or group(s).
- o. Intentionally or recklessly destroying or damaging University property or the property of others on University premises or at a University-sponsored event, or other conduct which is intentionally disorderly or indecent.
- p. Failure to comply with the directions of University officials, including campus police officers acting in the performance of their duties.
- q. Violation of any government laws or ordinances, or of any University rules, regulations, or policies as approved by the officers of the University. Such University rules, regulations, or policies shall include, but not be limited to, the Code of Student Rights and Responsibilities, the Computer Security and Account Policies, the residence hall contract, regulations relating to entry (opening and closing hours) and use of University facilities and resources, traffic and parking regulations, sale, consumption or misuse of alcoholic beverages, and misuse of identification cards.
- r. Unauthorized presence on or use of University premises, facilities, or property including camping, building a fire, or use of an unauthorized heating, cooking or electrical devices.
- s. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials on University premises or at University-sponsored activities.

t. Engaging in intentional conduct directed at a specific person(s) which seriously alarms or intimidates such person(s) and which serves no legitimate purpose. Such conduct may include, but is not limited to: explicit or implicit threats, including gestures which place a person in reasonable fear of unwelcome physical contact, harm or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person(s) which are by common usage lewd, obscene, expose a person(s) to public hatred or that can reasonably be expected to have a tendency to cause acts of violence by the person(s) to whom the remark is addressed; communicating through electronic mail or other electronic means, or anonymously by voice or graphic means or making a telephone call whether or not a conversation ensues.

u. Intentionally engaging in sexual conduct with another person without the consent of that person, or if that person is a minor or incapable of consenting.

v. Engaging in discriminatory harassment.

w. Taking any action or creating any situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization or group.

x. Intentionally exposing genitals, buttocks, or breasts in a public place on University premises or at University-sponsored activities without University authorization.

y. Appearing in a public place on University premises or at University-sponsored activities manifestly under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property or there is unreasonable annoyance to person(s) in the vicinity.

z. Intentional or reckless interference with or disruption of University technology services or resources (e.g., computer disk storage, data, software, voice communications (local or long distance,) network), unauthorized use, misuse, abuse, alteration, disclosure or destruction of University technology services or resources, improper access to University technology services/resources, or violation of intellectual property (e.g., copyright) rights or restrictions of others.

aa. Intentionally filing a false complaint under this Code.

bb. Aiding or abetting any conduct described above.

## 9. Discipline Procedures

The general responsibility for non-academic discipline of all students enrolled in the University of Louisville shall be vested in the Office of the Vice President for Student Affairs. The Dean of Students Office has been delegated the responsibility of administering the Code of Student Conduct.

Anyone wishing to report an alleged incident on nonacademic misconduct, as specified in Section 8, may make such report in writing to the Dean of Students Office, which shall determine whether any action should be taken in response to the report. If it is determined that action should be taken, the Dean of Students or the Assistant Dean of Students or his or her designee(s) will decide whether to proceed by an informal meeting with the accused student or to proceed by a hearing.

The accused student shall be notified in writing of the charges, of whether the matter will be handled by an informal disciplinary conference or by a formal hearing, and of the date, time, and place of the conference or hearing. All matters which would result in a sanction less severe than separation will be resolved in informal disciplinary conferences unless the Dean of Students decides that a hearing is warranted.

All matters for which dismissal or expulsions are possible outcomes will be resolved in a formal disciplinary hearing. Students may waive their right to a hearing and may elect to have their case resolved through a discipline conference. However, if a student waives their right to a hearing, the full range of sanctions authorized by this Code may be imposed, and the right to appeal is forfeited.

Disciplinary hearing boards will be utilized in all formal hearings. The hearing boards will be composed of three members chosen from a pool of trained Hearing Council members. The hearing board will hear evidence and make recommendations regarding findings and sanctions to be imposed, if any, to the Dean of Students. Findings will be based on information contained in the hearing record as provided by the complainant and the accused. Board recommendations will be based on a majority vote.

## 9.1. Suspension Pending Investigation

If the presence of the accused student on campus is considered to constitute, in the opinion of the Dean of Students or his or her designee(s), a clear and present danger to the student, to others in the University community, or to the operation of the University, the Dean of Students or his or her designee(s) may exclude the accused student from the University premises immediately. The accused student and appropriate academic personnel shall be notified in writing of this suspension pending investigation, which shall not exceed fourteen (14) days.

