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APPALACHIAN

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SCHOOL *of* LAW

2019 – 2020

Catalog & Student Handbook

# Appalachian School of Law

## 2019-2020 Catalog & Student Handbook

### (August 2019)

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This catalog and handbook (hereafter catalog) is published by Appalachian School of Law (ASL) based on information as of August 2019, and contains information concerning campus life, career preparation, academic policies, and course offerings. Effective in 2016, the catalog moved to digital publication and will only be available on the website. ASL reserves the right to make alterations in course offerings and academic policies without prior notice in order to further the institution's purpose; however, an email will be sent to the faculty, staff, and student body using ASL listservs each time a substantive policy update is published to the website.

Information in this catalog is a guide and not an offer of a contract. It is not intended to, nor does it contain all policies and regulations that relate to students. Students are expected to familiarize themselves with the academic policies contained in the catalog. Failure to do so does not excuse students from the requirements and regulations described herein.

Appalachian School of Law admits students without regard to age, race, color, gender, gender identity, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of age, race, color, gender, sexual orientation, disability, religion, political affiliation, veteran status or national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and/or other school administered programs. ASL is an AA/EEO Employer.

Before enrolling in law school, students should determine whether the state in which they intend to practice has special requirements for admission to the bar concerning pre-legal training, domicile, filing notice of intent to practice before entering law school, certification of character and fitness, appointment of a preceptor, law school curriculum, and the like. Students are responsible for ascertaining and meeting these requirements.

Appalachian School of Law is fully accredited by the Council of the Section of Legal Education and Admissions to the Bar ("Council") of the American Bar Association ("ABA"). The Council may be contacted through the ABA's Section of Legal Education and Admissions to the Bar, 321 North Clark Street, Chicago, Illinois 60654-7598; telephone (312) 988-6738.

Pursuant to §23-276.4(C) of the *Code of Virginia*, Appalachian School of Law is not required to obtain another certificate to operate from the State Council of Higher Education for Virginia (SCHEV) because it was established in the Commonwealth of Virginia and has maintained a main campus under the same ownership for 20 years and remained fully accredited by an accrediting body recognized by the U.S. Department of Education.

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# 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 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 to 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, as a part of its J.D. program, the Juris Master degree after the completion of all degree requirements as outlined in the Academic Standards and Policies.

## 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. Classes are also held in the Booth Center, a shared facility located adjacent to the library and main campus building.

## Law Library

The Library has a core collection of reporters and codes, law reviews, treatises, and legislative history materials in print and microfiche. Supplementing those traditional research tools are about a dozen online legal databases (including Westlaw and LexisNexis). The collection is enhanced by the specialized Appalachian Collection, containing both fiction and nonfiction materials dealing with the 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. Built as an elementary school in 1951 but renovated in 1998, the Library building provides space for the collection as well as study space in individual carrels, tables, and group study rooms. Students can access the campus wireless network from anywhere in the building; public access computers are also available throughout the 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 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 Introduction to ASL Legal Studies, a two-semester course during their first year, 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 year, students take part in the MBE Fundamentals and the Bar Preparation Studies courses, 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 statement on grievances:

A "grievance" is a cause for complaint based on the violation of a rule or policy of ASL. Not all causes for complaint are handled by this Grievance Policy: (a) complaints regarding sex discrimination/harassment/violence are governed by the Title IX/Sexual Misconduct Policy; (b) complaints involving Academic Standards (including Violations of the Code of Academic Conduct) are governed by that Policy; (c) complaints 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." Therefore, this Grievance Policy is limited to grievances not involving one of those categories. Examples of behavior that may form the basis for a grievance include: harassment (excluding sexual harassment), discrimination (excluding sex-based discrimination), or treatment of a student that is unfair/violative of policies or general standards of professionalism. Complaints that are filed under the wrong policy or standard 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").

Grievances may be filed by a student, faculty, or staff member ("ASL parties"), and may be against any student, faculty, staff member, volunteer or other visitor/participant in ASL-sponsored program or activities.

