

## Chapter 5 Academic Standards & Policies

### I. Function of These Standards

#### A. Comprehensive Rules and Interstitial Rulemaking

The function of these academic standards is to provide comprehensive rules for governing the academic rules to be applied to students of Appalachian School of Law (the School). To the extent the rules fail to provide adequate guidance for administering a particular aspect of the students' academic program, the Dean may adopt temporary rules which shall have full force and effect until the Faculty adopts a permanent standard.

#### B. Adoption and Amendment

The academic standards are adopted by majority vote of the Faculty and are subject to amendment by a majority vote of the Faculty.

#### C. Notice

These standards are notice to all applicants, students, faculty members, and others of the rules, regulations, policies, and procedures described herein. This notice exists without regard to whether one has actually taken the opportunity to read the standards; the School will deal with all interested parties on the assumption that they have informed themselves as to these standards.

#### D. Availability

The School will make efforts to provide reasonable access to these standards to interested people. This access may include availability of the standards at the School's law library.

### II. Status of Students

#### A. Full-time

All students must be full-time students, except those who have received special permission from the Dean. Full-time students must enroll in the complete prescribed sequence of courses for each semester in which they are enrolled. No full-time student may work more than twenty hours per week during any week in any term or semester for which the student is enrolled. The student bears the burden of proving compliance with this work limitation, and the School, at its sole discretion, may at any time require the student to provide proof of compliance. Any student who cannot prove satisfactorily the student's compliance with the work limitation shall be regarded as a part-time student, and the sanctions for exceeding the maximum student load for a part-time student will be imposed for any semester in which the student exceeded the maximum part-time load. Furthermore, violation of the work limitation is a Code of Academic Conduct violation and is therefore subject to additional sanction through that process.

#### B. Part-time

A part-time student is any student:

- (a) working more than twenty hours per week, or
- (b) taking eleven or fewer credit hours in a semester.

### III. Student Academic Conduct<sup>1</sup>

#### A. Essential Abilities and Technical Standards

Law students who are candidates for the Juris Doctor degree are required to demonstrate the following essential abilities and technical standards. These standards are not intended to deter or exclude candidates for whom reasonable accommodations for a disability will allow successful participation in and completion of the Juris Doctor program.

##### Time Management Skills

- The student must demonstrate the ability to meet deadlines, keep scheduled appointments, fulfill community service requirements, and timely complete all classroom and clinical/externship assignments and administrative tasks within the assigned timeframe.
- The student must adhere to the attendance policy as it applies to each course and must punctually attend class.
- The student must be able to time complete assigned tasks in a satisfactory manner, and attend classes and other obligations prepared and ready to participate.

##### Communication Skills

- The student must be able to communicate effectively and efficiently in oral and written forms in a prompt, professional, and comprehensive manner, regardless of the forum, including classroom discussion, clinical/externship assignments, and other instructional settings such as oral advocacy presentations.
- The student must be able to review written and oral material in a timely and efficient manner required to participate, be called upon, and answer questions without advance notice in a classroom or other instructional setting.
- The student must be able to engage in active listening to others and to appropriately respond to those communications.

##### Organizational Skills

- The student must be able to follow directions, make reasonable inferences, and organize and synthesize information.
- The student must be able to organize ideas to communicate in writing and orally.
- The student must be able to coherently organize large amounts of information.

##### Behavioral & Social Attributes

- The student must possess and exercise the good judgment, honesty, integrity, and interpersonal skills required to work successfully under stressful conditions and to fully utilize his or her intellectual abilities.
- The student must be able to tolerate and manage competing demands and workloads that are as mentally and emotionally taxing as are routinely found in the legal profession.
- The student must be able to adapt to changing circumstances.
- The student must be able to monitor and regulate his or her own behavior, including recognizing and correcting behavior that is detrimental to the student's own successful completion of the Juris Doctor curriculum.

---

<sup>1</sup> Amended by Faculty on May 30, 2019; approved by Board of Trustees on June 18, 2019.

- The student must demonstrate the ability to meet the expected ethical standards set forth by the legal profession.
- The student must work cooperatively with peers, faculty, staff, and other members of the ASL community.
- The student must be able to receive and integrate constructive criticism.

#### Intellectual, Conceptual and Integrative Skills

- The student must be able to set goals, formulate plans to achieve those goals, and implement those plans over time.
- The student must be able to understand, synthesize and apply complex information, and must have the ability to integrate and process information promptly and accurately.
- The student must demonstrate mental and emotional skills and abilities to learn and to conduct effective problem solving, legal analysis, reasoning and research, factual investigation, oral advocacy, and organization and management of legal work.

### B. Code of Academic Conduct

A student may be disciplined for conduct unbecoming a student of law. Conduct unbecoming a student of law includes the failure to demonstrate any of the essential abilities and technical standards required of law students, as well as the following non-exhaustive list of behaviors:

- (1) violating any rule or regulation of the School, EXCEPT THAT violation of the Title IX/Sexual Misconduct Policy will subject the student to the provisions of that Policy, including the disciplinary process included therein;
- (2) plagiarism, fraud, deceit, misrepresentation, or dishonesty;
- (3) violating any rule or regulation which would disqualify the student from taking the bar examination;
- (4) any conduct which if done by a lawyer could subject the lawyer to the disciplinary processes of any state bar;
- (5) harassing or engaging in hostile, threatening, or intimidating actions toward other law students, faculty, staff, administrators, or others;
- (6) failure to comply with any sanctions imposed by the School or refusing to attend professional counseling or submit to a psychological evaluation at the request of the School;
- (7) requesting that another person sign a student's name on the attendance sheet during a class that he or she did not attend, arrived late or left early; or signing another student's name on an attendance sheet.

With respect to conduct falling under Section III (B)(7), in addition to any other disciplinary actions deemed appropriate, a student shall be counted as absent during the class that he or she signed another student's name on the course attendance sheet or had another student sign the course attendance sheet on his or her behalf.

### C. Duty to Report

Any student who has good cause to believe a violation of the Code of Academic Conduct has occurred must report that belief to the Dean. Failure to do so is a violation of the Code of Academic Conduct.

### D. In the Event of an Allegation of Violation of the Code of Academic Conduct

#### 1. Complaints for Violation of Code of Academic Conduct

Complaints for violation of the Code of Academic Conduct, Section III (A), shall be handled in accordance with procedures set forth in these standards.

## 2. Grading of Suspected Examination or Assignment

An instructor suspecting a violation of the Code of Academic Conduct on any class assignment or examination must report the violation to the Dean. The instructor should grade the assignment or examination as if no violation occurred. If final grades are due, the instructor should then turn in the grades with the request that they be held by the registrar pending resolution of the alleged violation.

### E. Procedures for Allegations of Violation of the Code of Academic Conduct

#### 1. In General

Complaints for violation of the Code of Academic Conduct shall be handled in accordance with the following procedures. For purposes of these procedures, a “business day” shall mean a day in which the School is open for business, regardless of whether classes are in session.

#### 2. Jurisdiction, Processes, & Standards

The Dean of ASL has jurisdiction over the conduct covered by the Code of Academic Conduct. In the event the Dean believes herself to have a “conflict” with presiding over this process (for example, in the event that the alleged academic dishonesty occurred in a course taught by the Dean), the Dean may designate a substitute to act in her place.

