

# **UNIVERSITY OF LOUISVILLE**

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

### **STUDENT HANDBOOK**

**This handbook was last revised in September 2009. It contains degree requirements, academic regulations, information regarding student rights, responsibilities and discipline, student-related University policies and directory information about faculty, staff, and administration. 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 University of Louisville School of Law does not discriminate against persons on the basis of race, religion, sex, age, disability, color, national origin, or sexual orientation.**

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

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

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

September 2009

Dear Students:

Welcome to the University of Louisville Louis D. Brandeis School of Law. We at the School of Law – the faculty, staff, and administration – recognize that your presence here is our reason for being here, and we have a firm commitment to your success.

You are about to embark on a new career path that begins with the process of learning to think critically about the law. That 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, the goal of which is to simplify day-to-day operations, and to bring consistency and fairness to their application.

Lawyers are governed by a professional code of ethics. Our expectation is that from your first day here until you graduate, you will conduct yourself not only as a conscientious Brandeis law student, but as a member of a learned profession. Remember: starting today, you are building the reputation that you will carry with you throughout your professional life. Your classmates today are your colleagues at the Bar tomorrow.

This Handbook has been prepared to help you in navigating your way through the procedural aspects of the School of Law. 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 efficacy when they are disregarded arbitrarily or too often. For this reason, the burden of justifying any such exception is on the individual seeking it. At times, you may feel this is harsh or rigid, 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 door will be open to you as much as I can possibly keep it that way!

We look forward to getting to know all of you during your years at the School of Law.

Sincerely,

Kathleen S. Bean  
Professor of Law  
Associate Dean for Student Life

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# I. DIRECTORY INFORMATION

## A. Faculty, Administrative Offices, and Law Library

### 1. Law Faculty

|                          |   |          |
|--------------------------|---|----------|
| Leslie W. Abramson       | Frost Brown Todd Professor of Law   | 852-6385 |
| Craig A. (Tony) Arnold   | Herbert F. Boehl Professor of Property & Land Use                                       | 852-6388 |
| Linda J. Barris          | Visiting Assistant Professor of Law   | 852-6375 |
| Kathleen S. Bean         | Associate Dean and Professor of Law   | 852-5646 |
| R. Thomas Blackburn, Jr. | Associate Dean and Professor of Law   | 852-6384 |
| James Ming Chen          | Dean and Professor of Law   | 852-6879 |
| John T. Cross            | Grosscurth Professor of Intellectual Property Law                                       | 852-0850 |
| Susan H. Duncan          | Associate Professor of Law  | 852-6373 |
| David J. Ensign          | Law Librarian and Professor of Law  | 852-6879 |
| Linda Sorenson Ewald     | Professor of Law  | 852-7362 |
| Judith D. Fischer        | Assistant Professor of Law  | 852-6974 |
| Grace M. Giesel          | James R. Merritt Professor of Law   | 852-6382 |
| Timothy S. Hall          | Professor of Law  | 852-6830 |
| James T. R. Jones        | Professor of Law  | 852-6973 |
| Karen A. Jordan          | Professor of Law  | 852-5292 |
| Norvie L. Lay            | Professor of Law  | 852-6374 |
| David J. Leibson         | Bernard Flexner Professor of Law  | 852-6378 |
| Jill Wieber Lens         | Visiting Assistant Professor  | 852-5817 |
| Ariana R. Levinson       | Assistant Professor of Law  | 852-0794 |
| Samuel A. Marcossou      | Professor of Law  | 852-6369 |
| Luke M. Milligan         | Assistant Professor of Law  | 852-7939 |
| Lisa H. Nicholson        | Professor of Law  | 852-7166 |
| Richard H. Nowka         | Wyatt Tarrant & Combs Professor of Law  | 852-6386 |
| Emily Parento            | Visiting Assistant Professor  | 852-5563 |
| Cedric M. Powell         | Professor of Law  | 852-6363 |
| Edwin R. Render          | Professor of Law  | 852-6380 |
| Laura Rothstein          | Professor of Law and Distinguished University Scholar                                   | 852-6288 |
| Mark A. Rothstein        | Herbert F. Boehl Professor of Law and Medicine,<br>and Distinguished University Scholar | 852-4982 |
| Shelley Santry           | Assistant Professor of Law and Clinic Director  | 410-5103 |
| Lars S. Smith            | Samuel J. Stallings Professor of Law  | 852-7273 |
| Robert L. Stenger        | Professor of Law  | 852-6638 |
| Joseph A. Tomain         | Visiting Assistant Professor  | 852-8859 |
| Enid F. Trucios-Haynes   | Professor of Law  | 852-7694 |
| Manning G. Warren III    | Harold Edward Harter Professor of Law   | 852-7265 |
| Russell L. Weaver        | Professor of Law and Distinguished University Scholar                                   | 852-6559 |

## 2. Administrative Offices

### Office of the Dean

|                 |                                 |          |
|-----------------|---------------------------------|----------|
| James Ming Chen | Dean                            | 852-6879 |
| Becky Wimberg   | Assistant to the Dean           | 852-6879 |
| Bob Micou       | Development Director            | 852-3036 |
| Matt Williams   | Development Assistant Director  | 852-6381 |
| Vicki Tencer    | Unit Business Manager           | 852-6092 |
| Peggy Bratcher  | Administrative Associate        | 852-1669 |
| Marilyn Peters  | Faculty Secretary               | 852-6389 |
| Becky Wenning   | Supervisor, Law Resource Center | 852-1230 |
| Janet Sullivan  | Executive Secretary             | 852-7872 |

### Office of the Associate Dean for Academic Affairs

|                  |                                     |          |
|------------------|-------------------------------------|----------|
| Thomas Blackburn | Associate Dean for Academic Affairs | 852-6384 |
| Rita Siegwald    | Administrative Assistant            | 852-6361 |

### Office of the Associate Dean for Student Life

|                  |                                 |          |
|------------------|---------------------------------|----------|
| Kathleen S. Bean | Associate Dean for Student Life | 852-6361 |
| Rita Siegwald    | Administrative Assistant        | 852-6361 |

### Office of Admissions

|                  |                          |          |
|------------------|--------------------------|----------|
| Brandon Hamilton | Assistant Dean           | 852-6365 |
| Angela Beverly   | Admission Counselor      | 852-6391 |
| Charlene Taylor  | Administrative Assistant | 852-6364 |

### Office of the Assistant Dean for Career Services and Samuel L. Greenebaum Public Service Program

|              |                                     |          |
|--------------|-------------------------------------|----------|
| Kathy Urbach | Assistant Dean                      | 852-6096 |
| Debra Reh    | Program Assistant – Career Services | 852-6368 |
| Jina Scinta  | Program Assistant – Public Service  | 852-5647 |

### Office of the Assistant Dean for Information Technology

|  |   |          |
|--|---|----------|
| James A. Becker                          | Assistant Dean for Information Technology | 852-6084 |
| Joe Leitsch                              | Technology Support Specialist             | 852-2560 |
| <i>Student Assistants:</i>               |   |          |
| Josh Edlin, Student Technology Support   |   | 852-3541 |
| John Shelman, Student Technology Support |   |          |

### Office of Student Records

|                     |                      |          |
|---------------------|----------------------|----------|
| Barbara A. Thompson | Academic Coordinator | 852-6367 |
|---------------------|----------------------|----------|

### Office of Academic Success Services

|                     |          |          |
|---------------------|----------|----------|
| Kimberly K. Ballard | Director | 852-8956 |
|---------------------|----------|----------|

### 3. Law Library Faculty and Staff

|                          |  |          |
|--------------------------|--|----------|
| David J. Ensign          | Professor of Law and Law Librarian   | 852-6058 |
| Kurt X. Metzmeier        | Associate Professor of Legal Bibliography<br>and Law Librarian                               | 852-6082 |
| Robin R. Harris          | Professor of Legal Bibliography<br>and Public Services Librarian                             | 852-6083 |
| P. Scott Campbell        | Associate Professor of Legal Bibliography<br>and Technical Services Librarian                | 852-6074 |
| William A. Hilyerd       | Associate Professor of Legal Bibliography and<br>Research and Reference Services Coordinator | 852-6080 |
| Virginia M. Smith        | Assistant Professor of Legal Bibliography<br>and Computer Services Librarian                 | 852-2075 |
| Jodi Duce                | Unit Business Manager  | 852-6073 |
| Miriam Schusler-Williams | Circulation Manager  | 852-0729 |
| Nancy Baker              | Program Assistant  | 852-6393 |
| David Minton             | Library Assistant  | 852-6055 |
| Janissa Moore            | Library Assistant  | 852-6085 |
| Michael Ben-Avraham      | Library Assistant  | 852-0736 |
| Jerome Neukirch          | Circulation Assistant  | 852-0729 |
| Tami Sexton              | Serials/Circulation Assistant  | 852-0171 |

## B. Selected University Offices

**Affirmative Action**  
Dean of Students  
Office, SAC W301  
852-6538 and 852-5787

**Athletic Ticket Office**  
E301 SAC  
852-5151

**Bursar**  
Houchens Building  
852-6503

**Commuter Student Services Office**  
105 Davidson Hall  
852-7070

**Counseling Center**  
Student Health Bldg.  
852-6585

**Cultural Center**  
Across from College of Education  
852-6656

**Disability Resources Center (DRC)**  
120 Robbins Hall  
852-6938

**Financial Aid**  
110 Houchens Building  
852-5511

**Health Services Center**  
Student Health and Counseling Building  
2207 S. Brook Street  
852-6479

**International Center**  
Brodschi Hall  
852-6602

**Intramural Sports and Recreation**  
SAC Room E102  
852-6707  
852-6709 Fax

**Law School Resource Center**  
Room 272  
852-1230 or 852-6389

**Law Library**  
Law School  
852-6393

**Lost and Found**  
Law Library  
852-0729  
Career Services  
852-6096

**Office for Lesbian, Gay, Bisexual & Transgender (LGBT) Services**  
104 Red Barn  
852-0696

**Office of Minority Affairs**  
120 E. Brandeis Street  
852-6656

**Parking Office (Belknap)**  
2126 S. Floyd Street  
852-7275

**PEACC Program**  
(Prevention Education and Advocacy on Campus and in the Community)  
100 Student Health Bldg  
852-2663

**Postal Services (Belknap)**  
Houchens Building  
852-6699

**Public Safety (Belknap)**  
2126 S. Floyd Street  
852-6111

**Registrar's Office**  
36 Houchens Building  
852-6522

**Student Activities Office**  
SAC Room W310  
852-6691  
852-7332 Fax

**Student Affairs,**  
Vice President  
W 302 SAC  
852-57876933

**Student Bar Association**  
Law School, room 245 852-6398

**Student Government Association (SGA)**  
W310 SAC  
852-6695

**Health**  
Student Health and Counseling Building  
852-6479

**Student Legal Advisor**  
105 Davidson Hall  
Student Center Rm 12  
852-7587

**University Archives**  
Ekstrom Library  
852-6674

**Women's Center**  
Administrative Annex  
852-8976



## II. 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:

### A. Credit Hours

Each Juris Doctor candidate must complete at least 90 semester hours of course work. Transfer students must complete the last 30 hours at the University of Louisville.

### 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.

### C. Courses Required for Graduation

All students must pass the following: all courses in the basic full-time curriculum consisting of Basic Legal Skills, Civil Procedure I and II, Contracts I and II, Criminal Law, Legal Research, Property I and II, and Torts I and II; Professional Responsibility; and Introduction to Lawyering Skills; Constitutional Law I and II; at least one perspective course (e.g., Comparative Constitutional Law, European Union Law, International Law, Jurisprudence, Law and Economic Analysis, Law and Literature, Women and the Law, Race and the Law, or Legal History); the Upper Division Writing Requirement (see below); at least 24 hours of “core” courses (Administrative Law; Basic Income Taxation; Business Organizations; Conflict of Laws; Criminal Procedure: Constitutional Issues; Criminal Procedure: Judicial Process; Decedents’ Estates and Trusts; Domestic Relations; Estate and Gift Taxation; Evidence; Negotiable Instruments; and Secured Transactions); and such other courses as the faculty may place on the required list. Please refer to the Graduation Requirement Checklist provided by the Student Records Office.

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

| <u>Fall Semester</u> | <u>Spring Semester</u>    |
|----------------------|---------------------------|
| Basic Legal Skills   | Basic Legal Skills        |
| Legal Research       | Criminal Law              |
| Contracts I          | Contracts II              |
| Torts I              | Torts II                  |
| Property I           | Property II               |
| Civil Procedure I    | Civil Procedure II        |
|                      | Introduction to Lawyering |

The first-year curriculum for students in the part-time program consists of the following required courses:

Fall Semester  
Basic Legal Skills  
Legal Research

Spring Semester  
Basic Legal Skills  
Introduction to Lawyering

In addition, part-time students must take at least two of the following two-semester first year required courses.

Contracts I  
Torts I  
Property I  
Civil Procedure I

Contracts II  
Torts II  
Property II  
Civil Procedure II

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

Contracts I  
Torts I  
Property I  
Civil Procedure I

Contracts II  
Torts II  
Property II  
Civil Procedure II  
Criminal Law

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

All beginning students, both full- and part-time, must take the complement of first-year courses prescribed by the faculty, as set out above. First-year students will not be permitted to reduce their course loads during their first year of study. If, however, a first-year student demonstrates, in a timely manner, compelling circumstances that require a course-load reduction, the Associate Dean of Student Life may authorize an appropriate schedule adjustment if it is in the best interest of the student's law school education. There is a presumption against course-load reduction, and in most circumstances the student will be advised to take a leave of absence from the School of Law.