## 9.2. Hearing Procedures

Whenever a hearing is to be held regarding an alleged incident of non-academic prohibited conduct, the accused student and the person reporting the alleged misconduct ("complainant"), if any, shall be given five (5) days written notice of the charges alleged against the accused student and of the date, time and place of the hearing. The hearing shall be conducted by the Dean of Students, the Assistant Dean of Students or his or her designee(s). The hearing shall be informal; strict rules of evidence shall not apply. The hearing shall be closed to everyone except the hearing official(s), appropriate Dean of Students Office staff, the accused student, the complainant, advisors to the accused student and the complainant, and witnesses during the actual time of their testimony.

The accused student and the complainant, if any, have the right to:

- a. Be present at the hearing. However, if either or both of the student and the complainant fail to appear at the hearing, the hearing may be held in either or both of their absences.
- b. Present evidence by witness, or by affidavit or written statement witnessed by the Dean of Students Office staff if a witness is unable to attend the hearing. It is the responsibility of the accused student and the complainant to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing shall be held in their absence.
- c. Bring an advisor to the hearing. The advisor, however, may not participate in examination of witnesses or presentation of materials or information to the hearing official(s), unless asked to do so by the hearing official(s).
- d. Question all witnesses who give evidence at the hearing.

## 9.3.3 Hearing Decision

If either the Dean of Students or the Assistant Dean of Students acts as the hearing official, he or she shall issue a written decision within ten (10) days after the date of the hearing.

If the hearing official(s) is a designee of the Dean or the Assistant Dean, the hearing official(s) shall make a written recommendation to the Dean of Students within three (3) days after the date of the hearing, indicating the recommended findings to be issued and the recommended disciplinary measure, if any, to be imposed. The Dean of Students shall review the recommendation and shall issue a written decision within ten (10) days of receiving the recommendation. A copy of the written decision ("hearing decision") and a Code of Student Conduct which specifies the rights to review and appeal shall be issued to the accused student. The complainant will receive notification of the hearing decision as allowed by law and institutional policy.

## 9.4. Disciplinary Measures

If it is determined at the informal meeting or hearing that the accused student has committed conduct prohibited in Section 8, the Dean and/or the Assistant Dean or Students shall impose an appropriate disciplinary measure from among the following:

- a. Reprimand: Notice of violation of specified regulations and warning that further such conduct may result in a more severe disciplinary action.
- b. Disciplinary Restrictions: Limiting of certain privileges or practices of the individual(s) involved in the offense.
- c. Disciplinary Probation: Imposition of conditions or restrictions on the individual(s) involved, with warning of more severe action if further infractions occur (or if probation is violated).
- d. Disciplinary Dismissal: Immediate exclusion from the University with student ineligible for readmission until the lapse of one or more regular terms, as specified.

e. Disciplinary Expulsion: Immediate, permanent exclusion from the University subject only to readmission by the Board of Trustees of the University as outlined in section 10.4.

Restitution, public service, counseling or other assessments, educational programs or other measures may also be required in appropriate circumstances.

The University of Louisville is a community dedicated to the principles of free expression in which diverse views are encouraged and embraced. Opinions that may be unpopular and/or contrary to the University's values and objectives, but do not otherwise violate policy, will not be sanctioned.

The University is equally committed to creating an environment that is free from intolerance. Therefore, when any violation of this Code is determined to be motivated by intolerance based on race, ethnicity, age, religion, gender, sexual orientation, disability, or national origin, the sanction(s) imposed will be increased in severity and may include separation from the institution.

## 9.5. Separation from the University

In any case which results in separation from the University, the Dean of Students Office shall so notify the dean of the academic unit in which the student has been enrolled and other appropriate University officials.

## 10. Appeals

The accused student or complainant may appeal the Hearing Decision issued against the accused student to the Vice President for Student Affairs or may elect a review by the University Student Appeals Board which shall make a recommendation to the Vice President for Student Affairs who will render a final decision on the matter if the Hearing Decision imposes dismissal, or expulsion on the student.

