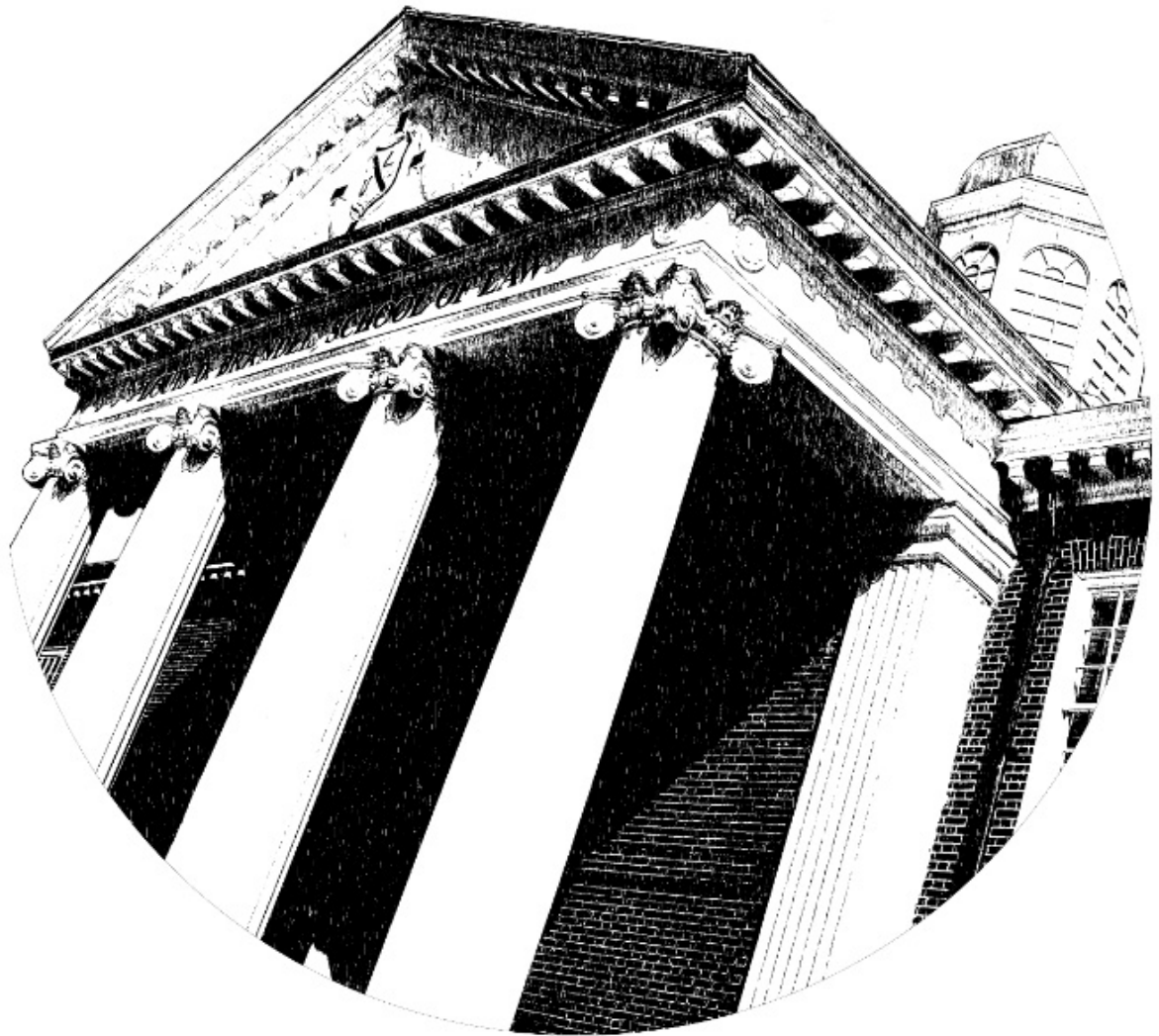


University of Louisville • Louis D. Brandeis School of Law

# Student Handbook

## 2013-2014



## 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 by mail to the student's address on file with Student Records; sent to the student's U of L e-mail address (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 Assistant Dean for Student Life for clarification in the rare event of ambiguities or discrepancies in distributed information.

This handbook was last revised on June 3, 2013. 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.

June 2013

On behalf of my faculty and staff colleagues, let me welcome you to the Louis D. Brandeis School of Law at the University of Louisville. 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 defining moment 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 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.

Kimberly Ballard  
Assistant Dean for Student Life

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## Selected Law School and University Offices

### Affirmative Action

---

Dean of Students Office  
SAC W301  
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### Athletic Ticket Office

---

SAC, Room E301  
852-5151

### Bursar

---

Houchens Building  
852-6503

### Counseling Center

---

Student Health and Counseling 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

Brandeis School of Law

### Intramural Sports and Recreation

---

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852-6707  
852-6709 (Fax)

### Law School Resource Center

---

Room 272  
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### Law Library

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Law School  
852-6393

### Lost and Found

---

Law Library  
852-0729

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

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104 Red Barn  
852-0696

### Office of Minority Affairs

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120 E. Brandeis Street  
852-6656

### Parking Office (Belknap)

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2126 S. Floyd Street  
852-7275

### PEACC Program

---

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Student Health Building, Room 100  
852-2663

**Postal Services (Belknap)**

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852-6699

**Public Safety (Belknap)**

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2126 S. Floyd Street  
852-6111

**Registrar's Office**

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Houchens Building, Room 36  
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**Student Activities Office**

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852-669  
852-7332 (Fax)

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852-6933

**Student Bar Association (SBA)**

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Law School, Room 245  
852-6398

**Student Government Association (SGA)**

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SAC, Room W310  
852-6695

**University Archives**

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Ekstrom Library  
852-6674

**Women's Center**

---

Administrative Annex  
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## 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. In satisfying this requirement, students may apply no more than 25 total hours earned in the following courses: (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. There are also specific maxima hours that can be applied to the degree from some of these activities, as described in Chapter 3, part W (journals), X (externships), Y (extramural advocacy), and Z (study abroad).

All students who began their work toward the J.D. at the Law School 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. Transfer students (those who began their work toward the J.D. at some other institution) 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<sup>1</sup>, 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; Business Organizations; Conflict of Laws; Criminal Procedure: Constitutional Issues; Criminal Procedure: Judicial Process; Decedents' Estates and Trusts; Domestic Relations; Estate and Gift Taxation; Evidence; Federal Income Taxation of Individuals; Negotiable Instruments; and Secured Transactions);
5. **Professional skills instruction** (see Chapter 2, Part F. ); and
6. **The Legal Profession Curriculum** (*effective 2011-12*, see Chapter 2, Part I.).

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<sup>1</sup> For students who matriculated prior to Fall 2012, Property I and Property II are required courses.

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.

The first-year curriculum consists of the following courses:

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

Full-time students must take all of the listed courses during their first year. However, in extenuating circumstances, the Assistant Dean for Student Life may allow a full-time student to take fewer than all the listed courses in the spring term. If a student fails one or more of the first-year courses, he or she must retake it during the second year of school.

Part-Time Program	
Fall Semester	Spring Semester
Basic Legal Skills	Basic Legal Skills (3 hours) <sup>2</sup>
Legal Research (1 hour)	Intro to Lawyering Skills and Professionalism (0 hours)
Contracts I (3 hours)	Contracts II (3 hours)
Torts I (3 hours)	Torts II (3 hours)
<b>In addition, part-time students may take Criminal Law during the fall semester and/or Property during the spring semester with permission of the Assistant Dean for Student Life.</b>	
Criminal Law (3 hours)	Property (4 hours) <sup>3</sup>

<sup>2</sup>Basic Legal Skills is a year-long course. Credit is awarded upon completion of the course in the spring semester.

