

# Chapter 1 General Information

## Mission

ASL exists to provide opportunity for people from Appalachia and beyond to realize their dreams of practicing law and bettering their communities. We attract a qualified, diverse and dedicated student body, many of whom will remain in the region after graduation and serve as legal counselors, advocates, judges, mediators, community leaders, and public officials. We offer a nationally recruited, diverse, and well-qualified faculty, a rigorous program for the professional training of lawyers and a comprehensive law library. The program emphasizes professional responsibility, dispute resolution, natural resources law and practice skills. The ASL community is an exciting, student-centered environment that emphasizes honesty, integrity, fairness, and respect for others. We also emphasize community service and provide a resource for people, the bar, courts and other institutions of the region.

(Adopted by the Board of Trustees, March 14, 2000)

(Amended by the Faculty on February 11, 2013)

(Adopted by the Board of Trustees, June, 2013)

Appalachian School of Law students, while largely representative of the region, come from throughout the nation and are both traditional and nontraditional with respect to age and prior careers. Their cultural, racial, ethnic, and economic diversity enriches and furthers the institution's educational mission.

## Pillars supporting ASL's Mission

- ASL is committed to creating lawyers who will serve traditionally underserved legal communities, especially rural communities.
- ASL is committed to training lawyers to with a solid foundation of doctrine and skills that allow them to pass the bar and practice law professionally in both rural and traditional legal settings.
- ASL is committed to providing an opportunity to become practicing attorneys to students who are members of demographic constituents who have traditionally been underrepresented in the legal profession, such as the people of Appalachia.
- ASL is committed to training lawyers resolve legal disputes efficiently while preserving communities and relationships wherever possible.

## History of Appalachian School of Law

In late 1993, Joseph E. Wolfe, a Norton, Virginia attorney, proposed to establish a law school in southwestern Virginia. Within six months, his proposal attracted the support of regional business executives, civic leaders, attorneys, and educators.

In late 1994, a Steering Committee formed that eventually grew to eighty members. This committee chartered ASL as a Virginia non-stock corporation, secured tax-exempt status from the Internal Revenue Service, and drafted ASL's preliminary mission statement. The Steering Committee also prepared a feasibility study for the new law school. Appalachian School of Law (ASL) was organized in 1994 as an independent not-for-profit educational institution located in the Town of Grundy, Virginia. Governed by a Board of Trustees, ASL provides a high quality program for the professional preparation of lawyers--the Juris Doctor or J.D. degree. ASL's general curriculum emphasizes dispute resolution, ethics, and professional responsibility. Students will gain insights into the time-honored role of the attorney as counselor and representative of the court who seeks balance between the interests of the client and those of the public and strives for fairness and justice.

In early May 1995, the State Council of Higher Education for Virginia approved establishment of ASL.

In April 1996 Buchanan County signed a compact with ASL, under the terms of which ASL received its main and library buildings and their grounds, funds for renovation of the buildings, and funds towards operating costs. Appalachian School of Law Regional Commission, a federal agency, also contributed funds to ASL's operating costs.

In April 1997, the Commonwealth of Virginia Council of Higher Education granted ASL authorization to enroll students in courses leading to the Juris Doctor (J.D.) degree. ASL held its first faculty meeting on August 8, 1997, and its first classes on August 12, 1997, with nine faculty members in residence and seventy-one students in attendance.

ASL Charter Class of 2000 graduated on May 12, 2000. On February 19, 2001, ASL received provisional approval from the American Bar Association. On June 12, 2006, ASL received full approval from the American Bar Association.

## ASL Governance

Appalachian School of Law is a Virginia-registered non-stock corporation. The powers, duties, and responsibilities of the governing Board of Trustees, Dean and Chief Operating Officer, and Faculty are contained in the Corporate Charter, Corporate By-laws, and Academic Standards, which are on file in the Law Library and available by mail upon request from the Office of the Dean. The identities of current trustees and employees can be found in Appendix A to the catalog.

## Philosophy & Faculty Accessibility

This relatively small law school maintains a learning environment centered on students. A nationally recruited, well-qualified, and diverse faculty has instruction as its primary commitment. Up-to-date computers, software, peripherals, and other electronic technology enhance the classrooms, seminars, moot court, offices, and other facilities. The law library, characterized by a comprehensive current and retrospective collection of physically present materials and other information accessible through microforms and computer-managed information bases, is readily available to students, faculty, and the public. Students and faculty also engage in scholarship and contribute to the community and profession through service activities.

