

**North Carolina Central University**

# **School of Law**



**2013-2014**  
**Student Handbook**

On behalf of the Dean Craig-Taylor, I am pleased to welcome you to the 2013-2014 academic year. I am confident that this year will be both productive and informative. The Dean, the faculty staff and administration are all committed to partnering with you to ensure your success not only during your academic career but also during your professional career.

I am excited to present the 2013-2014 Student Handbook. The Handbook contains the policies, procedures and rules that govern your academic career here at North Carolina Central University School of Law. I urge you to take a few minutes to familiarize yourself with the contents of the Handbook. Also, the Handbook is intended to assist you in answering questions that may arise during the year. It can be found on the school website as well as on MyLaw in the Student Affairs department.

If you have any questions, comments or concerns about the Handbook, please feel free to contact me, Lisa Morgan, Assistant Dean for Student Affairs, or Don Corbett, Associate Dean for Academic Affairs.

I wish you a successful and productive year!

Sincerely,

Laura Shepherd Brooks  
Associate Dean for Student Services

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APPENDIX A: Requirements for Joint JD/MBA Program

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APPENDIX C: Procedure for requesting official transcripts

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**NORTH CAROLINA CENTRAL UNIVERSITY  
SCHOOL OF LAW  
STUDENT HANDBOOK**

**1.00 GENERAL RULES**

**1.01 REGISTRATION**

The course of study for first-year students is prescribed by the administration and faculty. All are required. Courses for upper-level students include elective and required courses.

**1.02 FACULTY ADVISOR**

Each student has a faculty advisor. After the first year, schedules must be approved by faculty advisors and, when appropriate, by the Office of the Dean. In addition, students must meet with their faculty advisor regularly, especially during the pre-registration period of each semester.

**1.03 REQUIRED COURSES**

**1.03-01 Day Program**

First-year students in the Day Program (1L) are required to take the following courses:

- Civil Procedure I & II
- Contracts I & II
- Criminal Law
- Critical Thinking
- Legal Reasoning and Analysis
- Legal Research and Persuasion
- Property I & II
- Torts I & II

Upper-level students in the Day Program (2L/3L) are required to take the following courses:

- Appellate Advocacy (effective for incoming students beginning in Fall 2013)
- Business Associations
- Constitutional Law
- Constitutional Law II (effective for incoming students beginning in Fall 2013)
- Decedents' Estates I
- Evidence
- Fundamentals of Income Taxation
- North Carolina Distinctions<sup>1</sup>

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<sup>1</sup> Students in both the Day and Evening Programs may “opt out” of North Carolina Distinctions by successfully completing each of the following elective courses prior to graduation: Criminal



- Professional Responsibility
- Sales and Secured Transactions

Day students must also take one writing seminar and one course dedicated to professional skills in order to satisfy the School of Law's graduation prerequisites. Moreover, the faculty and administration strongly encourage students to take the following elective courses: Advanced Torts, Criminal Procedure, Family Relations, Decedents' Estates II, and Real Estate Finance. Each of those courses will assist students with preparation for the bar examination. Students who are interested in practicing law and litigating are also encouraged to take both an Alternative Dispute Resolution course and at least one clinical program prior to graduation.

### **1.03-02 Evening Program**

First-year students in the Evening Program (1LE) are required to take the following courses:

- Civil Procedure I & II
- Contracts I & II
- Criminal Law
- Legal Reasoning and Analysis
- Legal Research and Persuasion
- Property I & II
- Torts I & II

Evening Program students will take the above-referenced courses within the first two academic years of their enrollment at the School of Law.

Upper-level students in the Evening Program (2LE/3LE/4LE) are required to take the following courses:

- Appellate Advocacy (effective for incoming students beginning in Fall 2013)
- Constitutional Law
- Constitutional Law II (effective for incoming students beginning in Fall 2013)
- Corporations
- Decedents' Estates I
- Evidence
- Fundamentals of Income Taxation
- North Carolina Distinctions<sup>2</sup>
- Professional Responsibility

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Procedure, Family Relations, Real Estate Finance, and Decedents' Estates II.

<sup>2</sup> Students in both the Day and Evening Programs may "opt out" of North Carolina Distinctions by successfully completing each of the following elective courses prior to graduation: Criminal Procedure, Family Relations, Real Estate Finance, and Decedents' Estates II.

- Sales and Secured Transactions
- Senior Writing

Evening students must also take one writing seminar and one class dedicated to professional skills in order to satisfy the School of Law's graduation prerequisites. Moreover, the faculty and administration strongly encourage students to take the following electives: Advanced Torts, Criminal Procedure, Family Relations, Decedents' Estates II, and Real Estate Finance. Each of those courses will assist students with preparation for the bar examination. Students who are interested in practicing law and litigating are also encouraged to take both an Alternative Dispute Resolution course and at least one clinical program prior to graduation.

### **1.03-03 Course Scheduling**

Classes for Day Program students typically run from Monday through Friday, from 8:00 AM to 5:00 PM. Evening classes will meet on Monday, Tuesday, and Thursday nights from 6:30 PM to 9:20 PM.

Day students must receive permission from the Office of Academic Affairs in order to enroll in courses that are designated at times for Evening Program students, and Evening Program students must receive permission from the Office of Academic Affairs to enroll in a class designated at a time for Day Program students. All students are eligible to take classes listed in the "swing" hours from 5:00 PM to 6:30 PM. Any student may also take any class on Wednesdays from 5:00 PM to 9:20 PM.

### **1.04 CREDIT FOR REQUIRED COURSES**

All required courses must be taken at North Carolina Central University School of Law except for those taken at a Visiting Law School during the student's last year. (*See* 1.09-01). A student receiving a failing grade must repeat the course until a passing grade is earned.

### **1.05 COURSE LOAD**

#### **1.05-01 Day Program**

After their first year, students may take between 10 and 16 credit hours per semester. Students who wish to take fewer than 10 credit hours in a semester must seek permission from the Office of Academic Affairs in order to do so. This includes instances where students may have originally registered for more than 10 credits in a semester, but then wish to drop classes that would take them below the 10-credit threshold. Day Program students cannot take more than 16 credit hours in a semester without permission from the Office of Academic Affairs.

During the summer, Day Program students who are working no more than 20 hours per week can take six (6) credits per summer session (for a total of 12 credits for both sessions). Day students who are working more than 20 hours per week, can take four (4) credits per summer session (for a total of 8 credits for both session). Students working in excess of 20 hours per week during the summer must receive permission from the Office of Academic Affairs to exceed four credits in a summer session.

Students should consult their financial aid advisor to determine the number of credit hours needed to maintain their financial aid eligibility.

### **1.05-02 Evening Program**

After their first year, students may take between eight (8) and 10 credit hours per semester. Students who wish to take fewer than eight credit hours in a semester must seek permission from the Office of Academic Affairs in order to do so. This includes instances where students may have originally registered for more than eight credits in a semester, but then wish to drop classes that would take them below the eight-credit threshold. Evening Program students cannot take more than 10 credit hours in a semester without permission from the Office of Academic Affairs.

Evening students may take four (4) credits per summer session, for a total of eight (8) credits for both sessions. They must receive permission from the Assistant Dean for the Evening Program to exceed four (4) credits in a summer session, and must receive permission from the Office of Academic Affairs to exceed six (6) credits in a summer session.

Students should consult their financial aid advisor to determine the number of credit hours needed to maintain their financial aid eligibility.

### **1.05-03 Course Overloads**

A Day Program or Evening Program student seeking to take more than the maximum number of credit hours in a semester (i.e., an overload) should submit a written request to the Office of Academic Affairs, even if he/she is enrolled in a dual-degree program. The request should state the student's name, number of credit hours of the additional class, the reason for requesting the overload, and his/her overall grade point average. Absent special circumstances, the Office of Academic Affairs will only grant an overload if students have at least a 3.0 grade point average (GPA) and can demonstrate the additional credits will not hinder the student's ability to maintain his/her GPA. Pursuant to American Bar Association standards, however, students in the Day Program will not under any circumstances be allowed to exceed 17 credits in any semester.

### **1.05-04 Registration Rules for Students Repeating a Course**

#### **1. Timing**

A day student who receives an F in a first-year course is required to repeat that course during the next semester in which that course is offered at this law school. Evening students repeating courses are required to consult the Assistant Dean for the Evening Program to determine when the course is next offered in the Evening Program rotation and should plan to take the course when it is next offered.

#### **2. Maximum Number of Credit Hours**

It is recommended that a Day student who receives below a "C" in one or more first-year courses not register for more than fourteen (14) credit hours. It is recommended that a Day student who receives below a "C" in one or more first-

year courses during the spring semester of his/her second year not register for more than fifteen (15) credit hours.

**3. Signature of the Associate Dean of Academic Affairs Required**

Prior to the beginning of each fall semester, the Law School Registrar will provide the Associate Dean for Academic Affairs with a list of the names of all those students who, during the previous academic year, received an F and the course(s) in which such grade was received. After obtaining the signature of his/her advisor, any student who is required to repeat a course must then obtain the signature of the Associate Dean for Academic Affairs.

**1.05-05 Transfer Between Programs**

Requests for permission to transfer between programs must be submitted, in writing, to the Office of Academic Affairs. A transfer is not automatic and cannot be granted before successful completion of the first-year in either program.

**1.05-06 Auditing a Course**

Students at the School of Law may audit classes in which there are available seats, but students may not count these courses toward their credits necessary for graduation. In order to audit a course, students must receive written permission from both the instructor of the class and the Office of the Academic Affairs.

Assuming permission is granted, students who audit courses are subject to the same obligations and responsibilities of regularly enrolled students, including those mandating class attendance. (See Section 1.13). Students who violate the School of Law attendance policy for audited courses will be precluded from further participation in the course. No other record, however, will be kept for audited courses and no additional fees are charged for full-time students.

Absent special circumstances, non-students will not be allowed to audit courses at the School of Law.

**1.06 GRADUATION REQUIREMENTS**

**1.06-01 Credit Hours**

In order to be eligible to graduate, a student must have earned a 2.0 grade point average, completed a minimum of 88 credit hours, and successfully completed all required courses. A student may take a maximum of 12 pass/fail hours of the 88 credit hours. There is no pass/fail limit on hours that exceed 88.

**1.06-02 Residency**

Pursuant to American Bar Association standards, the Law School requires as a condition for graduation, the successful completion of a course of study in residence at NCCU Law School of not fewer than 58,000 minutes of instruction time extending over not fewer than three (3) academic years for full-time students or four (4) academic years for part-time students. (For example, a full time student must complete at least 5 semesters in residence and a part-time student at least 7 semesters in residence as a condition of graduation.)

### **1.06-03 Completion of Degree**

The course of study for the J.D. degree shall not be longer than 84 months after a student has commenced law study at a law school or a law school from which the school has accepted transfer credit.

### **1.06-04 Joint JD/MBA and JD/MLS Degrees**

The requirements for a joint JD/MBA degree are found at the end of this Handbook in Appendix A and for a joint JD/MLS degree are found at the end of this Handbook in Appendix B.

### **1.06-05 HONORS**

Honors are awarded to students based upon their cumulative grade point averages earned by graduation as follows: 3.50 or higher, summa cum laude; 3.30 - 3.499, magna cum laude; and 3.0 - 3.299, cum laude.

## **1.07 DROPPING COURSES**

Courses must be dropped no later than the last day of class for the semester. However, if the final work product is a take home exam, the course must be dropped prior to the take home exam being handed out. Thereafter, a course may not be dropped. Students who meet these deadlines will receive the grade of "WC." If dropping a course will take you below the minimum credit hours required per semester, you must first consult your advisor and obtain permission from the Associate Dean for Academic Affairs. (*See* Sections 1.05-01, 1.05-02, and 1.06-02). (First-year students see Section 1.07-01).

### **1.07-01 Dropping Required First Year Courses**

All students must take the required first-year courses. In extraordinary circumstances, however, a first-year student might be permitted to withdraw from a course with the prior written permission of the Office of Academic Affairs, which may impose special requirements.

## **1.08 SECTION ENROLLMENT**

All first-year students at the School of Law will be assigned sections in which to take their first-year courses. Students may not switch from one section to another. Any student repeating a required first-year course may request a different section of that course at the next offering, subject to space availability.