Violations of the Title IX/Sexual Misconduct Policy are addressed by that Policy; violations of the Discrimination and Harassment Policy are addressed by the Grievance Policy. If a complaint is brought under the wrong policy or standard it will be transferred to the correct process. Complaints involving the same alleged acts may be addressed under only one process (i.e., “one bite at the apple”).

Alleged violations of the Code of Academic Conduct will be reviewed using a “preponderance of the evidence” (i.e., “more likely than not”) standard when making a determination on the merits of the complaint.

#### 3. Reporting Suspected Violation of the Code of Academic Conduct

A professor, instructor, supervisor, student, or any other person suspecting a violation of the Code of Academic Conduct shall notify the Dean in writing of the alleged violation. In certain instances, especially when the suspected violation is a matter of public knowledge, the School itself (acting through the Dean) may serve as the reporting party and a written complaint will be unnecessary.

#### 4. Dean’s Initial Review & Selection of Process

Upon receipt of a complaint alleging violation of any provision of the Code of Academic Conduct, the Dean shall review the complaint, take any necessary and appropriate interim measures (e.g., interim suspension, no trespass, or no contact orders), and select the following process that would best address the allegations. Note that the Dean has discretion to extend any timeline for good cause.

- (1) The Dean will interview the involved student(s) and make a determination if further investigation would be likely to reveal relevant information. (In certain instances, interviewing one or more students may be deemed impractical or unwarranted; in those instances, the Dean may elect to place the disciplinary process on “hold” until an interview can occur or to proceed without the interview.) If the Dean concludes that further investigation is not warranted, the Dean will then make a determination on the merits of the complaint and any appropriate sanctions therefor. If the complaint alleged any violation involving an academic course (e.g., plagiarism, use of unauthorized materials on a test), the Dean will confer with the instructor of that course before making a determination and imposing sanctions. The student will then be informed of the determination and any sanctions. This process will ordinarily be concluded within seven business days of receipt of the complaint. If the Dean concludes that further investigation is warranted, the Dean will appoint an Investigator or Investigation Committee as set forth in Section III, D, 4,(2) or (3) below.

- (2) Within five business days of receipt of the complaint, the Dean will appoint an Investigator. Within two business days of appointment, the Investigator will notify the subject of the complaint of the

nature of the allegations against him or her and may provide a copy of the written complaint when appropriate. The Investigator will investigate the allegations of the suspected violation by interviewing witnesses, collecting evidence, reviewing documents, and taking other measures as deemed necessary to investigate the allegation. At the conclusion of the investigation, the Investigator will draft a Report summarizing the investigative techniques and results thereof. The Report will include a recommendation to the Dean regarding a determination on the merits and any appropriate sanctions. This process will ordinarily be concluded within twenty-one calendar days of the appointment of the Investigator. The Dean will review the report and make a determination on the merits and any appropriate sanctions, which shall promptly be communicated to the accused student. If the Dean believes that further investigation is necessary, he or she may remand the case to the Investigator for further investigation or appoint an Investigation Committee as set forth in Section III, D, 4, (3) below.

- (3) Within five business days of receipt of the complaint, the Dean will appoint an Investigation Committee composed of three members of the faculty or senior administrators of the School. If the complaint alleged any violation involving an academic course, at least two members shall be faculty. The Committee will elect a Chair, who shall be responsible for notifying the student of the allegations against him or her, arranging interviews of the involved parties and witnesses, collecting other evidence, and providing the Committee members with all materials. Upon completion of the investigation, the Committee will then confer and reach a decision regarding a recommended determination on the merits of the allegations and any appropriate sanctions. Although unanimity is preferred, a decision may be reached by the agreement of a majority (two of the three) of the Committee. If the Chair is in the majority, he or she shall draft a report summarizing the investigative techniques used, the evidence and witnesses considered, and the recommended determination on the merits/sanctions of the Committee. If the Chair is not in the majority, the majority shall select a drafter. The report will be reviewed by all members of the Committee, who shall sign the Report (noting any objections thereto by way of annotation of the Report or drafting of a Dissenting Report). The Report will be submitted to the Dean. This process will ordinarily be concluded within thirty calendar days of the appointment of the Committee. The Dean will review the report and make a determination on the merits and any appropriate sanctions, which shall promptly be communicated to the accused student. If the Dean believes that further investigation is necessary, he or she may remand the case to the Investigation Committee.

## 5. Sanctions

Sanctions for violations of the Code of Academic Conduct may include, but are not limited to, the following. The Dean has discretion to impose one or more of these or any other sanctions.

- (1) Expulsion from ASL;
- (2) Suspension from ASL for a period of up to one academic year;
- (3) A letter of censure;
- (4) Requirement for additional courses or credits to be taken as a prerequisite to graduation from ASL;
- (5) Sanction recommended by the instructor, including any recommendation as to grading for the course in which the violation occurred;
- (6) A period of probation on such conditions as the Dean considers to be appropriate; and
- (7) Such other sanctions as may be commensurate with the violation.

## 6. Record

When the decision is communicated to the student by the Dean, a copy of the Report of the Investigator or Investigation Committee if any, the Dissenting Report if any, and accompanying material, together with a written notice of the determination and any sanctions imposed by the Dean will be provided to the student and the

Associate Dean for Academic Affairs. Notice regarding the decision and/or sanctions will be provided to others on a need-to-know basis in order to implement or verify any decision/sanction. All records relating to the complaint will be maintained by the Dean, for a period of three years from the student's separation from ASL whether by sanction, graduation, or otherwise.

## 7. Appeals

For allegations of violations of the Code of Academic Conduct resolved by the process outlined in Section III, D, 4 (1) or (2) above, and for certain reasons listed below, the student has the right to request an Appeal within five (5) business days of having the decision and sanction reported to him or her. The request for Appeal shall be in writing and delivered to the Dean's Office.

- (1) If the student believes that the decision did not take into account all available evidence, documents, witnesses, or mitigating factors, the student may provide such additional information to the Dean along with the request for Appeal. The Dean will review this additional submission, and report a decision to the student within ten business days of receipt of the additional submission.
- (2) If the student questions the thoroughness, fairness, or impartiality of the Investigator, the student may outline the reasons therefor along with the request for Appeal. The Dean shall review the request for Appeal and if the Dean believes there is cause for substantial doubt regarding the thoroughness, fairness, or impartiality on the part of the Investigator, the Dean shall submit the case to an Investigation Committee for resolution pursuant to the process in Section III, D, 4 (3) above.

For allegations of violations of the Code of Academic Conduct resolved by the process outlined in Section III, D, 4 (3) above, and for certain reasons listed below, the student has the right to request an Appeal within five business days of having the decision and sanction reported to him or her. The request for Appeal shall be in writing, shall state all reasons and supporting evidence for the Appeal, and shall be delivered to the Dean's Office. Reasons for Appeal of a decision rendered pursuant to the process of Section III, D, 4 (3) are limited to questions regarding the thoroughness, fairness, or impartiality of any member of the Investigation Committee or the Committee as a whole. The Dean shall review the request for Appeal and if the Dean finds that there is cause for substantial doubt regarding the thoroughness, fairness, or impartiality, the Dean shall appoint a new three-member Investigation Committee, and the Appeal will proceed pursuant to the process outlined in Section III, D, 4 (3) above.

Students shall have only one Appeal, and the decisions on Appeal are final.