The Board of Trustees has adopted the following Faculty Accessibility Policy: Appalachian School of Law is committed to its role as a professional school dedicated to training outstanding lawyers in a learning environment centered on students. Therefore, the school is committed to the ideal that faculty members are teachers both in the classroom and outside the classroom in less formal settings, such as student lounge areas and faculty offices.

Faculty members are expected to be on the school campus and accessible to students for the majority of the operating hours of the school during any semester in which they have course assignments. During other portions of the year, faculty members are expected to be accessible to the extent consistent with their other job performance expectations.

## Degrees Offered

In addition to the Juris Doctor, Appalachian School of Law confers the Juris Master degree after the completion of three semesters of study, if a student is in good standing.

## Facilities

ASL has a three-building campus located near the center of Grundy, Virginia. The award-winning classroom building contains 47,000 square feet and was extensively renovated for ASL in 1997. It is a two-story structure built around an open quadrangle and houses classrooms, faculty and staff offices, and space for student organizations. The classrooms include the Appellate Courtroom, the Trial Courtroom, and several smaller classrooms and seminar rooms. Most classrooms are wired for network access for laptop computers and have electrical outlets at each seat. In addition to wired network connections, the main classroom building and library have access to the Internet through a wireless network. The library collection is housed in the library building, which is adjacent to the classroom building. The third building houses a privately-operated restaurant.

## Law Library

The Library has a core collection of reporters and codes, law reviews, treatises, and legislative history materials in print and microfiche. Supplementing the traditional research tools are about a dozen online legal databases (including Westlaw and LexisNexis). The collection is enhanced by our Appalachian Collection, containing both fiction and nonfiction materials dealing with our local area. The librarians offer assistance in using the collection by providing ongoing training classes, one-on-one assistance, and printed research guides. The Library is a designated government depository, and also provides interlibrary loans to students and faculty when other materials are needed. The two-story building, built as an elementary school in 1951, provides space for the collection as well as study space in individual carrels, tables, and group study rooms. Students can access our wireless network from anywhere in the building; public access computers are also available throughout the Library.

## Law Library Hours

More information about the Library, including the hours of operation, can be found on our web page at <http://www.asl.edu/library>

## Academic Support

Appalachian School of Law's Academic Support program is an integral part of the school's commitment to provide all students the chance to succeed in law school.

The Academic Support program seeks to help students master those legal study skills necessary for success in law school, on the bar exam, and in legal practice. The program offers a range of programs for students prior to law school, for students at all levels of law school, and for graduating students preparing to take a bar examination.

The Academic Support program consists of several components, but the cornerstones of the program are the mandatory courses at the beginning and end of the student's matriculation at ASL. Before the beginning of first semester students complete an intensive one week Introduction to Law course that provides information about the structure of the U.S. Judicial system, basic skills to facilitate law school learning, and the basics of case reading and briefing. Additionally, all incoming students are required to take Strategies for Legal Success, a one-semester course during a their first semester, which helps students improve the essential skills needed to succeed in law school, including critical thinking, reading, and listening as well as effective case briefing, note taking, outlining, and exam writing. During their last semester, students take part in the Bar

Preparation Studies course, where they learn skills necessary for success on both the multiple choice and essay portions of the bar exam.

## Career Services

The Career Services Director counsels students and alumni regarding their career aspirations and, in conjunction with ASL's Writing Specialist, advises students on resume and cover letter preparation. The Director further assists students with job searches, arranges on-campus interviewing, facilitates student attendance at job fairs, coordinates applications for judicial clerkships, and provides programming regarding various career-related topics. The Director also organizes resume collections for potential employers who are unable to recruit on campus.

## Student Grievances, Generally

The Board of Trustees has adopted the following Grievance Policy:

A person with a grievance against students, employees, volunteers, or other visitors or participants in Law School sponsored programs or activities regarding any matter at the School not governed by the Academic Standards, including, for example, treatment by a faculty or staff member or another student, harassment, discrimination, retaliation for filing a grievance, etc., shall make that grievance known in writing to the Grievance Coordinator. Grievances not in writing, anonymous, or filed by third parties will be investigated to the fullest extent possible.