Model Plans:

- (a) **To graduate in the traditional three-year program** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills, Contracts I and II; Torts I and II; Property I and II; Civil Procedure I and II; and Criminal law, leaving approximately 15-16 hours a semester to graduate in three years.
- (b) **To graduate in four years** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills, and three additional

year-long foundational courses, leaving approximately 11-12 credit hours per semester to graduate in four years.

- (c) **To graduate in five years** students will take in the first year Legal Research, Basic Legal Skills, Introduction to Lawyering Skills, and two additional year-long foundational courses, leaving approximately 9-10 credit hours per semester to graduate in five years.

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

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

**2. The rules and guidelines in this paragraph apply to students matriculating in 2008 or earlier:** Evening part-time students must complete Property I and II and Criminal Law in the evening part-time section. Evening part-time students must take Property I and II during the second year. Evening part-time students must take Criminal Law in the second or third year, in accordance with the rolling two-year evening class schedule. All first-year requirements must be completed in the section (day or evening) in which the student initially enrolled. If Criminal Law is not offered after 5:00 p.m. in the year an evening part-time student takes Property I and II, a student who has transferred to the full-time day program may request permission to take Criminal Law in a day section. Permission will be granted based on availability.

#### **D. Computer Competency**

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

#### **E. Public Service Requirement**

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

#### **F. Upper Division Writing Requirement**

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

1. The writing requirement may be fulfilled by writing:

- a. a research paper for a writing seminar, involving significant legal research, organization, and analysis; or
- b. a note involving significant legal research, organization, and analysis and capable of being published for the *University of Louisville Law Review* or the *Journal of Animal and Environmental Law*; or
- c. a note or comment accepted for publication in another law review and certified by the Associate Dean for Student Life as involving significant legal research, organization, and analysis and as meeting the writing requirement; or
- d. 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 Section 1.d., 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.

- 2. With respect to seminar papers or course work in fulfillment of the writing requirement:
  - a. to ensure that the topic of the paper provides an opportunity for substantial research, the teacher should either choose the topic or be actively involved in the choice of a topic;
  - b. to provide for an adequate educational experience, the student shall submit a draft of the paper which shall be reviewed by the teacher, whereupon a consultation between the teacher and the student shall be scheduled in which the draft is reviewed and suggestions for improvements made; and
  - c. the paper must not have been used in a previous course nor have been prepared for publication in a law review.
- 3. To meet the writing requirement, a paper, *University of Louisville Law Review* note or comment, *Journal of Animal and Environmental Law* note or comment, or brief or memorandum, must span at least twenty-five (25) pages, exclusive of footnotes or endnotes, and must be supported by footnotes. A paper submitted in a seminar, as well as one submitted for journal publication, must be typed.
- 4. 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.

## **G. Course Load and Completion of Studies**

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

the part-time student in four or five years. The School of Law discourages the acceleration of completion of requirements for graduation.

## **H. 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). All candidates for degrees, whether or not participating in Commencement, must apply for degrees according to the deadlines published by the University.

## **I. 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.

## **J. Double Competence Programs**

In recognition of the interdisciplinary nature to the law, the law school offers a number of dual competence programs providing students an opportunity to earn two degrees in a reduced period of time. Generally, law students may apply to a dual degree program prior to completing 45 hours of course work. Applicants must be admitted independently to both schools. **Students must complete the requirements for both degrees before either degree is awarded.** Students interested in any of these programs should consult the Associate Dean for Student Life. Students may not transfer hours earned before matriculation in the School of Law.

### **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, plus summers. Students must be admitted to both the College of Business and Public Administration and the School of Law and obtain the approval of the Associate/Assistant Deans before entering this program. Students are required to take at least 81 hours in the School of Law and 27 hours in the College of Business and Public Administration, and nine credit hours from the COBPA, in courses approved by the law school, can be counted as electives in the School of Law.

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

As a joint venture, the Brandeis School of Law and the Louisville Presbyterian Theological Seminary offer a double competence program leading to both a JD and MDiv degree. Generally, students complete one year of seminary study before beginning law classes. Applicants interested in this program should contact the Theological Seminary, as several options are available. Students are required to take at least 81 hours in the School of Law and 60 hours in the Seminary, and nine hours from each program can be counted as electives in the other program.

### **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 48 hours in the MSSW curriculum. Nine credit hours from the Kent School, in courses approved by the law school, may be applied as electives toward the J.D. degree.

### **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, and nine hours from each program can be counted as electives in the other program.

### **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 hours from each program can be counted as electives in the other program.

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

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

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

The dual degree program in Bioethics and Medical Humanities is offered jointly with the U of L Graduate School, Department of Philosophy, and Division of Medical Humanities and Ethics. It is intended for law students who wish to add expertise in bioethics to enhance their future professional, educational, and scholarly pursuits. Applicants must be admitted to both the Graduate School and the School of Law. Students are required to take at least 81 hours in the School of Law and nine hours from the Bioethics program can be counted as electives in the other program.

## **K. Policy for Law Students Who Want to Take Courses Outside the Law School Curriculum**

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

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

## **L. Admission to the Bar**

As soon as possible after deciding to study law, a student is urged to investigate the rules governing admission to the bar in the state in which he or she intends to practice. The rules of many states require registration upon beginning the study of law. **Compliance with bar admission requirements is the sole responsibility of the student.** NOTE: Any applicant who plans to sit for the Kentucky bar must have passed the multistate bar exam on professional responsibility before sitting for the Kentucky bar. Information regarding the Kentucky Bar Examination may be obtained from Kentucky Board of Bar Examiners, Suite X, 1510 Newtown Pike, Lexington, KY 40511; <http://www.kyoba.org/>. See Supreme Court Rule 2.014 for further details. The Associate Dean's Office can provide the addresses of bar examiners throughout the United States.

### III. ACADEMIC REGULATIONS

#### A. General Rules

1. No credit is given for work done in *absentia*. However, with the prior approval of the Associate Dean for Student Life, a student may take a limited number of course hours at another ABA approved law school and receive credit toward graduation from the School of Law. A student will only receive credit for courses approved by the Associate Dean for Student Life and in which a grade of C or higher is earned. The grades received at another law school will not be included in the law school grade point calculation.
2. No student will be permitted to register for more than 16 class hours per week in the full-time division or 12 hours in the evening part-time division without special permission of the Associate Dean.
3. After the first year, any student enrolled must take a minimum of six credit hours per semester. Any student enrolled in more than thirteen (13) credit hours in any semester shall be considered a full-time student.

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

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

Only students who matriculated in 2008 or earlier may be in the part-time evening section.

4. Students enrolled in the School of Law are not permitted to enroll in any other college or school of this University or in any other institution of learning without the consent of the Associate Dean for Student Life.
5. All beginning students, both full- and part-time, must take the complement of first-year courses prescribed by the faculty, as set out earlier. First-year students will not be permitted to reduce their course load during their first year of study. If, however, a first-year student demonstrates, in a timely manner, compelling circumstances that require a course-load reduction, the Associate 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, and in most circumstances the student will be advised to take a leave of absence from the School of Law.
6. Part-time evening students must complete Property I and II and Criminal Law in the part-time evening division. Part-time evening students must take Property I and

II during the second year. Part-time evening students will take Criminal Law in the second or third year, in accordance with the rolling two-year part-time evening division schedule. For students matriculating before 2009, all first year requirements must be completed in the division in which the student initially enrolled. If Criminal Law is not offered in the year a student takes Property I and II in the evening part-time division, a student who has transferred to the full-time division may request permission to take Criminal Law in the full-time division. Permission will be granted based on availability.

## **B. Good Standing/Dismissal/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 5 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 but does not remove the quality point deficiency in the probation semester 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.)
8. Any student on probation who fails to register or withdraws without a leave of absence shall be dismissed from the School of Law.

### **C. Law School Reinstatement and Probation Rules**

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

Appeal to the Reinstatement and Probation Committee

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

### **D. Academic Advising**

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

### **E. Examinations**

1. In order to receive credit in any course, the student must attain a grade not lower than "D-". Credit will not be given for any course unless the examination or other evaluative mechanism is passed. (Special rules apply to the writing requirement and pass/fail courses).

2. Students are not permitted to take examinations in courses for which they have not registered.
3. Students may take exams only in authorized locations. The faculty policy regarding examinations is as follows:
  - A. In order to avoid any appearance of impropriety, all exams, unless otherwise limited by faculty, must be taken in the classrooms of the School of Law or other specially designated computer rooms. A student who is taking an exam in an approved alternate location may close the door,
  - B. All other areas of the school, including but not limited to the library, student offices, restrooms, and faculty offices should not be used to take exams. Under special circumstances, the Associate Dean's Office may authorize a student to take an exam in an area not normally permitted.
4. If sickness or other adjudged good cause results in a student's failure to take the regularly scheduled examination in any subject, the Associate Dean for Student Life may authorize a make-up examination during the regularly scheduled make-up period, or the Associate Dean and the faculty member involved will arrive at a mutually agreeable date for a make-up examination. All make-up exams and incomplete or deferred grades must be approved by the Associate Dean for Student Life by the last day of class for the applicable semester, except when the basis for the request occurs later, e.g., illness on the day of the exam.
5. A student has an exam conflict and may reschedule an exam if he or she has more than one examination scheduled to begin within 12 hours of one another. All rescheduled and make-up examinations must be approved by the Associate Dean for Student Life. If a professor and student want to schedule a make-up exam on a day other than the make-up day, they may do so with the approval of the Associate Dean for Student Life only after the Associate Dean for Student Life has determined that there is an exam conflict. In such event, the make-up exam may not be given before the regularly scheduled exam and it must be administered by the faculty member. The Student Records Office will administer make-up exams that are scheduled on the regular make-up days.
6. Make-up examinations must be scheduled **after** the regular examination date. In no event will a student be permitted to take a make-up examination prior to the regular examination time as reflected in the examination schedule. Because of our exam software license, the School of Law cannot guarantee that students scheduling make-up exams which extend beyond the official examination period will be able to use computers to take those exams.

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

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

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

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

## **H. Student Records Policy**

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

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

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

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

## **I. Attendance and Classroom Performance**

The right to take examinations, as well as the privilege of continuing as a student in the School of Law, is conditioned on regular attendance and satisfactory participation in class work. Unsatisfactory attendance or unsatisfactory classroom performance may result in lowering of your final grade for the course, involuntary withdrawal from the course, failing the course, or other resolution.

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.

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.

There are no excused absences, except as provided by University policy. When a student has three absences (or two in an one-hour course), the Professor will notify the Associate Dean for Student Life who will take appropriate action.

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.

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

Federal law and University policy prohibit discrimination on the basis of religious belief. Students who observe work-restricted religious holidays must be allowed to do so without jeopardizing their academic standing in any course. Faculty are obliged to accommodate students' requests for adjustments in course work on the grounds of religious observance, provided that the students make requests in writing during the first two weeks of term. Deans and department chairs must investigate and resolve student complaints arising from alleged faculty failure to make reasonable accommodation under these guidelines. Note: A calendar of typical work-restricted holidays is available at:

<http://www.louisville.edu/ur/onpi/infoctr/wr.html>. Information about specific holidays is also available by phone from the University Multi-ethnic and Cross-cultural Programs at 852-8867.

### **K. Outside Employment**

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

A student may be considered a full-time student only if the student devotes substantially all of his or her working hours to the study of law. Under ABA Standard 304, a student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours. This means that a full-time student may not work in excess of twenty (20) hours per week while attending the School of Law. Any student taking more than 12 hours in any semester cannot work more than 20 hours per week during that semester. Students are required to report their employment to the Student Records Office.

Violations of 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.

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.

## L. Grade Reports and Grading Scale

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

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

## M. Calculation of Grade Point Average

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

1. The law school faculty has adopted a policy whereby certain courses, seminars and externships are available on a pass/fail basis only. They include externships, *University of Louisville Law Review*, Extramural Advocacy Competition, and other designated courses that do not lend themselves to traditional evaluation.
2. In addition to the above, upper-level students may elect to take a seminar or independent study on a pass/fail basis with the permission of the instructor and the Associate Dean for Student Life if there is substantial basis for assessing the student's performance independent of a terminal exam. 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.

### **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.

### **O. Failure in a Required Course**

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

### **P. Repeating a Failed Course**

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

### **Q. Official Withdrawal Required**

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

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

## **R. School of Law Academic Grievance Procedure**

### **Section 1. Introduction**

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

There shall be a School of Law Student Academic Grievance Committee, hereinafter referred to as the Committee, which shall have the power to hear all grievances involving academic matters other than (a) substantive grade appeals and (b) matters falling within

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

To assist the student, a Student Grievance Officer shall be provided who is responsible for informing students of their rights and obligations under the grievance procedure and especially the deadlines that have been established. The Student Grievance Officer shall seek to resolve informally as many grievances as possible. (Redbook, Sec. 6.8.2). Students are encouraged to seek the assistance of the Student Grievance Officer at any stage of the grievance process. The Associate Dean for Academic Affairs is the contact person in the law school.