In the event the student is ultimately found not to have violated the Code of Academic Conduct (whether by initial decision or as a result of the Appeals process), any interim measures affecting the student (e.g., suspension, no contact order) will be rescinded by the Dean.

## IV. Curriculum

### A. Prescribed Curriculum

#### 1. Prescribed Curriculum Generally

All students enrolling in the fall of 2018 and after must take the following courses, in the sequence specified by the Faculty: Appellate Advocacy/Appellate Advocacy Criminal Law/Appellate Advocacy Natural Resources; Bar Preparation Studies; Business Associations/Agency or Business Organizations; Civil Procedure I; Civil Procedure II; Constitutional Law I; Constitutional Law II; Contracts I; Contracts II; Criminal Law; Criminal Procedure; Evidence; Externship; Introduction to Externship; Family Law; Introduction to ASL

Legal Studies I; Introduction to ASL Legal Studies II; Legal Process I; Legal Process II; Professional Responsibility; Property I; Property II; Secured Transactions/UCC; Torts; and Wills and Estates. Additionally, all students must complete eight hours of Practicum courses (one of which must meet the Upper-Level Writing Requirement) and one Seminar/Rigorous Writing Requirement.

## 2. Part-time Sequence

For part-time students, the sequence of courses is arranged by the student with the Dean; however, prior to graduation, the part-time student must complete all courses required of full-time students.

### B. Deviations from Prescribed Curriculum

Absent permission of the Associate Dean for Academic Affairs, full-time students may not deviate from the prescribed sequence of courses.

### C. Failure to Complete a Course Successfully

Any student who, for whatever reason and in whatever fashion, does not successfully complete and receive credit in a required course must enroll in that course at the earliest available opportunity.

### D. Seminar/Rigorous Writing Requirement

#### 1. Seminar Requirement Generally

Except as provided below, each student must take a Seminar, in which, under the supervision of the faculty member teaching the student's Seminar, the student will complete one paper which is either an expository or argumentative writing of at least twenty double-spaced, typed (or word-processed) pages of text exclusive of footnotes. Each seminar shall provide individualized assessment including review of and feedback on at least one draft prior to submission of the final written product.

#### 2. Independent Study

Students may, with the permission of the Dean, take an Independent Study on a particular topic to fulfill the Seminar/Rigorous Writing Requirement. Students interested in pursuing an Independent Study must find a full-time professor who will agree to supervise their work and the Independent Study must be completed within one semester. Under no circumstances shall an Independent Study be approved for use as a substitute for a required course other than the seminar/rigorous writing requirement.

#### 3. Law Journal

Students who successfully serve on Appalachian School of Law Journal of Law or the Appalachian Journal of Natural Resources Law for the entire period they are eligible to do so, who are elected and serve as a member of the Board of the Journal, and who produce a note which the Board of the Journal and the Journal's Faculty Advisor deem publishable, may substitute such service for the Seminar Requirement or a two-credit upper level elective course, at the student's choice. In such cases, the student shall be awarded two semester credit hours for "Law Journal" at the end of the student's final semester. Successful completion of service on the Journal will be determined by the Journal's Faculty Advisor. Students may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares.

#### 4. Moot Court

Students who are selected by the Moot Court Program's Faculty Advisor(s) to participate in an interscholastic moot court competition, who do in fact participate in the competition, and who contribute substantially to drafting the competition brief, may substitute such service for a one-credit upper-level elective course. In

such cases, the student shall be awarded one semester credit hour for “Moot Court” at the end of the student’s final semester. Students seeking academic credit for moot court participation are expected to contribute to the Appalachian School of Law’s Moot Court Board and its activities.

Student may earn a maximum of two credits for participation in moot court, regardless of the number of competitions in which they participate.

Students who earn credit for participating in two interscholastic moot court competitions, along with the associated brief drafting, may substitute such service for the Seminar Requirement. The Moot Court Program’s Faculty Advisor(s) will review at least one draft and provide feedback and opportunity for revision of each of the student’s briefs. If interscholastic competition rules prevent such review and feedback prior to submission of an independently prepared competition brief, that process may take place after the brief is submitted but before the seminar credit is awarded. In all cases the Moot Court Program’s Faculty Advisor(s) shall determine the sufficiency of the brief prior to an award of seminar credit.

The Moot Court Program’s Faculty Advisor(s) will determine whether students have successfully completed Moot Court service and are eligible for seminar or elective credit.

### E. Upper-Level Writing Skills Requirement

Each student must successfully complete at least one course that has been designated by the Curriculum Committee as satisfying the Upper-Level Writing Skills Requirement.

### F. Community Service Requirement

Students are required to complete 25 hours of community service each semester. During their first semester, students satisfy this requirement by taking the mandatory Introduction to Community Service class. The Community Service Requirement may be waived by the Associate Dean for Academic Affairs for students on Academic Probation.

### G. Bar Preparation Studies Course

All students are required to successfully complete the Bar Preparation Studies Course prior to graduation, subject to the following exceptions. Students who meet the following criteria may opt out of the Bar Preparation Studies Course, with faculty approval:

- (1) The student must have achieved a 3.5 or higher Academic Standards GPA after the Spring Semester of their 2L year (NOTE: Students whose Academic Standards GPA falls below 3.5 after the Fall semester of their 3L year will be required to adjust their Spring semester enrollment to include Bar Preparation Studies);
- (2) The student must have scored 152 or higher on the LSAT;
- (3) The student must not have received any credits of Not Proficient grades; AND
- (4) The student must not have been placed on academic probation at any time.

### H. Distance Learning Policy

A student may not take more than four (4) credit hours in any term of distance learning courses, nor may a student take more than a total of fifteen (15) credit hours of distance learning courses. No student may enroll for credit in a distance learning course until that student has completed twenty-eight (28) hours toward the JD degree. Any distance learning course will count towards the maximum enrollment for the term in which the course is taken. These rules shall be interpreted in accordance with ABA Standard 306 and its



interpretations.

## V. Registration

### A. Normal Registration Times

Registration times for each semester or term shall be set by the Dean.

### B. Late Registration

Failure to register during the normal registration time for a semester or term will cause a student to lose any priority in registration.

### C. Add/Drop Policies

#### 1. Normal Time Period

Students may change from one section to another in a course with optional topics (e.g., Seminar or Practicum offerings) during the first week of the Fall or Spring semester or the first two days of a Summer Intersession if space is available.

#### 2. Absences Prior to Enrolling in a Section

Absences from class sessions prior to shifting into a new section of a course with optional topics will be counted toward the total number of absences from the class.

### D. Withdrawal From Courses

At any time between the end of the add/drop period specified in Section V(C)(1) and the mid-way point in a course, a student may, with permission of the Associate Dean for Academic Affairs, drop a course and receive the grade of "W." The "mid-way point" means the time when 50% of the class minutes for a course have been held. At any time after the mid-way point in a course, a student who withdraws from a course shall receive the grade of "F." A student who withdraws from all courses and is granted a leave of absence shall receive the grade of "W" for all courses. A student who is academically dismissed shall be administratively withdrawn from any courses in which they are currently enrolled and receive a grade of "W."

### E. Maximum Student Load

At no time may a student be enrolled in coursework that, if successfully completed, would exceed 20 percent of total coursework required by the School for graduation.