Grievances must be submitted in writing to the Grievance Coordinator. Grievances may be filed anonymously, but the person filing an anonymous grievance should be aware that while ASL will investigate the grievance to the fullest extent possible, anonymity may hinder the investigation or resolution of the grievance.

Filing a grievance is typically not the recommended first step in resolving a conflict. ASL parties are encouraged to take steps to resolve the issue on their own, without resorting to the grievance process. However, such resolution may not be possible or advisable under certain circumstances, especially in situations where the aggrieved party is subject to the supervision or control of the person being accused (i.e., student grievance against a faculty member, staff grievance against his/her supervisor). In that case the person is encouraged to talk with the Grievance Coordinator about the best way to resolve the issue.

Retaliation against any person for filing a grievance or participating in the grievance process (as a party, witness or advisor) is strictly prohibited. If such retaliation occurs, the retaliating party may be subject to an appropriate disciplinary process (i.e., Code of Academic Conduct for students, etc.). A grievance that is found during the grievance process to have been intentionally dishonest or maliciously made will subject the person to further disciplinary proceedings in accordance with the appropriate School policy.

### Grievance Process:

1. The aggrieved party meets with the Grievance Coordinator to discuss the concern, and follows up by filing a written statement of the grievance.
2. 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.
3. Information regarding the grievance will be kept on a "need to know" basis. The Grievance

Coordinator may review the grievance, proposed investigatory steps, proposed interim measures, proposed resolution, and/or proposed sanctions with the Associate Dean or the Assistant General Counsel.

4. The Grievance Coordinator may impose interim measures for the pendency of the investigation when there is a need to protect the aggrieved person from further contact with the person the grievance was filed against. In rare but serious circumstances, these interim measures may include, but are not limited to, no-contact orders or even temporary suspension. The Dean shall review and approve any suspensions from school or employment prior to their implementation. If these measures are imposed and subsequent positive resolution (in favor of the accused) occurs, ASL may take reasonable steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as necessary.
5. 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 notice by email to their ASL email addresses.
6. Possible sanctions include but are not limited to:
  1. Students: warning, fines, educational projects, additional community service, counseling, no contact order, or recommendation to the Dean for disciplinary probation, disciplinary suspension, administrative hold, or expulsion.
  2. Employee: counseling, or recommendation to the Dean for suspension with or without pay or termination.
  3. Non-Law School Employees or Non-Law School Students will be sanctioned as appropriate and practical. Sanctions may include no trespass orders or other limitations on attendance at ASL functions and reporting to appropriate bar and/or governmental authorities.
7. If any party involved is unsatisfied with the Grievance Coordinator's initial resolution of the grievance, he or she may request an appeal hearing on the matter.

Appeal Hearing process:

Appeals of decisions involving student probation, suspension or expulsion shall be conducted pursuant to the Appeals process for Violations of the Code of Academic Conduct. Appeals of decisions involving suspension (with or without pay) of faculty members, or suspension/termination of employment of staff shall be decided by reconsideration by the Dean. Appeals of decisions involving termination of employment of faculty members shall be conducted pursuant to the process for Appeals of termination decisions found in the Faculty Policies & Guidelines. Appeals of all other decisions are handled pursuant to the provisions below. Note that all timelines may be extended by the Associate Dean for good cause shown.

1. The hearing shall be held within 10 working days of the request for the hearing.
2. The Associate Dean for Academic Affairs shall conduct the appeal hearing. If the Associate Dean was consulted by the Grievance Coordinator during the initial resolution process, or was otherwise involved with the matter, the Associate Dean may appoint an alternate hearing officer for the appeal.
3. The hearing shall begin with the Grievance Coordinator presenting an overview of the grievance, the investigatory process, the results, and the decision and recommended sanctions.
4. The aggrieved party and the person against whom the grievance was brought shall then have the opportunity to make a statement to the hearing officer. Either party has the right to bring an advisor to the hearing; the party may elect to have their advisor make the statement on his/her behalf. The advisor may be any person of the party's choosing, including an attorney, who is not otherwise a party or a witness. No advisor shall be permitted to unreasonably disrupt or otherwise interfere with the hearing process, which shall be determined in the sole discretion of the hearing officer.
5. The parties may present witnesses or other evidence.
  - a. The process is intended to be informal, and no formal rules of evidence shall be observed.