Evening Program students who transfer to the Day Program after one year will be assigned to

their remaining first-year courses by the Office of Academic Affairs.

### **1.09 COURSES AT OTHER SCHOOLS**

Students will not be permitted to take summer school courses offered by other law schools until Day Program students have successfully completed a fall and spring semester and Evening Program students have successfully completed four semesters. Generally, students will not be permitted to enroll in courses at other schools during their final semester because of difficulty in obtaining grades from other institutions in a timely manner for graduation certification.

#### **1.09-01 COMPLETING COURSES AT A VISITING LAW SCHOOL**

Students who desire to complete their courses at a Visiting Law School must first consult with his or her advisor to determine the courses required to complete his or her degree. The student must submit to his or her advisor the course description provided by the Visiting Law School for the advisor to give his or her opinion as to whether the course is substantially similar to the course offered at North Carolina Central University School of Law. The student must then submit his or her request in writing to the Associate Dean for Academic Affairs.

In those circumstances where the Visiting Law School does not have a required course that is substantially similar to the course offered at North Carolina Central University School of Law, the student may petition the Curriculum Committee in order to demonstrate that the failure to take the required course or a substantially similar course at a Visiting Law School does not affect the integrity of the degree that the student will receive from North Carolina Central University School of Law. The Curriculum Committee shall consult with those faculty members responsible for teaching the required course at issue.

To avoid any possible difficulties with satisfying graduation prerequisites in a timely manner, students who are in their final year at the School of Law are strongly discouraged from taking classes at other institutions during their last semester.

#### **1.09-02 Limitations on Credits Toward Degree**

Students may earn a limited number of elective credit hours toward their NCCU law degree by taking approved classes at other institutions. (*See* Sections 1.03 and 1.04).

Permission from the Office of the Dean must be obtained before taking:

1. summer school courses at other accredited law schools;
2. up to 6 hours of credit for non-law school courses that are related to a student's program of law study, and
3. law school courses at Duke University and the University of North Carolina at Chapel Hill under the inter-institutional agreement, which permits not more than two courses to be taken at the other school in a semester, provided that the Law School does not offer the same course (or its substantial equivalent) in the same

semester.

### **1.09-03 Transfer of Credit Hours**

**Fall and Spring Courses:** Any grade earned at another law school, graduate or undergraduate program during the fall or spring semesters may be transferred and included in the calculation of the student's grade point average. Where grading systems are substantially different from the grading system at this school, the student seeking transfer credit shall have the burden of providing sufficient information to the Office of the Dean to support an equivalency determination.

**Summer School Courses:** A student must earn a grade of "C" or better for summer school credit hours to transfer. Grades earned during the summer will not be included in the calculation of the student's grade point average. However, credit hours transferred will count toward the 88 hours required for graduation. (*See* Section 1.06-01). A grade of "C" or below will not be accepted regardless of the standards applied at the other schools. If a grade is earned on a system other than "A, B, C", the student has the burden of establishing equivalency. (*See* Section 1.09-01).

**Transfer students:** A student transferring into the School of Law will not receive credit for hours earned taking a required course at another law school, if that required course is offered for fewer credit hours than the student would receive for taking that course at this law school.

## **1.10 EXAMINATIONS AND GRADING**

### **1.10-01 Anonymous Grading**

Grading of examinations is anonymous and is recorded by examination numbers assigned by the Office of the Dean. Each student must obtain a number before the examination period begins. If the final grade for the course is different from the grade on the final examination, both grades should be reported to the student. Faculty may consider factors other than examination grades, but students should be informed of those other factors at the beginning of the semester.

### **1.10-02 Items During Examinations**

During examinations, all personal belongings of students, including electronic devices, cell phones, watches, backpacks, handbags, calculators, outlines, notes and books, must be left in lockers or elsewhere in the building (exception: calculators, outlines, notes and/or books are permitted if allowed by professor). No external device can be used to monitor time, unless this is part of an approved accommodation. Students are not permitted to use earphones during the exam, but earplugs are permitted. Possession of any electronic device during an examination would be grounds for an honor code violation. The purpose of this rule is to emulate bar examination conditions.

### **1.10-03 Absences From Examinations**

Unexcused absences from an examination will result in a grade of "F" for that examination. Only the Associate Dean for Academic Affairs may excuse an absence from a scheduled

examination. Excuses must be sought before the time for taking the examination, except in the most extraordinary situations that would prevent a diligent, reasonable person from obtaining a prior excuse. It is the professor's discretion whether to allow a make-up examination for students excused from mid-term examinations.

Excuses are not lightly granted. A student must show that circumstances beyond his/ her control prevented appearance at the scheduled time.

In order to miss an exam due to a work commitment, a student must submit written documentation from his/her employer which certifies that it is imperative that the student miss the exam for work purposes. The documentation must appear on the employer's letterhead. If a student is unable to receive such certification because of personal reasons, the student must certify in writing the reason he/she is unable to receive the certification.

Where an excuse is granted, the examination may be taken later from the same instructor, by arrangement of the instructor and the Associate Dean, or at the next time the course is offered and an examination given.

A grade of Incomplete ("I") will be reported to the Registrar, if the examination is not taken before final grades must be reported. Such incompletes must be removed (that is, the examination must be taken) not later than one year after the missed examination was originally scheduled, or when the examination is given the next time the course is offered, whichever comes first. If the examination is not taken within that time, the grade will automatically become an "F".

#### **1.10-04 Late Arrival For Examinations**

A student who arrives late for an examination will be permitted to take it without excuse, but the time for completing the examination will not be extended beyond that specified for completion for those who arrived on time. If the student can demonstrate to the instructor that his/her lateness was for good cause, and beyond his/ her control, the full scheduled time to complete the examination may be given, at the instructor's discretion.

#### **1.10-05 Accommodations for Examinations**

##### **For students for whom English is a second language:**

1. Students who have spent two or more years of undergraduate or graduate study in an English-speaking institution will not be eligible for accommodation;
2. Accommodation will take the form of time and one-half for examinations in the first year only.

##### **For students with disabilities:**

Accommodations are made through the University ADA office through a centralized process.



Students should see the University Coordinator (currently Kesha T. Lee at 919-530-6325) and provide any documentation from the University Coordinator to the Associate Dean for Academic Affairs. Course instructors do not grant accommodations.

**For students who desire religious accommodations:**

Accommodations may be made due to religious observances.

**1.10-06 Exam Conflicts**

Students are eligible to take a final exam on "Conflicts Day" if they have two exams that start within a 23 hour period.

Example 1: A 9:00am exam on one day and a 2:00pm exam on the same day is a conflict.

Example 2: A 9:00am exam on one day and a 9:00am exam on the next day is not a conflict.

Students must notify their professor if they are electing to take their exam on Conflicts Day. Students are NOT permitted to take an exam on Conflicts Day unless there is a legitimate conflict with another exam. Violation of the policy will result in an honor code violation and a failing grade in the course.

**1.10-07 Grade Changes**

Once final grades have been turned in by a faculty member, they shall not be changed unless the faculty member satisfies the Dean and the Provost/Vice-Chancellor for Academic Affairs that he/she has made an objective mistake in determining a grade, such as an error in computation or averaging.

**1.10-08 Extensions - Papers, etc.**

Where a work product other than an examination is required for a course, the instructor may, in his or her discretion, grant an extension of time for the completion of such work. Such extensions may be for such periods as the instructor shall determine, but in no event may the instructor permit the work to be completed later than:

Fall semester:	the following March 31
Spring semester:	the following August 31
Summer sessions:	the following October 31

If any extension of time is granted under this rule, the extended due date for the work should be communicated to the student in writing, and a copy should be furnished to the Office of the Dean. An instructor may, in his or her discretion, reduce the grade of a student who is granted an extension under this rule. If the work is not completed before the extended time limit has expired, the grade of "F" will be awarded for the late work. Extensions are not to be lightly granted.

### **1.10-09 Grade Scale - Quality Points**

Grades are given each semester in each course. The grade scale is as follows:

A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
F	0.00

If a student receives an “F” in a course and then repeats that course, the two grades are averaged to determine the grade in the course. In a Pass/Fail class, a student who earns a “P” receives credit hours toward his/her graduation requirements, but the “P” has no effect upon the student’s cumulative grade point average. A grade of “F” received in a Pass/Fail class will be factored into the student’s cumulative grade point average and no credit hours will be awarded toward his/her graduation requirements.

### **1.10-10 Grade Appeals**

Each faculty member shall prepare model answers or other objective standards setting forth the issues that the professor expected the students to discuss in their examination answers or other course work and the approximate number of points or weight assigned to each question or component. If not returned, these model answers or other objective standards and the student’s own materials will be made available for review on request.

A student who thinks that his/her grade was incorrect may appeal to the Office of the Dean. All procedures will be confidential.

To appeal a grade:

1. The student must have a conference with the professor, and seek an explanation of the grade received and a resolution of the student’s complaint.

2. If the student still contests the grade, he/she may appeal the grade by writing to the Office of the Dean. If the Dean is persuaded that the appeal may be meritorious, the Dean may appoint a panel of three professors to review the matter and to make a written recommendation. The Dean will then discuss the appeal with the student and the professor. If the appeal is not then concluded by agreement, the Dean will render a decision in writing to the student and the professor.
3. To be regarded as meritorious, a grade appeal must be based on an objective arithmetical or computational error; manifest unfairness to the student in the evaluation process as compared with other members of the class as demonstrated by clear and compelling evidence; or qualitatively similar instances involving invidious discrimination based on clear and compelling evidence.
4. Non-meritorious appeals include those challenging: standards generally applied to the evaluation of the class; the form of the evaluation instrument administered to the class; or any matter involved with the substantive content of the course or the exercise of professional judgment.
5. All appeals must be made within a reasonable time. A discussion with the professor within ten (10) school days from the date that the student receives notice of the grade will be deemed timely. A written appeal of the grade to the Office of the Dean must be made within ten (10) school days after the conference with the professor if the complaint has not been resolved.

### **1.10-11 Academic Eligibility - Continuation**

To remain in school, a student must meet certain minimum grade point average requirements.

1. A first-year student enrolled in the Day Program must earn a cumulative grade point average of at least 2.0 by the end of the academic year (May) to be eligible to return. A first-year Day student who does not earn a grade point average of at least 2.0 by the end of the academic year will be dismissed.
2. A student enrolled in the Day or Evening Program who does not earn a cumulative grade point average of at least 2.0 by the end of the second year (four semesters) will be dismissed.
3. A student enrolled in the Day or Evening Program whose cumulative grade point average drops below a 2.0 at any point subsequent to his/her fourth semester will be dismissed.

## **1.11 READMISSION**

### **1.11-01 Eligibility to Petition For Readmission Following Academic Dismissal**

A student who does not earn the minimum grade point average by the end of the academic year is dismissed. Subject to the following limitations, however, a student who is academically ineligible may petition the Standards Committee for readmission.

1. A first-year student enrolled in the Day Program or a second-year student enrolled in the Evening Program who achieves a cumulative grade point average below 2.0, but at least 1.8 may petition for readmission.
2. A first-year student enrolled in the Day Program or a second-year student enrolled in the Evening Program who fails to earn a cumulative grade point average of at least 1.8 by the end of the academic year is not eligible to petition for readmission.
3. An upper-level student enrolled in the Day or Evening Program who has been academically dismissed may petition for readmission.
4. All petitions for readmission following academic dismissal are governed by the procedure specified in Section 1.11-02.
5. A student may petition for readmission only once.

All students are presumed and expected to be putting forth their best and most diligent efforts to perform satisfactorily in all courses; consequently, readmission will be rare.

### **1.11-02 Readmission Procedure**

Petitions for readmission will not be considered until one academic year after a student's dismissal for substandard academic performance. A petition must be received by the Office of the Dean by April 15<sup>th</sup> of the calendar year following the petitioner's dismissal. A student failing to file a petition for readmission by this date may submit a petition for readmission to the Office of the Dean by November 1<sup>st</sup> of the calendar year following the petitioner's dismissal.