## VI. Attendance

### A. Required Class Attendance; Computer Use

Regular and punctual class attendance is required of all students in all courses. Attendance shall be taken in all courses. Attendance sign-in sheets shall be used, and students have the responsibility for making sure that they sign the sheet. Any student requesting that another person sign his or her name on the attendance sheet during a class that he or she did not attend, arrived late for or left early for; or any student who signs another student's name on an attendance sheet shall be deemed in violation of the Code of Academic Conduct (see Section III(A)(7) of the Academic Standards). Use of computers during class periods for any purpose other than note-taking is prohibited. The instructor may establish a more restrictive computer use policy.

## B. General Rule

No student may miss more than fifteen percent (15%) of the class meetings in any course or seminar. For example, for a course that meets three times per week, a student may miss no more than five classes; for a course that meets twice a week, a student may miss no more than four classes; for a course that meets once a week, a student may miss no more than two classes. A student who is tardy or who exits class early may be marked as absent. Under no circumstances shall a Professor be permitted to allow a student to "make up" an absence from a regularly scheduled class. Any student exceeding the maximum number of absences in a course shall receive the sanction set forth in Section VI (E) of the Academic Standards.

Externship Orientations and Debriefings are not subject to this General Rule. Absences from Externship Orientations or Debriefings may be excused by the Externship Director, for good cause evidenced in writing by a student requesting an excused absence.

## C. Instructor's Rule

An instructor may establish more restrictive class attendance policies if the students are notified in writing during the first week of classes. A student who is present but unprepared for class may be marked as absent if the instructor adopts this policy in writing during the first week of the semester. The student found to be absent because the student is unprepared shall be so advised by the instructor during or immediately after the class in question.

## D. Exclusions

A student's absence from any class meeting, if in observance of the student's religion or conscience shall not be computed toward the maximum number of absences.

## E. Sanctions for Excessive Absences

Any student who misses more classes than allowed by the above formula or an instructor's particular policies shall not be permitted to take the final examination or submit additional work. A student who misses more than the allowed number of classes in a course has not met the course requirements, and though the absences may be for good cause, such as sickness or death in the family, the student should re-take the course rather than sit for the examination or attempt the graded assignments. In the case of extraordinary circumstances, a student may petition, in writing delivered to the Associate Dean for Academic Affairs, for permission to withdraw and receive a grade of "W" as provided in Section VI (G) of these Academic Standards. In all other cases in which absences are excessive, a grade of "F" shall be given.

## F. Notice

Students must keep track of their absences. The School is under no obligation to notify students when their absences exceed the limits noted above.

## G. Extraordinary Circumstances

In extraordinary circumstances, a student who receives a failing grade due to excessive absences may petition the Associate Dean for Academic Affairs for relief. Upon proof of extraordinary circumstances, such as serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; attendance at school-sponsored academic events (such as interschool moot court, mock trial, negotiation, mediation, or client counseling competitions); or any other exceptional circumstance beyond the student's control which prevented the student from meeting attendance requirements, the Associate Dean for Academic Affairs may withdraw the failing grade and grant a withdrawal ("W") in the course. Any petition for change of grade from an "F" to a "W" under this subsection must be made within two weeks of the date the student is notified that the student's absences exceed the limit, or within two weeks of the date that a grade of

"F" due to excessive absences is mailed or posted. A decision of the Associate Dean for Academic Affairs may be appealed to the Dean. The decision of the Dean upon appeal is final and not subject to further review or appeal.

## VII. Examinations

### A. Anonymity

#### 1. Confidential Grading Numbers Assigned

Throughout each semester all students enrolled at the School are assigned five digit numbers to use instead of their name or Social Security number on School examinations. These grading numbers are confidential.

#### 2. "Blind" Examination Grading

Instructors are expected to inform students about course evaluation procedures at the beginning of each course. Students enrolled in classes in which the primary means of evaluation is an examination receive a "blind" examination grade. In those courses, the instructors assign grades to examinations without knowing the name or identity of the test taker. After instructors turn in the "blind" examination grades for their courses, they have the opportunity to match student grading numbers with student names. Instructors will then calculate final grades based on the evaluation procedures announced at the beginning of the course, including reflecting credit for additional course work or assignments, class participation, and other factors relevant to evaluating student work.

#### 3. Retention of Work upon which Grades Are Based

The School will retain examinations and other written work on which a student's grade for a given course is based until the student has graduated, permanently transferred, withdrawn or been academically dismissed from ASL. Students will be permitted to review written work upon which a grade is based up to two weeks prior to the commencement of exams for the semester following the one in which the course was taken. Exams and other written work may be stored and/or reviewed, at the option of the Professor, either in the Registrar's Office, or a secure area designated by the Registrar's Office, or the Professor's office. If a Professor chooses to retain written material in his/her office, the Professor shall be responsible for the security of the material and shall only permit students to review the material in the Professor's, or a designated individual's, presence.

### B. Departure from Examination Schedule

#### 1. General Rule

All students shall take examinations as scheduled. No student has the right to defer an examination. A student who fails to sit for an examination when scheduled, or who does not defer an examination according to these procedures, shall receive a failing grade in the course. Once a student receives notification of a grade, no petition for grade change shall be considered if the circumstances set forth in the petition demonstrate that the student should have, but did not, ask for an examination deferral.

#### 2. When Deferral is Permitted

A student is permitted to defer an examination only for good cause. Good cause includes serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; and any other similar emergency beyond the student's control which prevents the student from sitting for the examination when scheduled.

### 3. Procedure for Deferral of Examination

No student may have a course quiz deferred without first applying to the course professor for permission to defer the quiz. No student may have amid-term or final examination deferred without first applying to the Associate Dean for Academic Affairs for permission to defer an examination. Permission to defer an examination must be obtained prior to the scheduled examination day, unless the cause for deferral occurs on the examination day, and is due to circumstances beyond the student's control. Students who must defer a scheduled examination shall submit to the Associate Dean for Academic Affairs a written statement setting forth the nature of the emergency as soon after the emergency arises as is practicable, and should submit supporting documentation of the illness or emergency. If the Associate Dean grants permission to defer an examination, the Registrar shall notify the instructor whose examination is to be deferred. At the instructor's discretion, a new examination may be given to the student whose examination has been deferred. The revised examination date shall be set by the Registrar. The examination should be taken before the beginning of the next semester, except in extraordinary circumstances. Any appeal of the Associate Dean's decision shall be made, in writing to the Dean. The decision of the Dean on appeal is final and is not subject to further appeal or review.

### C. Take-Home Pass/Fail Remedy for Extraordinary Circumstances

In the event of a student's excused omission of a scheduled examination, the Dean may approve having the student take an appropriate take-home exam for the course on a pass/fail basis. The student taking an examination in this manner waives all right to anonymity.

### D. Examination Accommodations for Students with Disabilities

Students with disabilities may request a reasonable accommodation for exam-taking. The Accommodations Policy is set forth in Appendix E of the Catalog and Student Handbook. The procedures and forms used in requesting an accommodation are also set forth in Appendix E, or available from the Registrar's Office or from the Associate Dean for Academic Affairs.

### E. Use of Typing or Computer Equipment on Examinations

#### 1. Machines with Permanent or Retained Memory Devices

Except as provided for in Section VII (E)(4), students may not use computers, word processors, or other machines with permanent or retained memory functions on closed-book examinations, and may not use computers, word processors, or other machines with permanent or retained memory functions on open-book examinations unless the instructor informs the entire class in the syllabus that these are permissible.