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

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**

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**

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

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

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 therefor 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**

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**

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**

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.

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

Students may, with the advanced approval of the Associate Dean for Student Life, earn a limited number of hours at another ABA accredited law school. This may be done by visiting another

school for one or two semester(s) or a summer term, or by participating in an approved international program. Credit will be given only in courses approved of by the Associate Dean for Student Life and in which the student earns a grade of C or higher. Neither the course name nor the grade will be posted on the student's official transcript.

### **T. Seminar Rules**

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

### **U. Externship and Clinic Rules**

1. Students may not register for more than one externship per semester and may not apply more than 8 hours of externship, Law Clinic, and Extramural Advocacy Competition (934) credit toward the 90 hours necessary for graduation. (See Extramural Advocacy Rules below). All participants in the Law Clinic and the Criminal Justice, Judicial, Legal Aid, Tax, and Domestic Violence Externships must be certified under the Kentucky Student Practice Rule and must have completed 60 hours. Applications for certification must be submitted by the deadline established by the Student Records Office. The instructor may refuse applications submitted after the deadline. All externships are pass/fail.
2. Students who enroll in the Judicial Externship must have completed Evidence and Civil Procedure. Students in the Criminal Justice Externship must have completed Criminal Law, Criminal Procedure: Constitutional Issues, and Evidence. Constitutional Law and Criminal Procedure: Judicial Process are strongly suggested. Students who enroll in the Clinic must have completed Professional Responsibility or take it as a co-requisite.

### **V. Extramural Advocacy Rules**

Upon approval of the faculty, students may earn academic credit for participation in extramural advocacy competitions. Such competitions must involve both written and oral advocacy. So much as competition rules permit, students must perform under substantial, continuous supervision and instruction by an advisor, a full-time law faculty member or adjunct appointed by the Associate Dean for Academic Affairs, who shall evaluate each student's written and oral performance, 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 four (4) 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. 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).

## **W. Law Study Abroad**

### **1. Study Abroad through Another Law School**

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

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

### **2. Study Abroad at our Partner Institutions**

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

1. Students in good standing at the Law School may spend no more than two semesters of study at any foreign institution after completion of their first year of study;
2. A proposed course of foreign study must be approved in advance by the Associate Dean for Student Life, and must comply with the ABA Criteria for Student Study at a Foreign Institute (the *ABA Criteria*);
3. Students may earn no more than 30 credit hours towards the J.D. degree outside the Law School. This includes credit hours from foreign institutions, other ABA-approved law schools as a visiting student, and graduate-level courses taken outside the Law School;
4. In order to count credit hours earned under this rule toward the J.D. degree, students must earn grades of the equivalent of C or higher. Credit hours will be applied towards the J.D. degree on a pass-fail basis, and grades earned will not be reflected in a student's GPA or class rank.
5. No more than six (6) students may undertake study at any particular foreign institution within the three-year period including the current academic year and the two previous academic years;
6. A full-time faculty member at the Law School familiar with the course of study at the foreign institution must act as sponsor of the student's foreign study;
7. Courses taken at a foreign institution may, in appropriate circumstances and with the

- approval of the Associate Dean for Student Life, satisfy the student's Perspective Course requirement. They may not satisfy the student's Upper Division Writing Requirement or other specific graduation requirements of the School of Law;
8. Credit will be given only for approved academic coursework at foreign institutions, and not for foreign externships;
  9. Ordinarily, foreign courses of study will only be approved at institutions with which the Law School has an existing working relationship;
  10. Student study at foreign institutions must comply with all other rules promulgated from time to time by the Law School administration for purposes of compliance with the *ABA Criteria*.

## **X. Bad Weather Schedule**

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

1) We will cancel classes up to a certain time and begin with our full class schedule at that point. For instance, if we delay opening until 10:00 a.m., all classes that begin before 10:00 a.m. will be cancelled. Classes meeting at 10:00 a.m. and later will meet at their regular times and will include the full instruction period.

2) For purposes of this policy, evening classes will be defined as any classes beginning at or after 4:15 p.m.

3) Please note that the University will provide official school closing information in the following ways: A notice at the top of the University home page, [www.louisville.edu](http://www.louisville.edu); e-mails sent to all students and employees on their Groupwise accounts; a recorded message at 852-5555.

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

## **IV. SCHOOL OF LAW HONOR CODE**

### **A. Explanation**

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

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

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

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

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

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

## **B. Honor Code**

### **Preamble**

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

### **Article I. Standard of Conduct**

- 1) A student who knowingly does any of the following may be disciplined under this Honor Code:
  - a) Violating any standard of academic conduct established by University policy. See Appendix A, Code of Student Rights and Responsibilities.
  - 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.<sup>1</sup>
- 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.

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<sup>1</sup>Model Rules of Professional Conduct (1998).

- 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
    - (a) 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.
    - (b) 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.
    - (c) If the regular member is unable to serve for any reason in any case, one of the remaining alternates is to serve instead for that case.
  - e) Internal Organization and Operation of the Honor Council
 

The Honor Council shall have the power:

    - i To enact needed rules and regulations for the operation of the Honor Council which are not inconsistent with this Honor Code; and
    - ii To propose amendments to the Honor Code as it is determined necessary.
- 2) Enforcement Procedure
  - a) Complaint
    - i Anyone who obtains credible knowledge that a violation has occurred shall report the alleged violation to a member of the Honor Council or the Associate Dean for Student Life in an oral or written complaint. Except under extraordinary circumstances, the report shall be made within a reasonable amount of time not to exceed three weeks after gaining knowledge of the alleged violation(s). The complainant who made an oral report shall submit to the Honor Council a signed, detailed report of the allegations.
    - ii The written complaint shall contain a statement of the facts forming the basis of the complaint including, but not limited to, the name of the accused, the time and place of the incident, and the name(s) of any witness(es).
    - iii After alleging a violation the complainant should avoid discussion of the alleged violation with persons other than members of the Honor Council, the Special Counsel, and the accused.
  - b) Reasonable Cause Determination
    - i The Honor Council shall meet to determine if there is reasonable cause to believe there has been a violation of this Honor Code.
    - ii Except in extraordinary circumstances, the hearing shall be held within seven days after receipt of the written complaint. In no event, however, shall the hearing be held later than thirty days after the receipt of the written complaint.
    - iii The Honor Council shall determine if the accused, the complainant and /or any other witness(es) shall be present.
    - iv If the Honor Council determines no reasonable cause exists, it shall immediately

dismiss the complaint. Notice of the dismissal shall be given only to the complainant, and, if the accused attended the reasonable cause hearing, to the accused.

c) Notice to the Accused

If the Honor Council determines that reasonable cause exists, it shall notify, in writing, the accused, the complainant and the Assistant Dean of the charges as soon as possible. The notification shall advise the accused of the hearing, as described in Article II(B)(5).

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

e) The Special Counsel may move to dismiss the complaint at any time.

f) Hearing

The Hearing shall be in accordance with the following procedure:

i Immediately after notification of the reasonable cause determination, the Assistant Dean shall appoint a full-time member of the Louis D. Brandeis School of Law faculty or law library faculty as a Special Counsel to present the case to the Honor Council. The Assistant Dean and the Special Counsel shall not have any communication with the Dean, with reference to the case, so long as the case remains unresolved. The accused may retain and be represented by counsel.

ii The Honor Council shall hold the hearing between ten and twenty days after notification of the accused unless the hearing is postponed under Article II(B)(4). The Chair of the Honor Council may set a later hearing date for good cause.

iii The hearing shall be conducted as follows:

(a) 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.

(b) The Special Counsel shall present the case to the Honor Council. The accused shall have the opportunity to respond to the charges.

(c) 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.

(d) Upon its own initiative or upon request of either the Special Counsel or the accused, the Honor Council may request witnesses to appear before it or may request materials be produced to it.

iv The hearing shall be closed to all but those authorized by the Honor Council.

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

g) Determination of an Honor Code Violation

i At the close of the proceeding, the Honor Council shall vote by secret ballot to determine its recommendation(s).

ii A member shall vote that there has been a violation if he or she believes that such violation has occurred by a preponderance of the evidence

iii If a majority of the Honor Council finds a violation, the Honor Council shall then recommend an appropriate sanction, if any.

h) Report to the Dean

The Honor Council shall report its finding to the Dean, which shall include the vote of

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

i) Decisions of the Dean

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

j) Sanctions

i If the Dean determines that a violation has occurred, he or she may impose one or more of the following sanctions, as the Dean deems appropriate:

(a) Noting the violation in the student's file;

(b) 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;

(c) Placing the student on probation for a time certain;

(d) Suspending the student from law school classes for a time certain;

(e) Dismissing the student; and

(f) The Dean may impose any other sanction, so long as the Special Counsel and the accused have a reasonable opportunity to express their views on it. ii If the Dean concludes that a violation occurred in connection with a specific law school course, the Dean shall notify the course instructor of the violation. The disposition of any Honor Code violation involving a law school course is independent from a student's grade in that course. All violations of the Honor Code will be reported as part of the character and fitness certification in the bar examination process.

k) Restriction of the Honor Council

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

3) Severability

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

4) Effective Date

This Honor Code is effective as of November 16, 1999.

Approved by the faculty on November 15, 1999.

*Italicized information is administrative clarification added August 22, 2003.*

## **V. LAW SCHOOL TECHNOLOGY POLICIES AND PROCEDURES**

### **A. Law Library Lab, Student Organization Office and Classroom Computers**

The Law Library Computer Labs are available for use by all students of the Louis D. Brandeis

School of Law. In order to keep the labs functioning smoothly, everyone must abide by the following rules. Please remember to show consideration to others using the computer labs by keeping conversation to a minimum and not viewing Web pages or images that may be offensive to others. Those who violate the policies below may be subject to loss of computer lab privileges.

### **User Accounts**

- (a) Do not allow anyone, including family members, to use your user name and password to log on to the lab computers. If a non-law student needs to use a computer, he or she may use one of the public access computers in the Law Library Reading Room.
- (b) You must log off the computers when you are done using them.

### **Computer Maintenance**

- (a) Students are not permitted to download or install any programs or services, including but not limited to Napster, iTunes, AOL Instant Messenger, etc., on School of Law computers or their network storage space (Z:\ drive).
- (b) Put your name on any portable storage media (e.g., floppy or compact disks, USB drives) you use.
- (c) If you get any on-screen messages about viruses or spyware, immediately inform a law school IT staff member or, if working in a Law Library lab, someone at the Circulation Desk. Some may be legitimate, some may be illegitimate Web browser pop-up ads, but it is always wise to err on the side of caution.
- (d) Most computer viruses are spread through electronic mail. Minimize the threat posed by viruses by being careful about e-mail attachments you open.
- (e) Students are permitted to store up to 10 megabytes (MB) of data on their Z:\ drives. Students who store more than that will be required to delete data until its cumulative size is 10 MB or less.

### **Printing**

#### **Generally**

Each student is limited to 500 pages per semester (Fall and Spring semesters\*) on the Law Library computer lab printers. This policy does not affect Westlaw and Lexis printers. Students may use the pay-for UniPrint system at any University Computing Center.

#### **Acceptable Use Guidelines**

All printing is subject to the School of Law's acceptable use guidelines, as follows:

#### **Acceptable Uses**

- Law school related word processing documents, spreadsheets and/or presentations;
- Résumés (limited to a couple copies at a time);
- Research-related Web pages;
- Short e-mail messages (limited to one page or less in length).

#### **Unacceptable Uses**

- Westlaw and/or LexisNexis research (should be directed to Westlaw or LexisNexis printers);
- Recreational Web pages, such as stock market reports, sports statistics, travel or shopping information, etc. (anything not law school-related);
- Multiple copies of law school related documents, including announcements or flyers for student organization-sponsored events. (Print one and make photocopies);
- Multiple drafts (Do your editing on the screen);
- Print-outs for friends or family members;
- Any other non-law school projects.

### **Exceptions**

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

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

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

#### **Research Assistants**

Faculty research assistants will be permitted access to a printer in the Resource Center. This printer should only be used for printing related to one's work as a research assistant.

#### **"The Printer Ate My Print Job."**

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

Three violations of the printing policy will result in loss of printing privileges for the remainder of the academic year in which the violations occur. Violation of this policy may also lead to loss of computer lab privileges or implementation of fees for printing.

## **B. Examinations on Computer**

The Law School permits students to use laptop computers to take examinations, subject to faculty approval. Students must provide their own computer which meets or exceeds hardware and software requirements for the exam software, and a portable storage device (generally a USB drive) for storage and submission of completed exams. The Law School cannot and does not guarantee compatibility between the exam software and any particular student's computer. Students taking exams on computer acknowledge and accept that in cases of pertinent software or hardware problems, they may be required to take or complete an exam by hand in approved

bluebooks if problems cannot be corrected within a reasonable time.

Detailed information about the use of computers on law school exams will be issued by the Law School's IT Staff and the Associate Dean for Student Life. The instructions provided may vary from semester to semester depending on the technical requirements of the particular software package being used by the Law School for administration of exams. Students are responsible for complying with all published procedures for the use of computers on exams.

Prior to the start of final exams each semester, the Administration will provide students with notice of room assignments and other administrative information for computer exam takers and those hand writing their exams.