1. An eligible student may petition the Standards Committee for readmission by sending a letter to the Office of the Dean. The petition should set forth specific reasons for the petitioner's substandard performance.
2. The Office of the Dean shall forward the petition to the Standards Committee for consideration, along with any documentation relevant to the petitioner's performance and petition.
3. The Standards Committee will meet as soon as possible after the end of the spring semester. Three faculty members of the Committee shall constitute a quorum.
4. The petitioner shall have the right to appear at the time set by the Committee for consideration of the petition and to demonstrate that extraordinary circumstances resulted in his/her substandard academic performance. Extraordinary

circumstances are those that do not ordinarily occur. Financial concerns, employment obligations, family illness or commuting distances normally involve no element of extraordinary circumstances. The petitioner must demonstrate that the extraordinary circumstances have been resolved and that, if re-admitted, he or she will be able to successfully handle the rigors of legal education. The petitioner must submit written documentation to substantiate any physical or psychological conditions described in the petition. Furthermore, there is no presumption that petitioner will be readmitted by reason of having a cumulative average close to the required minimum.

5. If a majority of the Committee present and voting is in favor of readmission, the student is readmitted. Readmission may be conditioned as the Standards Committee deems appropriate.
6. In all cases, the Office of the Dean shall inform the petitioner by letter of the disposition of his/her case.

#### **1.11-03 Admission as a New Student Following Academic Dismissal**

An academically dismissed student who does not petition for readmission by the specified deadline, or an academically dismissed student who is ineligible to petition for readmission, may not be admitted as a new student until two academic years have elapsed following his/her dismissal.

Only in an extraordinary case (*see* Section 1.11-02) will an academically dismissed student be admitted as a new student. Such students cannot transfer any credits from prior law school matriculation and must abide by the rules applying to their new incoming class.

#### **1.11-04 Withdrawal From Law School**

All students must make a written request and obtain written permission from the Office of the Dean to withdraw. A student who withdraws from the Law School, for whatever reason, shall be governed by the following requirements:

1. If the permission is granted during the student's first semester, before the student has taken any final examination or before completing the course work in any non-examination course, that student must reapply for admission at a subsequent fall semester and must submit a new personal statement. The student's previous LSAT and LSDAS report may be used if the re-application is within three (3) years of his/her last LSAT administration date; however, the student may retake the LSAT at his/her discretion.
2. Students who have completed course work and received grades must submit a petition to re-enter law school to the Office of the Dean. The petition for readmission must be received by the Office of the Dean at least 60 calendar days before the start of classes for the semester or summer session of the proposed return. First-year students who withdraw in the Spring semester after completion of the Fall semester may petition for readmission to return only at the beginning

of a Spring semester to complete their first-year courses without repeating any Fall semester courses. Such students must petition for readmission at least 60 calendar days before the start of classes of the Spring semester of the proposed return. Students who have completed their first year and then later withdraw may petition for readmission to return in any semester or summer session provided that the petition is received at least 60 calendar days before the start of classes at the time of the proposed return. Students who withdraw may petition to return only to the program from which they withdrew. If the student is re-admitted, any transfer from the day or evening program to the other program is governed by section 1.05-05. The Office of the Dean shall forward the petition to the Standards Committee for consideration, along with any relevant documentation. Such students' prior grades will count toward their degree and they must be able to complete degree requirements in a timely manner as defined in Section 1.06-02.

The Standards Committee will apply the following standards in evaluating the petition for readmission:

If a student withdraws while having a grade point average of 2.0 or above, the student is presumptively re-admissible. If a student withdraws for a personal emergency (unrelated to law school) before taking any exams, including midterms, or before completing the course work in any non-examination course, the student is presumptively re-admissible. Further, if a first year student withdraws for a personal emergency (unrelated to law school) after midterms, but before final exams or before completing the coursework in any non-examination course, the student is presumptively re-admissible, if the student has performed above average in at least three of his/her midterms.

The presumption of re-admissibility can be overcome by a showing that the petitioner had engaged in conduct that (a) demonstrates unprofessional or unethical behavior, (b) poses an imminent threat to the orderly conduct of classes or to the orderly administration of the School of Law and its premises, or (c) could have adversely affected the petitioner's admission as an applicant to the School of Law. In applying these criteria, the Standards Committee may consider (i) whether the petitioner shows remorse for any conduct that might furnish grounds for rebutting the presumption of re-admissibility and (ii) whether the petitioner voluntarily disclosed the conduct that might furnish grounds for rebutting the presumption of re-admissibility. The burden of rebutting the presumption of re-admissibility of a petitioner is on the School of Law by a preponderance of the evidence.

If a student withdraws while having a grade point average below 2.0, to be readmitted, the student must demonstrate a compelling non-academic reason(s) for the withdrawal. These reasons may include, but are not limited to, severe financial hardship, serious medical problems, or serious illness or death of a close family member. A student who cannot demonstrate a compelling non-academic reason for the withdrawal would then be subject to the standard for readmission of

a student who has been declared academically ineligible. That student must demonstrate that extraordinary circumstances caused the substandard academic performance. *See generally*, 1.11-02. If the student is readmitted, the student would be evaluated for academic retention at the appropriate time according to customary procedures. *See generally*, 1.10-11.

A student who does not comply with these rules upon his/her departure from the Law School, will not be eligible to re-enroll. Re-enrollment is not automatic.

### **1.12 STUDENT RECORD KEEPING**

Each student should keep a file throughout his/her law school career that contains tuition payment records, copies of pre-registration and drop/add cards, and any advising notes, doctor's excuses, and any other relevant materials related to the student's matriculation and class attendance.

### **1.13 CLASS ATTENDANCE RULES**

**Students are required to attend all of their regularly scheduled classes.** If, however, circumstances force professors to cancel a class, a student's inability to attend the make-up class will not count as an absence.

**Faculty members will maintain a record of attendance in each course.** Attendance for all students shall be taken starting the first day of class. Thus, students who anticipate registering for a class during the drop/add period are advised to obtain the instructor's permission to attend the class during the interim. Students are strongly encouraged to consult with their advisor before dropping or adding a course.

Faculty shall notify the Registrar when a student has missed two-thirds of the maximum number of classes that they can miss, and when they reach the maximum.

Students who accumulate more than the maximum absences within a semester will be dropped from the course. Each 50 minutes of meeting time is considered a class hour. Students enrolled in required first-year courses who violate the attendance policy will receive a grade of "F." Please note that the fewer times a class meets during the week, the quicker students can reach the maximum absence threshold:

<u>Course credit hours</u>	<u>Maximum absences</u>
One (1) credit hour	Three 50-minute classes Two 75-minute classes
Two (2) credit hours	Six 50-minute classes Four 75-minute classes Three 100-minute classes
Three (3) credit hours	Nine 50-minute classes

	Six 75-minute classes
	Three 150-minute classes
Four (4) credit hours	Twelve 50-minute classes
	Eight 75-minute classes

### **1.13-01 Appeals Procedure For Violations of Attendance Policy**

Notice of Violation. The Assistant Dean of Student Affairs shall notify students who have been dropped from a course for exceeding the maximum absences by e-mail and by regular mail. Notice will be deemed effective two days after the date of the e-mail from the Assistant Dean of Student Affairs. On the day an e-mail is dated, a copy shall be mailed to the student's address of record. (*See* Section 1.14).

Right of Appeal. A student who has received notice, as defined herein, that he or she has exceeded the maximum number of absences in a course and has been administratively withdrawn from the course, shall have the right to appeal to the Faculty for a determination of whether the student's absences are excusable.

Perfecting an Appeal. To perfect the right to appeal, a student must notify the Assistant Dean of Student Affairs of an intention to appeal within five days of notice that he/she has exceeded the maximum number of absences.

Stay Pending Appeal. The student's name shall not be withdrawn from the class roll until after a final adverse determination of his/her appeal or until the student abandons his/her appeal by failing to follow the procedures set out herein. The results of any examination taken during the pendency of an appeal shall be sealed unless there is a final favorable determination of the student's appeal. The student's final examination results will not be considered by the faculty member and no final grade will be recorded on the student's record if the Faculty reaches an adverse determination on the student's appeal.

Presentation of Appeal. The student shall present a written statement of the basis of the appeal and supporting documentation to the Assistant Dean of Student Affairs within two weeks of the date the appeal is perfected.

Burden of Proof. The student shall have the burden of proving by a preponderance of the evidence (as defined in section 1-13.02) that there was sufficient justification for each absence over the number of allowable absences for the course, as defined herein. A student is presumed to have been absent if the attendance records submitted to the Registrar by the faculty member indicate that the student was absent.

Allowable absences. A student must provide an explanation on appeal for all absences **except:**

one credit hour course                      one 50-minute class or one 75-minute class



two credit hour course	two 50-minute classes or two 75-minute classes
three credit hour course	three 50-minute classes or two 75-minute classes
four credit hour course	four 50-minute classes or three 75-minute classes

Review Procedure. Upon receiving the written appeal from the student, the Assistant Dean of Student Affairs shall distribute copies of the appeal and supporting documentation to a committee consisting of the Associate Dean for Academic Affairs, the Associate Dean of Student Services, the Assistant Dean of Student Affairs, the Assistant Dean for the Evening Program, and the Law School Registrar. The Assistant Dean of Student Affairs shall set a date for the hearing and shall notify the student of the date. The hearing shall be no sooner than two weeks before the last scheduled day of classes for the semester, *and can be no later than the last scheduled date of classes.* The Committee shall determine, based on the student's written explanation, supporting documentation, and testimony, if the student's absences were for sufficient justification. The Committee shall also consider the opinion of the professor as to whether the student has attended sufficient classes to sit for the exam. If a majority of the Committee finds that the student has met the burden of proof, the student's appeal shall be granted, and the student shall be allowed to continue in and receive the earned credit for the course. If the student fails to meet the burden of proof, the appeal shall be denied. This decision shall be final. The Assistant Dean of Student Affairs shall notify the student of the Committee's decision.

**1.13-02 Sufficient Justification**

Sufficient justification shall be defined as extraordinary circumstances, out of the student's control and arising through no fault on the part of the student, which prevent the student from attending class. Such extraordinary circumstances shall include: (1) serious illness; (2) admittance to a hospital; (3) a death in the student's close family; (4) jury duty or required court appearance; and (5) other compelling circumstances.

**1.14 CURRENT ADDRESSES ON FILE**

Official notices from the Law School will be sent to the address on file with the University Registrar. Students are responsible for maintaining their current addresses and telephone numbers on file with the University Registrar.

**1.15 LIMITATIONS ON STUDENT EMPLOYMENT**

**1.15-01 Applicability to Full-Time Students**

A full-time student is expected to devote substantially all of his/her time to the study of law. A full-time student whose circumstances necessitate undertaking employment, whether outside or inside the Law School, must limit that employment to no more than twenty (20) hours per week (*See* ABA Standard 304(c)).

**1.15-02 Notice of Employment**

A full-time law student who is employed must promptly give notice of his/her employment to the Assistant Dean for Student Affairs and to his/her academic advisor.

### **1.16 CLASS RANKS**

Class ranks are computed at North Carolina Central University School of Law at the end of every academic year (not after every semester). After all grades have been submitted, the Law School Registrar will inform all students when class ranks are available and the procedure for finding out one's class rank. Students requesting an official letter stating their class rank must submit their request in writing by email or letter to the Law School Registrar, stating their full name (first name, middle initial and last name), the name and address of the agency or institution to which the class rank is to be sent, and the name of the contact person. Please allow 3-5 business days for processing.

### **1.17 LETTERS OF GOOD STANDING**

Students requesting "Letters of Good Standing" must submit the request in writing by email or letter to the Law School Registrar, stating their full name (first name, middle initial and last name), the reason for the letter, the name and address of the agency or institution to which the letter is to be sent, and the name of the contact person. Please allow 3-5 business days for processing.

### **1.18 TRANSCRIPTS**

Students desiring official transcripts must request these with the University Registrar's Office. Procedures are found at the end of this Handbook in Appendix C.

### **1.19 "DEGREE VERIFICATION" LETTERS**

Students requesting "Degree Verification" letters must submit the request in writing by email or letter to the School of Law Registrar, stating their full name (first name, middle initial and last name), the year of graduation, the name and address of the agency or institution to which the letter is to be sent, and the name of the contact person. Please allow 3-5 business days for processing.