#### 2. Students with Disabilities

Students with disabilities may be permitted to use additional devices or equipment as part of a reasonable accommodation. The Accommodations Policy, the procedures, and the forms used for requesting an accommodation are set forth in Appendix E of the Catalog and Student Handbook.

#### 3. Exam Software

Students may use a computer in conjunction with school-approved exam software on examinations for which such use has been approved by the instructor and the Registrar. In order to elect to use exam software on approved examinations, students must comply with all procedural requirements set forth by the Registrar. Students may not use typewriters on closed book, open book or any other type of examination.

### F. Exam Administration Procedures

Rules for the administration of final examinations shall be prepared by the Registrar, or an individual designated by the Dean, and approved by the Dean each semester. These Rules shall be reduced to writing and distributed to all students at the beginning of each semester. A student who fails to comply with any examination rule may be subject to administrative sanction including a grade reduction, examination time

reduction, or any other sanction deemed by the Dean to be appropriate under the circumstances.

## VIII. Papers and Projects

### A. Anonymity Optional

In any course which requires papers or projects other than in-class or take-home examinations, the instructor for the course may, but need not, make such arrangements for anonymous grading of such papers or projects as he or she deems appropriate.

### B. Citation Rules

The responsibility for learning the proper forms of citation lies with the individual student. Quotations must be properly placed within quotation marks and must be fully cited. In addition, all paraphrased material must be completely acknowledged. Whenever ideas or facts are derived from a student's reading and research, the sources must be clearly indicated.

### C. Own Work Requirement

#### 1. Identification of Sources

All work submitted to meet course requirements is expected to be the student's own work. In the preparation of work submitted to meet course requirements, students should always take great care to distinguish their own ideas and knowledge from information derived from other sources. The term "sources" includes not only published primary and secondary material, but also information and opinions gained directly from other people.

#### 2. Collaboration

Collaboration in the completion of assignments is prohibited unless explicitly permitted in writing by the instructor. Students must acknowledge any collaboration and its extent in all work submitted.

#### 3. Resolution of Doubts

Students who are in any doubt about the preparation of academic work should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

### D. Double Dipping

Students may not submit one paper for two or more courses or seminars. If a student wishes to create a second paper which draws in any way on work previously used for academic credit, the student must consult with both the instructor to whom the initial work was submitted and with the instructor to whom the new work will be submitted. Before the student may use the prior work, both instructors must certify in writing that the new work is of sufficiently greater scope or depth to warrant the use of the prior work for new academic credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden prior to giving their written approval of the proposed use. This rule applies to all course offerings whether at the School or elsewhere. A student who submits the same, or substantially the same, work in more than one course (whether it is the whole of the second work or only a portion thereof) without obtaining such prior written approval will be subject to disciplinary action.

## IX. Grades and Grading Policies

### A. Grades

#### 1. Available Grades

The grades for first year students entering in the 2016-2017 academic year and before shall be Proficient, Not Proficient, and F. Beginning with the first session of the Summer 2018 semester, grades in the following courses shall be Proficient (PR), Competent (CP), Not Proficient (NP), W, and F: Contracts I & II; Civil Procedure I & II; Property I & II; Criminal Law; Torts; Legal Process I & II; and Introduction to ASL Legal Studies I and II. Grades for all other courses at the School shall be A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, F, I, W, X, P, AU and CR.

#### 2. Course Credit

Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, P, Proficient, Competent, and Not Proficient are passing grades and confer credit for the course. The grade of F is a failing grade and confers no credit. Grades W, X, I, and AU are neither passing nor failing and they confer no credit. CR indicates credit conferred for courses transferred from other institutions, but no grade is assigned.

#### 3. Interpretations and Uses of Grades

##### i. A+

A grade of A+ is given to any student who completes the requirements for a course and does so in a fashion that is far above the level of a merely outstanding performance. This grade is reserved for rare occasions and often is given only once, if at all, in a particular course. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.33.

##### ii. A

A grade of A is given to any student who completes the requirements for a course and does so in a fashion that is truly outstanding for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.00.

##### iii. A-

A grade of A- is given to any student who completes the requirements for a course and does so in a fashion that is generally outstanding work (but lacks slightly the consistency associated with truly outstanding work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.67.

##### iv. B+

A grade of B+ is given to any student who completes the requirements for a course and does so in a fashion that is very good, but not outstanding, work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.33.

##### v. B

A grade of B is given to any student who completes the requirements for a course and does so in a fashion that is good solid work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.00.

vi. B-

A grade of B- is given to any student who completes the requirements for a course and does so in a fashion that is generally good work (but lacks slightly the consistency associated with truly good work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.67.

viii. C+

A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of mere competence (but not rising to the level of good) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.33.

viii. C

A grade of C is given to any student who completes the requirements for a course and does so in a fashion that is competent (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.00.

ix. C-

A grade of C- is given to any student who completes the requirements for a course and does so in a fashion that is marginally competent work (but lacks the consistency necessary for truly competent work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.67.

x. D+

A grade of D+ is given to any student who completes the requirements for a course and does so in a fashion that reflects more than minimal skill (but does not rise to the level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.33.

xi. D

A grade of D is given to any student who completes the requirements for a course and does so in a fashion that reflects minimal skill but not competence for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.00.

xii. D-

A grade of D- is given to any student who completes the requirements for a course and does so in a fashion that generally reflects some minimal skill (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 0.67.

xiii. F

A grade of F is given to any student who (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion or (c) violates Section VI(B) of the Academic Standards. This grade confers no credit for the course and is calculated in the grade average at the numerical value of 0.00. A grade of F received in a course

graded under the Proficient/Competent/Not Proficient system confers no credit for the course, but shall not be calculated in the student's grade average.

#### xiv. I

No grade of I is ever given without the prior approval of the Associate Dean for Academic Affairs. An I is given to a student who has not completed the requirements for a course in a timely fashion, but, having demonstrated good cause as to why the work is not complete, has arranged with the Associate Dean for Academic Affairs and the instructor to complete the work within no more than six months, or when the sequence of curricular offerings warrants and the Associate Dean for Academic affairs has approved, a longer period not to exceed one calendar year. After one calendar year, an unresolved I becomes an F. At no time does an I confer credit for the course, and it is not calculated in the grade average.

#### xv. X

A grade of X is posted on the transcript if the student through no fault of his or her own has not yet received a grade for a course. This grade covers those situations in which a course is expected to take more than one semester to complete. The X grade does not confer credit for the course and is not calculated in the grade average.

#### xvi. W

Subject to section V(D), a grade of W is posted on the transcript when a student withdraws from a course. This withdrawal may only be done with permission of the Associate Dean for Academic Affairs. The W grade confers no credit and is not calculated in the grade average.

#### xvii. P

A grade of P is given to any student who passes a pass/fail course. This grade confers credit for the course, but is not calculated in the grade average.

#### xviii. AU

A grade of AU is given to any student who audits a course. This grade is not calculated in the grade average. A student may audit a course with permission of the instructor and the registrar.

#### xix. Proficient

A grade of Proficient is given to any student who completes the requirements for a course and does so in a fashion that is above the level of mere competence for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

#### xx. Competent

A grade of Competent is given to any who completes the requirements for a course and does so in a fashion that is competent for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

#### xxi. Not Proficient

A grade of Not Proficient is given to any student who completes the requirements for a course and does so in a fashion that only reflects minimal skill (but does not rise to the level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.