- b. The hearing officer has the discretion to decide what evidence to allow or consider, the manner in which the witness testimony is presented, and what weight to give evidence.
  - c. The hearing officer may decide how much time to allot for presentation of evidence/witness statements, or any other part of the hearing process.
6. The hearing officer may call other witnesses, or adjourn the hearing to allow for additional witness statements.
7. The parties may then make brief closing statements.
8. A record of the hearing shall be created.
9. Upon completion of the hearing, the hearing officer shall make a decision in writing within 10 calendar days and distribute the decision to the parties. The decision may concur with or overturn any part of the initial resolution determination or sanctions; uphold, reduce or rescind any sanctions; or remand the grievance to the Grievance Coordinator for further investigation and resolution.

Either party may appeal the decision of the hearing officer to the Dean using the following process:

1. The party seeking appeal to the Dean shall give written notice to the Dean of the appeal within 10 calendar days of receipt of the hearing officer's decision. The notice of appeal shall be a short and plain statement of the desire for a review of any portion of the hearing officer's decision.
  2. The Dean's review shall be limited to review of the record of the proceeding before the hearing officer.
  3. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with or overturn any part of the hearing officer's decision and uphold, reduce, or rescind any sanctions.
  4. The decision of the Dean shall be final and shall be rendered in writing within 10 calendar days of receipt of the student's written notice of appeal. This timeline may be extended by the Dean for good cause.
- Any deadline herein may be extended by ASL for good cause if all parties are provided notice to their ASL email addresses.
  - The records of all grievances, hearings, and all final decisions on grievances or appeals 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 Dean or Associate Dean.
  - 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.
  - If the Dean is a party to the grievance or is deemed by the chair of the Board of Trustees to have a conflict of interest or otherwise incapable of making a fair and impartial judgment on the grievance, the chair or his or her designee from among the members of the Board of Trustees shall perform the role of the Dean in this grievance process.
  - The Policy may be amended from time to time by the Dean, in keeping with the statement on grievances as adopted by the Board of Trustees.
  - The Virginia State Approving Agency (SAA), is the approving authority of education and training programs for Virginia. That office investigates complaints of GI Bill beneficiaries. While most complaints should initially follow this Grievance Policy, if the situation cannot be resolved at ASL, the beneficiary should contact the SAA via email at [saa@dvs.virginia.gov](mailto:saa@dvs.virginia.gov).

## 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 the resolution, modify the resolution, rescind the resolution, or resubmit the complaint 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 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, 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 20202-5920

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 Registrar and Director of Regulatory Compliance 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

## Drug and Alcohol Abuse Prevention Program (DAAPP)

In accordance with the Drug-Free Schools and Communities Act Regulations, this notification will be sent to all Appalachian School of Law students and employees on a semiannual basis. 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, including marijuana, LSD, cocaine, prescription medications, 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. This includes sanctioned institutional-sponsored or student organization-sponsored on or off campus activities such as field trips, social events, professional meetings, and activities abroad.

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 ASL and its mission as well as adversely affecting the student's educational and career goals. Any student violation of the Drug and Alcohol Abuse Prevention Program (DAAPP) will be addressed in accordance with ASL's Academic Standards Section III(A). Any employee violation of the DAAPP will be addressed in accordance with the Personnel Policies for faculty and staff members.