### **C. Support for Student-Owned Computers**

#### **Software**

The School of Law IT staff will provide support to law students for the installation, configuration and troubleshooting of certain applications specifically required or distributed free of charge by the University of Louisville or the School of Law, including:

- Symantec Antivirus
- Exam4
- CALI Lessons

The School of Law IT staff is not obligated to support any operating system or software application not specifically named above. Students are urged to obtain support, as needed, from their computer's manufacturer or software vendor, whichever is appropriate.

#### **Hardware**

The School of Law IT staff will not support student-owned computer hardware, including portable storage media. Students are urged to obtain support, as needed, from their computer's manufacturer or hardware vendor, whichever is appropriate. In addition, students may obtain both warranty and non-warranty service from iTech Xpress, the University of Louisville's retail computing store.

#### **Wireless Network Security**

(a) In order to protect the integrity of the University of Louisville's wireless network and computers accessing that network, including the student's own computer, any student wanting access to the University of Louisville's wireless network, including that part of the network installed in the School of Law, must authenticate using his/her ULink credentials (i.e., user name and password).

(b) All students are strongly encouraged to install the University-distributed version of Symantec Antivirus. In many cases, this will require that the student uninstall other antivirus and/or antispyware applications previously installed on the student's computer.

## **VI. UNIVERSITY OF LOUISVILLE POLICIES**

## **A. 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.

## **B. University of Louisville Code of Student Conduct**

### **1. Coverage**

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

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

### **2. Rationale**

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

### **3. Interpretation of Code**

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

#### **4. Inherent Authority**

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

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

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

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

#### **6. Standard of Proof**

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

#### **7. Definitions when used in this Code**

- a.** The term "consent" means freely given agreement by a competent person. A person is deemed incompetent to give consent when that person is under such an incapacitation that he or she does not appreciate the nature of the consent.
- b.** The term "distribution" means giving, selling, or exchanging.
- c.** The term "group" means a number of persons who are associated with each other and who have not complied with University requirements for recognition as an organization.
- d.** The term "intentionally" means a conscious objective to engage in the described conduct; intoxication is not a defense to a charge of intentional misconduct.
- e.** The terms "notify in writing" or "transmit in writing" mean to mail written notice to the student's most recent address of record or to hand written notice to the student in person.
- f.** The term "organization" means a number of persons who have complied with the University requirements for recognition.
- g.** The term "reckless" means conduct which could reasonably be expected to create a substantial risk of harm to a person(s) or property, or which would be likely to result in interference with normal University or University-sponsored activities.

**h.** The term "sexual conduct" means sexual intercourse, anal intercourse, fellatio, cunnilingus, touching of the genitals, breast, buttocks, or inner thighs or any other physical conduct or touching of a sexual nature.

**i.** The term Discriminatory Harassment means

1. Behavior of any type (oral, written, graphic, physical) that creates a "hostile environment." Hostile environment harassment includes, but is not limited to, unwelcome comments or conduct that have the purpose of unreasonably interfering with an individual's work or academic performance, participation in a sponsored university activity, or creating an intimidating, hostile or offensive working or learning environment that a reasonable person would find threatening or intimidating;
2. The behavior is directed at persons because of their race, color, national or ethnic origin, religion, gender (whether or not sexual in nature), age, disability, veteran status, or sexual orientation, unless otherwise permitted or required by applicable law; or
3. Employment or academic decisions made in retaliation for a person's unwillingness to submit to such conduct, or benefits or privileges provided as a result of such submission; or participation in a university, state, or federal discrimination investigation AND, which also unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find threatening or intimidating.

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

**k.** The terms "University" and "institution" mean the University of Louisville.

**l.** The term "University premises" means buildings, grounds owned, leased, operated, controlled, or supervised by the University.

**m.** The term "University-sponsored activity" means any activity, on or off campus, which is funded or supervised by the University.

**n.** The term "weapon" means any object or substance designed to inflict a wound, cause injury or incapacitate including, but not limited to, any weapon from which a shot readily capable of producing death or serious injury may be discharged; any knife other than an ordinary pocket knife; billy or nightstick; blackjack or slapjack; nunchaku karate stick; shuriken or death star; and artificial knuckles made from metal, plastic or similar hard material.

**o.** The term "days" means business days as defined by the University calendar.

**p.** The term "week" means five (5) business days as defined by the University calendar.

**q.** The term "hearing official(s)" means person(s) designated by the Dean of Students Office to hold an administrative hearing.

**r.** The term "University resources" means supplies, equipment, or technology services (e.g., computers, disk storage, software, voice communications (local or long distance,) network) which are owned, leased operated, controlled, supervised, or provided by the University via University supplied resources. These resources may be funded in part by state funds.

## **8. Prohibited Conduct**

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

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

(opening and closing hours) and use of University facilities and resources, traffic and parking regulations, sale, consumption or misuse of alcoholic beverages, and misuse of identification cards.

**r.** Unauthorized presence on or use of University premises, facilities, or property including camping, building a fire, or use of an unauthorized heating, cooking or electrical devices.

**s.** Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials on University premises or at University-sponsored activities.

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

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

**v.** Engaging in discriminatory harassment.

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

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

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

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

**aa.** Intentionally filing a false complaint under this Code.

**bb.** Aiding or abetting any conduct described above.

## **9. Discipline Procedures**

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

Anyone wishing to report an alleged incident on nonacademic misconduct, as specified in Section 8, may make such report in writing to the Dean of Students Office, which shall

determine whether any action should be taken in response to the report. If it is determined that action should be taken, the Dean of Students or the Assistant Dean of Students or his or her designee(s) will decide whether to proceed by an informal meeting with the accused student or to proceed by a hearing.

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

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

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

### **9.1. Suspension Pending Investigation**

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

### **9.2. Hearing Procedures**

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

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

**a.** Be present at the hearing. However, if either or both of the student and the complainant fail to appear at the hearing, the hearing may be held in either or both of their absences.

**b.** Present evidence by witness, or by affidavit or written statement witnessed by the Dean of Students Office staff if a witness is unable to attend the hearing. It is the responsibility of the

accused student and the complainant to notify their witnesses of the date, time, and place of the hearing. If witnesses fail to appear, the hearing shall be held in their absence.

**c.** Bring an advisor to the hearing. The advisor, however, may not participate in examination of witnesses or presentation of materials or information to the hearing official(s), unless asked to do so by the hearing official(s).

**d.** Question all witnesses who give evidence at the hearing.

### **9.3.3 Hearing Decision**

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

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

### **9.4. Disciplinary Measures**

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

**a.** Reprimand: Notice of violation of specified regulations and warning that further such conduct may result in a more severe disciplinary action.

**b.** Disciplinary Restrictions: Limiting of certain privileges or practices of the individual(s) involved in the offense.

**c.** Disciplinary Probation: Imposition of conditions or restrictions on the individual(s) involved, with warning of more severe action if further infractions occur (or if probation is violated).

**d.** Disciplinary Dismissal: Immediate exclusion from the University with student ineligible for readmission until the lapse of one or more regular terms, as specified.

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

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

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

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

### **9.5. Separation from the University**

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

### **10. Appeals**

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

In order to request such an appeal, the student must submit a written request for either appeal ("Appeal Review" or "Student Appeal Board Review") to the Office of the Vice President for Student Affairs within ten (10) days of receiving the Hearing Decision of the Dean of Students.

This written request shall indicate which appeal option the student prefers. Both appeal options provided for in this subsection shall be decided upon the record of the original proceeding and upon written briefs submitted by the student and the Dean of Students Office.

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

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

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

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

#### **10.2. University Student Appeals Board**

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



disciplinary proceedings initiated against its law students. This information will be included as part of the character and fitness certification process.

### **C. *THE REDBOOK* - Chapter Six**

Student Governance and Student Affairs Administration

#### **Article 6.1 The Students of the University**

A "student" is 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, or a person in a residency program of the School of Medicine or the School of Dentistry.

#### **Article 6.2 Admission of Students**

The faculty of each academic unit shall establish admission requirements based on the objectives of the unit and the course of study offered. For interdisciplinary degree programs and tracks, this academic authority will be shared among the faculties of the participating units as specified in the Bylaws of the School of Interdisciplinary and Graduate Studies. The selection of students shall be made in accordance with University regulations and also in conformity with federal, state, and local laws.

#### **Article 6.3 Rights and Responsibilities of Students**

A. Each student has the responsibility to become acquainted with and shall follow all rules and regulations of the University and of the academic unit in which the student is enrolled. The official publications outlining the University rules applicable to students shall be accessible to all students, and the provisions therein shall be uniformly applied to the students affected.

The Office of the President in consultation with the Student, Staff, and Faculty Senates shall establish a Code of Student Rights and Responsibilities, which shall be transmitted to the Board of Trustees for its approval.

B. Except as otherwise provided in this Chapter, all students enrolled in Masters and Doctoral Programs shall have the rights and privileges of students enrolled in The School of Interdisciplinary and Graduate Studies.

#### **Article 6.4 Access to Documents**

Students shall have access to their own student records in accordance with federal, state, and University regulations. Other access to student records shall be limited in accordance with University regulations and with federal and state laws.

### **Article 6.5 University of Louisville Student Government**

- A. The Student Government Association through the Student Senate is responsible for eliciting and expressing the opinions, suggestions, and recommendations of the student body of the University of Louisville. The Student Senate shall be responsible for continuing review of University policies and documents affecting students and shall make recommendations concerning these matters. The Student Senate shall determine the rules and procedures of the Student Government Association and shall be responsible for chartering and revoking charters of student organizations in accordance with the requirements for recognition established by the University. The Student Government Association and the Student Senate shall operate under a written constitution and bylaws, as adopted by the Student Senate and subject to approval by the President of the University. These documents shall be available for inspection upon request in the Offices of the Student Government Association and the Vice President for Student Affairs.
- B. The President of the Student Government Association is the President of the Student Body by virtue of a University-wide election.
- C. The Faculty Senate and Staff Senate shall select from their respective memberships one ex officio member and one ex officio alternate member of the Student Senate. The alternate member shall have the right of the floor, but shall have no vote unless the voting member from that Senate is absent.

### **Article 6.6 Academic Review, Advancement, Probation, and Dismissal of Students**

#### Sec. 6.6.1 Academic Authority

The academic authority of the University in all matters involving academic status of each student shall be vested in the academic unit in which the student is enrolled. The authority over an individual course rests with the academic unit in which it is offered.

### Sec. 6.6.2 Course Grading

The authority for the determination of grades in any course shall rest with the faculty of the academic unit offering the course. Each student shall have the right to discuss any grade with the appropriate faculty member or academic dean in accordance with the procedure of the academic unit.

### Sec. 6.6.3 Degree Status

Each academic unit shall be charged with the responsibility and authority to make academic determinations as to continuation in a degree or other program, probation, or permanent or temporary dismissal of students. Such determination shall be made upon evaluation of the student's academic performance and demonstrated fitness to continue in the program in accordance with promulgated standards established by the unit. Academic dishonesty in any form, including plagiarism, forgery, or cheating, reflects detrimentally upon the fitness of a student to continue in a program.

When an academic unit makes a decision recommending action which results in a change of a student's academic status, the appropriate dean shall notify the student. The student shall have the right to discuss this matter with the proper person from that academic unit and follow such procedures as may have been established by that unit. A representative of the unit shall meet informally with the student and shall explain the basis of the academic decision. The academic unit shall keep as a part of the student's record a notation of any academic determination other than promotion or unqualified continuation in a program, with such record to contain a brief statement of the reasons for such action as discussed with the student and a statement of the date of the informal meeting as well as a list of the names of the persons attending that meeting.

## **Article 6.7 Nonacademic Disciplinary Procedures (Article 6.7 as revised by the Board of Trustees, 4/2001)**

### Sec. 6.7.1 General Responsibility, Procedures and Types of Discipline

The general responsibility for nonacademic discipline of all students enrolled in the University of Louisville shall be vested in the Office of the Vice President for Student Affairs. This office shall work closely with the deans of the various academic units.

Upon notice of an alleged offense the Office of the Vice President for Student Affairs shall determine the facts of the case. If the facts indicate that an offense has been committed, the Office of the Vice President for Student Affairs shall afford the student an opportunity to offer an explanation if such opportunity has not already been afforded. The office may also provide a hearing, depending upon the circumstances of the case. The hearing may be conducted by a hearing officer or other designated person within the Office of the Vice President for Student Affairs who may render a decision on the matter or a hearing panel which will make a recommendation on the matter to a designated person within the Office of the Vice President for Student Affairs.

If therein the student is found to have committed an offense, an appropriate disciplinary measure shall be imposed by the Office of the Vice President for Student Affairs from among the following:

1. **Reprimand:** Notice of violation of specified regulations and warning that further such conduct may result in more severe disciplinary action.
2. **Disciplinary Restrictions:** Limiting of certain privileges or practices of the individuals involved in the offense.
3. **Disciplinary Probation:** Imposition of conditions on the individuals involved, with warning of possible graver action if further infractions occur (or if probation is violated).
4. **Disciplinary Dismissal:** Immediate exclusion from the University with student ineligible for readmission until the lapse of one or more regular terms, as specified.
5. **Disciplinary Expulsion:** Immediate, permanent exclusion from the University subject only to readmission by the Board of Trustees of the University.
6. (*REV.10/28/96*) Restitution, public service, counseling or other assessments, educational programs or other measures may also be required in appropriate circumstances.