Beginning in Spring 2019 and after, students that are granted academic probation following the semester in which they take Introduction to ASL Legal Studies II must take Introduction to ASL Legal Studies III at the next time it is offered. Additionally, students who receive a letter grade below a C in Introduction to ASL Legal Studies III will be required to take Introduction to ASL Legal Studies IV during the next semester the course is offered.

#### 4. Calculating Grade Averages

Students shall receive two grade averages: a "cumulative grade average" which includes all letter grades received, and an "academic standards grade average" which includes all letter grades except for those received in the Externship course. The "academic standards grade average" shall be used only for purposes of determining academic dismissal, academic probation, and graduation eligibility subject to Sections X and XII (3) of these Standards. The "cumulative grade average" shall be used for all other purposes, including Dean's List and Class Rank, pursuant to Section IX (E). Decisions regarding award and retention of academic scholarships are within the discretion of the Dean, who shall not be limited by these grade average definitions.

The grade average is obtained in the following fashion: First, multiply the numerical value of each grade received by the number of credit hours for the course. This product is referred to as quality points. Second, add all of a student's quality points. Third, divide the sum of the student's quality points by the total number of credit hours for which the student has received a grade with numerical value (graded credit hours). The resulting number is the grade average. The grades of Proficient, Competent and Not Proficient have no numerical value.

The grade average of students enrolled in a combination of Proficient/Competent/Not Proficient courses and numerically graded courses shall be calculated based on the numerically graded courses. If any student receives a grade of "F" in a Proficient/Competent/Not Proficient course, such grade will not be calculated into the grade average. No student shall be eligible to receive a class ranking until he/she has completed at least twelve (12) credit hours of numerically graded courses at ASL. (See Section XI (E) of the Standards regarding treatment of transfer credits for purposes of calculating grade averages.)

#### B. Pass/Fail Grading

##### 1. Pass/Fail Grading Generally

Any course in which grades with numerical value are not expected to be given and which is not designated as a PR, CP, NP, or F graded course will be graded on a pass/fail basis. Students who pass the course receive a P for the course. In order to receive a P, a student must perform at a level of work equivalent to a C- or above in a letter-graded course. Failure of a pass/fail course results in an F being posted on the transcript. This grade of F will be calculated into the grade average.

##### 2. Pass/Fail Grading in Retaking Failed Course

Students who retake a failed course are graded in that course on a pass/fail basis.

##### 3. Pass/Fail Only for Entire Class

Absent approval of the Associate Dean for Academic Affairs, pass/fail grading may only be used for an entire class, and no student or students shall be given a pass/fail option either before or after grades with numerical value are released. Introduction to Externship, Law Journal, Moot Court, Independent Study, and Assistantship credit shall be graded on a pass/fail basis.

#### C. Grade Standards

## 1. Generally

For all courses graded on the PR, CP, NP, F scale, the total number of Proficient grades shall not exceed 20% of the total number of students in the class. For Torts, Criminal Law, Contracts I and II, Property I and II, and Civil Procedure I and II, the total number of both Proficient and Competent grades shall not exceed 85% of the total number of students in the class. For Legal Process I and II, the total number of both Proficient and Competent grades shall not exceed 88% of the total number of students in the class.

While the maximum number of Proficient and Competent grades an instructor can award is as described above, instructors (who must adhere to the ethics of both the legal profession and academia) are obligated to award grades of Not Proficient to ALL students whose work product only demonstrates minimal skill (but does not rise to the level of competence) and to award grades of F to any student who (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion or (c) violates Section VI(B) of the Academic Standards. In all required courses graded on a numerical basis (except as provided in section 2 below), the total grade average for all students shall not exceed 3.00 without approval of the Dean. The Externship Course shall not be subject to a maximum grade average. However, no student shall receive a grade higher than "A" for the Externship Course.

## 2. Seminar, Practicum, and Elective Courses

For all sections of Seminar, Practicum, and Elective courses, the total grade average for all students in the section shall not exceed 3.33 without the approval of the Dean.

## 3. Submission of Final Grades

Final grades are to be submitted to the Dean, who will check for their compliance with the grading standard. Grades in compliance will be recorded, and grades not in compliance will be returned to the instructor.

## 4. Failure to Bring Grades into Compliance

If an instructor, after a reasonable period of time, fails to bring the grades for a course into compliance with the grading standards, the Dean shall act in his or her discretion to bring the grades into compliance.

## D. Changing Grades to Correct Arithmetical or Administrative Error or at the Instructor's Request

After an instructor has submitted grades to the Dean, the grades are final and may not be changed except as provided in this Part IX. The Dean shall freely allow changes requested by an instructor in the case of a grade which was incorrectly given as a result of an arithmetical, administrative, or other "mechanical" error. The Dean shall allow other grade changes requested in writing by an instructor only when the Dean determines that most extraordinary circumstances exist. Instructors must submit requests for grade changes within fourteen days of the release of grades to students for a semester or summer term or prior to the release of class ranks following the term, whichever comes first.

## E. Dean's List and Class Rank

At the conclusion of each semester during the 2L and 3L years of study, the Dean will publish the Dean's List. The Dean's List is comprised of all full-time upper level students who rank in the top 25% of their class for the courses taken during that semester, based on cumulative grade average. Students who have received permission from the Dean to enroll as a reduced load or part time student will be ranked with students who are at a similar stage of their progress towards a J.D. and have no more than eleven more or eleven less numerically graded credit hours than the part time student, and for purposes of degree honors will be ranked against the class they graduate with rather than the class they started with. As a result, December grads will

last revised: Aug. 2019

be ranked with the students from the previous May. No Dean's List will be prepared for the 1L year.

Continuously enrolled students of ASL shall receive a class rank after the distribution of grades for the fall semester of the second year of study, assuming the completion of at least twelve (12) credit hours of numerically graded courses. Such rank shall be based on grades in all numerically graded courses, including the Externship course, through the most recent completed semester. Visiting, Transfer, and Spring Start students, as well as students graduating in the Fall semester shall receive analogous class rankings once the requisite twelve (12) credit hours of numerically graded courses have been completed. Such analogous rankings will be calculated as if the student was continuously enrolled at ASL from the beginning of the first year of study, but shall not displace any continuously enrolled student. Analogous class rankings shall be denoted by an "(A)" on the student's transcript.

## F. Intersessional Courses

Grades received for courses taken during intersession courses will not be included as part of a student's academic standards GPA or considered for purposes of determining the Dean's List until the end of the immediately following full Semester.

## X. Student Retention

### A. Student Is on Notice of Own Grades and Grade Average

Every student shall be deemed to be on notice of the student's own grades and grade average as well as these rules for student retention. Any student who by virtue of these rules has been dismissed from the School, but who nevertheless attempts to continue enrollment and attendance in classes is responsible for tuition and fees charges incurred by the student's fraudulent attendance at the School.

### B. Good Standing and Dismissal

#### 1. Good Standing Defined

A student is considered to be in "Good Standing" at the School if (a) the student has not been dismissed for academic or non-academic reasons; (b) the student is not currently on academic probation, and (c) the student currently is in compliance with the Community Service Requirement.