1. The Grievance Coordinator shall investigate the grievance. The Grievance Coordinator may obtain assistance with this responsibility from other appropriate persons who are not connected to the grievance.
2. The Grievance Coordinator and any other appropriate persons involved in the investigation of the grievance will attempt to preserve all parties' anonymity throughout the investigation.
3. The Grievance Coordinator may impose interim measures for the pendency of the investigation when there is a need to protect the person filing the grievance from further contact with the person the grievance was filed against. These may include, but are not limited to, temporary suspensions, or agreements of no contact. If these measures are imposed and subsequent positive resolution of the grievance occurs, ASL may take the following reasonable steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as necessary.
4. Within three weeks of receiving the grievance, the Grievance Coordinator shall make an initial resolution of the grievance and will inform the parties of this resolution. The initial resolution will consist of a determination of fact, determination of the merits of the allegation, imposition of sanctions (if appropriate), and any other appropriate information regarding the investigation. The three week timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
5. Possible sanctions include but are not limited to:
  - (a) Students: warning, fines, educational projects, additional community service, counseling, no contact order, disciplinary probation, disciplinary suspension, administrative hold, and expulsion.
  - (b) Employee: suspension with or without pay, counseling, or motion for appropriate termination.

- (c) Non-Law School Employees or Non-Law School Students will be sanctioned to the maximum extent possible.

6. If any party involved is unsatisfied with the Grievance Coordinator's initial resolution of the grievance, he or she may request that the Grievance Coordinator hold a hearing on the grievance within 10 working days of the initial resolution.

7. If a hearing is held, the following procedural rules shall apply:

- (a) The hearing shall be held within 10 working days of the request for the hearing. The 10 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
- (b) The Associate Dean for academic affairs shall preside over the hearing
- (c) The two parties to the hearing are:
  - i. ASL representative stating the position of the grievance or a designee as appropriate; and
  - ii. The person the grievance was brought against, the accused.

(d) All parties may choose one counselor to attend the hearing with that party at the party's own expense. In the event that a counselor disrupts the proceedings he or she shall be removed from the hearing.

(e) The order of the hearing shall be:

- i. Reading of the grievance.
- ii. A statement by ASL representative or designee.
- iii. A statement by the accused or designee.
- iv. Presentation of evidence and witnesses by both parties
- v. The Associate Dean may also call witnesses at this time.
- vi. Closing statement of ASL representative or designee.
- vii. Reply to the charges by the accused or designee

(f) ASL shall bear the initial burden of producing evidence and shall bear the burden of persuasion. The standard of proof applied shall be the preponderance of the evidence.

(g) A record of the hearing shall be created.

8. Upon completion of the hearing, the Associate Dean shall make a decision in writing on the validity of the grievance and the appropriate institutional response thereto, if any, within 45 calendar days. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record. Absent an appeal to the Dean, the decision of the Associate Dean is final.

9. Any party, if not satisfied with the decision of the Associate Dean, may appeal that decision in writing to the Dean provided that notice of appeal is received by the Dean within ten working days. The Dean shall review

the record of the proceeding before the Associate Dean, and conduct further investigations as are deemed appropriate. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind the sanction, or resubmit the grievance to the Associate Dean with appropriate instructions. The decision of the Dean shall be final and shall be rendered in writing within 45 calendar days of the student appeal. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.

10. The records of all grievances, all grievance hearings, and all final decisions on grievances will be kept by the Dean, Associate Dean, or their designee for a period of not less than five years, and these records will be available to other people only with the express and specific approval of the Associate Dean, or the Dean.

11. If the Grievance Coordinator is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Associate Dean shall appoint a faculty member to perform the role of the Grievance Coordinator in the grievance process.

12. If the Associate Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Dean shall appoint a tenured faculty member to perform the role of the Associate Dean in the grievance process.

13. If the Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the chairman of the Board of Trustees or his designee from among the members of the Board of Trustees shall perform the role of the Dean in this grievance process.

14. The procedure outlined in this Grievance Policy shall not apply to grievances concerning grades, sexual misconduct, or violation of ABA Standards for the Approval of Law Schools. Any grievance concerning a grade shall be governed by the appropriate provisions of the Academic Standards and Policies. Any grievance arising from sexual misconduct shall be governed by the appropriate provisions of the "Title IX/Sexual Misconduct Policy." Any grievance concerning violations of the ABA Standards for the Approval of Law Schools shall be governed by the appropriate provisions of "Student Grievances, Violations of ABA Standards."