### Sec. 6.7.2 Procedure

In each case where the decision results in separation from the University, the Office of the Vice President for Student Affairs shall so notify the dean of the academic unit in which the student has been enrolled.

When the Office of the Vice President for Student Affairs initially assumes jurisdiction of an alleged offense, that office may deem it necessary to exclude the student from the University campuses immediately while an initial investigation is made. This "suspension pending investigation" shall not exceed ten (10) business days and shall be invoked only in the extreme case when the presence of the student on campus is considered to constitute in the opinion of the Office of the Vice President for Student Affairs a clear and present danger to the student, to the University community, or to the operation of the University.

### Sec. 6.7.3 Appeals

- A. A student who has received a disciplinary sanction of dismissal or expulsion may, by written request made within ten (10) business days of the date of the notice of the decision, request a review by either the Vice President for Student Affairs or the University Student Appeals Board.
- B. The University Student Appeals Board shall be composed of seven regular members, consisting of four faculty members elected by the Faculty Senate for staggered terms of two years, and three students elected by the Student Senate for terms of one year. The President of the University shall select one of the board's regular faculty members to serve as chair of the board. The chair shall vote only in the event of a tie in the voting by the other members of the board. Should a member become unable to serve, a replacement shall be elected by the appropriate Senate to complete the term. There shall also be three faculty members elected by the Faculty Senate to serve staggered two-year terms as alternate members, and three students elected by the Student Senate to serve one-year terms as alternate members. Insofar as possible, the faculty and student members shall be selected in such a manner as to be representative of the broad range of academic units at the University of Louisville.
- C. Each time an appeal is taken, the chair will summon the regular panel. In the event that a regular member cannot be present, the alternate members shall be called until a

full panel of four faculty and three students is constituted. If for any reason the chair cannot serve or disqualifies himself or herself, the board shall choose another regular faculty member to serve as chair for the purpose of that appeal.

- D. The recommendation of the board shall be transmitted in writing to the Vice President for Student Affairs for final decision.
- E. In cases where the discipline imposed involves separation of the student from the University (dismissal or expulsion), the Vice President for Student Affairs may exclude the student from the University campuses during the period of review pursuant to subsection A., except on matters relating directly to the review process.

## **Article 6.8 Student Grievance Procedures**

### Sec. 6.8.1 Individual Recourse

Any students who believe they have been treated unfairly, discriminated against, or have had their rights abridged may initiate a grievance within one year from the event giving rise to the complaint. The students shall first seek to have the matter resolved through informal discussion and through administrative channels.

As used herein the phrase "persons directly involved" means the grievant and those who are alleged to have brought about the condition upon which the grievance is based.

### Sec. 6.8.2 Student Grievance Officer

There shall be a Student Grievance Officer nominated from a list of three persons other than students by the Student Senate and appointed by the President. The representatives of the Student Senate shall meet with the Office of the President to establish and review the duties and functions, the term and structure of the office, and budgetary arrangements necessary for the effective functioning of the Student Grievance Officer.

The Student Grievance Officer 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.

### Sec. 6.8.3 Academic Grievance Procedure

Except as otherwise provided for the School of Interdisciplinary and Graduate Studies, the faculty of each academic unit specified in *The Redbook* shall, in consultation with the Student Council of that unit, establish a unit Academic Grievance Committee and procedures for processing student grievances concerning academic matters. Academic matters are defined as those concerning instructional activities, research activities, activities closely related to either of these functions, or decisions involving instruction or affecting academic freedom. Each unit's student grievance committee shall receive and make recommendations on formal grievances to its dean.

The Graduate Student Academic Grievance Committee shall be considered the unit academic grievance committee for and shall have original jurisdiction over grievances brought by students enrolled in the School of Interdisciplinary and Graduate Studies.

### Sec. 6.8.4 Nonacademic Grievance Procedure

The Vice President for Student Affairs, in consultation with the Student Senate, shall establish the Nonacademic Grievance Committee to hear and make recommendations to the Vice President on formal student grievances concerning nonacademic matters which include all matters not covered by 6.8.3. A student may not file a grievance under this procedure involving matters arising in University housing. A student may not file a grievance which affects students as a class. On each grievance filed under the nonacademic procedures, the Student Grievance Officer shall recommend to the committee whether sufficient grounds exist to justify a hearing. Student disciplinary appeals are covered by Section 6.7.3 and may not be the subject of student grievances filed under this section.

### Sec. 6.8.5 Hearing Procedures in Original Jurisdiction

Each grievance committee shall recommend to the dean of the unit within twenty working days of receipt of a written statement of any grievance whether to accept a case for hearing. The committee shall hear the case when the dean concurs. The written statement shall contain the following:

1. A brief narrative of the condition giving rise to the grievance;
2. A designation of the parties involved; and

3. A statement of the remedy requested.

The grievant or any person directly involved shall have the right to challenge any member of the committee for cause. In the event of challenge, the committee shall consider and rule on the challenge. The challenged member shall not vote on the challenge. In the case of disqualification, absence, or other inability to serve, alternates shall serve when possible.

The grievance committee shall recommend to the dean of the unit whether there are sufficient grounds to accept a case for hearing. The committee shall notify, in writing, all persons directly involved as to the reason for its recommendation. The action of the grievance committee as to whether to grant a hearing when accepted by the dean of the unit shall be final and binding on all parties except when subject to the conditions of appeal. If a case is to be heard, such hearing shall be granted within thirty working days of receipt of the written statement of grievance, although such hearing may be subject to reasonable delay caused by availability of parties, or vacations, unless the grievance committee determines that delay would cause hardship to one or more of the parties to the grievance.

#### Sec. 6.8.6 Unit Academic Grievance Committee Report

- A. Each Unit Academic Grievance Committee shall make its report, with recommendations for settlement of the case, to the dean of the unit with copies to the persons directly involved in the grievance. In the event that the final decision of the dean is not in accord with the grievance committee's recommendation, the reasons for that decision shall be stated in writing to all persons directly involved and to the grievance committee.
- B. If the grievance directly involves the dean, the report of the grievance committee shall be referred for decision to the University Provost. The dean shall also receive a copy of the report.

#### Sec. 6.8.7 Nonacademic Grievance Committee Report

- A. The Nonacademic Grievance Committee shall make its report, with recommendations for settlement of the case, to the Vice President for Student Affairs with copies to the persons directly involved in the grievance and to the proper administrative officer. In the event that the final decision of the Vice President for Student Affairs or of the

proper administrative officer is not in accord with the grievance committee's recommendation, the reasons for that decision shall be stated in writing to all persons directly involved and to the grievance committee.

- B. If the grievance directly involves the Vice President for Student Affairs, the report of the grievance committee shall be referred to the President or his designee. The Vice President for Student Affairs shall also receive a copy of the report.
- C. When the desired remedy lies outside the jurisdiction of the Vice President for Student Affairs, the vice president shall forward the decision to the appropriate vice president or an administrator designated by the President as having a role comparable to that of a vice president for appropriate action. If the recommended remedy is not implemented, the responsible administrator shall state the reasons in writing to the Vice President for Student Affairs and all persons directly involved in the grievance.

#### Sec. 6.8.8 Rehearing

A grievance committee, within twenty-one working days after the delivery of its report, may be petitioned to reconsider its decision upon the basis of evidence of misrepresentation of material facts or upon the basis of newly discovered evidence clearly not available at the original hearing.

#### Sec. 6.8.9 University Student Grievance Committee

The University Student Grievance Committee shall consist of four faculty members and three student members. The President of the University shall select one of the committee's faculty members to serve as chair of the committee. The chair shall vote only in the case of a tie in the voting by the other members of the committee. The committee shall also have three alternate faculty members and three alternate student members. The faculty members shall be elected for staggered three-year terms by the Faculty Senate. The student members shall be elected for one-year terms by the Student Senate. Insofar as possible, the faculty and student members shall be selected in such a manner as to be representative of the broad range of academic units at the University of Louisville.

#### Sec. 6.8.10 Original Jurisdiction of the University Student Grievance Committee

The University Student Grievance Committee shall have original but not exclusive jurisdiction over grievances which involve two or more academic units or involve issues which either the Unit Academic Grievance Committee or Nonacademic Grievance Committee can show that it is unable to consider, or are outside its jurisdiction, or involve disagreement among two or more student grievance committees.

#### Sec. 6.8.11 Appellate Jurisdiction of the University Student Grievance Committee and the Graduate Student Academic Grievance Committee

- A. In any non-academic grievance or in an academic grievance, except as otherwise provided in 6.8.11.B., any party directly involved in a grievance may appeal the decision to the University Student Grievance Committee, if the final decision of a dean, vice president, or an administrator designated by the President as having a role comparable to that of a vice president is not in concurrence with the recommendation of the grievance committee. The appeal shall be made to the University Student Grievance Committee within twenty-one working days from the date of the final decision of the responsible administrator.
- B. In an academic grievance in post-baccalaureate programs, other than J.D., M.D., D.M.D. programs and School of Medicine and School of Dentistry residency programs, any party directly involved in a grievance may appeal the final decision of a dean, or the Vice Provost for Graduate Affairs to the Graduate Student Academic Grievance Committee. The appeal shall be made in writing to the Graduate School Academic Grievance Committee within twenty-one working days from the date of the final decision of the dean or Vice Provost for Graduate Affairs.
- C. An appeal to or a hearing by the University Student Grievance Committee or to the Graduate Student Academic Grievance Committee shall be based upon the record established by the Unit Academic Grievance Committee or the Nonacademic Grievance Committee. The committee then may request additional information.

#### Sec. 6.8.12 Formal Procedure

Both the appellate and the original jurisdiction of the University Student Grievance Committee shall be initiated through a written grievance to the chair of the University

Student Grievance Committee with a copy sent to the Office of the President. The University Student Grievance Committee shall decide whether there are sufficient grounds for a hearing and in doing so it shall consult with the Student Grievance Officer.

#### Sec. 6.8.13 Hearing Procedure

If a grievance is to be heard involving original jurisdiction, the University Student Grievance Committee shall first hear evidence presented by the grievant. The committee shall not be bound by strict rules of evidence and may admit any evidence of probative value in determining the issues involved. Every possible effort shall be made to obtain the most reliable evidence available. All parties in a grievance shall have the right of one peremptory challenge with reference to the membership of the committee.

#### Sec. 6.8.14 Remedies

- A. In a case involving original jurisdiction the University Student Grievance Committee shall render a finding of fact and, where appropriate, recommend a remedy after hearing all of the evidence.
- B. In a case involving appellate jurisdiction the University Student Grievance Committee or the Graduate Student Academic Grievance Committee must not substitute its judgment on the merits for that of any faculty body or administrator whose decision is being considered. The committee may affirm the decision of a faculty body or administrator whose decision is the subject of the grievance, but should the committee find that the decision being appealed was not based on proper consideration, it may direct that a reconsideration be made, indicating specifically the errors it believes have been committed. After such reconsideration, the committee shall recommend affirmation, modification, or reversal of the decision as reconsidered, and shall submit same as the committee report.
- C. Reports of the University Student Grievance Committee involving grievances concerned with academic matters and reports of the Graduate Student Academic Grievance Committee shall be sent to the vice president responsible for the academic unit involved. Reports of the University Student Grievance Committee involving a grievance against a vice president or involving a grievance of a nonacademic nature

shall be sent to the Office of the President. The vice president and the Office of the President shall act upon the committee's report in the following manner:

1. The appropriate vice president or the Office of the President may accept the remedy recommended by the University Student Grievance Committee or the Graduate Student Academic Grievance Committee within twenty-eight working days, in which case the appropriate vice president or the Office of the President shall take action to implement the remedy.
2. The appropriate vice president or the Office of the President may remand the case once if in its judgment the finding of facts was clearly contrary to the weight of the credible evidence.

The appropriate vice president or the Office of the President may disagree with the recommendation in whole or in part, and in so doing it shall state its recommendations and reasons therefore, in writing, to the University Student Grievance Committee or the Graduate Student Academic Grievance Committee and to all persons directly involved, and shall provide an opportunity for response before taking final action. The appropriate vice president or the Office of the President is responsible for taking final action.

#### **D. Privacy of Student Records**

The University of Louisville hereby notifies students concerning the Family Educational Rights and Privacy Act of 1974. This Act, with which the institution intends to comply fully, was designed to protect the privacy of educational records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading information. Students also have the right to file complaints with the Family Educational Rights and Privacy Act Office, Department of Education, concerning alleged failures by the institution to comply with the Act.

The University has adopted a policy which explains in detail the procedures to be used by the University for compliance with the provisions of the Act and the regulations adopted pursuant thereto. Copies of the policy and other FERPA information can be obtained from the University Archives and Records Center, Ekstrom Library and <http://library.louisville.edu/uarc/stupriv.html>. Questions concerning the Family Educational Rights and Privacy Act may be referred to the Director, University Archives and Records Center. Note: Student e-mail addresses are considered directory information and can be made available online or in a printed directory. Students wishing to prevent disclosure of directory information must submit a written request. For assistance, contact the University Archives and Records Center, 852-6674.

## **E. Directory Information**

In accordance with the Family Educational Rights and Privacy Act and the U of L Student Records Policy, the University of Louisville may release certain categories of “directory information” about you, such as your name, address, e-mail address, and telephone number without first obtaining your permission. The student telephone directory, for example, uses this information. You may instruct the University to withhold publication of directory information. If you wish to do so, you must obtain the required form from the University Archives and Records Center, Ekstrom Library, fourth floor. The completed form must be received by the Archives before the end of the second week of the term. A new form for non-disclosure must be completed each year.