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

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

Part-time students must have taken or be currently enrolled in all first-year courses before taking upper-division courses. Students may, however, take other courses in any semester when there is no first-year 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 Assistant Dean for Student Life.

A part-time student who completes the first part of a two-part first year course in the Fall semester (that is, Contracts, Torts, and Civil Procedure) must enroll in the second part of that course the following spring term. A student who does not earn credit for the first part of a two-part course must still enroll in the second part of that course, but only if that student attended the required number of classes in the first part. However, if the student demonstrates compelling circumstances, the Assistant Dean for Student Life may make an exception to the rules set out in this paragraph.

First year students, both full-time and part-time, may not 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 Assistant Dean for 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 in the first year of study, and in most circumstances the student seeking a course-load reduction will be advised to take a leave of absence from the School of Law.

### **Model Plans:**

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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; Civil Procedure I and II; and Criminal Law, leaving approximately 15 hours per 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, Contracts I and II; Torts I and II; and Criminal Law, 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, Contracts I and II; and Torts I and II, leaving approximately 9-10 credit hours per semester to graduate in five years.

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<sup>3</sup> 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.



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 Assistant 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.

### **Part D. 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. The public service requirement must be completed before a student will be permitted to visit at another law school during his or her last semester, unless an exception is pre-approved by the Public Service Coordinator. Failure to complete the public service hours and/or failure to submit all required documentation by the published deadline will result in delayed graduation.

For purposes of the public service program, public service work is broadly defined as follows:

- Primarily, for persons of limited means or for charitable, religious, civic, community, governmental and education organizations in matters which are designed generally to address the needs of persons of limited means and for governmental organizations in matters in furtherance of their organizational purposes.
- Secondly, for groups or organizations seeking to secure or protect civil rights, civil liberties, animals, the environment, or public rights; or
- In special cases (not routine clerk work), in activities for improving the law, the legal system, or the legal profession, or educating the public about the law and the legal system.

Furthermore, the volunteer service must be unpaid, not for academic credit, and involve law-related work at an approved placement. No public service work credit will be received by a student who is currently in a paid employment relationship with the placement.

### **Part E. Upper Division Writing Requirement**

All students must complete a substantial writing project after completing 19 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, the Journal of Law and Education, 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 Assistant 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 item 4 above, 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 faculty 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 faculty, whereupon a consultation between the faculty and the student shall be scheduled in which the draft is reviewed and suggestions for improvements made;
3. The paper must not have been used in a previous course nor have been prepared for publication in a law review; and
4. To meet the writing requirement, a paper must be at least 6,250 words in length, 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.
5. 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 F. Professional Skills Requirement**

All students must complete a substantial skills experience after completing 19 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 Professional Skills Requirement shall apply to all students entering the Law School in the fall semester 2009 or thereafter.

## **Part G. Perspective Requirement**

Students must successfully complete one perspective course in order to graduate. 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. A course must be at least two credit hours to satisfy the perspective requirement. Courses meeting the perspective requirement are designated on the class schedule every semester.

## **Part H. 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 includes programming on substance abuse, financial responsibility, and character and fitness issues. The Assistant 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 I. Completion of Studies**

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 J. 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 K. 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 L. Dual Degree Programs**

In recognition of the interdisciplinary nature of law, the law school offers a number of dual degree 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 Assistant 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. The J.D. degree will not be awarded before the other degree. Students must complete the requirements for both degrees before the J.D. 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 Assistant Dean for Student Life or the Assistant Dean's delegate must approve dual degree students' course schedules each semester.

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

Under the joint MBA/JD program it is possible for a student to receive both a JD and MBA degree in four years. Students must be admitted to both the College of Business 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 36 hours in the College of Business. Nine of the 36 credit hours from the College of Business must be in courses approved by the School of Law.

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### **Section 2. Juris Doctor/Master of Divinity**

As a joint venture, the Brandeis School of Law and the Louisville Presbyterian Theological Seminary offer a dual degree 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. Nine of the 63 hours in the Seminary must be in courses approved by the School of Law.

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

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 60 hours in the MSSW curriculum. Nine of the 60 hours in the Kent School must be in courses approved by the School of Law.

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

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. Nine of the 21 hours in the Graduate School must be in courses approved by the School of Law.

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

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 of the hours in the Graduate School must be in courses approved by the School of Law.

### **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 of the hours in the Graduate School must be in courses approved by the School of Law.

### **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 School of Interdisciplinary and Graduate Studies. 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 School of Law and the School of Interdisciplinary and Graduate Studies. Students are required to take at least 81 hours in the School of Law. Nine of the hours in the Bioethics and Medical Humanities program must be in courses approved by the School of Law.

## **Part M. Enrolling in 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 Assistant 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 Assistant 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 Assistant 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 dual 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 dual degree program. Students who withdraw from a dual 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 19 credits from the law school before taking an outside course.

### **Part N. 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 the Kentucky Board of Bar Examiners, Suite X, 1510 Newtown Pike, Lexington, KY 40511; [www.kyoba.org](http://www.kyoba.org). See Supreme Court Rule 2.014 for further details. The Assistant Dean's Office can provide the addresses of bar examiners throughout the United States.

### **Part O. Pace, Maximum Time Frame, and Good Standing Rules for Financial Aid**

Beginning in the 2012-13 academic year, student enrollment in classes is also subject to rules governing pace of study and maximum time frame for graduation. **These rules are imposed by the University, not the Law School. They affect only the student's eligibility for financial aid, not eligibility for a law degree.**

1. **Pace.** Students must successfully complete at least two-thirds of the cumulative credit hours in which they enroll.
2. **Maximum time frame.** Students must complete their degree requirements by enrolling in no more than 135 total hours at the Law School.
3. A student who signs up for a class, but drops that class on or before the last day to add a class, is not deemed "enrolled" in a class. A student who drops a class after that date is considered enrolled in the class for purposes of this Part.
4. A student who fails to meet either the pace or the maximum time frame requirements will no longer qualify for federally guaranteed financial aid. The Law School will report all students who fail to

meet the requirements to the University Financial Aid Office. A student may be able to restore his or her eligibility for financial aid through the Financial Aid Office's internal appeals process.

5. The University also requires annual reporting of all students who fail to remain in good standing, as defined in Chapter 3, Part B. Students who are not in good standing may also lose financial aid. The Law School Reinstatement and Probation mechanism serves as the appeal mechanism for students who fail to maintain good standing. If the student is allowed to continue as a law student, he or she will not lose eligibility for federal financial aid.



## 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 Assistant 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 Assistant 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. Unless explicitly authorized by the Assistant Dean for Student Life, (a) no full-time student will be permitted to register for more than 16 credit hours per semester (8 credit hours in the summer term), and (b) no part-time student will be permitted to register for more than 12 credit hours per semester (6 credit hours in the summer term). With permission of the Assistant Dean for Student Life, a full-time student may register for a maximum of 18 credit hours and a part-time student may register for a maximum of 13 credit hours. As used in this section, “credit hours” includes **all classes the student takes at the University of Louisville**, regardless of whether the credit will be applied toward the student’s degree. Skills competitions and journal credit also count as hours in this calculation.
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.
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 Assistant 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 in Chapter 2, part C.