15. No student shall be subjected to unfair action as a result of filing a grievance under this policy.

16. Clery Act: ASL is in compliance with federal legislation known as the "Clery Act." The legislation requires institutions to make available to prospective students, currently enrolled students, and interested parties information about campus safety policies and procedures, established safety programs, and statistics concerning crimes that have taken place on campus.

Consistent with its emphasis on alternative dispute resolution, ASL encourages the informal resolution of any student grievances that are not subject to Title IX or grievances dealing with noncompliance with ABA Standards.

## Student Grievances, Sexual Misconduct

See Appendix C: Title IX/Sexual Misconduct Policy

## Student Grievances, Violations of ABA Standards

Appalachian School of Law is an ABA-accredited law school. It is therefore subject to the American Bar Association Standards for Approval of Law Schools, available at [www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). If a student has concerns regarding the Law School's program of legal education and its compliance with the ABA standards, the student may file a complaint pursuant to ABA Standard 510. A "complaint" is a written communication that "seeks to bring to the attention of the law school a significant problem that directly implicates the school's program of legal education and its compliance with the standards." Grievances that arise from sexual

misconduct or other conduct that is not a violation of the ABA Standards shall be governed by the relevant grievance policy contained elsewhere in the catalog.

#### Procedure for Making a Formal Complaint Pursuant to ABA Standard 510:

1. Submit the complaint in writing via e-mail to the Associate Dean of Academic Affairs with a copy to the Grievance Coordinator. The current position holders can be found on the website directory or Appendix A to the catalog and handbook.
2. The writing should describe in detail the behavior, incident, program, or process that is the basis of the complaint and explain how it implicates the Law School's compliance with a particular Standard. The number of the Standard at issue should be specified.
3. The writing must include the student's name, mailing address, phone number, and official school e-mail address.

#### Procedure for Addressing a Formal Complaint Pursuant to ABA Standard 510:

1. The Associate Dean for Academic Affairs or Grievance Coordinator shall acknowledge the complaint within ten business days of receipt of the written complaint or as soon as is reasonably possible under the circumstances. Acknowledgment will be via e-mail to the student's official ASL address.
2. Within thirty business days of acknowledgement of the complaint, the Associate Dean or a designee shall either meet with the complaining student or respond to the substance of the complaint via e-mail. The student will receive:
  - a. Notification of the resolution of the complaint; or
  - b. Notification that no corrective action is planned, with the reason why; or
  - c. Information about what steps are being taken to investigate the complaint.
3. Once the student has been notified regarding (a) the resolution of the complaint or that (b) no corrective action is planned, the matter is closed.
4. If the student is advised under (c) of the steps that are being taken to investigate the complaint, then the student will be notified of the resolution of the complaint once the matter is resolved. This will close the matter.
5. Any party, if not satisfied with the decision of the Associate Dean, may appeal that decision in writing to the Dean provided that notice of appeal is received by the Dean within ten working days. The Dean shall review the record of the proceeding before the Associate Dean, and conduct further investigations as are deemed appropriate. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind the sanction, or resubmit the grievance to the Associate Dean with appropriate instructions. The decision of the Dean shall be final and shall be rendered in writing within 45 calendar days of the student appeal. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
6. A copy of the complaint and a writing showing the resolution of the complaint shall be kept in the Dean's Office for a period of eight years.

#### Students' Rights, Privileges, and Responsibilities:

##### Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights include:

- (1) The right to inspect and review the student's education records within 45 days of the day Appalachian School of Law (ASL) receives a request for access.

A student should submit to the Registrar, Registrar, Dean, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The ASL official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not

maintained by the ASL official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask ASL to amend a record should write the ASL official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If ASL decides not to amend the record as requested, ASL will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before ASL discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

ASL discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by ASL in an administrative, supervisory, academic or research, or support staff position (including security personnel); a person or company with whom ASL has contracted as its agent to provide a service instead of using ASL employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for ASL. Upon request, ASL also may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by ASL to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Appalachian School of Law ("ASL"), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, ASL may disclose appropriately designated "directory information" without written consent, unless you have advised ASL to the contrary in writing. The primary purpose of directory information is to allow ASL to include this type of information from your education records in certain law school publications and employment inquiries such as pre-employment attendance and graduation verifications. Examples include, but are not limited to :

- Dean's List or other recognition lists;
- Graduation programs; and
- Attendance and graduation verifications from prospective employers.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, newspapers and other media publishing press release information about honors, awards, ASL activities, and graduation.