## **2.00 CODE OF STUDENT CONDUCT**

### **2.01 PREAMBLE**

The mission of the North Carolina Central University School of Law is to provide a challenging and broad-based educational program designed to stimulate intellectual inquiry of the highest order, and to foster in each student a deep sense of professional responsibility and personal integrity so as to produce competent and socially responsible members of the legal profession.

The primary purpose for the Code of Student Conduct is to further this mission by ensuring the orderly functioning of the School, protecting the rights of its students, faculty and staff, and furthering a community of respect and integrity. It specifies prohibited types of behavior, the sanctions that can be applied, and the jurisdiction, structure, and operation of the system for adjudicating student disciplinary cases. Disciplinary regulations are set forth in writing in order to give students general notice of prohibited conduct. This Code is not written with the specificity of a criminal statute and is not designed to define misconduct in exhaustive terms. It is the responsibility of all NCCU School of Law students to familiarize themselves with these regulations.

All members of the North Carolina Central University (NCCU) School of Law community are expected to behave in an ethical and moral fashion, respecting the human dignity of all members of the community and resisting behavior that may cause danger or harm to others through violence, theft, or bigotry. All members of the NCCU School of Law community are expected to adhere to the civil and criminal laws of the local community, state, and nation, and to regulations promulgated by the University. All members of the NCCU School of Law community are expected to observe established standards of scholarship and academic freedom by respecting the intellectual property of others and by honoring the right of all students to pursue their education in an environment free from harassment and intimidation.

## **2.02 AUTHORITY FOR STUDENT DISCIPLINE**

### **2.02-01 Authority**

Ultimate authority for student discipline is vested in the Board of Governors of the University of North Carolina. As part of a constituent institution, The School of Law also is governed by the policies and procedures of North Carolina Central University. However, in our mission to foster in each student and future member of the legal professional a deep sense of professional responsibility and personal integrity, the School of Law has chosen to further define and expand upon its own standards as set forth in this Code of Conduct. The Disciplinary Committee of the School of Law implements the policy set forth in the Code of Student Conduct.

### **2.02-02 Composition**

The Academic Disciplinary Committee shall be a standing committee of the Law School consisting of eight members. The Office of the Dean shall appoint a Chair, five members of the faculty as voting committee members, and two additional faculty members as alternates. The President of the Student Bar Association shall appoint two students to serve as members of the committee. Prior to the commencement of the hearing on the merits, the accused may request that the student members not participate.

### **2.02-03 Substitution of Committee Members**

If any member of the Committee is the accuser, or was the instructor of the course in which the alleged violation of these regulations took place, such person shall not participate as a member of the Committee in the hearing or deliberation of the case. If any member of the committee is excused or is otherwise unable to serve, the Chair shall select an appropriate student or faculty alternate to serve.

### **2.02-04 Quorum and Meetings**

A quorum exists when the Chair plus five voting members of the Committee are present. Committee action shall be by a majority vote of those present and voting.

## **2.03 JURISDICTION**

In general this Code of Student Conduct refers to conduct on School premises or at School-sponsored activities. The School of Law reserves the right to take necessary and appropriate action to protect the safety, wellbeing and integrity of the campus community. Such action

may include taking disciplinary action against students whose behavior off campus indicates that they pose a substantial danger to others in the University community, or violates professional obligations as set forth in the North Carolina State Bar Rules of Professional Conduct, the University Code or in the Code of Student Conduct herein.

## **2.04 DEFINITIONS**

When used in this Code:

- a. *Respondent* means any student who has been accused of an act prohibited under this Code.
- b. *Complainant* means any member of the University community who has elected to serve as the complaining party in a disciplinary proceeding under this Code.
- c. *Student* means any person for whom the School of Law maintains educational records, as defined by the Family Educational Rights and Privacy Act of 1974 and related regulations, and who has not yet been awarded his or her degree from the University.
- d. *Faculty* means any person who holds an academic appointment in the School of Law, including adjunct and visiting instructors.
- e. *Notice* means a notice delivered to the student or his/her residence by any reasonable means. Such means may include e-mail, hand delivery or first class mail to a student's most recent local address as it appears in the Registrar's records.
- f. *Working days* are defined as business days when classes are in session. Over holidays and breaks, there may be flexibility in deadlines, but no undue delays shall be tolerated and all timeframes should be expedited to the extent possible to avoid unfair prejudice to the student.

## **2.05 PROHIBITED CONDUCT**

1. As citizens and future lawyers, all students are expected to comply with federal and state law, as well as the Rules of Professional Conduct set forth by the North Carolina State Bar. Any alleged violation of these expectations shall be within the purview of the School of Law to investigate and adjudicate.

Action within the Law School will normally proceed during the pendency of administrative, civil or criminal proceedings arising out of the same or other events, and shall not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced, or are pending.<sup>3</sup>

In addition, students who engage in the following prohibited conduct may be subject to disciplinary action:

### **2.05-01 Academic Dishonesty**

*Academic dishonesty* is defined as any conduct by which the student creates for him/herself or for others an unfair or false evaluation in connection with any examination or other work

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<sup>3</sup> A member of the University community initiating a complaint under this Code is not precluded from filing civil or criminal charges outside the University.

for academic credit. Cheating, fabrication and plagiarism are examples of conduct that is academically dishonest.

- i. *Cheating* is the unauthorized use of materials in connection with an examination or other work for academic credit, including, but not limited to
  1. the use of books, notes, outlines, etc. during an examination where the instructor has not authorized use of such materials or information;
  2. seeking unauthorized materials or information from others in connection with an examination;
  3. giving or attempting to give unauthorized assistance to a person in connection with an examination;
  4. obtaining or attempting to obtain unauthorized copies of examinations;
  5. bringing to an examination, or attempting to use during an examination, unauthorized answers which have been prepared before the examination period;
  6. copying or attempting to copy from the work of another student during an examination; and
  7. submitting for evaluation in a course, part or the whole of a work for which credit has been given previously.
- ii. *Fabrication* is the invention, counterfeiting and/or alteration of quotations, data, procedures, experiments, sources or other information for which the student claims authorship in an exercise which he or she submits with the expectation of receiving academic credit.
- iii. *Plagiarism* is the use of the ideas, words, or work of another without attribution, when the information provided is not common knowledge, either in content or form, and includes, but is not limited to
  1. quoting from the published or unpublished work of another without appropriate attribution;
  2. paraphrasing or summarizing in one's own work any portion of the published or unpublished materials of another without attribution; and
  3. borrowing from another's work information which is not in the domain of common knowledge.

#### **2.05-02 Forgery**

*Forgery, unauthorized alteration or unauthorized use* of any University document or record, or any instrument or form of identification.

#### **2.05-03 Furnishing false or misleading information**

*Furnishing false or misleading information, including*

- i. Making a materially false or misleading statement or a material omission to a university official regarding coursework, a school activity or program, or in the process of inquiry, investigation or resolution of a disciplinary matter.

- ii. Making a materially false or misleading statement or omitting required information on an application for admission to this Law School, or on any other written application or document connected with the Law School (i.e., work study hours, financial aid application, grade or GPA report, etc.). This also includes failing to update and amend one's admissions application in accordance with the amendment guidelines as set forth in the student handbook.<sup>4</sup>
- iii. Making a materially false or misleading statement or a material omission to any Judge or officer of the court, including, but not limited to, the student's presence as a plaintiff, defendant, representative, witness, employee, volunteer, intern or extern.

**2.05-04 Use of unlawful force**

*Use of unlawful force* against any person or property or the threat of such force.

**2.05-05 Sex offenses**

*Sex offenses*, forcible or non-forcible—defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent (e.g., intoxicated).

**2.05-06 Actual or threatened sexual assault**

*Actual or threatened sexual assault*—this includes, but is not limited, to non-consensual sexual touching, even between acquaintances.

**2.05-07 Harassment or intimidation**

*Harassment or intimidation*, including engaging in conduct that threatens to cause physical harm or emotional harm to persons or damage to their property. This includes making offensive or harassing comments to or about students due to race, gender, religion, national origin, disability or sexual orientation. Sexual harassment is defined as deliberate, unsolicited, and unwelcomed verbal and/or physical conduct of a sexual nature, or with sexual implications.

**2.05-08 Disorderly conduct**

*Disorderly conduct* including disruptive conduct, display of violent temper, refusal to leave an area when asked to do so by appropriate university officials, or conduct which infringes upon privacy, rights, privileges, health or safety of members of the University community.

**2.05-09 Endangerment**

Intentionally or recklessly endangering the welfare of any individual.

**2.05-10 False Reports**

Intentionally initiating or causing to be initiated any false report, warning or threat of

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<sup>4</sup> Please refer to the Law School's policy on Amending Applications, Appendix D, and the time requirements set forth within. Failure to abide by this policy could result in a charge of "Furnishing false or misleading information" and disciplinary sanctions.

fire, explosion or other emergency.

**2.05-11 Unauthorized entry, use or misuse of property**

*Unauthorized entry* into, *unauthorized use* of, or *misuse* of University property, including computers, data and/or voice communication networks.

**2.05-12 Theft**

*Theft* of the property of another, or theft of University services. This includes the knowing possession of stolen property.

**2.05-13 Intentional or reckless damage**

*Intentional or reckless damage* to the property of another or of the University. Intentional or reckless misuse of fire safety equipment shall be regarded as damage under this section of the Code.

**2.05-14 Failure to comply**

*Failure to comply* with the directions of University officials, including campus police officers, acting lawfully in performance of their duties.

**2.05-15 Abuse of the University's disciplinary procedures**

Any abuse of the University's disciplinary procedures including, but not limited to, providing false testimony or evidence, disruption or interference with the orderly conduct of a Hearing, or violating the terms of a disciplinary sanction imposed in accordance with this Code.

**2.05-16 Use, possession or storage of any weapon, dangerous chemical, fireworks, or explosive**

*Use, possession or storage of any weapon, dangerous chemical, fireworks, or explosive* on University property, whether or not a federal or state license to possess the same has been issued to the possessor. Weapons include any object or substance designed to inflict injury or used to cause reasonable apprehension of harm.

**2.05-17 Illegal manufacture, use, possession or distribution**

*Illegal manufacture, use, possession or distribution* of alcohol or any controlled substance or other illegal drug.

2. Attempting to commit acts prohibited by this Code or *assisting* others to commit acts prohibited by this Code shall be treated in the same manner as completed violations and subject to the same sanctions.

**2.06 STANDARDS OF CLASSROOM BEHAVIOR**

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful behavior<sup>5</sup> that results in

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<sup>5</sup> The term "prohibited or unlawful behavior" includes behavior prohibited by a faculty member. It must be emphasized that this provision shall not be used to punish classroom dissent. The expression of a disagreement with a faculty member is not in itself disruptive behavior.

disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period and subject to any penalties as indicated on the syllabus. Longer suspensions or dismissal from class, based on disciplinary grounds, must be preceded by a Hearing.

## **2.07 DISCIPLINARY COMPLAINTS**

All complaints shall be made in writing and submitted to the Assistant Dean of Student Affairs within five working days of discovery of the violation. In extraordinary cases or circumstances, the complaint may petition the Assistant Dean of Student Affairs to submit his/her case beyond this time frame. The final decision will be at the discretion of the Assistant Dean of Student Affairs.

- g. If the individual initiating the complaint is a member of the NCCU Law School community (student, staff or faculty), he or she will normally be expected to serve as the Complainant and to be available to offer testimony in a Disciplinary Committee Hearing.
- h. Individuals who are not members of the NCCU Law School community may report but shall not serve as the Complainant in any proceedings conducted under this Code. If the Dean believes there is good cause for charges to be brought against the accused student in the interest of the University community, the Dean, or designee, may serve as the Complainant.

## **2.08 INVESTIGATION**

### **2.08-01 Procedure**

Upon acknowledged receipt of the written complaint and if it contains sufficient information, the Assistant Dean of Student Affairs, or designee, shall initiate an Investigation within five working days. The Investigation shall include:

- a. Notice to the Respondent of the initiation of the Investigation and possible charges, with a copy of, or access to, the written complaint and any accompanying documentation;
- b. Notice to the Respondent that he/she has the right to remain silent throughout any proceedings under this Code and this silence will not be held against him/her;
- c. Notice to the Respondent that all matters discussed during the Investigation may become part of the case record and may be presented during a Hearing;
- d. A request from the Respondent for a written response to the allegations;
  - i. The response shall be submitted to the Assistant Dean of Student Affairs within five working days upon notice of the Investigation.
  - ii. The response shall include admission or denial of the alleged charges and a detailed explanation of the circumstances surrounding the complaint.
  - iii. If the student chooses to exercise the right to remain silent, he/she should indicate this in writing within the allotted time.