### 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 Property 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 2.0.**

#### **Appeal to the Reinstatement and Probation Committee**

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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 Assistant Dean for Student Life or a faculty or staff member designated by the Assistant 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 Assistant Dean for Student Life or designated faculty or staff member, and, unless authorized by the Assistant Dean for Student Life, must include two-thirds required and/or core courses. Students who wish to add or drop a course after registration must obtain the approval of his or her academic advisor.

### **Part E. Legal Methods Study Group**

Students whose cumulative grade point average falls below 2.5 at the end of the first semester of their first year may be required to participate in the Legal Methods Study Group program in the second semester of their first year, as determined by the Assistant Dean for Student Life. Regular attendance and participation will be considered in decisions relating to academic standing.

### **Part F. 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, pass/fail courses, courses taken at other law schools, and graduate courses taken in other units of the University).
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 in-class examinations is as follows:
  - a. In order to avoid any appearance of impropriety, all in-class exams, unless otherwise specified by the faculty teaching the class, 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 in-class exams. Under special circumstances, including without limitation accommodated exams, the Assistant Dean for Student Life 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 Assistant Dean for Student Life as soon as

possible. The Assistant Dean may authorize a make-up examination during the regularly scheduled exam period, or in exceptional circumstances, after the exam period. All make-up exams and incomplete or deferred grades must be approved by the Assistant 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 Assistant 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 Assistant Dean for Student Life only after the Assistant 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 G. 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 H. 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. No grade may be changed after the earlier of (a) one year after it is released, or (b) the J.D. degree has been posted on the student’s transcript, unless such change is the result of an Honor Code proceeding.

## **Part I. 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 [louisville.edu/library/archives/stupriv/notfstud.html](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 [louisville.edu/library/archives/stupriv/FERPAForm.pdf](http://louisville.edu/library/archives/stupriv/FERPAForm.pdf).

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

## **Part J. 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 K, below. For information concerning participation in University sanctioned events, see the University policy at [louisville.edu/provost/what-we-do/classroom-policies](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. Regular and punctual attendance is also required in externship and clinical courses. Participation in an externship or clinical program is a professional commitment. All students are expected to adhere to a high standard of responsibility, competence, and dedication with regard to all work assigned. Unsatisfactory attendance or lack of professionalism, civility, or respect for your colleagues or supervising attorney may result in lowering of your final grade, involuntary withdrawal from the course, failing the course, or other resolution.
4. When a student has three absences (or two in a one-hour course), the Professor will notify the Assistant Dean for Student Life who will take appropriate action.
5. 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 K. 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 the term. Deans and department chairs must investigate and resolve student

complaints arising from alleged faculty failure to make reasonable accommodation under these guidelines. Note: The University's [Work Restricted Holy Day Policies and Calendar](#) are posted on its website. Information about specific holidays is also available by phone from the Office of the Provost at 852-6153.

## Part L. 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 (including all classes at the University of Louisville, regardless of whether the credit will be applied to the law degree). This means that a full-time student may not work in excess of 20 hours per week while attending the School of Law.

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 M. 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

Grade	Quality Points per Semester Hour
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
WF	0.0

### Part N. 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 are available on a pass/fail basis only. They include externships, work done for the law journals, Extramural Advocacy Competitions, 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 Assistant 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 O. 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 P. 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 Q. 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 Assistant Dean for Student Life showing compelling circumstances.

A student may not retake any course in which the student received a passing grade. Other than required courses, a student may elect to repeat a course in which he or she earned a failing grade (F). The repetition of the course does not remove the prior grade from the student's academic record.

### **Part R. 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 Assistant 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 specifies a last day to withdraw from a class. 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 Assistant Dean for Student Life, in consultation with appropriate faculty, shall determine whether to grant the request.

### **Part S. School of Law Academic Grievance Procedure**

#### **Section I. 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) A grievance filed under this Part is in addition to, and not in lieu of, a complaint involving an ABA standard filed under Part S.

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) preemptory 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 T. Policy on Student Complaints Implicating the Law School's Compliance with ABA Accreditation Standards**

The University of Louisville's Brandeis School of Law is accredited by the American Bar Association's Section of Legal Education and Admissions to the Bar. Law School students who are aware of a problem that directly implicates the Law School's compliance with the ABA's Standards for Approval of Law Schools should direct their communication to the Dean of the Law School. All such communications must be in writing and must state with specificity both the ABA accreditation standard or standards at issue and the factual circumstances that suggest noncompliance.

At his or her discretion, the Dean may refer the matter to other personnel within the Law School or at the University of Louisville. Within 30 days of receiving a written communication identifying a problem that directly implicates the Law School's program of legal education and its compliance with the ABA's Standards for Approval of Law Schools, the Dean shall respond in writing to the student(s) who submitted the communication. That response may take the form of a request for further information enabling the Dean to address the Law School's compliance with the ABA standards at issue. In all events, the Dean's determination shall be final.

The Law School shall maintain a record of all communications received under this policy, including the resolution adopted by the Law School in response to those communications. This record shall be maintained throughout each period of accreditation by the American Bar Association.

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

Students may, with the advanced approval of the Assistant 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 Assistant 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 Assistant 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 V. Seminar Rules**

1. Students having a 2.0 or better average and having completed at least 19 hours may register for seminars.
2. No more than two seminars may be taken in any semester.
3. All seminars have limited enrollment.

4. Both part-time and full-time students are eligible to take seminars, subject to the above rules.

### **Part W. Independent Study Rules**

1. An Independent Study may be for one (1) or two (2) credit hours.
2. With the permission of the Assistant 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. Only students having a 2.0 or better average and at least 19 hours may register for an independent study.
4. Students may apply no more than four (4) credit hours of independent studies toward graduation, unless the Assistant Dean grants a hardship exception.
5. 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.
6. All independent studies must be supervised by a full-time School of Law faculty. However, the faculty member does not have to be the sole supervisor.
7. 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 Assistant Dean may approve the Independent Study in time for the student to register.

### **Part X. Journals**

1. Students may also earn credit for work in connection with one of the journals sponsored by the Law School. To be awarded academic credit, the student's work must be of sufficient quality to merit a grade of "C" or better, as certified by the student's faculty advisor for the course. The amount of credit for various activities and for publication is indicated on the course schedule.
2. A student may not apply toward the J.D. degree more than 7 total hours of credit for journal activity.

### **Part Y. Externship and Clinic Rules**

1. Students may take one externship per 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 Assistant 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.
2. 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).

3. All participants in the Law Clinic, the Entrepreneurship Clinic, and the Criminal Justice, Legal Aid, and Immigration 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.
4. Refer to the Law School's course catalog for externship and clinic prerequisites.
5. Students earning credit through a judicial externship may not earn credit for a second semester judicial externship experience. Students earning credit through an externship other than a judicial externship may enroll in only one additional semester of externship work at the same placement site. Whenever a student enrolls for a second semester experience at the same placement site, the student, faculty, and field supervisor should consult about expectations to foster a meaningful learning experience.

## **Part Z. Extramural Advocacy Rules**

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 extramural advocacy 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 Assistant 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 AA. Law Study Abroad

### Section 1. Study Abroad: General Rules

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All students who wish to apply hours earned abroad to their Law School degree must satisfy all the requirements set forth in Section 2 or 3 below. In addition, they must contact the University of Louisville International Center, and complete all paperwork and other requirements established by the International Center.