In order to request such an appeal, the student must submit a written request for either appeal ("Appeal Review" or "Student Appeal Board Review") to the Office of the Vice President for Student Affairs within ten (10) days of receiving the Hearing Decision of the Dean of Students. This written request shall indicate which appeal option the student prefers. Both appeal options provided for in this subsection shall be decided upon the record of the original proceeding and upon written briefs submitted by the student and the Dean of Students Office.

Deference will be given to lower board decisions in appeal cases. The Vice President for Student Affairs or the Student Appeals Board will review the Hearing Decision to determine:

- a. whether the hearing was conducted fairly and in accordance with the procedures outlined in this Code of Student Conduct;
- b. whether there was a reasonable basis for the hearing decision;
- c. whether the sanction(s) imposed were appropriate;
- d. whether there is new evidence that was not known to the person requesting the review at the time of the hearing and that, if presented at the hearing, would more than likely have altered the hearing decision.

### 10.1. Separation from the University Pending Appeal

In cases where the discipline imposed on the student involves separation of the student from the University (dismissal or expulsion), the Vice President for Student Affairs may exclude the student from the University campuses during the pendency of the appeal, except for matters relating directly to and including the request for an "Appeal Review" or "Student Appeal Board Review" submitted to the Office of the Vice President for Student Affairs.

### 10.2. University Student Appeals Board

The University Student Appeals Board shall be composed of seven regular members, consisting of four faculty members elected by the Faculty Senate for staggered terms of two years, and three students elected by the Student Senate for terms of one year. The President of the University shall select one of the board's regular faculty members to serve as chair of the board. The chair shall vote only in the event of a tie in the voting by the other members of the board. Should a member become unable to serve, a replacement shall be elected by the appropriate Senate to complete the term. There shall also be three faculty members elected by the Faculty

Senate to serve staggered two-year terms as alternate members, and three students elected by the Student Senate to serve one-year terms as alternate members. Insofar as possible, the faculty and student members shall be selected in such a manner as to be representative of the broad range of academic units at the University of Louisville.

Each time an appeal is taken, the chair will summon the regular panel. In the event that a regular member cannot be present, the alternate members shall be called until a full panel of four faculty and three students is constituted. If for any reason the chair cannot serve or disqualifies himself or herself, the board shall choose another regular faculty member to serve as chair for the purpose of that appeal. The recommendation of the board shall be transmitted in writing to the Vice President for Student Affairs for final action.

### 10.3. Appeals Decision

The Vice President for Student Affairs shall have the authority to:

- a. Sustain the Hearing Decision of the Dean of Students, including the disciplinary measure imposed.
- b. Sustain the Hearing Decision of the Dean of Students, but impose a lesser disciplinary measure.
- c. Remand the case to the Dean of Students further consideration.
- d. Reverse the Hearing Decision of the Dean of Students.

The decision of the Vice President for Student Affairs shall be transmitted in writing to the appealing student and to the Dean of Students within fourteen (14) days of the date of receipt of the recommendation from the University Student Appeals Board. The complainant shall be notified of the Appeal Review decision as allowed by law and institutional policy.

### 10.4. Expulsion Review

A student who has been expelled from the University may apply for special consideration for readmission after a period of not less than five (5) years. The former student must submit a written petition for readmission to the Office of the Vice President for Student Affairs. This written request must outline a strong justification for readmission. Additional pertinent documentation may also be required. The Dean of Students Office will respond to petitions with relevant information from the disciplinary file and the Code. The review will be based upon the written record.

The Vice President for Student Affairs will review and transmit the petition, along with a written recommendation, to the Board of Trustees for final action. Factors to be considered in review of such a petition shall include, but not be limited to:

1. The present demeanor of the petitioner
2. The conduct subsequent to the expulsion (documentation may be required)
3. The nature of the violation causing the expulsion and the severity of damage, injury or harm resulting from it.

## Appendix 4. Code of Student Rights and Responsibilities

### Section 1. Purpose

The Code of Student Rights and Responsibilities is set forth in writing in order to give students general notice of certain of their rights and responsibilities at the University of Louisville. Further rights and responsibilities are set forth in other University rules and policies, including the Code of Student Conduct, Residence Hall contracts, and academic unit bulletins. It is the students' responsibility to be aware of all University rules and policies; students should check with the Office for Student Life and with their academic units if they have any questions about the purposes or intent of these policies.