If you do not want ASL to disclose directory information from your education records without your prior written consent, you must notify the Director of Reporting, Student Records, and Regulatory Compliance and Registrar in writing by November 1 of each academic year. ASL has designated the following information as directory information:

- Student's name
- Student's Hometown
- Participation in officially recognized activities
- Photograph
- Degrees, honors, and awards received
- Dates of attendance

The most recent educational agency or institution attended

## Policy Against Discrimination

Law School policy prohibits discrimination on the basis of age, race, color, gender, gender identity, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin. This policy extends to all rights, privileges, programs, and activities, including admissions, employment, and financial assistance, as is required by law, including Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and the Americans With Disabilities Act of 1990, and regulations there under.

## Lawyers are a self-regulating profession

ASL subscribes to the philosophy that the integrity of our legal system relies upon the integrity of our country's lawyers. As future lawyers, it is imperative that our students adhere to the highest standards of ethics. Students, therefore, are subject to the standards promulgated in the Code of Academic Conduct in the Academic Standards and Policies. In addition, attendance in class is critical to learning the material and developing the skills taught at ASL. ASL adheres to a rigorous mandatory attendance policy, under which students who miss more than a specified number of class meetings receive a failing grade for the course. The precise details of the attendance policy are in the Academic Standards and Policies.

ASL's application requires disclosure of information relating to character and fitness. The applicant signs to acknowledge that the information is complete and accurate. During Introduction to Law, students are expressly reminded that the character and fitness representations will be disclosed by ASL to Bar Examiners, and that non-disclosure to ASL as part of the initial application may be treated by Bar Examiners as a separate fitness issue. Since the serious nature of the application inquiries may be different than the experience and expectations of some students, a period of time after the Introduction to Law discussion is provided for amendments to the ASL application. ASL reserves the right to review those amendatory disclosures to determine whether continued attendance at ASL will be appropriate. In order to fulfill the purpose of those disclosures from ASL's perspective, the following policies concerning disclosure are implemented:

1. Disclosures made through amendment to the application prior to December 1 of the first 1L semester will be considered by the Associate Dean for Academic Affairs and, if accepted, will be attached to the application.

2. All amendments made after December 1 of the first 1L semester will be clearly dated, and the date will be noted in any subsequent disclosure made by ASL to any state Bar Examiners.

3. Except as provided in 4 below, no amendments to ASL applications will be considered after June 1 following completion of the 2L year (that is, June 1 prior to commencement of the 3L year).

4. Disclosure of events relating to character and fitness (responsive to the ASL application) which occur during attendance at ASL is subject to an on-going obligation of the student. Therefore, amendments after June 1 following the 2L year for such events occurring after June 1 will be considered by the Associate Dean.

## Alcohol & Drug Policy

It is the policy of Appalachian School of Law to provide a drug-free, healthful, safe, and secure work and educational environment. Employees and students are required and expected to report to their class or student activities in appropriate mental and physical condition to meet the requirements and expectations of their respective roles.

Appalachian School of Law prohibits the unlawful manufacture, distribution, dispensation, possession, or use of narcotics, drugs, other controlled substances, or alcohol at the workplace and in the educational setting. Unlawful for these purposes means in violation of federal/state/local regulations, policy, procedures, and rules, as well as legal statutes. Workplace means either on Law School premises or while conducting Law School business away from ASL premises. Educational setting includes both institutional premises and approved educational sites off campus.

In order to prevent the consequences of alcohol and other drug abuse at the workplace and in the educational setting, Appalachian School of Law has implemented this policy to ensure a drug-free work and educational environment.

Appalachian School of Law recognizes that chemical dependency through use of controlled or uncontrolled substances, including alcohol, is a treatable illness. ASL supports and recommends employee and student rehabilitation and assistance programs and encourages employees and students to use such programs.

ASL will also implement drug-free awareness programs for employees and students. Such programs will annually ensure that employees and students are aware that:

Alcohol and other drug abuse at the workplace and in the educational setting is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury, poor health, or even death.

Alcohol and other drug abuse can also significantly lower performance on the job and in the classroom, thus impacting on ASL and its mission as well as seriously affecting the student's educational and career goals.