### Section 2. Study Abroad Through Another Law School

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Students may take up to thirty (30) hours at an ABA-approved program of foreign law study. Students may enroll for one or two semesters. 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 Assistant 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 3. Individually-Arranged Study Abroad

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The faculty of the University of Louisville Louis D. Brandeis School of Law (the Law School) reaffirms that study of the legal systems and cultures of other countries enhances students' legal education. The Law School has developed relationships with certain foreign law schools. Students who study abroad at these partner schools may qualify for a tuition or other advantage. However, students are also free to arrange for study at non-partner institutions. The Law School intends to allow its students to participate in available educational opportunities at foreign institutions that 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 successful completion of 19 hours in the Law School;
2. A proposed course of foreign study must be approved in advance by the Assistant 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 Assistant Dean for Student Life, satisfy the 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.

## Chapter 4. Law School Technology Policies and Procedures

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

### Part A. Law School Technology and User Accounts

#### Section 1. Law Library Computer Labs

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The Brandeis School of 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 computer workstations, one Westlaw printer, one Lexis-Nexis printer, and one network printer. There are also dedicated laptop printers located outside the first floor lab and in the classroom wing outside room LL75.

Lab computers and printers are maintained by the law school IT Department. Computer lab users may not modify, or attempt to modify, any hardware or software, including installing applications. Computer lab users should not attempt to remedy or repair computer problems, clear printer jams, etc., themselves; and instead should report problems as soon as possible to the IT Help Desk:

Room 119  
502-852-2560  
uofllawit@louisville.edu  
[www.law.louisville.edu/it/helpdesk](http://www.law.louisville.edu/it/helpdesk)

Computer lab users are expected to be considerate of other lab users by keeping conversation and noise to a minimum and not viewing Web pages, images, videos, or audio recordings 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 and Instructional Technology

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The law school IT Department maintains classroom computers and presentation technologies for use by law school faculty, staff and students, University of Louisville users, and guest speakers and lecturers, to enable and enhance the school's teaching mission. Classroom technology users may not modify, or attempt to modify, any hardware, software, or other technologies. Nor should classroom users attempt to remedy or repair problems with those technologies; and instead should report problems as soon as possible to the IT Help Desk:

Room 119  
502-852-2560  
uofllawit@louisville.edu  
[www.law.louisville.edu/it/helpdesk](http://www.law.louisville.edu/it/helpdesk)

Violation of this policy by students may result in loss of the use of law school technology resources, including printing. In addition, violation of this policy or University acceptable use policies may also lead to other sanctions.

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

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The law school IT department maintains desktop computers and printers in certain student organization offices for the exclusive use of those organizations' officers or editors and members. Student organization users may not modify, or attempt to modify, any hardware or software, including installing applications. Student organization users should not attempt to remedy or repair computer problems, clear printer jams, etc., themselves; and instead should report problems as soon as possible to the IT Help Desk:

Room 119  
502-852-2560  
uofllawit@louisville.edu  
Brandeis School of Law IT Help Desk

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 Department of the personal names and UofL user names of all officers or editors and members to whom access to the organization's electronic files should be given each semester or academic year, as appropriate.

Violation of this policy by students may result in loss of the use of law school technology resources, including printing. In addition, violation of this policy or University acceptable use policies may also lead to other sanctions.

### Section 4. User Accounts

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All students' computer accounts, including, but not limited to ULink, CardMail, Active Directory, and *ulsecure*, 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 is governed by the University of Louisville Information Security Office's policies respecting **User Accounts and Acceptable Use** ([security.louisville.edu/PolStds/ISO/PS007.htm](http://security.louisville.edu/PolStds/ISO/PS007.htm)) and **Passwords** ([security.louisville.edu/PolStds/ISO/PS008.htm](http://security.louisville.edu/PolStds/ISO/PS008.htm)).

### Section 5. Notice Concerning Cyber Communities and Online Social Networks

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The Law School recognizes that participation in cyber communities can be used in positive ways to build community on and off campus. However, these outlets may also be used in inappropriate and harmful ways. As future members of the legal profession, law students should conduct themselves in all matters with courtesy, civility, and professionalism. Students should be aware that some online activities may give rise to a complaint under the Student Code of Conduct or the School of Law Honor Code, or might be reported by third parties to relevant bar character and fitness authorities.

## Part B. Printing

### Section 1. Generally

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Violation of any of the rules in this section may result in loss of the use of Computer Lab resources, including printing.

1. Each enrolled law student is allocated five hundred (500) pages of printing credit during fall and spring semesters and one hundred (100) pages during summer semesters.
2. As print jobs sent to Westlaw and Lexis-Nexis printers do not affect printing allocations, students are advised to print Westlaw and LexisNexis research to each service's respective printers.
3. Students may purchase additional printing credit at the Law Resource Center in room 272 during normal business hours, Monday-Friday, 8:30 a.m.-5:30 p.m.
4. 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.
5. Additional printing credit is sold in five dollar (\$5.00) increments of one hundred (100) pages (\$.05 per page).

### 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 or her prints are sufficiently flawed as to make them objectively unusable. All such determinations shall be made by a member of the IT staff. Refunds will be granted only for the number of flawed pages, and not for the entire print job. To receive a refund for an aborted or flawed print job, the student must report the problem immediately to the IT Help Desk:

Room 119  
502-852-2560  
uofllawit@louisville.edu  
www.law.louisville.edu/it/helpdesk

### Section 3. Exceptions

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Exceptions to general printing limits will be granted to the following students in the following circumstances:

#### 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 must 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 in 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 Computing Devices

The law school IT Department can only provide limited support for law students' computing devices, including laptop computers, tablets, smart phones, or other mobile devices. Support is limited to:

- Installation, configuration and troubleshooting of applications specifically required or distributed free of charge by the law school, such as Exam4 and CALI exercises;
- Connecting to the law school's laptop printers;
- Connecting to the University of Louisville's secure wireless network, *ulsecure*. Any student wishing to connect his or her computer to the university's wireless network is responsible for complying with applicable network security standards promulgated by the University of Louisville Information Security Office governing Network Service and Workstation and Computing Devices; and
- Connecting to the law school's laptop printers.

The law school IT Department does not 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. General Information

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The law school 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 law school 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. For each exam on which the use of computers is permitted, 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 on the Brandeis Law Intranet's [Exams on Computer page](#).
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 application, under rules established by the Assistant Dean for Information Technology. Students taking exams on computer acknowledge and accept that if they do not complete the practice exam in strict compliance with the

rules, 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 the law school's Web site and in *The Daily Docket* e-mail newsletter.

## Section 2. Practice Test Requirements

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Each semester, in advance of exams, the law school IT Department will make Exam4 available to 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, , using the applicable version of Exam4; and
4. Submit the practice test by the applicable deadline for doing so. Practice test deadlines each semester will be posted on the law school's Web site and in *The Daily Docket* e-mail newsletter, and each 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 personal 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 for each version of Exam4. No student will have satisfied the practice test requirement whose practice test was not successfully submitted electronically using Exam4 by the applicable deadline.

Any student who experiences difficulty downloading, installing or running Exam4, submitting a practice test, or otherwise complying with these requirements by any published practice test deadline must notify the Assistant Dean for Information Technology on or before the date by which any practice test must be submitted. The Assistant Dean for IT or another member of the IT Department shall make reasonable efforts and/or recommendations to assist the student in complying with the practice test requirement and deadline.