The following chart provides a list of commonly abused substances and their health risks:

Substance	Nicknames/Slang Terms	Health Effects
<b>Alcohol</b>		Alcohol acts as a central nervous system depressant. Its initial effects include altered perception, judgment, motor coordination and abstract thinking/cognitive impairment. Continued use of alcohol results in physical and psychological dependence marked by increased tolerance, memory blackouts and the experience of withdrawal symptoms. The disease of alcoholism progresses in stages from an individual's unplanned use, to being preoccupied, to failing in controlling alcohol use, on to eventual loss of control and continued use despite negative consequences. Statistics show that alcohol use is involved in a majority of violent behaviors on university campuses including acquaintance rape, vandalism and assaults.
<b>Amphetamines</b>	uppers, speed, meth, crack, crystal, ice, pep pills	Users experience euphoria, abundant energy, and decreased need for sleep. Other signs and symptoms may include irregular heartbeat, rapid breathing, irritability, anxiousness, restlessness, panic, paranoia, aggression and impulsive behavior
<b>Anabolic Steroids</b>	roids, juice	Health effects may include high blood pressure, blood clotting, cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, abnormal hair growth.
<b>Cannabis</b>	Marijuana, pot, grass, dope, weed, joint, bud, reefer, doobie, roach	The user experiences slowed thinking and reaction time, time distortion, confusion, impaired balance and coordination, and impaired judgment. Long term effects include loss of short-term memory, loss of motivation, increased anxiety, increased upper respiratory illness.



<b>Cocaine</b>	coke, cracks, snow, powder, blow, rock	The user experiences feelings of exhilaration, energy, increased mental alertness, rapid or irregular heartbeat, reduced appetite and weight loss. Users often have a stuffy, runny nose and nosebleeds. Immediate effects include dilated pupils, elevated blood pressure, heart rate, respiratory rate and body temperature. Withdrawal symptoms include strong cravings, depression, alterations in sleep patterns. Crack, the free-base use of cocaine, can produce hallucinations, blurred vision, chest pains, convulsions and even death.
<b>Gamma Hydroxy Butyrate</b>	GHB, liquid B, liquid X, liquid ecstasy, G, georgia homeboy, grievous bodily harm	Gammahydroxybutyrate. It can cause electrolyte imbalance, decreased respiration, slow heart rate, vomiting, low blood pressure, confusion, unconsciousness, coma and death.
<b>Hallucinogens</b>	acid, stamps, dots, blotter, A-bombs	Lysergic Acid Diethylamide (LSD), mescaline, and psilocybin cause altered states of perception and feeling including delusions, hallucinations and illusions including body and time distortion. Physical effects include fever, rapid heartbeat, elevated blood pressure, blurred vision, and flushed face. Mood can range from euphoria to panic and depression. Long-term effects of use include depression, constant anxiety, paranoia, chronic personality changes and lingering perceptual changes.
<b>Heroin</b>	H, junk, smack, horse, skag	It is injected, snorted or smoked. The opiate effect diminishes the sense of pain inducing euphoria, drowsiness, and confusion. Overdose results in death from stopping breathing
<b>Inhalants</b>	poppers, snappers, whippets	Solvents (paint thinners, gasoline, glues, butane, propane aerosol propellants, nitrous oxides) produce stimulation, loss of inhibition, slurred speech, and loss of motor coordination. Long-term effects are depression memory impairment and damage to the liver, the heart and nervous system.

<b>Ketamie</b>	K, super K, special K	Ketamine can be injected, snorted, or smoked. The user experiences increased heart rate and blood pressure, problems with control of movements, memory loss, numbness and nausea/vomiting. The user is at high risk for slowed breathing that may lead to brain damage or death.
<b>MDMA</b>	ecstasy, XTC, adam, X, rolls, pills	Methylenedioxyamphetamine produces mild hallucinogenic effects, amphetamine-like stimulation, and increased touch sensitivity. An increase in display of affection to others may occur. Long-term effects include impaired memory and learning.
<b>Morphine/Opiates</b>	China white, M, morf, duramorph, Miss Emma, monkey, roxanol, white stuff	Users experience euphoria, increased body temperature, dry mouth, "heavy" feeling in arms and legs. Long term effects constipation, loss of appetite collapsed veins, heart infections, liver disease, depressed respiration, pneumonia and other pulmonary complications, physical dependence, psychological dependence
<b>PCP</b>	crystal, tea, angel dust, embalming fluid, killer weed, rocket fuel, supergrass, wack, ozone	Since Phencyclidine is relatively inexpensive, it is often used to enhance the effects of other drugs such as LSD, cannabis or cocaine. PCP users seek an altered state of bizarre perceptions, confusion, disorientation impaired judgment and often delirium. Behavioral changes may range from hyperactivity to catatonic states.