Employees must report any personal conviction under a criminal drug statute for conduct at the workplace to their personnel officer within five days.

It is a condition of employment and admission that all employees and students must abide by the policy on alcohol and other drug use as well as related procedures, statements, laws, and guidelines. Violation of any provision may result in disciplinary action up to and including termination or expulsion, and may have further legal consequences consistent with federal and state laws and regulations. In addition, management may require an employee or student to enter an employee/student assistance or drug rehabilitation program as a condition of employment or enrollment.

Use of Employee Assistance Programs (EAP), Student Assistance Programs (SAP), or drug/alcohol rehabilitation services is encouraged.

## Disability policy and definitions

Appalachian School of Law does not discriminate against individuals with disabilities in its program of legal education, as those disabilities are defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §706; 45 C.F.R. §84.3(k)(3); and the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et. seq. In an effort to provide full opportunities to individuals with disabilities, ASL offers individualization and reasonable accommodation, as required by law. Reasonable accommodations are those that do not fundamentally alter the nature of ASL's educational program and can be provided without undue financial or administrative burden, and without lowering academic and other essential performance standards. As used in this context, the terms "disability," "individual with a disability," and derivations thereof are defined as those terms in 29 U.S.C. § 706 and 42 U.S.C. § 12102. The terms "accommodation" and "adjustment" are used interchangeably to mean the steps necessary to comply in the academic program with Title III of the Americans with Disabilities Act, 29 U.S.C. § 794 (commonly known as Section 504 of the Rehabilitation Act), and other relevant legal obligations with respect to individuals with disabilities.

Students who wish to request an accommodation should contact the Associate Dean for Academic Affairs, who is ASL's Section 504 coordinator for students. The procedures for requesting academic accommodations are set forth in the "Accommodations Policy", which is Appendix E of the Catalog & Student Handbook. The current version of the Catalog and Student Handbook also may be found on ASL's website ([www.asl.edu](http://www.asl.edu)) and the reserve desk in ASL's library. Individuals who believe they have been discriminated against on the basis of a disability may file a complaint under ASL's Grievance Policy. The Grievance Policy is found in this catalog, which is available to all students via the website.

### *Accommodations for students with disabilities*

Students with a documented disability may be entitled to accommodations such as alternate test taking arrangements or other academic accommodations. Additionally, students with a documented disability may be entitled to non-academic accommodations such as parking or other accommodations related to accessibility. Students needing special accommodations should fill out Section A of the Initial Request Form for Reasonable Accommodations (available on ASL's website as part of Appendix E of the Catalog and Student Handbook, in the Registrar's Office, and in the Associate Dean of Academic Affairs office) and provide the necessary supporting documentation in section B for the request at least 30 days before the requested effective date of accommodations. The Associate Dean for academic affairs will forward the request to the Accommodations Committee for review and determination pursuant to the policies and procedures set out in the section entitled "Accommodations Policy" of the Student Handbook.

Accommodations for temporary disabilities or emergency accommodations must be requested each semester in which they are required. The request for emergency accommodations and supporting documentation should be submitted to the Associate Dean of Academic Affairs as soon as reasonably possible after the need for accommodation arises. Keep in mind that the process of considering documentation and developing appropriate accommodations will take a minimum of 48 hours.

## Confidentiality

It is the policy of Appalachian School of Law to preserve the privacy of a person seeking or receiving an accommodation or adjustment because of their disability. The Committee shall keep confidential the fact, content, and outcome of its proceedings, except insofar as it is necessary to engage consultants, implement any accommodation or allow the Dean to rule upon any appeal. Any person, including the members of the faculty, staff or administration of this school, who shall participate in any manner in any such proceeding shall similarly maintain confidentiality.

## Consultant

The Committee may engage the services of such consultant or consultants as are necessary to make an informed decision upon each initial application, or application for modification, or termination thereof. The Law School shall make such funds available as are necessary to allow the Committee to engage necessary consultants. In the event that such consultations are needed by other persons or entities within the law school—including, but not limited to, the Admissions Committee—the Committee shall work with that person or entity in order to facilitate the pooling of consulting resources.

## Jurisdiction

The Academic Accommodations Committee has jurisdiction over all matters relating to adjusting, accommodating, and otherwise making accessible the academic program to students with disabilities, including, but not limited to, accommodations with regard to examinations and classroom learning.