## **F. University Policy on Excused Absences**

Although each college, school, or academic unit of the University of Louisville creates its own regulations concerning class attendance, all units hold students responsible for materials covered, lectures given, papers due, exams scheduled or other evaluative measures administered during a student’s absence from class. The academy requires student participation in the learning process, measurement of student progress, and the fulfillment of basic course requirements.

When, however, a student’s participation in a university-sanctioned event or activity requires him or her to be absent from a class during which an examination or other measurement of academic progress is scheduled, faculty are expected to provide the student an opportunity to be evaluated at another time or by a comparable alternative evaluation method, within a reasonable period of time prior to or after the absence.

A university-sanctioned event shall be one in which a student represents the university to external constituencies in academic or extra-curricular activities. These include, but are not limited to, student government congresses, intercollegiate athletic and debate contests, music competitions, academic meetings and conferences. In order for any other event or category of events to be designated university-sanctioned, it must be approved in writing by the dean of the student’s enrollment unit. A Dean’s decision not to designate an event as university-sanctioned may be appealed to the University Provost.

Official notice of a university-sanctioned event shall consist of a letter from the sponsoring unit or program to the faculty whose class(es) will be missed. If the event or class of events has not already been designated as university-sanctioned, the letter must be signed by the dean of the student’s enrollment unit or her/his designee. The letter shall be considered binding *only* if it is delivered to and received by the faculty member a minimum of one week prior to the event or activity. The letter shall include the following data:

Date(s) and location(s) of the event(s)

Date of departure from campus and exact time when the student is expected to report for departure

Date of return to campus and exact time when the student will be expected to return to class.

The University of Louisville recognizes that educational experiences extend beyond the classroom and campus. Students are encouraged to participate in activities that provide opportunities for academic enrichment, experiential learning, and university service as ambassadors for the university. Faculty are urged to be as flexible as possible in providing alternative times or means for the evaluation of students who are acting as representatives of the University in an officially sanctioned activity that requires absence from class.

## **G. Drug-Free Schools and Crime Awareness, Campus Security Information Report 1993, and Communities Act Amendments of 1989**

The Drug-Free Schools and Campuses Regulations (commonly called Part 86 of EDGAR) require that higher education institutions receiving any federal funding must notify each student and employee annually of its program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

The following is the University of Louisville's Drug-Free Schools Notice: We, at the University of Louisville, have begun programs in the past few years to combat the misuse and abuse of alcohol and other chemical substances. We realize, however, that only through a concerted effort by all, can we make any major strides in preventing substance abuse.

### **Drug-Free Schools Notice**

As required by the Federal Drug-Free Schools and Communities Act Amendments of 1989, you are hereby notified by the University of Louisville that on University premises or at University-sponsored activities the following acts are prohibited:

- (i) distribution, possession, or use of any illegal drug or controlled substance without legal authorization;
- (ii) providing alcoholic beverages to individuals under 21 years of age, or possession of alcoholic beverages by individuals under 21 years of age; or
- (iii) illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated, and drinking alcoholic beverages in an unlicensed public place.

In addition to imposition of disciplinary sanctions under University procedures including suspension or separation from the University for such acts, students or employees may face prosecution and imprisonment under Federal and Kentucky laws which make such acts felony and misdemeanor crimes.

The Code of Student Conduct lists details of offenses and disciplines for students. Staff may be disciplined under Section 11.1 of the Staff Handbook. Faculty may be disciplined by Deans per Redbook Sections 4.5.3 or 3.2.2 with review per 4.4 for sanctions less than dismissal or suspension for one year.

The health risks associated with the misuse and abuse of mind-altering drugs, including controlled substances and alcohol, include but are not limited to: physical and psychological

dependence; damage to the brain, pancreas, kidneys and lungs; high blood pressure, heart attacks, and strokes; ulcers; birth defects; a diminished immune system; and, death.

The Counseling Center and Student Health Services provide assessment and referral services to University students, as well as serving as an alcohol and other drug information/education resource. For further information, call 852-6585. Service for faculty and staff are available through the Faculty/Staff Assistance Program. For further information call 852-6543.

## **H. Guidelines for Hosting Events with Alcohol for Student Groups and Councils**

### **GENERAL STATEMENT**

If U of L students at least 21 years of age decide to drink alcohol, the University explicitly counsels only low risk use and condemns the misuse and abuse of alcohol. The University of Louisville supports the following statements related to the consumption of alcohol by students:

1. It is acceptable not to drink alcohol and each individual should make a personal, informed choice, keeping in mind:
  - a. by law, you must be at least 21 years of age to drink alcohol,
  - b. if you are at least 21 years of age and choose to drink alcohol you should do so in a low risk manner,
  - c. consumption of alcohol should not be the main focus of any event you attend.
2. Accurate information about the consumption of alcohol and alcohol assessment referral is available through the Counseling Center Office.

### **Guidelines for Hosting Events with Alcohol Student Groups and Councils**

The following expectations apply to all U of L Student Organizations and Councils which sponsor, cosponsor, host, arrange, organize, participate in, or otherwise facilitate "student events" (activities, functions, parties, gatherings, etc.), ON CAMPUS including Papa John's Stadium and the University Club (or at off campus events sponsored by or funded in whole or in part by the University), where alcohol is served or consumed. Failure to observe these guidelines may result in disciplinary charges and sanctions against Student Organizations and Councils.

**All groups should take necessary precautions for off-campus events. The University strongly encourages Student Organizations and Councils to follow the steps outlined in the alcohol policy as a guideline when planning off campus events.**

The Assistant Vice President of Student Life or his/her designee will evaluate each case individually and will consider any significant circumstances. The following criteria are not exclusive, but are provided as a general guide for Student Organizations and Councils in determining "student events".

- any event involving ten (10) or more members of a Student Organization and Council; or
- any event involving any combination of ten (10) or more members and non-members; or
- any event which may reasonably lead to or may be expected to cause a disturbance; or

any event where a common source of alcohol (i.e. kegs, beer balls, party punches or their equivalent) is present (see Article 4.4); or  
any event which is advertised (by written or verbal means)

**\*\* These guidelines currently do not apply to Organization-sponsored tailgates. These tailgates are expected to comply with Athletic policies on tailgating as well as local and state laws.**

### **ARTICLE I. Alcohol Laws and University Rules**

1.1 Everyone must obey all applicable laws and U of L rules pertaining to alcohol use. Specifically, you are reminded, it is illegal to:

- a. serve or furnish alcohol to a person(s) under the age of 21 or to any person(s) who is or appears to be under the influence of alcohol (impaired);
- b. drink in a place open or accessible to the general public such as streets, parking lots, sidewalks, public areas of campus, etc.;
- c. sell alcohol without a license;
- d. drive while under the influence of alcohol (impaired)

### **ARTICLE II. Education Requirement**

2.1 The education requirement pertains to those Student Organizations and Councils that plan to serve or consume alcohol at ANY student event BOTH ON AND OFF CAMPUS. A list of scheduled Alcohol Awareness Programs will be sent to each Student Organization and Council at the beginning of the fall semester.

2.2 Groups who do not hold events involving alcohol may be granted exemptions to the education requirement. To be exempt from the education requirement an Exemption Request must be returned by the deadline established. The University however, encourages all organizations to participate in these educational programs even if alcohol is not served at their events.

**2.3 At least two executive officers, one of whom must be the Student Organization/Council President or Social or Risk Management Chairperson or their equivalents, must attend an alcohol education session specifically designed for Executive Officers. The President of the Student Organization/Council must sign an Acknowledgment and Review Statement indicating that the Alcohol Guidelines have been reviewed with their membership. The Acknowledgment and Review Statement must be returned by the deadline established annually. If executive officers do not meet the requirements listed above, no further events involving alcohol will be approved. In addition, eighty percent (80%) of new members of each Student Organization and Council must have documented attendance at one of the Alcohol Awareness Programs provided or approved by the Health and Education Coordinator annually. If a group does not meet the education requirement by the last Alcohol Awareness Program scheduled, no events involving alcohol will be permitted.**

In situations where it appears impossible to adhere to the membership attendance requirements, a request for waiver of the requirement must be submitted to the Assistant Vice President for Campus Life prior to the education program.

### **ARTICLE III. Event Notification and Supervision**

3.1 The intent of these guidelines is to educate students about University expectations, to identify for the University any on-campus or University-sponsored or funded student event involving alcohol, and confirm the presence of recommended precautions. All Student Organizations and Councils must send notification to the Campus Life Office regarding events where alcohol will be served or consumed. Event Notification forms are available from, and should be submitted to, the Campus Life Office, Room W302 Student Activities Center. **Events occurring off campus which are not University sponsored or funded do not require registration with the Campus Life Office provided the mandatory education requirement has been met.**

- a. The Event Notification form must indicate the anticipated attendance and specific arrangements made for supervision and security at the event (see Article 3.2d for further information).
- b. The Event Notification form must be submitted a minimum of fifteen (15) calendar days in advance of the event to the Campus Life Office. Events may be canceled or alcohol will not be allowed without proper notification. A maximum of four (4) forms may be submitted by a Student Organization or Council at any one time. If additional forms are submitted, they will not be approved.
- c. Event notification forms must be signed by at least one approved advisor of each sponsoring/hosting Student Organization or Council.

3.2 Student Organization and Council officers and/or event organizers are responsible for arranging appropriate supervision and/or security for events where alcohol is served or consumed.

- a. Advisor/supervisor is defined as an individual who:
  1. is over the age of 23;
  2. is not currently an active member of the Student Organization or Council;
  3. is not an undergraduate student;
  4. has fulfilled all of the education requirements for advisors/supervisors including reviewing a packet of information on alcohol risk management, having received the current copy of the Alcohol Guidelines, and having signed and submitted for file the required advisor/supervisor form documenting the above.
- b. All Student Organization and Council events shall be supervised by one or more of the advisors/supervisors who have fulfilled the education requirements and have been approved by the Health and Alcohol Education Coordinator or the Assistant Vice President for Campus Life or his/her designee. If it is determined that an advisor/supervisor has been ineffective in the performance of his/her responsibilities he/she may be removed from the approved list by the Assistant Vice President for Campus Life or his/her designee.
- c. At least one of the advisors/supervisors who signed the event notification form must be present during the entire length of the event. Advisor/supervisor substitutions are only made on emergency basis and must be approved in writing prior to the event by the Assistant Vice President for Campus Life or his/her designee.

- d. For on-campus events involving 100 or more persons or open parties, Student Organizations or Councils shall also provide, at their own expense, supplemental security through the Department of Public Safety (DPS) (see 3.2 e. regarding additional security options). The Student Organization or Council must contact the Campus Life Office at least twenty-one (21) calendar days prior to the event to arrange for supplemental security coverage. In the event that the Student Organization or Council needs to cancel DPS services, notification must occur at least 72 hours prior to the scheduled event or your organization will be billed. The Student Organization or Council contact person should notify the DPS Operations Commander to cancel DPS services.
- e. At the discretion of the Assistant Vice President for Campus Life or his/her designee, other appropriate security officials may substitute for DPS personnel at off campus, University sponsored or funded events. Such personnel must conform to the criteria established by DPS and be approved, in writing, by the Assistant Vice President for Campus Life, prior to the event. (DPS criteria available upon request.)

#### **ARTICLE IV. Event Guidelines**

4.1 Student Organizations or Councils are not allowed to advertise that alcohol will be served or consumed at their event or present any pictorial, radio, written or verbal references to alcohol (BYOB, Hairy Buffalo, Sex on the Beach, Beer Mugs or Steins, etc.) on any student event advertisement or invitation.

4.2 No alcohol of any type shall be provided as awards or prizes to any individual, Student Organization or Council at any student event.

4.3 Common sources of alcohol (i.e. kegs, beer balls, party punches, or their equivalent) are not allowed unless provided by an external licensed source at an external licensed site.

4.4 Event hosts must check identification of all individuals entering an event. It must be verified that each person is eighteen (18) years of age or older or a U of L student before being permitted to attend a student event where alcohol is served or consumed.

4.5 The hosts must identify all persons of legal drinking age by some visible, non-transferable means (wrist bands, stamps, etc.). No one under age 21 is allowed to possess or consume alcohol. No one 21 or over may obtain alcohol for any person under age 21. Host Student Organizations and Councils are responsible if under age consumption of alcohol occurs at their event.

4.6 At any event where alcohol is served or consumed, alternative beverages and snacks/food/a meal must be readily available.

4.7 All events must end by 1:00 a.m. unless special permission is obtained in writing from the Assistant Vice President for Campus Life or his/her designee under the RSO Event Policy.

4.8 Alcohol may not be served or consumed for more than four (4) hours during any single event.

4.9 Student Organizations and Councils are limited to one (1) event involving alcohol per week. **No events will be approved on days of home football games. No events will be held during mid-terms or finals.**

4.10 Alcohol may not be consumed or carried in an open container on any street, sidewalk, alley or public area of the U of L.

4.11 Prompt clean-up and adequate sanitary facilities shall be provided for on-campus events at the expense of the sponsoring Student Organizations or Councils. If clean-up is not complete within 12 hours of the end of the event or is not adequate, the hosting Student Organizations shall be billed, through the Campus Life Office, for the cost of University personnel cleaning the area.