### Exemptions, Extensions and Modifications

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Exemptions from, or extensions or other modifications to, the practice test requirement may only be made for cause by the Assistant Dean for Information Technology upon petition from the student seeking such exemption, extension, or modification. The Assistant Dean for Information Technology shall not grant any exemption from or extension or modification to any practice test requirement unless the student requesting such exemption, extension, or modification has met each of the following conditions:

1. The student has submitted his or her petition for an exemption, extension, or modification to the Assistant Dean for Information Technology on or before the applicable practice test deadline;
2. The student has made a good faith effort to comply with applicable practice test requirements; and
3. Reasonably unforeseeable circumstances prevented the student from complying with the applicable practice test requirements.

### Section 3. Penalties

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Any student who does not comply with the practice test requirements, as detailed above, is not permitted to use Exam4 for any exam for which the applicable practice test was required. By taking any exam using Exam4, a student certifies that he/she has complied with applicable practice test requirements and has received notice from the law school IT Department that he/she has complied with applicable practice test requirements.

Law school IT staff shall refuse to provide technical assistance or support to any student who has not complied with applicable practice test requirements and who attempts to circumvent those requirements by taking any exam using Exam4.

Additionally, law school IT staff shall refuse to provide technical assistance or support, including use of any external storage media, to any student who cannot successfully submit his or her exam electronically and who has failed to supply his or her own USB flash drive on which to save and submit an Exam4 file.

If the identity of any student who has not complied with applicable practice test requirements, as detailed above, and who takes or attempts to take any exam using Exam4 becomes known to a member of the IT staff, the Assistant Dean for Information Technology shall notify the Assistant Dean for Student Life who will note the occurrence in the student's file.

### Section 4. Exam Day Procedures and Support

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#### Before Exams

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Law school IT Department personnel will be available to provide technical support for least one (1) hour before any exam on which students are permitted to take the exam using Exam4, during all such exams and for a reasonable time after any such exam has ended. Each student planning to take an exam using Exam4 must bring:

1. The computer on which he or she has successfully installed and tested Exam4, along with the computer's AC adapter/power supply and fully charged battery or batteries;
2. A functioning 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 using Exam4 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 secure wireless network (*ulsecure*);
3. Open Exam4, provide one's assigned exam number and other information at the appropriate prompts, stop 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.

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

1. Correctly identify himself/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.

No member of the law school IT Department may correct students' mistakes or make other modifications to any Exam4 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 using Exam4 must bring his or her computer and AC adapter/power supply immediately and directly to an on-duty member of the IT Department 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 each exam, the Dean on Duty will return **Exam4 Incident Reports** to the Assistant Dean for Information Technology.

### 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 on-duty member of the IT staff Department, 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 refused technical assistance or support (*see* § 3, Penalties, above).

## Chapter 5. Bad Weather Schedule

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

1. If the University cancels classes for the entire day, all School of Law classes are cancelled.
2. If the University delays the start of classes, the following rules apply:
  - a. All classes scheduled to *end* at or before 10:15 a.m. are cancelled,
  - b. All classes scheduled to *begin* at 10:25 a.m. will meet at their normal time, and
3. If the university cancels evening classes, all School of Law classes beginning at or after 4:15 p.m. are cancelled.
4. Notwithstanding the prior rules, if any delay or cancellation affects only the Belknap campus, Law Clinic and Law Clinic II will meet as scheduled, unless the Clinic Director indicates otherwise.

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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 [www.campuslife.louisville.edu/policies/studentcode.html](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. Some states require disclosure of Honor Code accusations even if the student is ultimately acquitted or charges are dropped.

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 4, 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.

1. 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 Assistant 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, the Assistant Dean for Student Life, and the Special Counsel of the charges as soon as possible. The notification shall advise the accused of the hearing, as described in Article II (2)(h).
- d. Following a determination that reasonable cause exists, the accused, the Honor Council, the Special Counsel, and the Assistant Dean for Student Life should be noticed on all correspondence between the parties.
  - e. 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.
  - f. The Special Counsel may move to dismiss the complaint at any time.
  - g. Throughout the pendency of an Honor Code complaint, the Assistant Dean for Student Life may provide general procedural advice to the Honor Council, the Special Counsel, and the accused.

However, under no circumstances may the Assistant Dean state any opinion concerning the merits of the case.

- h. Hearing. The Hearing shall be conducted using the following procedure:
  - i. The 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. Appointment of the Special Counsel may occur either before or after the case is commenced. The Assistant Dean for Student Life shall take reasonable measures to avoid conflicts of interest.
  - ii. 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.
  - iii. The accused may retain and be represented by counsel.
  - iv. 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)(e). The Chair of the Honor Council may set a later hearing date for good cause.
  - v. 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.
  - vi. 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.
- i. 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.

- j. Report to the Dean

At the close of the Honor Council hearing, the Honor Council shall have 14 days to 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.

- k. Decision 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, the Assistant Dean for Student Life, and the Special Counsel. A file of record will be made of all Honor Council violations.

- l. 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. The course instructor has the discretion to lower the accused's grade, including, but not limited to, changing the grade to an F in response to an Honor Code violation, regardless of whether the resolution of the Honor Code proceeding occurs after the ordinary time for grade changes under Chapter III, Part G of the Student Handbook. All violations of the Honor Code will be reported as part of the character and fitness certification in the bar examination process.

- iii. The Law School shall not award a degree while an Honor Code proceeding is pending.

m. Restriction of the Honor Council

The Honor Council shall under no circumstances individually engage in investigation or discussion concerning any case pending before it.

2. Severability

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

3. 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, August 28, 2012, and on May 7, 2013.*

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

The current version of the University of Louisville [Code of Student Conduct](#) is available on the University's website.

### 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 authority of the individual academic units of the University. Students have the responsibility to follow all regulations outlined in this policy.

### 2. Rationale

The primary purpose for the Code in the University setting is to respond to incidents of non-academic misconduct in a way that is developmentally sound and which creates an environment in which all members of the academic community can live, work, and learn together. The Code is designed to provide educational guidance to those wishing to develop into good citizens and, at the same time, to respond appropriately to aberrant behavior that damages the living learning environment on campus.

Criminal and civil codes are undesirable models for student conduct codes. Unlike society, the University of Louisville is a voluntary association of scholars who demand and deserve a positive and special learning environment, as well as a special approach for enforcing the academic community's standards. 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.

### 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. The Vice President for Student Affairs or his/her designee is the final authority in defining and interpreting the Code of Student Conduct and conduct procedures. The University reserves the right to amend the Code of Student Conduct at any time.

### 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.

The Vice President for Student Affairs or designee 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, hazing and acts or threats of violence against persons.

Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

## **5. Interim Administrative Authority**

The Vice President for Student Affairs, or her/his designee, may defer procedural due process and enforce an interim sanction(s), up to and including interim suspension. This action is taken to; ensure the safety and well-being of members of the University community; to preserve University property; to ensure a student's own physical or emotional safety and wellbeing; or if the student poses an ongoing threat of disruption of the normal operations of the University. Any student who has had interim action taken against him/her will be afforded an Administrative Conduct Meeting or a Conduct Hearing, as soon as it is practical.

## **6. Student Contact Information**

All students are responsible for maintaining their current address, phone number, and emergency contact information with the Registrar's Office. It is also the student's responsibility to frequently monitor their campus email, as this has replaced postal mailing as the university's most effective and efficient way to disseminate important information to the campus community.

## **7. 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. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The University will refer matters to Federal and/or State authorities when appropriate.