### **2.08-02 Communication**

The Assistant Dean of Student Affairs, or designee, may communicate with any parties he/she believes to have information relating to the complaint.



### **2.08-03 Sufficiency of evidence**

Following an Investigation and within five working days upon receipt of the Respondent's written response, the Assistant Dean of Student Affairs, or designee, shall determine if there is sufficient evidence to bring a charge(s) against the student(s) and proceed with a Hearing.<sup>6</sup> If insufficient evidence exists, the case may be dismissed.

## **2.09 REFERRAL TO A HEARING BEFORE THE DISCIPLINARY COMMITTEE**

If the Investigation produces sufficient evidence to bring a formal charge and refer the case to a Hearing, the Assistant Dean of Student Affairs, or designee, shall notify the student of the specific charge(s) and refer the matter and all documentation to the Chair of the Disciplinary Committee for the Hearing. All notifications should be made within five working days upon the receipt of the student's written response to the allegations. There is nothing to prevent the Assistant Dean of Student Affairs from adding a supplementary statement of her findings, questions or concerns to the Chair.

### **2.09-01 Notice**

Within five working days upon receipt of the referral, and at least five working days prior to the scheduled Hearing, the Chair of the Disciplinary Committee shall give notice to the Respondent of:

- a. The date, time and location of the Hearing;
- b. The names of the members of the Hearing Panel;
- c. A statement of the charge(s) to be presented at the Hearing;
- d. A list of the names of the witnesses who will testify at the Hearing.<sup>7</sup>
- e. A copy of, or access to, all written documentation that will be referred to the Hearing Panel.

### **2.09-02 Availability of File**

The Chair may, in his/her discretion, make the case file, in part or in its entirety, available to Complainants.

### **2.09-03 Witnesses and Affidavits**

The Chair may summon any witnesses, including the Assistant Dean of Student Affairs, who he/she believes may provide pertinent information.

- a. Members of the School of Law community are expected to comply with a summons issued, unless compliance would result in significant and unavoidable hardship.<sup>8</sup>
- b. Affidavits are admissible if signed by the affiant and witnessed by the Assistant Dean of Student Affairs, or designee, the Chair of the Disciplinary Committee, or a

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<sup>6</sup> A hold may be put on the student's transcript, or the awarding of a degree delayed until the Hearing process is complete.

<sup>7</sup> Every effort should be made to confirm the list of witnesses in advance, but the Chair shall not be prohibited from calling additional witnesses at any time if the Chair deems their testimony relevant.

<sup>8</sup> If the witness is unavailable to appear in person, other means such as telephone, Skype or video-conferencing may be used.

notary. Unless the individual making the affidavit personally appears at the Hearing, it may be used for the purpose of supplementing or explaining other evidence only, but shall not be sufficient to support a finding by itself. A copy of any affidavits considered in a Hearing shall be given (or shown) to the Respondent prior to the Hearing.

- c. If either party believes that a fair Hearing cannot be held without the testimony of a particular witness and, after good faith attempts are made, the witness either fails or refuses to appear, the Chair may postpone the Hearing until the witness agrees to appear, dismiss the charges against the Respondent, or direct that the Hearing proceed without the witness.

#### **2.09-04 Multiple Parties Charged**

Where more than one student is charged with an offense arising from a single, or connected, occurrence(s), a single Hearing may be held for all students so charged. Within twenty-four hours of notification of the hearing from the Chair, any Respondent may make written application to the Chair for a separate Hearing setting forth the facts on which he or she relies to demonstrate that a consolidated Hearing would prejudice him or her. The decision of the Chair shall not be subject to appeal.

#### **2.10 REFERRAL TO MEDIATION BETWEEN THE PARTIES**

The Assistant Dean of Student Affairs may, in some cases, refer the matter to Mediation between the complainant and respondent. The Mediator shall be appointed by the Assistant Dean of Student Affairs and may not be a member of the Disciplinary Committee. Cases appropriate for Mediation would include peer disputes that resulted in damage to property, minor harassment cases, communicating threats, etc. Generally, academic integrity cases, assault, harassment, or ethical violations are not appropriate for Mediation. Mediation is a voluntary process and both parties must be willing to attempt to resolve the matter in this way. The parties may reach a confidential and mutual agreement in Mediation, or may withdraw from the Mediation and request to proceed with a Hearing.

#### **2.11 REFERRAL TO FACILITATION FOR DISCIPLINARY SANCTIONS ONLY**

Up until twenty-four hours prior to the Hearing, a Respondent may accept responsibility for the alleged charge(s) and request to meet with a Facilitator, appointed by the Dean and who is not a member of the Disciplinary Committee, for the sole purpose of discussing appropriate sanctions. The Facilitator and Respondent may agree upon a sanction, taking into account any aggravating or mitigating factors, precedent and the Respondent's past disciplinary history.

- a. If such an agreement is made, the Facilitator shall prepare a brief written summary, including the specific charges to which the Respondent accepted responsibility and the sanctions agreed upon. Both the Facilitator and Respondent shall sign this agreement.
  - i. The Facilitator shall present the agreement as a recommendation to the Dean for approval. If approved, the Dean shall notify the student in writing, with a copy to the Assistant Dean of Student Affairs for the student's file and a copy to the Associate Dean for Academic Affairs for implementation.

- ii. There shall be no opportunity to appeal this agreement.
- b. If no agreement is reached, the Facilitator shall notify the Assistant Dean of Student Affairs that a Hearing before the Disciplinary Committee shall proceed, for the sole purpose of determining the sanction. Any conduct, statements or relevant evidence presented during any aspect of the disciplinary process, including the discussion with the Facilitator, may become part of the case file and available to the Hearing Panel.

## **2.12 DISCIPLINARY HEARINGS GENERALLY**

- a. The focus of inquiry in disciplinary proceedings shall be to determine whether a student(s) has violated the Code of Student Conduct and, if so, to determine appropriate sanctions.
- b. The Chair and members of the Hearing Panel are expected to serve both investigatory and adjudicative roles. They shall be allowed to call witnesses and to question the Respondent, Complainant, Assistant Dean of Student Affairs or any other individual with information relating to the complaint.
- c. The Chair may exclude any party or witness at any time during the Hearing, other than the Respondent.
- d. The Chair shall make all necessary rulings on evidentiary matters with the following guidelines.
- e. The Chair will respect the rules of confidentiality and privilege, but otherwise will admit all matters into evidence that reasonable persons would accept as having probative value in the conduct of their affairs.
- f. The Chair may exclude evidence if its probative value is substantially outweighed by its potential to cause unfair prejudice, confusion, or needless delay of the Hearing.
- g. Respondents who fail to appear after proper notice shall be deemed to have pled no contest to the charges pending against them.
- h. Disciplinary Hearings shall be closed to the public.
- i. An audio recording of the Hearing, but not the closed deliberations of the Hearing Panel, shall ordinarily be made and maintained by the Assistant Dean of Student Affairs. If a recording is not made for any reason, the decision of the Hearing Panel must include a summary of the testimony and shall be sufficiently detailed to permit review in the event of an appeal.
- j. The Assistant Dean of Student Affairs shall maintain a complete case file, including the tape, all documentation and correspondence generated throughout the case.
- k. The Associate Dean for Academic Affairs shall be responsible for taking all necessary steps for implementation of a sanction and shall give official notice to the Respondent of his/her change in status.

## **2.13 RIGHTS OF THE RESPONDENT**

- a. Students subject to disciplinary action shall have the right to a Hearing before the Disciplinary Committee.
- b. Throughout the disciplinary process, the Respondent has the right to remain silent.

- c. The Respondent may present witnesses to the Hearing who will testify on his/her behalf. The Respondent shall notify the Chair at least twenty-four hours prior to the Hearing of these witnesses, and the Chair will exercise discretion over the order and time allowed for all witness testimony.
- d. The Respondent may bring an advisor or attorney to act as either support or a representative at the Hearing. Advisors and attorneys shall be aware that Disciplinary Hearing procedures are different from those employed in legal proceedings and may be asked to leave by the Chair if they interfere with the Hearing process.
- e. The Respondent may challenge a member of the Hearing Panel on the ground of personal bias by delivering a written statement to the Chair setting forth the facts on which he or she relies to within twenty-four hours of notification of the Panel members' names. The Chair shall determine whether the facts presented are grounds for disqualification and his/her decision shall not be subject to appeal.
- f. At least twenty-four hours prior to the scheduled Hearing, the Respondent may request, in writing to the Chair, for postponement of the Hearing. The decision of the Chair shall not be subject to appeal.
- g. The Respondent may raise any issues of procedural unfairness prior to the Hearing in writing to the Chair who shall make the decision whether to proceed or dismiss the case.
- h. The Respondent has the right to be present throughout the Hearing.
- i. The Respondent may request of the Chair to speak to the Panel without the presence of the Complainant or witnesses.

## **2.14 DISCIPLINARY HEARING PROCEDURES**

- a. In advance of the Hearing, the Chair will make available to Respondent and the Hearing Panel all evidence gathered during the Investigation. Participants in the Hearing may present new evidence at the Hearing, but efforts should be made by all parties to submit any relevant evidence prior to the Hearing so that the Chair can make it available in advance to the Panel and to the Respondent. The Chair may in his/her discretion determine whether to admit such new evidence.
- b. All participants offering testimony at the Hearing shall be asked to affirm that their testimony is truthful.
- c. The Chair may ask the Assistant Dean of Student Affairs to present the case to the Panel in the event that additions or clarifications to the written evidence would assist the Hearing Panel.
- d. The Respondent, or his/her representative, will be given an opportunity to make brief opening comments.
- e. Following all opening comments, the Respondent may question the Complainant or witnesses, or may raise issues of concern regarding their testimony with the Hearing Panel. The Chair and the Hearing Panel may ask questions of the Respondent or any witness. Neither the Complainant nor any witness may directly question the Respondent but may raise issues, make comments or present questions to the Hearing Panel.
- f. At the completion of the questioning, the Hearing Panel shall retire to closed

- deliberations.
- g. Each Respondent shall be regarded as not in violation of the rules of this Code unless the Hearing Panel determines the contrary based on the facts adduced at the Hearing.
  - h. The standard of clear and convincing evidence shall be employed in all Hearings conducted under this Code.
  - i. All decisions shall be by majority vote. Each Panel member shall vote and may not abstain. The Chair shall not be considered a voting member of the Hearing Panel.
  - j. Any determination that a student violated the rules of this Code will generally be immediately followed by a supplemental proceeding in which the Respondent, the Complainant (or victim if he or she is not the Complainant), and the Assistant Dean of Student Affairs, or designee, may submit evidence or make statements concerning the appropriate sanction to be imposed. These statements or evidence may include the student's prior disciplinary record and the penalties provided in previous cases involving similar offenses.
    - i. A Respondent's past disciplinary record<sup>9</sup> shall only be made available to the Panel after a determination of violation has been reached.
    - ii. All rights and procedures applicable during the initial part of the Hearing shall apply as the Panel considers an appropriate sanction.
  - k. The Chair shall notify the Respondent immediately following a decision.
  - l. The Chair, or a designated member of the Hearing Panel, shall complete a brief written summary of the decision and submit it within two working days to the Assistant Dean of Student Affairs who will make it available to the Respondent.