#### 2. Academic Dismissal

- A. Students shall be academically dismissed from the school and *may not* be placed on probation if:
  - 1) After receiving a grade in between 9 and 14 credits of ASL courses graded on the PR/CP/NP/F scale, the student earns a NP or F in more than 7 of those credits.
  - 2) After receiving a grade in between 15 and 30 credits of ASL courses graded on the PR/CP/NP/F scale, the student earns a NP or F in more than 12 of those credits.
  - 3) After receiving a grade in more than 30 credits of ASL courses graded on the PR/CP/NP/F scale, the student earns a NP or F in more than 16 of those credits
  - 4) After receiving a grade in at least 15 credits of ASL courses graded on a numerical scale, their Academic Standards GPA is below 1.90.
  
- B. Students shall be academically dismissed from the school but *may* petition to be placed on probation if:

- 1) After receiving a grade in between 20 and 30 credits of ASL courses graded on the PR/CP/NP/F scale, the student earns a NP or F in between 8 and 12 of those credits.
  - 2) After receiving a grade in greater than 30 credits of ASL courses graded on the PR/CP/NP/F scale, the student earns a NP or F in between 13 and 16 of those credits.
  - 3) After receiving a grade in at least 15 credits of ASL courses graded on a numerical scale, their Academic Standards GPA is below 2.10, but at least 1.90.
- C. Upon receiving notice that a student may petition for probation, the student may seek probationary status in accordance with Section X (C) of these standards by executing and filing a Request to Petition for Probation with the Office of the Dean. Upon such filing, the student will be granted Interim Probationary Status. Failure to file the petition within three working days of filing the Request to Petition for Probation will result in automatic denial of probation. A student in Interim Probationary Status or in Probationary Status has not been dismissed from the School for purposes of Section X (B)(1).
- D. The Academic Standards Committee may, for academic dismissal or probation purposes only, treat students as if they had completed up to four additional credits; such discretion only being authorized where failing to exercise it would result in patent unfairness.

## C. Probation

### 1. At Discretion of the Academic Standards Committee

Except as provided in the last sentence of this paragraph, students who are dismissed for academic deficiency may petition to be placed on probation. The student's petition shall be submitted to the Dean, who shall refer it to the Academic Standards Committee. The Academic Standards Committee may grant the petition if the Committee finds (a) the student faced extraordinary circumstances which unquestionably greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances, (b) the extraordinary circumstances no longer exist, and (c) it is highly probable that the student's performance, absent the extraordinary circumstances, will result in an academic standards grade average of 2.10 or greater after completion of the probationary semester. A decision by the Committee to grant a student's petition must be by the affirmative vote of a majority of the members of the Committee. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has at least 15 credits of traditionally graded courses from ASL and an academic standards grade average below 1.90, or has more than 16 credit hours of "Not Proficient" or "Fail" grades, at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's cumulative grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's grade point average is below 1.90; or (c) the student already has been on probation for two semesters.

Students transferring from another institution as an upper level student who are enrolled in any course graded by the standards of Proficient/Not Proficient and who have an academic standards grade average of 2.1 or above, must petition the Academic Standards Committee if they receive a grade of Not Proficient in any course. The Academic Standards Committee will determine whether the student should be placed on academic probation or may continue without probation. If the student's academic standards grade average is below a 2.1, such student is subject to the academic dismissal provisions of Section X(B)(2), as set forth above.

### 2. Terms and Conditions

The Academic Standards Committee may grant probation subject to any terms or conditions it deems appropriate, including but not limited to (a) requiring the student to successfully complete specified

undergraduate courses before resuming law courses, (b) mandating a leave of absence by the student, (c) imposing a lighter course load (with the result of delaying the student's graduation), or (d) limiting the student's extracurricular and/or co-curricular activities.

### 3. Resolution of Probation

A student whose academic standards grade average remains below 2.10 after any semester in which he or she was on academic probation shall be dismissed for academic deficiency, unless the student petitions the Academic Standards Committee for an extension of the probation and the petition is granted. Such petitions may be granted only in the rarest of circumstances. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has an academic standards grade point average below 1.90 at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's academic standards grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's academic standards grade point average is below 2.00; or (c) the student has already been on probation for two semesters.

### 4. Faculty Notice

The Academic Standards Committee will notify all tenure track faculty by confidential means of the names of students being considered for academic probation, as well as the time and place of the meeting. Faculty who wish can attend the meetings, address the Committee, or provide any information helpful to the Committee in making its decisions.

### 5. Finality of Decisions

The Academic Standards Committee's decisions regarding granting or denying a student petition for probation are final, notwithstanding any other provisions of these Academic Standards.

### 6. Requests for Reconsideration of a Decision on Probation

Absent extraordinary circumstances, an upper level student who has been denied probation by the Academic Standards Committee may request reconsideration of that decision only if:

- (1) the student's academic standards grade average is 2.00 or above;
- (2) the student has waited one year before applying for reconsideration; and
- (3) the student has demonstrated - by academic achievement in non-law school settings, community service activities or professional employment - that he or she would likely succeed in raising their academic standards grade average to 2.10 or greater after completion of the probationary semester. If the student's petition for reconsideration is granted, the student will be readmitted on probation.

## D. Re-starts

### 1. Re-start Available in Extraordinary Circumstances

The Academic Standards Committee, in its sole discretion, may allow a student who has been dismissed for academic deficiency to re-enroll and re-start ASL program if the Committee finds the student (a) faced extraordinary circumstances which unquestionably, greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances and (b) the extraordinary circumstances no longer exist. A decision by the Committee to allow a student to re-start must be by the affirmative vote of a majority of the members of the Committee.

Students with an academic standards grade average of below 1.9, but at least 1.70 or greater, after the first  
last revised: Aug. 2019

semester following the first year of law school, may apply to re-start the second full year of the academic program in the following Fall Semester if they earned at least 27 credits of Competent or Proficient by the conclusion of their first full year. Students who were eligible for and applied to be placed on academic probation for the second semester following the first year of law school, but were denied, may apply to re-start the second year of the academic program in the following Fall Semester. Applications to re-start the second year of the academic program shall be subject to the same standards as set forth in the immediately preceding paragraph.

Students who have been academically dismissed from ASL, and are seeking readmission must apply using the regular application process for new students. Their applications, however, will be considered under the procedures of this provision (or Section X (C)(6) if applicable) in addition to the regular admissions process. Students who were previously dismissed from another law school, and are deemed by the Admissions Committee to be acceptable for admission, shall be referred to the Academic Standards Committee for final admission decision. The Academic Standards Committee may place any conditions it deems appropriate on the admission of such students.

All students applying to ASL following academic dismissal from ASL or another institution must apply through LSAC using the standard application but should include with their application an addendum addressing the readmission standards set forth above.

## 2. Effect of Past Performance

A student who is permitted to re-start will not receive credit for any courses taken before the re-start regardless of the grade received in the course. The prior performance will remain on the transcript. However, the transcript will clearly state that the student has re-started, and the prior grades will not affect the grade average.

A student who is permitted to re-start the second year of the academic program will not receive credit for any courses taken in the semester following the first full year of law school, regardless of the grade received in the course. The performance from that semester will remain on the transcript. However, the transcript will clearly state that the student re-started the second year, and grades from that prior semester will not affect the grade average. The student will receive credit for all first year courses in which they received a grade of Proficient, Competent, or Not Proficient, and for any grade in the Externship Course which confers credit pursuant to Section IX (A)(2) of these Standards.