## **8. Standard of Proof**

The standard of proof for incidents of non-academic misconduct is a preponderance of evidence. Preponderance of evidence is defined as evidence that a reasonable person would find persuasive or more likely than not to have occurred. The technical rules of evidence applicable to civil and criminal cases shall not apply when resolving incidents as outlined by this Code.

## **9. 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, or if the person is a minor.

- b. The term "days" means business days as defined by the University academic calendar.
- c. The term "distribution" means giving, selling, or exchanging.
- d. 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.
- e. The term "hazing" means any action or situation which recklessly or intentionally endangers mental or physical health; creates an atmosphere of servitude; involves dangerous, demeaning or ridiculing activities; involves the forced consumption of liquor or drugs; for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a group or organization.
- f. The term "intentionally" means a conscious objective to engage in the described conduct; intoxication is not a defense to a charge of intentional misconduct.
- g. The term "notify in writing" means to mail written notice to the student's most recent address of record, or to send electronic notification to the student's official University email account, or to provide a hand written notice to the student in person.
- h. The term "organization" means a number of persons who have complied with the University requirements for recognition.
- i. 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.
- j. 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.
- k. The term "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or participation in a university-sponsored education program or activity; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, or offensive working or educational environment.
- l. The term "stalking" means a course of behavior directed at a specific person(s) involving repeated (two or more occasions) visual or physical proximity, nonconsensual communication, expressed or implied threats of death or bodily harm, or a combination thereof, causing a reasonable person fear. Stalking behaviors may include persistent patterns of leaving or sending the person(s) unwanted items or gifts ranging from seemingly romantic to bizarre. Behaviors may also include following or lying in wait for the person(s), damaging or threatening to harm the person's family, friends or property, defaming the person's character, or harassing the person(s) via the internet or other forms of online and computer communications (i.e. Cyberstalking).



- m. The term "student" means any person admitted or matriculating at the University in any student status, including but not limited to a degree granting program, consortia program, study abroad, professional studies, distance education, or any other University sponsored or sanctioned program. For the purpose of this Code persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls, although not enrolled in this institution.
- n. The terms "University" and "institution" mean the University of Louisville.
- o. The term "University premises" means buildings, grounds owned, leased, operated, controlled, or supervised by the University.
- p. The term "University-sponsored activity" means any activity, on or off campus, which is partially or fully funded or supervised by the University.
- q. 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; sharp tools such as axes; billy or nightstick; blackjack or slapjack; nunchaku karate stick; shuriken or death star; and artificial knuckles made from metal, plastic or similar hard material.
- r. The term "week" means five (5) business days as defined by the University academic calendar.
- s. The term "University official" includes any person employed by or contracted to provide services for the University of Louisville, performing assigned administrative or professional responsibilities
- t. 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.

## **10. Prohibited Conduct**

Any student found to have committed or to have attempted to commit the following prohibited conduct is subject to the conduct sanctions outlined in section 12:

- a. Intentionally or recklessly causing physical harm to another person or to self.
- b. Unauthorized use, possession, or storage of any weapon, ammunition, or realistic replica of a 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.
- d. Intentionally or recklessly disrupting normal University functions and processes, University-sponsored activities, or any function, process or activity on University premises including, but not limited to: studying, learning, teaching, public speaking, meetings, research, approved

- demonstrations, University business operations, processes or administration, or fire, police, or other 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.
  - 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.
  - i. Unauthorized possession of an open container of an alcoholic beverage.
  - j. Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of distribution.
  - k. Misrepresenting information or furnishing false information to a University official.
  - l. Forging, altering, misrepresenting, counterfeiting, or misusing any University (1) document, (2) identification/authentication method/mechanism or (3) access device or process.
  - m. Intentionally and substantially interfering with the freedom of expression of others.
  - 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 property or the property of others.
  - p. Failure to comply with the reasonable 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 University Officials.
  - r. Unauthorized presence on or use of University premises, facilities, or property.
  - s. Unauthorized use, possession, or storage of fireworks; incendiary, dangerous, or noxious devices or materials; or chemicals that could pose a health risk, either by themselves or in conjunction with other chemicals.
  - t. The use of actions or speech to express or suggest intent to physically injure an individual(s), or causing a person to have a reasonable apprehension that harm may occur.
  - u. Intentionally engaging in sexual conduct with another person without the consent of that person.
  - v. Engaging in sexual harassment.

- w. Hazing, encouraging, facilitating or allowing hazing by any organization or by any individual on behalf of an organization or group (recognized or not recognized by the university), or visitor within the University of Louisville community. The express or implied consent of the individual will not be a defense. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of this rule.
- x. Intentionally exposing genitals, buttocks, or breasts in a public place without University authorization.
- y. Appearing in a public place 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 prohibited conduct described in section 10.
- cc. Participating in a demonstration, riot or activity that disrupts the normal operations of the University and /or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and or normal activities.
- dd. Transmitting, recording or photographing the image or voice of another person without his/her knowledge or consent while in an environment that is considered private or where there is an expectation of privacy, such as a residence or bathroom.
- ee. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, or without reasonable explanation.
- ff. Failing to report immediately any serious health or safety risk to the Police, the Dean of Students Office or other appropriate University personnel.
- gg. Intentionally or recklessly stalking another person.

## **II. 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. If the incident occurred in University Housing the student should be referred to the appropriate Housing staff member. The Dean of Students Office in consultation with Housing staff will determine when an incident that occurred in University Housing should be resolved by the Dean of Students Office.

Anyone wishing to report an alleged incident of nonacademic misconduct, as specified in Section 10, 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 his/her designee will decide whether to proceed by an Administrative Conduct Meeting with the accused student or to proceed by a Conduct Hearing. In either case the accused student will be notified in writing of the charges. The written notice will include the date, time, and place of the Conduct Meeting or Conduct Hearing. All matters which would result in a sanction less severe than suspension or expulsion will be resolved in an Administrative Conduct Meeting unless the Dean of Students decides that a hearing is warranted. An Administrative Conduct Meeting is a meeting between the accused student and the Assistant Dean of Students or his/her designee. It is a meeting designed to provide the accused student an opportunity to give his/her account of the incident in question, to think critically and reflect on the behavior and decisions that led to this situation, and to discuss alternative options for the future. If the University Representative determines that the student violated the Code, a sanction can be imposed during the meeting. If the accused student fails to appear at a Conduct Meeting or Conduct Hearing, the meeting or hearing may be held in their absences, with determination of violation(s) and sanction(s) being imposed. All matters for which revocation of admission or degree, withholding a degree, suspension or expulsions are possible outcomes will be resolved in a Conduct Hearing. Students may waive their right to a Conduct Hearing and may elect to have their case resolved through an Administrative Conduct Meeting. 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.

A Student Conduct Hearing Board will be utilized in all Conduct Hearings. The Hearing Board will be composed of three members chosen from a pool of trained students, faculty and staff that serve as members of the Student Conduct Hearing Council. 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.

### **11.1. Conduct Hearing Procedures**

When incidents occur that involve more than one accused student the Dean of Students representative, in his or her discretion may permit the hearing concerning each student to be conducted jointly or separately. 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, will 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. A representative from the Dean of Student office will serve as the Hearing Official and preside over the hearing. The hearing shall be informal; strict rules of evidence will not apply. The hearing will 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 participation. Concerns for personal safety, well-being and or fears of confrontation of the complainant, accused student, and/or other witness during the hearing may be accommodated by providing a visual screen; by permitting participation by phone, videophone; or other means where and as determined in the sole judgment of the Hearing Official.