## **2.15 APPEAL PROCEDURES**

- a. An accused student who has been found in violation of this Code may appeal to the Faculty of the Law School within five working days upon receipt of the written summary of the Panel.
- b. The accused student shall submit a written notice of appeal to the Dean, indicating the specific grounds upon which s/he is appealing. The specific grounds are:
  - c. An appeal of the finding that the Respondent violated the Code of Conduct;
  - d. An appeal of the sanction imposed;
  - e. An appeal on the basis of new evidence not reasonably available prior to the Hearing; and/or
  - f. An appeal on the basis of specified procedural errors in the disciplinary process.
- g. The Dean shall transmit the notice of appeal to the Faculty, and shall provide a record of the proceedings for faculty examination.
- h. Deference shall be given to the determinations of Hearing Panels and the scope of review by the Faculty shall be limited to determining:
  - i. Whether there was evidence presented from which rational persons could have reached the same decision as that of the Panel;
  - j. Whether the sanction is consistent with precedent and with the standards of the

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<sup>9</sup> A student's "disciplinary record" includes only those incidents where the student either has admitted responsibility or has been determined to be responsible for a previous violation of the Code of Student Conduct, whether by agreement or through a Hearing before the Disciplinary Committee.

Law School;

- k. Whether new evidence is now available, that was not reasonably available at the time of the Hearing and that is material to the extent it could have either impacted the finding or the sanction; or
- l. Whether the Panel acted in accordance with these procedures for hearing accusations of violations of these regulations.
- m. A trial de novo is not permitted upon appeal. The Faculty, by majority vote (excluding any member from the original Hearing Panel or complainant), may:
- n. Affirm the finding and the sanction as determined by the original Hearing Panel;
- o. Affirm the finding and remand the determination of sanction to the original Hearing Panel. On remand, the Panel may not increase the sanction originally imposed; or
- p. Remand the case to the original Hearing Panel with a written summary of the reasoning and the specific issue to be deliberated.
- q. If any aspect of the case is remanded, it shall be at the Chair's discretion whether to recommence a Hearing with the Respondent and witnesses present or simply reconvene the Hearing Panel for further deliberations.
- r. In the preparation of an appeal, the Respondent may have access to the written summary of the hearing and the tape of the proceedings of the Hearing. The Respondent may not have custody of the original tape, but may obtain a copy from the Assistant Dean of Student Affairs.
- s. The Dean will generally be expected to give written notice of the Faculty's decision to the Respondent within five working days of the filing of the appeal by the Respondent (this deadline may be extended in order to get a quorum of the Faculty together). A copy of the decision shall be sent to Assistant Dean for Students Affairs to be added to the case file. In his/her discretion, the Associate Dean for Academic Affairs may also notify the Complainant.
- t. As students of North Carolina Central University, there is a final level of appeal through the University disciplinary system. Please see "The Student Code of Conduct" for the University for further information.
- u. At the discretion of the Associate Dean for Academic Affairs, the imposition of sanctions will normally be deferred during any appellate proceedings and the status of a student shall not change until the avenues of appeal described in this Code have been exhausted, except that a hold may be put on a student's transcript or a degree withheld pending completion of the appeals process. Once these avenues have been exhausted, or when a Respondent elects to forego further appeal, it shall be the responsibility of the Associate Dean for Academic Affairs to oversee the implementation of the imposed sanction.

## **2.16 DISCIPLINARY SANCTIONS**

Sanctions for violations of disciplinary regulations consist of:<sup>10</sup>

- a. *Warning*: Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

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<sup>10</sup> A student may receive more than one sanction for a single incident.

- b. *Disciplinary Probation*: A student who is placed on disciplinary probation may continue to participate in student activities but shall be ineligible to represent the university in any official function or leadership position, including but not limited to student leadership positions and competition teams. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, will normally result in suspension or expulsion.
- c. *Restitution*: Repayment to the School or to an affected party for damages resulting from a violation of this Code.
- d. *Suspension*: Exclusion from School premises, and other privileges or activities, as set forth in the suspension notice. Suspension is of two types, term and/or conditional.
  - i. A term suspension shall be for a stipulated period of time after which the student may return to the School of Law community.
  - ii. A conditional separation shall condition re-entry of the student upon fulfillment of specified requirements. The suspension shall continue until the Assistant Dean of Student Affairs determines that the conditions have been satisfied. While on term or conditional suspension, a student shall not be permitted to earn credits at any other institution for the purpose of transferring those credits and making progress towards a degree from the School of Law.
- e. *Expulsion*: Permanent termination of student status, and exclusion from School of Law premises, privileges and activities.
- f. *Other Sanctions*: Other sanctions, including community service, may be imposed instead of, or in addition to, those specified herein.
- g. The presumptive sanction for a case of academic dishonesty is separation, temporary or permanent, from school. The grade in the course will remain in the discretion of the faculty member. Any deviation from the presumptive sanction depends upon the nature and importance of the assignment, the degree of premeditation or planning, the extent of dishonest or malicious intent, the academic experience of the student, and a student's prior disciplinary record.
- h. Repeated convictions for violations of established rules and regulations, regardless of the seriousness of the individual offense involved or any aggravated violation, may result in either expulsion or suspension.

## **2.17 DISCIPLINARY FILES AND RECORDS**

- a. Case referrals will result in the development of a disciplinary file in the name of the Respondent.
- b. Disciplinary files will be kept, and released, in accordance with the Family Educational Rights and Privacy Act.<sup>11</sup>
- c. Students should be aware that all disciplinary complaints and actions are generally required to be reported to the Board of Law Examiners as a part of the bar examination investigation. A notation will be made and placed in the file regarding the outcome of the investigation or hearing.
- d. A hold may be placed on a student's University records while disciplinary

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<sup>11</sup> The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 CFR Part 99.

- proceedings are pending.
- e. Permanent notation of disciplinary action shall be made on the transcript whenever a student is expelled or suspended.

## **2.18 INTERIM SUSPENSION**

- a. The Dean, or designee, may suspend a student from the School of Law for an interim period pending disciplinary or criminal proceedings. The interim suspension shall become immediately effective without prior notice whenever the Dean, or designee, determines the continued presence of the student poses a substantial and immediate threat to himself/herself, to others, or to property.
- b. Any student placed on interim suspension will be given an opportunity to appear at a formal Hearing within ten working days of being placed on suspension or as soon as practical after the Respondent is prepared to participate in a Hearing.
- c. Any student placed on interim suspension may continue to receive and submit assignments, take exams, and review records of class if available (student may request that class be taped although it is at the discretion of the faculty member).

## **3.00 THIS SECTION LEFT BLANK INTENTIONALLY**

## **4.00 POLICY FOR STUDENT WORKERS**

### **4.01 Student Employment**

Per the ABA Standard 304, “[a] student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.” The 20 hour limit applies to the total number of hours a student works for the school and anywhere else. This also includes time spent attending meetings.

A student may not work on the day the student has an exam and should have limited hours during the exam period. Supervisors must request a copy of the student’s exam schedule when assigning hours during the exam period.

### **4.02 Student Access to Confidential Information**

A student must not have access to confidential student or personnel records or information; accordingly, students cannot answer the phone at the front desk, work with student/alumni files that include academic records, have access to the master key or be in an office without the faculty or staff person with the student. Students working in the Admissions office may not have access to any information that appears in the LSDAS forms. Even the appearance of breach of confidentiality could raise FERPA claims.

### **4.03 Student Worker Safety**

For safety and liability reasons, a student is not allowed to move furniture, move heavy boxes or hang pictures.

### **4.04 Work Assignments**

A student must not have a work assignment that interferes with his or her studies.



#### **4.05 Definition of Student**

“Student”, except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records (Authority:20 U.S.C. 1232g(a)(6). Please note that it is important to make a distinction between students who are assigned as research assistants and those assigned as work aid students. A research assistant is a student who is working for a faculty member or administrator involved in a scholarly project, while a work aid student is able to work on a variety of assignments.

### **5.00 COMPLAINTS**

#### **5.01 Complaints Involving Allegations of Sexual Harassment or Other Illegal Discrimination**

In order to file a complaint based on an allegation of sexual harassment, the student should contact the University EEO department. The student should also file any complaints involving harassment due to race, national origin, religion, disability, gender or sexual orientation with the University EEO department.

#### **5.02 Complaints Implicating Compliance with ABA Standards**

As an ABA-accredited law school, North Carolina Central University School of Law is subject to the ABA Standards for Approval of Law Schools. Those standards may be found at [www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

Any student of the law school who wishes to bring a formal complaint to the administration of the law school of a significant problem that directly implicates the schools program of legal education and its compliance with the ABA Standards should follow the process below:

- (1) Submit the complaint in writing either directly to the Assistant Dean for Student Affairs or through the law school’s website at <http://law.nccu.edu/students/affairs/student-concerns/>.
- (2) The complaint must detail the behavior, program, process, or other matter and explain how it implicates the law school’s program of legal education and its compliance with a specific, identified ABA Standard(s).
- (3) The complaint must include the name, official law school e-mail address, telephone number and mailing address of the complaining student, for communication regarding the complaint.
- (4) The Assistant Dean for Student Affairs will acknowledge the complaint within five business days of receipt of the written complaint. Acknowledgement will be made in writing to the law school email address furnished by the student.
- (5) Within 30 business days, the Associate Dean for Academic Affairs or the Associate Dean for Student Services shall either meet with the complaining student or respond to the substance of the complaint in writing. The student shall either receive a substantive response to the complaint or receive information about what steps are being taken by the Law School to address the complaint or further investigate the complaint.

(6) Appeals: A student may appeal a decision on a complaint to the Dean of the Law School. The student must hand deliver the appeal to the Office of the Dean in writing within seven business days of receipt of the resolution. The appeal must describe the grounds for the appeal. The appeal may not include complaints not covered in the original complaint. The Dean shall respond to the appeal within 30 business days from the date the appeal was submitted. The Dean's decision is final.

(7) Maintenance of Records of Student Complaints: The Law School shall maintain a written record of all student complaints, resolutions and appeals for a period of eight years from the final resolution of the complaint.

### **5.03 Complaints Involving All Other Law School Matters**

In order to file a complaint based on any matters outside of sexual harassment/other illegal discrimination or complaints implicating compliance with the ABA standards, the student should follow the same process as outlined above in 5.01 by submitting the complaint in writing either directly to the Assistant Dean for Student Affairs or through the law school's website at <http://law.nccu.edu/students/affairs/student-concerns/>. The complaint must detail the behavior, program, process, or other matter but need not explain how it implicates the law school's program of legal education since the complaint will not be one that implicates compliance with the standards. The remainder of the process as outlined in 5.01 should be followed.

## **6.00 LIBRARY RULES**

### **6.01 GENERAL POLICIES**

#### **6.01-01 Library Courtesy**

- (a) Please return used library materials to the Circulation Desk or on the second floor book trucks.
- (b) Loud, boisterous conversation is prohibited.
- (c) Personal items are not to be left in the library to reserve study space. Students must remove all personal items and properly dispose of trash and recycling before leaving the library.

#### **6.01-02 Food and Drink**

The Law Library's Food and Drink Policy is intended to preserve library materials, computer equipment and furnishings, and to maintain a pleasant and comfortable atmosphere for our patrons and staff.

- (a) Food is prohibited in all areas of the library.
- (b) Non-alcoholic beverages can be consumed in the library, provided they are in spill-proof containers. Aluminum cans, open cups or mugs, and glass bottles without lids are prohibited.

#### **6.01-03 Cell Phones**

Library users are to set mobile phones to non-audible signals and restrict phone conversations to areas outside of the library.

#### **6.01-04 Children and Minors**

An emergency situation may make it necessary for parents or guardians to bring children/minors to the library. Children and minors will only be admitted to the Law Library if accompanied by a member of the NCCU Law School community. It is that community member's responsibility to monitor the children/minors and regulate their behavior.

#### **6.02 CIRCULATION RULES**

A valid driver's license or valid student identification card must be presented at the Circulation Desk to check out any material from the library.

##### **6.02-01 Reserve Materials**

Patrons can retrieve items that have been placed on reserve from the Circulation Desk.

- (a) The loan period for reserve books and materials is **three hours**.
- (b) Some reserve materials may be checked out overnight. For overnight checkout, reserve materials must be checked out within one hour of closing and returned within one hour of the library's opening the next day. (Exceptions: NC Bar materials and last copies from permanent reserves *cannot* be checked out overnight).

##### **6.02-02 Circulating Materials**

The loan period for non-reserve circulating materials is four weeks.

##### **6.02-03 Non-Circulating Materials**

The following materials **do not** circulate and must remain inside the library: Materials on the first floor of the library (state materials and reporters), loose-leaf titles, and serials. If you're not sure whether an item circulates, please ask at the Circulation Desk.