The University is a public educational institution for adults rather than a custodial institution. Consistent with the role of the University to educate its students and to stimulate student autonomy and independence, University regulation and supervision of student life on and off campus is limited. The University does not assume responsibility or liability for the conduct of its students; responsibility and liability for student conduct rests with the student as inherent attributes of his or her adult status, concurrently with the student's freedom of choice regarding his or her presence at the University and his or her own conduct and associations.

### Section 2. Definitions

When used in this Code:

A. The term "academic dishonesty" means obtaining or seeking to obtain an unfair academic advantage for oneself or for any other student; it includes lying, cheating, stealing, or engaging in otherwise dishonest conduct in the course of or related to any academic exercise.

B. The term "academic exercise" means a test, quiz, examination, speech, presentation, paper, field or laboratory work, or any other academic activity on which a student is evaluated.

C. The term "group" means a number of persons who are associated with each other and who have not complied with the University requirements for recognition as an organization.

D. The term "organization" means a number of persons who are associated with each other and who have complied with the University requirements for recognition.

E. The term "student" means any person taking courses at the University, either full time or part time, pursuing undergraduate, graduate or extension studies on a regular quarter, semester, or summer term basis.

F. The term "student broadcast" means oral material published on a student operated radio or television station.

G. The term "student press" means either a student publication or a student broadcast.

H. The term "student publication" means written material published by a student organization.

I. The term "teacher" means any person hired by the University to conduct classroom activities. In certain situations, a person may be both "student" and "teacher." Determination of the person's status in a particular situation shall be determined by the surrounding circumstances.

J. The term "University" means the University of Louisville and, collectively, those responsible for its control and operation.

### Section 3. Admission and Financial Aid

All applicants for admission and financial aid to the University shall be considered without regard for race, color, national origin, religion, sex, handicap not affecting qualification, or political beliefs.

## Section 4. Classroom Rights and Responsibilities

A. A student shall be evaluated on demonstrated knowledge and academic performance, and not on the basis of personal or political beliefs or on the basis of race, color, national origin, religion, sex, age, or handicap not affecting academic performance.

B. A student has freedom of inquiry, of legitimate classroom discussion, and of free expression of his or her opinion, subject to the teacher's responsibilities to maintain order and to complete the course requirements.

C. A student is responsible for fulfilling the stated requirements of all courses in which he or she is enrolled.

D. A student has the right:

1. to be informed in reasonable detail at the first or second class meeting about the nature of the course and to expect the course to correspond generally to its description in the appropriate University catalog or bulletin;
2. to be informed in writing and in reasonable detail at the first or second class meeting of course requirements and assignments;
3. to be informed in writing and in reasonable detail at the first or second class meeting of standards and methods used in evaluating the student's academic performance;
4. to be informed in writing of any necessary changes in assignments, requirements, or methods of grading during the semester with the reasons for such changes.

E. A student has the right to confidentiality in the student/teacher relationship regarding the student's personal or political beliefs. Disclosures of a student's personal or political beliefs, expressed in writing or in private conversation, shall not be made public without explicit permission of the student.

Charges of violations of these classroom rights and responsibilities shall be handled through the appropriate academic unit level procedures.

## Section 5. Academic Dishonesty

Academic dishonesty is prohibited at the University of Louisville. It is a serious offense because it diminishes the quality of scholarship, makes accurate evaluation of student progress impossible, and defrauds those in society who must ultimately depend upon the knowledge and integrity of the institution and its students and faculty.

Academic dishonesty includes, but is not limited to, the following:

### A. Cheating:

1. Using or attempting to use books, notes, study aids, calculators, or any other documents, devices, or information in any academic exercise without prior authorization by the teacher.
2. Copying or attempting to copy from another person's paper, report, laboratory work, computer program, or other work material in any academic exercise.
3. Procuring or using tests or examinations, or any other information regarding the content of a test or examination, before the scheduled exercise without prior authorization by the teacher.
4. Unauthorized communication during any academic exercise.
5. Discussing the contents of tests or examinations with students who have not yet taken the tests or examinations if the instructor has forbidden such discussion.
6. Sending a substitute to take one's examination, test, or quiz, or to perform one's field or laboratory work; acting as a substitute for another student at any examination, test, or quiz, or at a field or laboratory work assignment.
7. Conducting research or preparing work for another student, or allowing others to conduct one's research or prepare one's work, without prior authorization by the teacher. Except when otherwise explicitly stated by the teacher, examination questions shall become public after they have been given.