All procedural questions are subject to the final decision of the Hearing Official.

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 accused student or the complainant fail to appear at the hearing, the hearing may be held in either or both of their absences.
- b. Present information 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 will 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 specifically asked to do so by the hearing official. The advisor may confer and give advice to the student in a quiet, confidential and non-disruptive manner.
- d. Question their own witnesses and ask the hearing official to direct questions to other witnesses who provide information at the hearing.
- e. No character witnesses or information regarding behavior not relevant to the incident in question will be considered in a hearing.
- f. The accused student and the complainant may request a pre-hearing conference prior to the conduct hearing.

## 11.2 Hearing Decision

Within three (3) days after the date of the hearing the hearing official on behalf of the hearing board will make a written recommendation to the Dean of Students. The Dean of Students or designee will review the recommendation and will issue a written decision within ten (10) days of receiving the recommendation. The written decision will include information regarding appeal procedures if there is an option for appeal. The complainant will receive notification of the hearing decision as allowed by law and institutional policy.

## 12. Conduct Sanctions

If it is determined at the Administrative Conduct Meeting or Conduct Hearing that the accused student has committed conduct prohibited in Section 10, the Dean of Students or designee will impose an appropriate sanction(s) which may include but is not limited to 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. Conduct Restrictions: Limiting of certain privileges or practices of the individual(s) involved in the prohibited conduct for a designated period of time. This may include but is not limited to the following: status and participation in any and all organized University activities; restriction of use of university facilities, services and resources; or restriction of contact with specific students, faculty and staff.
- c. Conduct 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. Fines: Previously established fines may be imposed.
- e. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions: Counseling, residence hall relocation, work assignments, essays, service requirements, educational assignments, or other related discretionary assignments.
- g. Residence Hall Suspension: Separation of the student from University housing or affiliated housing for a period of time. Conditions for readmission may be specified.
- h. Residence Hall Expulsion: Permanent separation of the student from University housing or affiliated housing.
- i. Conduct Suspension: Immediate exclusion from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- j. Conduct Expulsion: Immediate, permanent exclusion from the University subject only to readmission by the Vice President for Student Affairs (VPSA) of the University as outlined in section 14.
- k. Revocation of Admission and/or Degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Degree revocation is subject to approval by the Board of Trustees.
- l. Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation.

When a 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 may be increased in severity.

### **12.1. Separation from the University**

In any case which results in separation from the University, withholding a degree, or revoking a degree, the Dean of Students Office will notify the dean of the academic unit in which the student has been enrolled and other appropriate University officials.

### **13. Appeals**

The accused student or complainant may appeal the Hearing Decision issued against the accused student. The accused student may only appeal a sanction of revocation of admission or degree, withholding a degree, suspension or expulsion.

The Vice President for Student Affairs or designee will review relevant information and render a final decision on the matter. In order to request such an appeal, the student must submit a written request for

"Appeal Review", outlining the reason for the appeal to the Office of the Vice President for Student Affairs within ten (10) days of receiving the Hearing Decision of the Dean of Students.

The student may request an appeal for one or all of the following reasons:

- a. whether the hearing was conducted fairly and in accordance with the procedures outlined in this Code of Student Conduct;
- b. whether there was sufficient information presented at the hearing that a violation of the prohibited conduct section occurred.;
- c. whether the sanction(s) imposed was 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.

### **13.1. Separation from the University Pending Appeal**

In cases where the sanction(s) imposed on the student involves suspension or expulsion, the VPSA may exclude the student from the University property during the pendency of the appeal.

### **13.2. 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 sanction(s) imposed.
- b. Alter the sanction imposed by the Dean of Students by reducing or increasing the severity of the sanction(s).
- c. Remand the case to the Dean of Students for further consideration.
- d. Reverse the Hearing Decision of the Dean of Students.

The decision of the VPSA will be transmitted in writing to the appealing student and to the Dean of Students within fourteen (14) days of the receipt of the appeal. The complainant will be notified of the Appeal Review decision as allowed by law and institutional policy.

The decision of the Vice President for Student Affairs or designee on all conduct hearing appeals is the final decision of the University.

## **14. 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 Vice President for Student Affairs will review relevant information and make a final decision. Factors to be considered in review of such a petition will 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

### **15. Good Samaritan Consideration**

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the Code of Student Conduct. To minimize any hesitation students or student organizations may have in obtaining help due to these concerns, the University has enacted the following "good Samaritan" provision.

Although policy violations cannot be overlooked, the University will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. In such cases, any possible negative consequences for the reporter of the problem should be evaluated against the possible negative consequences for the student who needed assistance. At a minimum, students or student organizations should make an anonymous report that would put the student in need in touch with emergency care providers (Police EMS). Examples where this policy would apply include:

1. A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.
2. A student is reluctant to report that he/she has been sexually assaulted because he/she had been consuming alcohol and is under the age of 21.

For further information or for clarification of the Code of Student Conduct please contact the Dean of Students Office, W301 Student Activities Center University of Louisville (502) 852-5787.



## 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.



## Appendix 5. University of Louisville Discriminatory and Sexual Harassment Policies

### PER-1.02 [Sexual Harassment Policy](#)

The current version of the [Student Sexual Misconduct Policy](#) is available on the University's website.

The University of Louisville strives to maintain the campus free of all forms of illegal discrimination as a place of work and study for faculty, staff, and students.

Sexual harassment is unacceptable and unlawful conduct and will not be tolerated in the workplace and the educational environment.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or participation in a university-sponsored education program or activity; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Faculty, staff, students, and administrators must adhere to this anti-harassment policy. The Provost, Vice Presidents, Deans, Directors, and heads of departments, divisions, and offices are specifically responsible within their particular organizations for publicizing, implementing, and enforcing this policy.

### **Retaliation**

Discrimination in any University employment or academic decision against persons who seek redress under the procedures outlines below is prohibited.

### **Disciplinary Action**

If an individual is shown to have violated the sexual harassment policy, the individual will be subject, depending upon the seriousness of the violation, to disciplinary action up to and including termination of employment or expulsion from the University.

The Provost, Vice Presidents, Deans, Directors, and heads of departments, divisions, and offices are required to enforce this policy. Failure to do so constitutes a violation subject to separate disciplinary action.

### **Procedures**

If you believe you have been a victim of sexual harassment, there are two ways to seek assistance. Procedures are outlined on the [HR-Affirmative Action website](#).

## **PER-1.10 Discriminatory Harassment Policy**

The University of Louisville's Discriminatory Harassment Policy reflects the commitment to maintain a community that is free from harassment of any kind. Harassment of any kind is not acceptable at the university. It is inconsistent with the university's commitment to excellence and respect for all individuals. The university is also committed to protecting the academic freedom and freedom of expression of all members of the university community. Academic freedom and freedom of expression includes, but is not limited to, the expression of ideas, however controversial, in the classroom, residence hall, and in keeping with different responsibilities, in work places elsewhere in the university community. This policy does not attempt to address behaviors that do not constitute discriminatory harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or office as outlined in the Staff Handbook, Redbook, or Student Handbook.

### **DEFINITION**

Discriminatory harassment is contrary to University of Louisville policy and may also be illegal. The university defines discriminatory harassment as:

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.