##### **6.02-04 Replacement Fine**

In addition to the cost of replacing the lost material, a \$25.00 administrative processing fee will be charged. The replacement value of any material is deemed to be at least \$100.00.

#### **6.03 LIBRARY ENTRY AND EXIT RULES**

##### **6.03-01 Public Access Hours Entry**

Only law school students with encoded student identification cards are permitted to enter the library after public use hours.

##### **6.03-02 Use of Unauthorized Exits**

Students are to exit the School of Law Library through authorized exits only.

##### **6.03-03 Services for Those with Disabilities**

Patrons who require assistance retrieving or photocopying materials, accessing the second floor of the library or with any other services are encouraged to seek help at the Circulation Desk.

### **6.03-04 Illegal Removal of Books**

Any student intentionally removing library materials that they have not checked out or otherwise retrieved through authorized channels shall automatically lose their library privileges for the remainder of the semester in which the offense occurred and may face additional disciplinary action from the Law School.

## **7.00 TECHNOLOGY and FACILITY RESOURCES**

### **7.01 GENERAL POLICIES**

Technology resources are provided for student use for all law students. Students may access these resources throughout the academic school year. Technology resources include but are not limited to the following: classrooms, clickers, computers, exam soft, study rooms, printers/copiers/scanners, and wireless network.

### **7.02 PROHIBITED USES OF TECHNOLOGY RESOURCES**

Examples of prohibited uses of the technology resources include but are **not** limited to:

1. Intentionally providing unauthorized access or usage of technology resources by loaning your password, making reservations under false pretences, or disclosing someone else's password and/or user name to another person.
2. Intentionally engaging in unauthorized usage of technology resources by utilizing another student's identity.
3. Accessing or changing other's files without permission.
4. Disrupting access to equipment and/or resources, the network or files by releasing viruses, altering or attempting to learn someone else's password and/or user name, tying up terminals, printers and study rooms, saving work or installing programs to the hard disk, attempting to repair computers, equipment or monitors, loading unauthorized software or deleting software, and visiting and/or bookmarking obscene or pornographic sites.
5. Sending harassing messages or repeatedly sending unwanted messages to another.
6. Wasting paper.

Students engaging in prohibited uses will be reported to the Dean of the Law School, who will, in her/his discretion, refer the matter for appropriate disciplinary action.

### **7.03 FACILITY**

The School of Law facility is open seven days a week from 7am – midnight. Four weeks before final exams, the facility is open 24 hours a day. Entry into the building after 7pm is by access card only and students are only permitted to enter the building by using the main entrance. If you misplace or lose your access card, contact the security officer at the front desk immediately. As a safety precaution, no one is allowed to prop open any external door. Once you enter the building, please make sure the door closes behind you. Do not give access to the building to anyone without an access card or to someone you do not know; direct that person to the security officer at the front desk. Students engaging in any prohibited activity will be reported to the

Dean of the Law School, who will, in her/his discretion, refer the matter for appropriate disciplinary action.

In the case of emergency, please call the front desk at (919) 530-6333 or Campus Police at (919) 530-6106.

#### **7.04 RETURN POLICIES**

**Laptops:** Students should return their laptops at the end of each school year. If you would like to continue using your laptop throughout the summer, you must visit the IT department to have the laptop checked in and then reissued to you; you may continue using your laptop throughout the following school year. If you are a graduating student, you must return your laptop on the day of your last final exam. If you would like to continue using your laptop for bar preparation, you must visit the IT department to have the laptop checked in and then reissued to you. You must return your laptop within one week after completion of the bar exam

**Access Cards:** Students should return their access cards before graduation. If you will be using the building for bar preparation throughout the summer, you must return your card to the IT department and then it will be reissued to you. There is a \$20 replacement fee for lost access cards.

**Clickers:** Students should return their clickers before the final exam period begins. There is a \$75 fee for loss clickers.

**NOTE:** If at any time you cease to be a student at the School of Law, your laptop, access card, and/or clicker should be returned to the IT department immediately.

#### **8.00 STUDENT PARKING**

##### **8.01 GENERAL RULES**

Student parking spaces are limited and are assigned on a first-come-first-served basis. All students who wish to park on campus must register their vehicles with University Police and purchase a parking permit. Students may park in their designated lots only.

Students with parking permits may park in the following lots:

- Ruffin Residence Hall
- Criminal Justice (Gravel)
- George Street Apartments
- Latham (deck and surrounding spaces)
- Lincoln Street
- Martha Street Apartments
- Mary Townes Science Building (Lower)
- Nelson Street
- O'Kelly-Riddick
- School of Education (Front)
- St. Titus Episcopal Church

Parking rules and regulations are enforced all year and at all hours. Reserve spaces are restricted at all times. If you are parked in a reserved or handicap space without the proper decals, you will be ticketed and your vehicle will be towed. You are not allowed to park in other designated areas after 5 p.m.

### **8.02 ILLEGAL PARKING**

All cars parked illegally will be ticketed. Vehicles accumulating three or more parking tickets will be immobilized (booted) or towed at the owner's expense. The fee for removal of the boot is \$25, in addition to the cost of all outstanding tickets. All payments must be paid at the Bursar's Office, Room 012 in the basement of the Hoey Administration Building. Hours of operation are Monday, Wednesday, Thursday, and Friday 8:30 a.m. to 4 p.m. and Tuesdays from 8:30 a.m. to 7 p.m. Cash, check and credit cards are accepted.

### **8.03 EVENT PARKING**

During O'Kelly-Riddick Stadium events, traffic may be restricted. During football games, Nelson and Lincoln Streets, Campus Drive and George Street will be closed to through traffic starting at 7 p.m. on Fridays. When football game restrictions are in effect, commuters, even those with valid permits, may not park in any of these lots, reserved spaces, or in public lots without paying the event fee. Certain lots are reserved for Eagle Club parking. Students are required to move their vehicles from the Walker Complex, O'Kelly Riddick, Criminal Justice, Law School, Campus Drive, Latham and Communication lots by 7 p.m. on the Fridays before home-game Saturdays.

## **9.00 COMMUNICATIONS**

Students must read e-mails from Law School administrators to stay informed of applicable policies and important information. Your NCCU generated email address will be the official email address used for all correspondence.

## **10.00 IMPORTANT UNIVERSITY POLICIES**

Students should be aware of the University Policies in the *Eagle-Eye Handbook* on Alcoholic Beverages (Appendix I), Illegal Drugs (Appendix II), and Sexual Harassment (Appendix III), on reserve in the Law Library.

## **11.00 PUBLICATION AND EFFECTIVE DATE**

The provisions of this Handbook are effective August 1, 2013. Informational provisions may be added after this date. The most current version of the Handbook is posted on the Law School's web site.

**North Carolina Central University  
School of Law  
640 Nelson St.  
Durham, North Carolina 27707**

**APPENDIX A**  
**Requirements for Joint JD/MBA Program**  
**(Students with foundation courses or equivalent)**

**Year 1**

<b><u>School of Law</u></b>	<b>Credit Hours</b>
	<b>Law (Day)</b>
Contracts I & II	5
Civil Procedure I & II	5
Property I & II	5
Torts I & II	5
Criminal Law	3
Legal Reasoning	3
Legal Reasoning and Persuasive Writing	3
Critical Thinking	1

**Year 2**

**School of Law**

Constitutional Law I	4
Constitutional Law II	3
Elective (Law)	2

**School of Business**

ACCT 5510 - Managerial Accounting	3
MGT 5560 - Behavioral Management Theory & Analysis	3
FIN 5550 - Financial Policies	3
ECON 5540 - Economic Analysis	3
MKT 5570 - Marketing Strategy	3
CIS 5520 - Management Information Systems	3

**Year 3**

**School of Business**

DSC 5530 - Production & Systems Management	3
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**School of Law**

Elective (Law)	5
Business Associations	4
Decedent's Estates I	3
Evidence	3
Legal Letters	2
Taxation	3



## Year 4

### School of Business

MGT 5565 - Management Strategy & Policy Analysis 3

### School of Law

Legal Writing Seminar 2 or 3

N.C. Distinctions 3

Electives (Law) 13 or 14

Professional Responsibility 2

Sales and Secured Transactions 4

Reciprocal Credits Law 9\*

Reciprocal Credits Business 9\*

### Joint JD/MBA Program

(Students without foundation courses or equivalent)

## Year 1

### **Credit Hours**

### School of Law

Contracts I & II 5

Civil Procedure I & II 5

Property I & II 5

Torts I & II 5

Criminal Law 3

Legal Reasoning 3

Legal Reasoning and Persuasive Writing 3

Critical Thinking 1

### Summer after Year 1

ACCT 2400-Accounting I 3

ACCT 2500-Accounting II 3

ECON 2200-Macroeconomics 3

## Year 2

### School of Business

ECON 2300-Microeconomics 3

MATH 2000-Calculus 3

DSC 2010-Statistics 3

MGT 3000-Organization and Management 3

MKT 3210-Marketing 3

FIN 3200-Principles of Finance 3

ACCT 5510-Managerial Accounting	33
Behavioral Management Theory & Analysis	3
ECON 5540-Economic Analysis	3

**Summer after Year 2 OR**

**Summer after Year 3**

School of Law	
Electives (Law)	6

**Year 3**

**School of Business**

MKT 5570-Marketing Theory	3
CIS 5520-Management Information Systems	3
FIN 5550-Financial Policies	3

**School of Law**

Constitutional Law I	4
Constitutional Law II	3
Legal Letters	2
Business Associations	4
Decedent's Estates I	3
Evidence	3
Taxation	3
Elective (Law)	3

**Year 4**

**School of Business**

DSC 5530-Production & System Management	3
MGT 5565-Management Strategy & Policy Analysis	3

**School of Law**

Sales and Secured Transactions	4
Professional Responsibility	2
Legal Writing Seminar	2 or 3
N.C. Distinctions	3
Electives (Law)	11 or 12
Reciprocal Credits Law	9*
Reciprocal Credits Business	9*

**JD/MBA with Foundation Courses**

Law	79	9*	88
Business	24	9*	33

**JD/MBA without Foundation Courses**

Law	79	9*	88
Business	51	9*	60
Total	130	18	148

**JD/MBA Program**

The joint degree JD/MBA Program allows students who are interested in law and business to simultaneously pursue the Juris Doctor Degree and Master's Degree in Business Administration. Application to and acceptance by both the School of Law and the School of Business are required. The degree of Juris Doctor is granted upon the completion of a minimum of 88 semester hours of required and elective courses. Semester hours required for the MBA range from a total of 33 required and elective semester hours for the student with an undergraduate business degree meeting all foundation course requirements, to 60 hours for the student who needs credits in the foundation course areas.

**Curriculum for students with an Undergraduate Degree in Business meeting all Foundation Course Requirements:**

	<u>Year 1</u>	<u>Year 2</u>		<u>Year 3</u>	<u>Year 4**RC</u>	<u>Total</u>
Law	29	4	23	21	9	88
MBA	0	18	3	3	9	33

**Curriculum for students without an Undergraduate Degree in Business and who need Foundation Course:**

	<u>Year 1</u>	<u>S</u>	<u>Year 2</u>	<u>S</u>	<u>Year 3</u>	<u>Year 4</u>	<u>RC</u>	<u>Total</u>
Law	30	0	0	6	21	22	9	88
MBA	0	9	27	0	9	6	9	60

**APPENDIX B**  
**NCCU School of Library and Information Sciences**  
**MLS Tracks -- Law Librarian**

The J.D./M.L.S. Program allows students who are interested in a career in law librarianship to simultaneously pursue a Juris Doctor degree and a Master of Library Science degree. This joint degree option is available to both Day and Evening Program students. Joint-degree students are required to complete 103 semester hours, with a minimum of 79 credits drawn from law courses and a minimum of 24 credits from library and information science courses. The joint program is structured to allow the student to earn both degrees in less time than is required to earn each degree separately. This program should be completed in four calendar years.

Prior to the end of their first year of law school, law students may apply for admission to the School of Library and Information Sciences. Once admitted, students may begin taking the required library science courses during the following fall or spring semester. For more detailed information about the J.D./M.L.S. Program, please contact the Law Library reference desk at [referencelaw@nccu.edu](mailto:referencelaw@nccu.edu).