### B. Fabrication:

Inventing or making up data, research results, information, or procedures, such as:

1. Inventing or making up data, research results, information, or procedures.
2. Inventing a record of any portion thereof regarding internship, clinical, or practicum experience.

### C. Falsification:

Altering or falsifying information, such as:

1. Changing grade reports or other academic records.
2. Altering the record of experimental procedures, data, or results.
3. Altering the record of or reporting false information about internship, clinical, or practicum experiences.
4. Forging someone's signature or identification on an academic record.
5. Altering a returned examination paper in order to claim that the examination was graded erroneously.
6. Falsely citing a source of information.

### D. Multiple Submission:

The submission of substantial portions of the same academic work, including oral reports, for credit more than once without prior authorization by the teacher involved.

### E. Plagiarism:

Representing the words or ideas of someone else as one's own in any academic exercise, such as:

1. Submitting as one's own a paper written by another person or by a commercial "ghost writing" service,
2. Exactly reproducing someone else's words without identifying the words with quotation marks or by appropriate indentation, or without properly citing the quotation in a footnote or reference.
3. Paraphrasing or summarizing someone else's work without acknowledging the source with a footnote or reference.
4. Using facts, data, graphs, charts, or other information without acknowledging the source with a footnote or reference. Borrowed facts or information obtained in one's research or reading must be acknowledged unless they are "common knowledge". Clear examples of "common knowledge" include the names of leaders of prominent nations, basic scientific laws, and the meaning of fundamental concepts and principles in a discipline. The specific audience for which a paper is written may determine what can be viewed as "Common knowledge": for example, the facts commonly known by a group of chemists will differ radically from those known by a more general audience. Students should check with their teachers regarding what can be viewed as "common knowledge" within a specific field or assignment, but often the student will have to make the final judgment. When in doubt, footnotes or references should be used.

### F. Complicity in Academic Dishonesty:

Helping or attempting to commit an academically dishonest act. The academic units may have additional guidelines regarding academic dishonesty. It is the student's responsibility to check with their teachers and academic units to obtain those guidelines.

## Section 6. Discipline Procedures for Academic Dishonesty

Charges of academic dishonesty shall be handled through the appropriate academic unit level procedures.

An academic unit that determines that a student is guilty of academic dishonesty may impose any academic punishment on the student that it sees fit, including suspension or expulsion from the academic unit. A student has no right to appeal the final decision of an academic unit. However, a student who believes that he or she has been treated unfairly, has been discriminated against, or has had his or her rights abridged by the academic unit may file a grievance with the Unit Academic Grievance Committee, pursuant to the provisions of the Student Academic Grievance Procedure; the Unit Academic Grievance Committee may not substitute its judgment on the merits for the judgment of the academic unit.

An academic unit that suspends or expels a student from the academic unit because the student has been found guilty of academic dishonesty may recommend to the University Provost in writing that the student also be suspended or expelled from all other programs and academic units of the University. Within four weeks of receiving such a recommendation, the Provost shall issue a written decision. Neither the student nor the academic unit shall have the right to appeal the Provost's decision. However, a student who believes that he or she has been treated unfairly, has been discriminated against, or has had his or her rights abridged by the issuance of a decision by the Provost may file a grievance with the University Student Grievance Committee, pursuant to the provisions of the Student Academic Grievance Procedure; the University Student Academic Grievance Committee may not substitute its judgment on the merits for the judgment of the Provost.