## 3. Appeals

A decision by the Academic Standards Committee declining a student's request for re-start may be appealed by the student in writing to the Faculty as provided in Part XIII of these Standards.

## XI. Leaves of Absence, Visits, Readmissions, and Transfers

### A. Leaves of Absence

The Dean may grant a leave of absence to a student who requests the leave. The term of the leave shall be clearly stated at the time the leave is granted. Any extension of the leave requires the permission of the Dean. A student who has not completed the first calendar year of the program and obtains a leave of absence may need to restart the first year from the beginning. Credit for prior completion of courses is granted at the sole discretion of the Dean. The decision of the Dean is final and is not subject to further review or appeal under these Academic Standards.

### B. Visits to another Law School

The School will not accept more than six credit hours from visits to other law schools, including summer

study. Acceptance of credit earned while visiting another law school is subject to the provisions of these Standards which control acceptance of transfer credit, see Section XI (E). Notwithstanding the provisions of that section, no visiting student transfer credit will be granted for credit earned at non-ABA accredited law schools.

### C. Readmissions

A student who has left the School in good standing and other than to take a leave of absence may apply for readmission under this Section XI (C) of these Standards. Applicants should submit an application, a short essay on their reasons for applying for readmission, and, if they have attended another law school subsequent to their departure, a letter of good standing from the dean of such school and an official transcript.

### D. Transfers

A student who has attended another law school may be eligible for admission as a transfer student if the student has attended an ABA approved law school, the student is in good standing and is eligible to continue the study of law at that law school as demonstrated by a suitable letter from the dean of that school, and the student's performance at the law school of origin was of acceptably high quality, as documented by an official transcript. The transfer applicant must apply through LSAC, indicating on their application their desire to be considered as a transfer. Transfers from schools not approved by the ABA will be considered on a case-by-case basis and, when approved, may limit the availability of transfer credit.

### E. Transfer of Credits

The School will normally not accept more than 30 hours of transfer credits from other law schools. Grades of less than a C (or the equivalent) will not be eligible for transfer, and transfer credits will be treated on a pass-fail basis for the purpose of computed grade point averages. Students receiving transfer credits must still meet the graduation requirements set forth in Part XII of these standards, except that (a) transfer credits from courses substantially identical to the course required in Section XII (A)(1) of these standards may be used to meet the course requirements of that section, and (b) up to 15 hours of transfer credits may substitute for the course requirements of that section even if not substantially identical, provided, however, that non-substantially identical substitutions may not be made for:

- (1) Contracts I and II, Torts, Property I and II, Legal Process I and II, Criminal Law, and Civil Procedure I and II;
- (2) Professional Responsibility; and
- (3) the required Practicum courses.

Transfer credit for a course that requires a rigorous writing as defined by Section IV(D) of these standards may be substituted for the seminar and rigorous writing requirements of Sections IV(D) and XII(A)(1) of these standards. Decisions regarding transfers, readmissions, and transfer of credits shall be in the sole discretion of the Associate Dean for Academic Affairs or a faculty member (or members) appointed by the Dean.

### F. Sanctions

Failure to comply with the provisions on leaves of absence or with conditions on a leave granted shall be grounds for the Dean to impose any sanction he or she deems appropriate, including but not limited to refusal to accept transferred credits (regardless of the grade received), probation (with whatever conditions the Dean deems appropriate attached thereto), or dismissal.

## XII. Graduation

## A. Requirements

### 1. Required Courses

Except as otherwise provided in these standards or by vote of the faculty, a candidate for graduation must have received credit in all courses specified in Section IV(A)(1) of these academic standards and be in full compliance with the Community Service Requirement.

### 2. Total Hours

For classes entering in the 2016-2017 academic year and before, a candidate for graduation must have received ninety semester credit hours. No more than a total of four of the required ninety hours may be in the form of Law Journal, Moot Court, Independent Study, or Assistantship credit.

For classes entering in the 2017-2018 academic year and after, a candidate for graduation must have received ninety-three semester credit hours. No more than a total of four of the required ninety-three hours may be in the form of Law Journal, Moot Court, Independent Study, or Assistantship credit.

### 3. Grade Average Requirements

A candidate for graduation must have an academic grade average for all courses which is no lower than 2.10. There is no waiver of this standard.

A candidate who otherwise qualifies for graduation but has a cumulative average below 2.10 may petition to complete one additional semester on academic probation, subject to the following conditions: (1) the candidate is otherwise eligible for probation pursuant to Section X(C) of these Standards; (2) all coursework during the probationary semester is completed at Appalachian School of Law; and (3) the candidate may enroll only in courses for which credit has not yet been granted. Under no circumstances shall a candidate be permitted more than one probationary semester under this provision.

### 4. Time for Completion of Graduation Requirements

All coursework credited towards completion of the J.D. degree must be completed no sooner than 24 months and no longer than 84 months after a student has commenced law study at ASL or a law school from which the School has accepted transfer credit.

## B. Honors

### 1. Summa Cum Laude

Any student who graduates in the top five percent of the graduating class, based on cumulative grade average, shall be designated as graduating summa cum laude.

### 2. Magna Cum Laude

Any student who graduates in the top ten percent of the graduating class, based on cumulative grade average, shall be designated as graduating magna cum laude.

### 3. Cum Laude

Any student who graduates in the top twenty-five percent of the graduating class, based on cumulative grade average, shall be designated as graduating cum laude.



### XIII. Waivers and Appeals

#### A. Waivers of Academic Standards or Appeals of Decisions Applying the Academic Standards

In limited circumstances, these Academic Standards permit students to petition the Faculty for waiver of an Academic Standard. In very limited circumstances, students may also appeal to the Faculty a decision of the Associate Dean for Academic Affairs, the Dean, or the Academic Standards Committee. The Faculty may grant or deny a written petition to the Faculty only in cases in which a Standard does not preclude a waiver petition or a decision by the Associate Dean of Academic Affairs, the Dean, or the Academic Standards Committee is not final, binding, and subject to no further appeal under these standards. The Faculty may grant or deny a properly filed petition, with or without conditions.

#### B. Faculty Procedure for Waivers and Appeals

Petitions for waivers or appeals to the Faculty permitted under these Academic Standards shall proceed in the following manner:

- (1) The student shall submit to the Dean a petition to the Faculty on a single typed (or word-processed) page in which the student identifies the issues presented by the waiver petition or appeal. If the petition is not permitted under these Academic Standards, the Dean shall notify the student within 10 days following receipt of the petition, in which case the petition and notification need not be provided to the Faculty.
- (2) The Dean may, at his or her option, prepare a single page response to the student petition.
- (3) Copies of the petition and the response shall then be provided to every Faculty member.
- (4) If within ten days of the date the petition is distributed to the Faculty, one-third of the Faculty requests that the Dean place the petition on the agenda of the next Faculty meeting, the Faculty will hear the waiver petition or appeal on the merits. If fewer than one third of the Faculty requests that the petition be heard, the request is denied and the Dean shall so inform the student.
- (5) The Faculty may, but need not, grant the student an opportunity to appear before it, present supplementary documents or written arguments, appear through counsel, call or cross-examine witnesses, or take a transcription of an appearance.

#### C. Referral of Jurisdiction to the Faculty

1. In the Dean's sole discretion, the Dean may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Dean.
2. By a majority vote of the members of the Academic Standards Committee, the committee may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Academic Standards Committee.