4.12 Students will not permit, tolerate, encourage or participate in "drinking games" of any kind.

4.13 Cab vouchers are to be used to ensure that an individual who has been drinking arrives home safely and are not to be used for transportation to any other location.

#### **ARTICLE V. Responsibility and Liability**

5.1 The U of L and its staff assume no liability for Student Organization and Council student events. Student Organization and Council leaders and members should educate themselves about potential legal liability and consequences regarding alcohol consumption and accidents resulting in personal injury or death. The University strongly encourages student groups to maintain contact with national governing organizations regarding advice on best current practice(s).

- a. Sponsoring Student Organizations and Councils are strongly encouraged to obtain group liability insurance or assure that they are covered under a group liability plan provided by larger sponsoring organizations (i.e. national fraternities and sororities).
- b. Advisors/supervisors, officers and group members should also carry individual liability or be covered under group insurance plans.

5.2 The University of Louisville believes that the opportunity for students to assume responsibility for their own behavior is an important aspect of college life. Therefore, Student Organizations and Councils and their individual members or participants assume responsibility for compliance with this policy. Violations of the alcohol policy may result in sanctions when University personnel learn of them through complaints, observations by school officials, unruly behavior or otherwise. If a problem does occur as a result of a student event at which alcohol is served or consumed, the Student Organization or Council may be held responsible.

- a. Each individual is responsible for his or her personal behavior and may be held accountable under the Code of Student Conduct.
- b. Individual or group behavior, which reflects the implied consent or non-interference of the sponsoring Student Organization or Council membership, advisors/supervisors or Executive Officers, may result in the Student Organization or Council being held accountable for the actions of the individual or collective group under the Student Organization Code of Conduct.

- c. All alcohol events must conform to other U of L and criminal/civil rules, regulations and laws which may be more restrictive in nature (i.e. residence hall/building codes, facility and/or safety restrictions, city ordinances, etc.)
- d. Failure of any person(s) to adhere to the reasonable request of identified U of L and/or public officials (i.e. police, fire, emergency personnel) is grounds for immediate event closure and may result in additional charges and sanctions.
- e. Violating or failing to complete sanctions imposed may result in additional charges.

### **FAILURE TO FOLLOW GUIDELINES**

Student Organizations and Councils may be held accountable to both the University of Louisville and to criminal/civil authorities for violation(s) of the Alcohol Guidelines. Student Organizations and Councils are subject to U of L disciplinary proceedings regardless of the pendency of criminal/civil proceedings. Any sanction(s) imposed as a result of violations of these guidelines will also result in notification of any local, state and/or national governing bodies. In addition, notification will be sent to the Student Organization or Council advisor.

### **Minimizing Your Risks**

We want your event to be enjoyable for you and your guests. Remember - those who are hosting the event set the tone for the event. Clear decisions need to be made prior to the event regarding the role of alcohol and the focus of the event.

Your liability risks are **GREATLY** increased if you:

- 1. Allow alcohol to be consumed by a minor (under 21 years of age);
- 2. Allow someone who is already impaired to consume alcohol;
- 3. Allow someone who is already impaired to leave your event and get behind the wheel of a car.

The Event Guidelines outlined in the U of L Guidelines for Consumption of Alcohol for Student Organizations and Councils specifically address points that need to be followed when hosting an event. The following checklist is provided for your use in planning events.

### **CHECKLIST**

- 1. \_\_\_ Do the proper campus officials have to be notified? If so, date the event form was submitted the Student Life Office. \_\_\_\_\_
- 2. \_\_\_ Will any state laws or city ordinances be violated? If your answer is yes, you need to change your plans!
- 3. \_\_\_ Are your officers and members familiar with the U of L Guidelines for Hosting Events with Alcohol, the Student Code of Conduct, the RSO Event Policy or other pertinent policies and procedures?
- 4. \_\_\_ What safeguards have been implemented to prevent these laws/ordinances/policies from being violated?

5. \_\_\_ How will the organization/group officers maintain control over the function? Does security need to be acquired?
6. \_\_\_ What security responsibilities will your organization have at off campus events? What will the hosts do if the activity gets out of hand?
7. \_\_\_ What alternative beverages and food are to be provided (4.7 Guidelines)? Who is responsible for alternative food and beverages?
8. \_\_\_ Is there a clean up crew assigned to clean up after the event?
9. \_\_\_ Could you convince University officials or a criminal or civil court that your event was not potentially dangerous?

If you have questions, you should contact the Campus Life Office at 852-5787.

### **I. Deadly Weapons/Destructive Devices Policy**

Possession or storage of a "deadly weapon" or "destructive device" is prohibited on any University of Louisville campus or in any facility owned, leased or operated by the University. This policy applies to University housing, University parking areas and private vehicles parked or operated either on campus or at any off-campus facility owned, leased or operated by the University. This policy shall not apply to police officers directly employed by the government, to federal agents or to ROTC equipment. The University's Director of Public Safety may grant exceptions to this policy in writing for the convenience of the University.

"Deadly weapon" as applied in this policy is: 1) any weapon from which a shot readily capable of producing death or serious physical injury may be discharged; 2.) any knife other than an ordinary pocket knife; 3) billy or nightstick; 4) blackjack or slapjack; 5) nunchaku karate stick; 6) shuriken or death star; and 7) artificial knuckles made from metal, plastic or similar hard material.

"A destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile or similar device and includes the unassembled components from which such a device can be made. Any University faculty, staff, student or administrator determined to have violated this policy is subject to disciplinary action, up to and including termination or expulsion, under procedure of *The Redbook*, *Staff Handbook*, and *The Code of Student Conduct*. [Adopted by the Board of Trustees 7/96]

### **J. Technology Policies**

The following University of Louisville technology policies are incorporated by reference into the School of Law Student Handbook:

Protection from Malicious Software:

<http://security.louisville.edu/PolStds/ISO/PS014.htm>

Computer Account Usage Agreement:

<http://louisville.edu/it/information/topics/computer-account-usage-agreement.html>

Electronic Data and Voice Mail Disclosure Policy:

<http://louisville.edu/it/information/policies/electronic-data-and-voice-mail-disclosure-policy>

Internet Acceptable Use Policy:

<http://louisville.edu/it/information/policies/internet-acceptable-use-policy.html>

Opening and Closing Accounts:

<http://louisville.edu/it/information/policies/activating-accounts.html>

Other University Technology Policies: <http://louisville.edu/it/information/policies>

### **K. ADA Policy and Procedures [we need to see if this is the most up-to-date version/policy statement]**

The University's policy regarding compliance with the Americans with Disabilities Act is set forth below. It is critical that students who require accommodations to access the law school building, realize the full benefits of classroom instruction, and/or take exams, contact the Disability Resource Center, or the Associate Dean for Student Life, at the earliest possible date. The School of Law cannot accommodate disabilities of which it is not aware, and in most circumstances it will be unable to do so when requests are made at or near the last minute.

#### **1. Policy Statement**

The University of Louisville is committed to providing equal opportunity for persons with disabilities. This commitment includes complying with the Americans with Disabilities Act of 1990 (ADA), and Sections 504 and 508 of the Rehabilitation Act of 1973. In addition, all of the university's websites and online courses will comply with the web page design standards established by the World Wide Web Consortium (W3C). The University of Louisville strives to maintain a barrier-free welcoming environment for everybody.

The ADA Coordinator, located in the Affirmative Action Office, will monitor compliance and advise unit heads in meeting equal opportunity obligations. The Disability Resource Center staff will assist the university community by serving as an information resource center and coordinating support services for students with disabilities. No otherwise qualified individual with a disability shall, solely by reason of such disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination in University programs. The President, Board of Trustees, Student Government, Faculty and Staff Senates affirm the University's long standing and continuing commitment to Equal Opportunity for persons with disabilities.

## 2. Applying for and Requesting Support Services

Detailed policies and procedures are found in the University of Louisville School of Law Handbook for Applicants and Students with Disabilities. Copies are available from the Office of the Associate Dean for Student Life, the Academic Success Director, or the Director of Student Records. It is also posted on the School of Law's website.

### Applying for Support Services

#### 1. **Provide documentation of disability**

The staff of the Disability Resource Center **provide and coordinate support services** for students with disabilities at the University of Louisville. Generally, **documentation of disability** must be presented to DRC for review **before** support services and/or accommodations can be provided or recommended.

Documentation of disability may in some cases be provided by the student, or directly by the student's physician, psychologist or Vocational Rehabilitation Counselor. Documentation of disability for each student will be kept on file in DRC and held in **strictest confidence**.

Students with **questions** about provision of documentation of disability or students who **experience difficulty** obtaining documentation of disability are strongly encouraged to contact the Director of DRC at (502) 852-6938 for possible assistance. In some cases, support services may be available on a limited basis pending receipt of documentation.

2. **It is the responsibility of each student to provide documentation of disability early enough to allow DRC sufficient planning time to provide and coordinate appropriate support services.**

3. **Meet with DRC staff to determine appropriate support services.** Upon receipt and review of appropriate documentation of disability, DRC staff will meet with the student to **determine** support services and accommodations.

4. It is the responsibility of each student to request support services each semester for which the student is enrolled. The student's active role in accommodation requests is crucial to his or her academic success.

## 3. ADA Grievance Procedure

The following complaint procedure is provided for the prompt and equitable resolution of complaints concerning the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

The University of Louisville ADA/504 Grievance Procedure is an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing the Americans with Disabilities Act. General information regarding ADA or 504 can be addressed to:

Cathy Patus, Director  
Disability Resource Center  
Robbins Hall, Room 0047, 852-6938

Complaints should be addressed to the person who has been designated to coordinate ADA compliance efforts:

Harvey Johnson, Director  
Affirmative Action/Employee Relations  
Personnel Services Building, 852-6538

1. A complaint should be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation. Upon receipt of the written notice of complaint, the Director of Affirmative Action/Employee Relations or his/her designee shall acknowledge receipt within five workdays.
2. A complaint should be filed within 180 days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Affirmative Action/Employee Relations office. This internal complaint procedure contemplates an informal but thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the AA/ER Office and a copy forwarded to the complainant no later than 60 days after its filing.
5. The AA/ER Office shall maintain the files and records relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 15 workdays to the AA/ER Office.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a discrimination complaint with the responsible federal department or agency. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the University complies with the ADA and implementing regulations. [web 8/02]

## **L. Consensual Relations and Sexual Harassment**

### **Policy Concerning Consensual Sexual Relations**

Sexual relations between students and faculty members, or between students and other university employees, with whom they have an academic or evaluative relationship, are fraught with the potential for exploitation. The respect and trust accorded a professor or supervisor in an academic or evaluative role make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship render both the faculty member or supervisor and the institution vulnerable to possible later allegations of sexual

harassment, in light of the significant power differential that exists between students and faculty members or supervisors.

In their relationship with students, members of the faculty or university employees who supervise students are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. No faculty member or supervisor may participate in the evaluation of a student's performance or any decisions that may reward or penalize the student if a sexual relationship exists or has existed between the student and that faculty member or supervisor.

### **Sexual Harassment Complaint Resolution Procedures**

Note: In this document a person who feels that he or she has been a victim of sexual harassment or believes that he or she has witnessed sexual harassment will be referred to as the **Complainant**. A person accused of behavior that may constitute a finding of sexual harassment will be referred to as the **Respondent**.

#### **1. Scope of Coverage**

Any student or University of Louisville employee who feels that he or she has been the victim of sexual harassment or who believes he or she has witnessed sexual harassment is encouraged to report the incident(s) of sexual harassment and/or pursue recourse through established University procedures. To identify behaviors that may constitute sexual harassment see *Examples of Behavior*. One does not have to be the direct target of sexual harassment to report it. See *Complainant's Incident Report*.

The Affirmative Action/Employee Relations Office is charged with the implementation of the University's non-discrimination policy and has professional staff available for information, consultation or advice regarding problematic behavior and potential complaints. This office does not act as an advocate for either party.

#### **2. Sexual Harassment of Students**

##### **a. Peer Harassment**

Student-to-student sexual harassment falls under the guidelines of the *Code of Student Conduct* and therefore is not addressed under these procedures. For information, please contact the Assistant Vice President for Campus Life at 852-5787 or go to: <http://campuslife.louisville.edu>.

##### **b. Harassment in an Academic or Employment Setting**

A student in the academic environment who believes that he or she may have been or is being sexually harassed by faculty or staff, or

A student who is in an employment capacity within the University community and who believes that he or she may have been or is being sexually harassed is covered under these guidelines and should proceed through these *Complaint Resolution Procedures*.

#### **3. Reporting a Sexual Harassment Complaint**

The purpose of reporting a complaint is to inform the University that sexual harassment is or may be occurring and to provide information sufficient to identify the parties involved. A complaint of sexual harassment may be reported to any University Official. They are identified as follows:

- the Director of Affirmative Action/Employee Relations;
- the Assistant Harassment/Sexual Harassment Officer;
- Deans, Vice Presidents, Chairs and Department Heads.

A University Official is any person charged with the responsibility for preventing, reporting, investigating, and/or resolving sexual harassment complaints.

Any University Official who receives a complaint of sexual harassment is **required** to report the incident to the Affirmative Action/Employee Relations Office **upon receipt**. See *University Official's Incident Report*.