Students interested in this program must apply directly both to the School of Law and the School of Library and Information Sciences. Current Law Students wishing to pursue the joint degree may enroll in the Library Science Program through the completion of the credit requirements for their 1L year of Law School. For students currently enrolled in the Law School at the time of their application to the Library Sciences Program, the GRE will be waived for admission.

In addition to the normal J.D. requirements, joint degree students must complete at least one advanced level research course approved by the student's advisor.

Required Library Science Courses can be found on the School of Information and Library Science Website on the MLS information page.

## **APPENDIX C**

### **Requesting Transcripts**

Students desiring official transcripts must request these with the University Registrar's Office. Please allow five to seven business days for the processing of transcripts. Students who choose to pick up their transcripts in the Registrar's Office must do so within two weeks of processing. If they are not picked up within the two weeks, the transcripts will be mailed.

#### Option 1 (Fax Method):

1. The cost of an official transcript is \$5. Payments may be made telephonically to the Bursar's Office. Office hours are 8:30 a.m. to 4 p.m. The number is (919) 530-6209. Once payment is made, a confirmation number will be given to the student.
2. A written request with your signature may be faxed to the Office of the Registrar. The fax number is (919) 530-7974.
3. The following information is required for a written request:
  - a. Your complete name and any names you may have had while you attended NCCU;
  - b. Phone number to contact you if necessary;
  - c. Dates of attendance;
  - d. Birth date;
  - e. Banner ID or the last four digits of your social security number;
  - f. Name of the contact person and the complete mailing address to which the transcript will be sent;
  - g. Confirmation number given by the Bursar's Office to show proof of payment;
  - h. Your signature

#### Option 2 (Mail)

1. The address to mail your request for a transcript is as follows:

North Carolina Central University  
Office of the Registrar  
1801 Fayetteville Street  
Room 102, Hoey Administration Building  
Durham, NC 27707

2. Please include in your request all the information listed above in item 3, option 1.

#### Option 3 (Walk-In)

1. Students may complete a Transcript Request Form in the Office of the Registrar, Room 102, Hoey Administration Building, during the normal workday hours of 8 a.m. to 5 p.m.

2. Payments will be made in the Bursar's Office. Two receipts will be given to the student. One is to be attached to the Registrar's Office copy and the second receipt is for the student's records. Once payment is completed, please turn in the request to the Registrar's Office.

Unofficial transcripts can be downloaded from the student's Banner account. Unofficial transcripts are not available to graduates.

## APPENDIX D

### Application Amendment Policy

It shall be a violation of the Student Code for any student to fail to disclose or to make a false statement of a material fact on his/her law school application. A statement is material if the omitted or falsely stated fact would have been a factor in the decision to admit the student. 1Ls must submit any additions or corrections to the Associate Dean for Student Services *no later than the Sunday prior to* the student's first day of class of the first semester at the law school. Failure to comply before this date will result in an automatic referral to the Academic Disciplinary Committee, with a minimum presumptive disciplinary action of a written reprimand.

Students also have an obligation to update their law school application even after the date of matriculation. Failure to update their application immediately and no later than October 1<sup>st</sup> of each year will result in the initiation of a disciplinary investigation.

Amendments to applications shall be sent in a formal letter addressed to the Associate Dean for Student Services. Upon review of the information submitted, the Associate Dean will have five (5) days to determine whether to forward this information to the Chair of the Disciplinary Committee, the Chair of the Admissions Committee for review or that no action is required. Once the Associate Dean has made a decision as to what action to take, she/he will then notify the student of said action directly.

Once the appropriate Committee meets and renders a decision or it is determined that no action is required, the Associate Dean will then be responsible for notifying the student of the Committee's decision within five (5) days from the date the decision is rendered.

The Associate Dean for Student Services shall consider the following factors upon review of an amendment to an application in determining whether a disciplinary action should be filed:

1. Was there intent to deceive on the part of the student?
2. Was the disclosure voluntary or involuntary?
3. Was the conduct of such to affect moral fitness?
4. At what point in time did the material fact occur?

Also, it is important to note that the obligation to disclose any material facts and update the application continues throughout a student's law school career, even if such material facts occur while in law school. The student has an obligation to update their application as soon as possible after such material facts occur.

## APPENDIX E

### NORTH CAROLINA CENTRAL UNIVERSITY SCHOOL OF LAW DISTANCE EDUCATION POLICY

All program standards, policies, and processes of the Distance Education Program (DEP) at the North Carolina Central University School of Law (NCCU SOL) described herein are designed in accordance with Standard 306 of the American Bar Association (hereinafter, ABA).

#### SECTION 1: KEY TERMINOLOGY

1-01 -- Distance Education – an educational process characterized by the separation, in time or place, between instructor and student.<sup>12</sup>

1-02 -- Asynchronous – Courses designated as ‘asynchronous’ are those where delivery of course material and completion of course material do not occur simultaneously. Asynchronous course delivery is achieved using the School of Law’s technological capabilities, including but not limited to Panopto and video and/or audio posts.

1-03 -- Synchronous – Courses designated as ‘synchronous’ are those where instruction of course material is delivered to students in different physical locations, but with no delay in time due to the presence of two-way communication, permitting students to participate in real time.

1-04 -- Hybrid – Courses designated as ‘hybrid’ are those that include both in-person sessions delivered in real time, and supplemental or additional course material presented in either an asynchronous and/or synchronous distance education session.

#### SECTION 2: PROGRAM AND COURSE GUIDELINES

2-01 -- No courses designated by the NCCU faculty and administration as required or highly recommended courses will be offered as DE courses. Only electives will be offered through the NCCU DEP.

2-02 -- All courses designated in the future as distance education courses will need approval from the School of Law’s Curriculum Committee, and then subsequently, the full faculty of the School of Law. This includes not just newly developed courses, but any already existing course in the NCCU Law Inventory that has not previously been taught as a distance education course.

2-03 -- All online courses offered by the School of Law will comply with ABA Standard 304:

Credit Hours

Minutes of Instruction

One (1)

700

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<sup>12</sup> See also ABA Standard 306.



Two (2)	1400
Three (3)	2100

All instructors for DE courses at NCCU will construct their syllabi in such a manner as to insure that any DE course, be it synchronous, asynchronous, or hybrid, will comply with the above-referenced standard. To help insure such compliance, DE courses approved pursuant to the above-referenced Section 2-02 below shall provide an outline to the Office of Academic Affairs prior to the delivery of the class.<sup>13</sup>

2-04 – Every course delivered through the NCCU DEP shall be designed to adhere to ABA Standard 303<sup>14</sup> by stating clearly defined standards and goals for successful completion of the course, thereby achieving credible student learning outcomes.

2-05 – NCCU will train faculty, staff, and students in the use of information technology such that the student services and instructional materials essential to a successful distance education experience will be available to all students who will participate in DEP courses.

2-06 – All NCCU DEP course offerings shall make all necessary accommodations under the Americans With Disabilities Act (ADA) to insure adequate course access for all students.

2-07 – Technical support and advice shall be available to assist students in resolving hardware and software problems.<sup>15</sup>

2-08 -- All distance education courses shall be consistent with the mission of the University and the School of Law.

2-09 – Students participating in DEP courses shall have adequate access to the range of student services necessary to support the program, including admissions, financial aid, academic advising, delivery of course materials, placement, counseling and access to library services.

2-10 – Students shall be provided advertising, recruiting and admissions information that adequately and accurately represents the program’s requirements and services.

2-11 – Consistent with ABA Section 306(e), NCCU students may not enroll in any DEP courses until he/she completes 28 credit hours of instruction toward the J.D. degree.

### **SECTION 3: FACULTY GUIDELINES**

3-01 – All faculty members who teach DE courses at NCCU are responsible for acquiring the requisite training and technical skill necessary to present their subject matter and related material coherently and effectively.

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<sup>14</sup> Standard 303. ACADEMIC STANDARDS AND ACHIEVEMENTS

(a) A law school shall have and adhere to sound academic standards, including clearly defined standards for good standing and graduation.

(b) A law school shall monitor students’ academic progress and achievement from the beginning of and periodically throughout their studies.

(c) A law school shall not continue the enrollment of a student whose inability to do satisfactory work is sufficiently manifest so that the student’s continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

<sup>15</sup> Public wi-fi access, however, is currently insufficient to insure adequate connectivity for the course. Therefore, it is not approved by the NCCU DEP.

3-02 – Faculty members may choose any of the following delivery options in order to conduct their distance education offerings:

3-02(1) – asynchronous, web-based delivery

3-02(2) – synchronous, web-based delivery

3-02(3) – face-to-face interaction at a remote location

3-02(4) – office hours using virtual meeting software (i.e., Skype, Facetime, Polycom, etc.)

3-03 – In order to promote consistency from course to course, all faculty members who teach DE courses will include on their course syllabi information for enrolled students, including but not limited to:

3-03(1) – the mode of program delivery, which students should know before course enrollment;

3-03(2) – the technological requirements needed for course enrollment; and

3-03(3) – attendance policies which clearly explain the mandatory prerequisites for compliance with the NCCU School of Law’s attendance programs.

3-04 – Consistent with the mission of the law school, all faculty members who teach DE courses shall be available for office hours for the duration of the course. The office hours shall be proportionate to the number of credit hours students will receive for course completion.<sup>16</sup> The hours may be conducted via Skype or virtual classroom videoconferencing or other virtual meeting tools. Faculty shall also be available to interact with students in person, via e-mail, or by telephone.

3-05 – All faculty members teaching in the DEP shall conduct evaluations at the conclusion of each course in order to track student satisfaction with both the pedagogical and technological aspects of NCCU DEP courses.

3-05 – Faculty members shall dress in a manner consistent with normal classroom attire (business or business casual) when teaching DE courses.

#### **SECTION 4: STUDENT GUIDELINES**

4-01 – In order to participate in any course within the NCCU DEP, students must possess the following equipment:

4-01(1) – a desktop or laptop computer with webcam; and

4-01(2) – a webcam in the case of synchronous DE courses; and

4-01(3) – a digital subscriber line (DSL) or cable internet connection, with guaranteed minimum speeds of 756K, up and down. Wireless connections are not recommended.

4-02 – All students participating in the NCCU DEP shall be required to test their connection before the inception of course instruction and are responsible for obtaining their log-in credentials from the NCCU Information Technology Department, if necessary. **Students who**

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<sup>16</sup> For example, faculty members typically must perform ten (10) office hours per week, frequently while carrying six credits of instruction. Under a similar ratio, a professor teaching an online course for three credits would be expected to have five online office hours per week.

**cannot establish satisfactory connectivity for the course will not be allowed to participate in the program.**

4-03 – Students at all times retain responsibility for logging on to a secure Internet connection in order to participate in distance education courses. Students from locations outside of the presence of the instructor must log in for NCCU DEP classes at least thirty (30) minutes prior to the beginning of class.

4-04 – NCCU has a mandatory attendance policy for its students, which will apply to all DEP courses. Consistent with that goal, all students who participate in DEP courses will be expected to attend class regularly and consistently. In the case of synchronous courses, repeated, unresolved connectivity issues impacting class participation may result in the student being dropped from the course.

4-05 – All students participating in DEP courses shall dress<sup>17</sup> and conduct themselves in a manner consistent with normal classroom behavior. The environment from where students log on for class shall be free from distractions that would not be permitted in a regular classroom environment. No music, television, eating, or any other inappropriate behavior is permitted while class is in session. Travel during class is strictly prohibited, and lengthy, excessive absence from class that is not attributable to technological problems may result in a deduction in the student's course grade.

## **SECTION 5: OVERSIGHT AND ADMINISTRATION**

5-01 – The NCCU DEP falls under the purview of the School of Law's Academic Affairs Unit. The Office of the Registrar at the School of Law, in conjunction with the Dean of Academic Affairs, will schedule all distance education courses and track them in such a way to insure that participating students comply with the mandates of ABA Standard 306.<sup>18</sup>

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<sup>17</sup> Students who log in for class wearing revealing attire may be asked by the instructor to log out of the course.

<sup>18</sup> ABA Standard 306(d) states that a law school "shall not grant a student more than four credit hours in any term, nor more than a total of 12 credit hours, toward the J.D. degree for courses qualifying under this Standard."