## Standard

The Committee shall comply with the Americans with Disabilities Act and all other relevant legal obligations. In deciding what are reasonable modifications the Committee shall consider the nature of the disability, the nature of the task, the demands of sound andragogy (including the need to develop an accommodation that does not give an applicant an unfair advantage).

## Self-Identification of Disability

In the letter confirming a student's seat deposit, information about the school's policy of providing reasonable modification in the academic program shall be provided. A second letter shall be provided at the conclusion of the orientation period to each member of the incoming class. These letters shall invite disabled students to respond to the Associate Dean for Academic Affairs or his or her designee with any relevant information regarding their disability, including the nature of the disability and supporting documentation. The Committee or Associate Dean may develop or revise forms to assist with the collection and consideration of information regarding the fact and extent of disability and the types of accommodations that may be appropriate to the reported disability.

The Associate Dean for Academic Affairs will be responsible for circulating all information so received to the other members of the Committee in a timely fashion.

## Applying for accommodations or modification to accommodations

The Committee shall entertain applications from students who believe themselves to be individuals with disabilities and who request an accommodation in the academic program. The Committee shall consider medical and other documentation of the fact and extent of disability and as to the need to adjust the academic program. The initial burden to provide such documentation rests with the applicant; forms are available (on ASL's website, in the registrar's office, and the office of the Associate Dean of Academic Affairs) to help an applicant collect and provide the necessary documentation. The Committee shall make its determination on the basis of the information presented by the applicant, and any other information that comes to its attention. In the event that significant information comes to the attention of the Committee that was not submitted by the applicant, the Committee shall share that information with the applicant and allow comment thereon.

## Accommodations

### Non-examination accommodations

The Associate Dean for Academic Affairs or his or her designee, shall make the initial decision as to accommodations to the classroom learning within the first five days of classes in a regular term or the receipt of the application if after the start of term; and s/he shall notify the full Committee of any such decision. These accommodations include, but are not limited to, measures such as the provision of note-takers, readers or interpreters. A student who is dissatisfied with any non-examination accommodations so arranged may appeal to the full Committee. In all cases, the Committee retains plenary authority to terminate or modify any such accommodation.

### Examination accommodations

A student desiring an examination accommodation must make this request and provide supporting documentation to the Associate Dean for Academic Affairs at least 30 days prior to the commencement of the examination period. The Associate Dean for Academic Affairs or the full Committee may excuse late submissions at their sole discretion. The applicant may discuss the matter with the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs shall submit all documentation to the Committee. The Committee shall notify the applicant of its decision.

### Consultation with faculty member

In determining whether an accommodation is reasonable under the circumstances, the Associate Dean for Academic Affairs and/or the Committee shall consult with any affected faculty member who wishes to be consulted. In all circumstances, the confidentiality of the student requesting a modification shall be preserved.

### Duration of Accommodations

Even though there is a presumption that an accommodation package will be renewed, the student is responsible for completing a recertification form for every term in which the student enrolls and would like to receive accommodations so that the suitability of existing accommodations to the scheduled classes can be evaluated by the committee. The Committee may decide to terminate or modify any accommodation. The reasons for the Committee's decision to terminate or modify the accommodation or accommodations may include, but are not limited to, a substantial change in the applicant's disability profile or the applicant's involvement in an academic activity for which the previously determined accommodation or accommodations are unsuited. The Committee's decision to modify or terminate any accommodation may be made on either the applicant's or the Committee's motion, but if made on the Committee's motion the Committee shall allow the applicant to comment on the proposed modification or termination.

### Reconsideration and Appeal

An applicant may request reconsideration once as of right of any determination by the Committee relative to the applicant. An aggrieved applicant may appeal any Committee determination relative to the applicant to the Dean. The Dean shall not consider any appeal unless the substance of the appeal has first been presented to the Committee upon motion for reconsideration. On appeal, the Dean may set aside, modify, or remand the Committee's determination if the Dean finds that the Committee has made an error of law, clearly erred with regard to a factual matter, or abused its discretion in the selection of an accommodation. If the Dean decides on appeal to affirm the Committee's determination, the Dean need not explain the reasons therefore. If the Dean's decision on appeal is other than a complete affirmance of the Committee's determination, the Dean shall explain in writing the reasons therefore.