It is the University Official's responsibility to:

- a. Provide information regarding the University's *Policy on Sexual Harassment and Complaint Resolution Procedures* and offer options for addressing a complaint.
- b. Encourage and assist the *Complainant* in contacting The Affirmative Action/Employee Relations Office at 852-6538 or 852-6536.
- c. Record the complaint and submit the information to The Affirmative Action/Employee Relations Office. See *University Official's Incident Report*.

**Appropriate action may be imposed on any University Official, with a duty and responsibility to act under this policy and associated procedures, that fails to respond to a complaint of sexual harassment in a manner consistent with the provisions of this policy and the associated procedures.**

The Affirmative Action/Employee Relations Office may recommend to the University Official such interim steps as deemed necessary to protect the safety, well being, and the privacy of the *Complainant*, the *Respondent* and any other member of the University community who may be directly or indirectly involved. If, in the process of the investigation, the Affirmative Action/Employee Relations Office determines that the alleged conduct does not fall within the guidelines of the University's *Policy on Sexual Harassment* both the *Complainant* and the *Respondent* will be so informed.

#### **4. Process Impartiality**

A complaint is an allegation of a violation of the University's *Policy on Sexual Harassment*. The University will take appropriate steps to ensure that a person against whom such an allegation is brought is treated fairly, that he or she has an opportunity to respond or give his or her account of the charges, and may present fact witnesses who can speak to the complaint.

#### **5. Confidentiality**

Information regarding an allegation of sexual harassment and the parties involved is kept as confidential as possible and shared only with those who have a legitimate reason to know. This includes those individuals who may be interviewed during informational fact

finding or those who may be called upon as witnesses. A person seeking information on a situation or behavior that may constitute sexual harassment should be aware of the following:

- a. The University is obligated to investigate, even without the *Complainant's* consent, once it is informed that harassment has occurred or may be occurring.
- b. If the *Complainant* or person making the inquiry wishes the discussion to remain confidential and that no action be taken unless he or she wishes to pursue the matter, it is essential that the inquiry or request for information remain non-specific and that the *Complainant* or person making the inquiry not disclose information sufficient to identify the *Respondent*.
- c. Once the *Complainant* or person making the inquiry discloses information sufficient to identify the *Respondent*, he or she will be considered to have filed a complaint with the University.
- d. When a *Complainant* requests either an informal or formal complaint resolution, the names of the involved individuals and units must be identified to the Affirmative Action/Employee Relations Office. See *University Official's Incident Report*. If the decision is made to move forward, either informally or formally, the *Respondent* has the right to be informed of the specifics of the complaint.

## **6. Time Period for Filing a Complaint**

Prompt reporting of a complaint to a University Official is strongly recommended to allow rapid response and resolution of the objectionable behavior. The complaint should be filed within one hundred eighty days (180) of the incident. However, in its discretion, the Affirmative Action/Employee Relations Office may investigate any allegation of sexual harassment brought to its attention.

## **7. Informal Complaint Resolution**

The primary goal or objective of Informal Complaint Resolution is to stop the behavior and resolve the conflict. **While Informal Complaint Resolution is underway an informal complaint may advance to Formal Complaint Resolution at any time.** There are several options available in resolving a complaint through Informal Complaint Resolution:

### **a. The Direct Approach**

The *Complainant* may immediately voice his or her concern to the person(s) whose actions he or she finds offensive or to the administrative head of the department in which he or she is a student or employee. The *Complainant* should document the incident(s) for his or her own records and include the date of the incident(s) and the name(s) of anyone who was involved. The *Complainant* should also include the name(s) of anyone who may have witnessed the incident(s) or who may have overheard the incident(s).

Another option in the direct approach is that the *Complainant* may submit his or her complaint in writing to the person(s) who offended him or her. The written complaint should include three elements:

describe the incident;  
explain how it made you feel;  
state that you want it to stop.

The *Complainant* should keep a copy of the written complaint. If the behavior does not stop, the *Complainant* should submit a copy of the written complaint to a University Official.

If the *Complainant* decides to deal with the *Respondent* on his/her own but has informed a University Official of the incident, the University Official is **required** to report the incident and any action taken to the Affirmative Action/Employee Relations Office. See *University Official's Incident Report*.

#### **b. Third-Party Intervention**

The *Complainant* may request the Affirmative Action/Employee Relations Office or any University Official to act as an advisor or mediator to bring all parties together to resolve the issue. A person who acts as an advisor or mediator under these guidelines is **required** to submit a written report of the incident and any action taken to the Affirmative Action/Employee Relations Office. See *University Official's Incident Report*.

Resolution at this level may include, but is not be limited to, an agreement in which one or more of the parties involved agree(s) to seek counseling or accept disciplinary action, or any other such action as may be warranted by the circumstances of each case and as determined by the University Official and/or the Affirmative Action/Employee Relations Office.

If there is no mediated solution after 60 days, or if the *Respondent* does not comply with the mediated solution, *Formal Complaint Resolution* will be initiated.

**The Affirmative Action/Employee Relations Office will offer support and advice to any University Official acting as an advisor or mediator.**

If, during this intervention an agreement is not reached, or if the *Complainant* is not satisfied with the resolution or comfortable that the behavior will stop, or if the *Respondent* does not wish to participate in resolving the situation, the complaint will advance to *Formal Complaint Resolution*.

#### **c. Indirect Approach**

At the request of the *Complainant* a University Official informs the *Respondent* that an informal complaint has been filed and notifies the *Respondent* of his or her alleged inappropriate behavior in such a way that the behavior stops. This option may be able to maintain the anonymity of the *Complainant*.

If the *Respondent* confirms the charges discipline may be imposed up to and including suspension, demotion or termination, by the University Official.

The *Complainant* may first consult with The Affirmative Action/Employee Relations Office to determine which of these three options would best suit his or her specific situation or needs.

The Affirmative Action/Employee Relations Office may determine to investigate serious allegations brought to its attention even when the *Complainant* is reluctant to pursue the complaint.

As a result of Informal Complaint Resolution, a University Official or other appropriate administrator may impose discipline up to and including suspension, demotion or termination. If discipline is imposed, results will be placed in the personnel file of the *Respondent* as well as kept on file in the Affirmative Action/Employee Relations Office. If no discipline is imposed, a record of the complaint will be kept on file in the Affirmative Action/Employee Relations Office.

**The foregoing does not preclude the filing of a formal complaint by others, including the Affirmative Action/Employee Relations Office or other University Official. Nor does it prevent disciplinary action or any other such action as may be warranted by the circumstances.**

## **8. Formal Complaint Resolution**

The *Complainant* may file formal allegations at the onset, or if the outcome of Informal Complaint Resolution was not satisfactory, either party may elect to proceed directly to Formal Complaint Resolution. While Informal Complaint Resolution is underway, an informal complaint may advance to Formal Complaint Resolution at any time.

In Formal Complaint Resolution the University will conduct an investigation and, if indicated, take appropriate disciplinary action. Formal Complaint Resolution **requires** that the *Complainant* submit the complaint in writing to the Affirmative Action/Employee Relations Office. This can be accomplished by submitting a *Complainant's Incident Report* or a letter or statement. Upon receipt of the complaint an investigation will be initiated.

### **a. Purpose and Scope of the Investigation**

Formal Complaint Resolution begins with an investigation into the facts. This fact-finding process is completed as expeditiously as possible. The Affirmative Action/Employee Relations Office generally allows sixty-days (60) to process the complaint. The Director of Affirmative Action may extend the amount of time needed to process the complaint as deemed necessary.

The investigative process is an internal University process and therefore is not open to persons, including counsel from outside of the University community. The *Complainant* and *Respondent* are free however, to meet with internal and/or external advisors, including counsel from outside the University community, throughout the

process. These advisors may not address or question the Affirmative Action/Employee Relations Office or any investigator, the *Complainant*, the *Respondent* and/or any witness regarding the allegation(s).

In addition to interviewing the Complainant and Respondent, the investigator may interview witnesses as provided by the Complainant, the Respondent, and/or anyone whom he or she feels may offer relevant information. Additional information may also be gathered, such as records and documents deemed necessary to present findings and recommendations to the investigative report.

Evidence of prior disciplinary action involving allegations of sexual misconduct and/or sexual harassment of the *Respondent* may be considered, but prior sexual activities of either the *Respondent* or the *Complainant*, which are not relevant to the current issue, will not be admissible.

Upon completion of the investigation, a **Case Summary Report** will be completed documenting the scope of the investigation and resulting in a factual determination as to whether the evidence supports the allegation(s) of the complaint. These confidential findings will be submitted to the appropriate administrator(s) to render any disciplinary action (as appropriate) that is deemed necessary. In cases that involve faculty members a copy of these findings will be submitted to the University Provost. The *Complainant* as well as the *Respondent* will receive a copy of the findings.

**b. Reconsideration of the Determination**

If the investigation results in a factual determination that the evidence supports the allegation(s) of the complaint (a cause finding) then, upon request, the Affirmative Action/Employee Relations Office may, for reasonable cause, reconsider the determination.

The decision rendered upon completion of the investigative process in the Case Summary Report is not subject to the appeal process. For reconsideration, a written request should be submitted to the Affirmative Action/Employee Relations Office accompanied by affidavits or other written documentation that would substantially alter the findings of the investigation.

**c. The Standard of Proof**

The standard is not that of beyond a reasonable doubt, such as found in a criminal case. The standard is that of a preponderance of evidence. That is, based on the findings, a reasonable person in the same set of circumstances would find that it is more likely than unlikely, based on the totality of the circumstances, a violation of the policy has occurred.

**d. Penalties and Disciplinary Action**

Persons found to have violated the provisions set forth in the University's *Policy on Sexual Harassment* will be subject to disciplinary action and penalties as set forth in

the University of Louisville Policies and Procedures as outlined in the *Redbook* and the *Staff Handbook*. These penalties include, but are not limited to, suspension, demotion and/or termination. In addition, violation(s) of the University's *Policy on Sexual Harassment* may be subject to liabilities available under state and federal law.

## **9. Retaliation**

The Affirmative Action/Employee Relations Office will investigate any reported retaliation against any person who is party to the complaint process under these guidelines. Anyone who feels he or she is being or has been a victim of retaliation should contact the Affirmative Action/Employee Relations Office at 852-6538 or 852-6536. Retaliation is a serious violation that can subject the offender to discipline independent of the merits of the sexual harassment allegation.

## **10. False Allegations**

The submission of false, spurious, or frivolous claims by an individual who knowingly or with reckless disregard for the truth makes allegations of sexual harassment against another person, will result in the immediate consideration of disciplinary action, up to and including termination. Students who make false allegations of sexual harassment will be disciplined under guidelines set forth in the *Code of Student Conduct*. **Failure to prove a claim of sexual harassment is not equivalent to a false allegation.**

## **11. Independent Action**

The University of Louisville reserves the right to investigate inappropriate circumstances even in the absence of an allegation brought forward by an individual.

## **12. Examples of Behavior**

The Affirmative Action/Employee Relations Office would evaluate conduct that is alleged to constitute sexual harassment according to the objective standard of a reasonable person and on a case-by-case basis. Conduct that does not fall under the Equal Employment Opportunity Commission's guidelines relating to sexual harassment as listed in paragraph three [3], of the University's *Policy on Sexual Harassment*, is beyond the purview of this policy. Examples of conduct that may constitute or support a finding of sexual harassment in violation of the University's *Policy on Sexual Harassment* includes, but is not limited to, the following:

### **a. Physical**

- Unnecessary and unwanted physical contact
- Unwanted hugging or touching
- Brushing up against a person's body
- Touching of one's own body in a sexual suggestive way
- Blocking someone's path or impeding their movement
- Stalking, physical assault, or coerced sexual activity

### **b. Non-Verbal**

- Obscene or offensive gestures

- Scoping, staring, leering, or looking at a person's body from head to toe (elevator eyes)
- Altering a photograph or cartoon in such a way as to make the content look sexually suggestive
- Graffiti with sexual content
- Display of calendars or web sites with sexually suggestive material
- Noises, such as animal sounds, lip-smacking, sucking, and wolf whistles

**c. Verbal**

- Sexual comments or innuendoes
- Offensive or derogatory comments or jokes of a sexual or gender-specific nature
- Repeated requests for dates or sex
- Spreading rumors of one's physical attributes or sexual activity
- Comments of one's physical attributes
- Rating a person from 1 to 10
- Sexually explicit or sexually suggestive mail, email and voice mail

**13. Responsibility**

It is the responsibility of each member of the University community to know the University's *Policy on Sexual Harassment* as well as the *Complaint Resolution Procedures* and to become familiar with their provisions. Failure to follow or utilize the procedures set forth in this policy may inhibit or prevent the University from taking appropriate remedial action, or properly investigating an incident of alleged sexual harassment.

**14. Guidelines for the Respondent**

If you are a person accused of sexual harassment (*Respondent*) you should take the complaint seriously and, where applicable, stop any offending behavior immediately. You should document your version of the incident(s) and any conversation(s) you have regarding the alleged behavior you are being accused of. You should include the date(s) and name(s) of any person(s) who may have been involved. You should include the name(s) of anyone who may have witnessed the incident(s) or who may have overheard the incident(s). You should immediately notify your supervisor, Chair, Dean, Department Head or the Affirmative Action/Employee Relations Office. Revised: July 2001

**M. 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.