A person must be in a position of authority to act on behalf of the university (for example, a supervisor with respect to an employee, or a faculty member with respect to a student) for parts 2 or 3 above to be applicable. Part 1, however, does not require that a person misuse university-delegated authority, and applies whenever such conduct by any person while on university grounds or during university activities interferes with work or academic performance or participation in university activities, or creates a working or learning environment that would be threatening or intimidating to any reasonable person under the same circumstances.

Nothing herein overrides existing university policy, or circumscribes the authority of the university to establish policy that is not otherwise contrary to law.

### **EXAMPLES**

Discriminatory harassment can take many forms, and determining whether an action constitutes discriminatory harassment requires examining all of the circumstances. Each situation must be promptly reviewed and appropriate action taken. The following are examples of behavior that should be reported for review under this policy:

- Frequent taunting on the basis of an individual's association with people of a particular national origin or race;
- The oral use of offensive epithets, slurs, or comments aimed at a particular person or group, or the use of offensive gestures, pictures, body parts, drawings, and other items based on age, color, disability, gender (whether or not sexual in nature), national or ethnic origin, race, religion, sexual orientation, or veteran status;
- Teasing or mocking a person with a disability whether mental or physical;
- Ridiculing a person's religious beliefs;
- Persisting in requests for dates after being told they are unwelcome;
- Evaluating an employee or student more critically than performance warrants because the employee or student objected to a sexual advance (refer to consensual relations policy);
- Sending unwelcome mail, voice mail or e-mail containing derogatory jokes or comments;
- Displaying or sending mail, email, web sites or voice mail that are pornographic in nature;
- Touching that goes beyond acceptable workplace or classroom interaction, meaning that a reasonable person would find it objectionable;
- Repeated references to sex in the classroom or class assignments when there is no relationship between the reference and the content of the course.

## RESPONDING TO HARASSMENT

If you believe you are experiencing treatment that violates this policy, you may take the following steps:

1. If possible, clearly tell the harasser to stop. Record what happened, the action you took, and the date of the incident.
2. If you cannot or do not wish to confront the harasser, or your efforts did not stop the conduct, you may contact your supervisor, the department chair, a faculty or academic advisor, the Division of Student Affairs, the Women's Center, or the Office of the University Provost for help.
3. You may also contact the Staff Development and Employee Relations Office (502) 852-6536 or (502) 852-6538 at any time whether or not you have taken the above steps. The Affirmative Action/Employee Relations Office is the university office responsible for receiving and addressing discriminatory harassment complaints. You may seek informal help or information from the Affirmative Action/Employee Relations Office, or you may file a formal complaint. Information on the complaint process is provided below.
4. Some forms of harassment may violate federal and state laws, and a complainant or respondent may choose to invoke external processes to resolve their grievances. Such individuals may contact the appropriate state and local agency, the Equal Employment Opportunity Commission, the United States Department of Education, the Office for Civil Rights, or the Kentucky Commission on Human Rights.
5. **Note:** The university maintains a fair and responsive method for reporting and addressing complaints of discriminatory harassment. Prompt reporting and your assistance is critical to allow rapid response by the university and resolution of the objectionable behavior.

Responsibilities of those in a Supervisory Capacity: Vice Presidents, deans, department heads, managers, supervisors, Resident Directors, and Resident Assistants are responsible for communicating the university's policy on discriminatory harassment and are obligated to take action when they observe or hear of incidents that may violate this policy. A supervisor must:

1. Provide information regarding the university's Discriminatory Harassment Policy and offer options for addressing a complaint.
2. Take action suitable to the circumstances, which may include among other things, talking to persons involved or witnesses, examining other evidence, or arranging for training through the Staff Development and Employee Relations Office at (502) 852-6536.
3. Contact the Staff Development and Employee Relations Office at (502) 852-6536 or (502) 852-6536, for assistance or to refer matters that have not been resolved.
4. Ensure that persons who have raised concerns of discriminatory harassment in good faith are not subject to retaliation.
5. Monitor situations that have been addressed, and follow-up if necessary.
6. Record the complaint and submit to the Affirmative Action Office. Include any action that was taken.
7. **Note:** Those in a supervisory capacity who do not appropriately handle reports or incidents of discriminatory harassment, or fail to report them to the Affirmative Action/Employee Relations Office, may be subject to disciplinary action.

#### THE UNIVERSITY OF LOUISVILLE'S FORMAL COMPLAINT PROCESS

Formal complaints of discriminatory harassment may be filed with the Affirmative Action/Employee Relations Office. The procedures for processing harassment complaints are described in the Discrimination Complaint Procedures.

The Affirmative Action/Employee Relations Office requires that complaints be in writing and made within 180 days of the last alleged discriminatory action. In certain circumstances, complaints filed outside of this time limit or that are not in writing may be investigated informally, and all other time limits contained in these procedures may be extended for good cause.

The Affirmative Action/Employee Relations Office will:

1. Respond to every complaint of discriminatory harassment;
2. Act impartially whether an investigation is conducted or not, act impartially considering the interests of all parties;
3. Information regarding an allegation of discriminatory harassment and the parties involved is kept as confidential as possible and shared only with those who have a legitimate reason to know;
4. In the case of formal complaints that are not resolved through mediation, issue a report to the respondent, the complainant, and the relevant Vice President/Dean containing findings and conclusions, and recommending appropriate action depending upon the circumstances. If a faculty member is the respondent, a copy will also be issued to the University Provost.

Discriminatory harassment of students by other students is addressed by certain provisions in the Student Handbook under the Code of Student Conduct and is administered by the Office of Student Life.

Complaints may be brought to that office without first going through the Affirmative Action/Employee Relations Office. The Affirmative Action/Employee Relations Office will refer complaints of student-to-student discriminatory harassment to the Office of Student Life. The Code of Student Conduct can be viewed at: <http://louisville.edu/dos/policies-and-procedures/rso-code-of-conduct.html>

## REMEDIES

Persons found to have violated the provisions set forth in the university's Discriminatory Harassment Policy will be subject to disciplinary action and penalties as set forth in the University of Louisville Policies and Procedures as outlined in the Redbook, Staff Handbook, and Student Handbook. These penalties include, but are not limited to, suspension, demotion, termination, or in the case of students, dismissal. In addition, violation of the university's Discriminatory Harassment Policy may be subject to liabilities available under state and federal law. Other corrective action such as counseling or training; and steps such as reinstatement, hiring, reassignment, promotion, training, back pay or other benefits may be taken as are necessary.

## TRAINING AND EDUCATION

Education and training are fundamental to maintaining an environment free of discriminatory harassment. Managers, supervisors, deans, directors, and department heads and those in a supervisory capacity are responsible for informing those employees who are under their direction or supervision of this Policy. Student Life administrators are responsible for providing this information to the student body.

The Affirmative Action/Employee Relations Office is responsible for providing educational and training programs to assist members of the university community in understanding what discriminatory harassment is and is not, and how to address behavior that violates this Policy. Specifically, the Affirmative Action/Employee Relations Office will distribute copies of this Policy to all schools, departments and programs at the university, and will give workshops and seminars on this subject. The Affirmative Action/Employee Relations Office will maintain a brochure that explains in simple, understandable terms the university's policy and procedures concerning discriminatory harassment, and will place copies of the brochure in Human Resources and at other offices to which persons are likely to go for counseling and advice regarding discriminatory harassment.

To schedule training, call the Affirmative Action/Employee Relations Office at (502) 852-6536.

Questions about this Policy should be directed to Harvey Johnson, Director, Affirmative Action/Employee Relations, (502) 852-6538 or e-mail [h0john01@louisville.edu](mailto:h0john01@louisville.edu).