## Section 7. Campus Expression

- A. Students have the right of freedom of expression to the extent allowed by law.
- B. Students may picket or demonstrate for a cause, subject to the following conditions:
  - 1. The students must act in an orderly and peaceful manner.
  - 2. The students must not in any way interfere with the proper functioning of the University.
  - 3. Where students demonstrate in an area not traditionally used as an open public forum, the University reserves the right to make reasonable restrictions as to time, place, and manner of the student demonstrations.
- C. Students may distribute written material on campus without prior approval, providing such distribution does not disrupt the operations of the University or violate University rules.
- D. Students may invite to campus and hear on campus speakers of their choice on subjects of their choice; approval will not be withheld by any University official for the purpose of censorship.

## Section 8. The Student Press

- A. The student press is free to deal openly, fearlessly, and responsibly with issues of interest and importance to the academic community. There shall be no prior approval of student press content by the University.
- B. The student press is responsible for adhering to the canons of responsible journalism and for complying with the law. Student publications and broadcasts shall not publish libelous or slanderous matter, or any other content that violates the law.
- C. All student publications and broadcasts shall explicitly state that the opinions expressed are not necessarily those of the University or its student body.
- D. Students may not be disciplined by the University for their participation with the student press except for violations of University rules that are not inconsistent with the guarantees contained herein.

## Section 9. University Facilities

Appropriate University facilities shall be available to organizations within the University community for regular business meetings, for social programs, and for programs open to the public.

- A. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance.
- B. Preference may be given to programs designed for audiences consisting primarily of members of the University community.
- C. Allocation of space shall be made based on priority of requests and the demonstrated needs of the organization.
- D. Charges may be imposed for any unusual costs for use of facilities.
- E. Physical abuse of assigned facilities may result in reasonable limitations on future allocation of space to offending parties and will require restitution of damages.
- F. The organization requesting space must inform the University of the general purpose of any meeting open to persons other than members and the names of outside speakers.

## Section 10. Use of University Name and Insignia

No individual, group, or organization may use the University name or insignia without the express authorization of the University except to identify the University affiliation. University approval or disapproval of any policy or issue may not be stated or implied by any individual, group, or organization.

## Section 11. Campus Residence Facilities

Students have the right of privacy in campus residence facilities.

A. Nothing in the University relationship or residence hall contract may expressly or implicitly give the institution or residence hall officials authority to consent to search of a student's room or residence by police or other law enforcement officials unless they have obtained a search warrant.

B. The University reserves the right to enter a student's room in a residence hall or a student's apartment in a campus residence:

1. in emergencies where imminent danger to life, safety, health, or property is reasonably feared;
2. to make necessary repairs, improvements, or alterations in the facility;
3. to provide necessary pest control services;
4. to inspect the facility as deemed necessary by the University.

## Section 12. Student Records

The privacy and confidentiality of all student records shall be preserved in accordance with applicable laws. The University shall establish and adhere to a clear and definitive records policy.

## Section 13. Campus Organizations

Organizations and groups may be established within the University for any legal purpose. Affiliation with an extramural organization shall not, in itself, disqualify the University branch or chapter from University privileges. A group shall become a formally recognized organization through procedures established by the Student Government Association, upon approval of the Vice President for Student Affairs.

A. Groups of a continuing nature must institute proceedings for formal recognition if they are to receive benefits from the University.

B. Recognition of an organization by the University infers neither approval nor disapproval of the aims, objectives, and policies of the organization, nor liability for the actions of the organization.

C. Membership in all University related organizations shall be open to any member of the University community who is willing to subscribe to the stated aims and meet the stated obligations of the organization, provided such aims and obligations are lawful.

D. Membership lists are confidential and solely for the use of the organization, except that names and addresses of current organization officers shall be reported to the University as a condition of continuing University recognition.

E. Any organization that engages in activities either on or off campus that are illegal or contrary to any University policy may have sanctions imposed against it, including withdrawal of University recognition.

## Section 14. Promulgation of University Rules Affecting Students

Rules and Policies affecting the students shall be published in Student Handbook, in the appropriate University bulletins, or in any other appropriate publication prior to their enforcement. Included in the Student Handbook are the following: Academic Grievance Procedure, Code of Student Conduct, Code of Student Rights and Responsibilities, Policy on Consumption of Alcoholic Beverages for Recognized Student Organizations, Hazing and Initiation Activities Policy, Non-academic Grievance Policy and the Sexual Harassment Policy. Copies of the Student Handbook are available from the Office of Student Life.