Please access NIDA (National Institute on Drug Abuse) website for further information on these and other substances of abuse at [www.drugabuse.gov](http://www.drugabuse.gov)

Any student or employee experiencing a problem with alcohol or other drugs may contact the Campus Safety Coordinator for confidential assistance or referral to appropriate resources. The following is a list of resources available to students and employees.

### **COUNSELING RESOURCES**

**Access Intensive Counseling**

Phone: 276-244-1380 (Grundy office)

Contact: Susan Fogg

Email: [accessintensivecounseling@gmail.com](mailto:accessintensivecounseling@gmail.com)

Website: <http://www.accessintensivecounseling.com/>

Address: 19867 Riverside Drive; Grundy, Virginia 24614

*\*\*Offers a sliding scale fee for therapy sessions depending on income – starting at \$5.00 per session*

***Services Offered:***

- **Psychological Evaluations**
- **Autism/Special Needs**
- **Depression**
- **Stress**
- **Marital Issues**
- **Anxiety**
- **Compulsive Behaviors**
- **Women's/Men's Issues**
- **Eating Disorders**
- **Individual Counseling**
- **Family Counseling**
- **Substance Abuse**
- **Anger Issues**
- **Grief**
- **Domestic Violence**
- **Attention Deficit Hyperactivity (ADHD)**
- **Post-Traumatic Stress Disorder**
- **Court Ordered Parenting**
- **Gender Identity**

**Cumberland Mountain Community Services Board**

Office Phone: 276 935-7154 (Grundy)

After Hours: 800-286-0586

Address: 1014 Stillhouse Road, Grundy, VA 24614

*\*\*Offers a sliding scale fee for therapy sessions depending on income*

***Services Offered:***

- **Mental Health Services**
- **Substance Abuse Services**
- **Intellectual Disability Services**
- **Prevention Services**
- **Infant Intervention**
- **Crisis Evaluation and Services**
- **Children Services**

**Cumberland Mountain Community Services Board (outpatient services)**

Phone: (276)964-6702

Crisis After Hours: (800)286-0586

Website: <http://www.cmcsb.com>

Address: 196 Cumberland Road, Cedar Bluff, VA 24609

*\*\*Offers a sliding scale fee for therapy sessions based on income*

***Services Offered:***

- **Prevention and Family Support**
- **Head Start and Preschool**
- **Counseling Services**
- **Therapeutic Day Treatment**
- **Case Management**
- **Crisis Evaluation and Services**

- **Family Therapy**
- **Psychiatry and Medication**
- **Intensive In-Home Services**
- **Adolescent Substance Abuse Services**
- **Veteran's Services**

### **Healing Waters Counseling Center**

Phone: (276) 963-0111

2 locations: 1100 Cedar Valley Drive, Cedar Bluff, VA 24609 (M-F; Nurse Practitioner Fri)  
 39 South Flanagan Avenue, Lebanon, VA 24266 (Tues,Wed,Thurs.; Nurse Practitioner Sat.)  
 Wytheville Office opening in Fall 2019

*\*\*Does not offer a sliding scale for therapy services but does have a counselor who sees patients for \$40 per session with insurance*

#### **Services Offered:**

- **Psychological Evaluation**
- **Individual Counseling**
- **Child and Adolescent Counseling**
- **Family and Marriage Counseling**

### **Jim Leffler, MS LPC**

Clinical Director, Lawyers Helping Lawyers  
 Virginia's Judges and Lawyer's Assistance Program  
 1015 E. Main Street, Ground Floor  
 Richmond, VA 23219

Email: [jim@valhl.org](mailto:jim@valhl.org)

(804) 614-5841 (Cell)

(804) 644 -3212 (Office)

*\*\*Free counseling services – comes to campus for scheduled visits.*

#### **Services Offered:**

- **Addiction help (Alcohol, Drugs, Gambling)**
- **Stress and Anxiety**
- **Depression**

### **Thompson Family Health Center (Stone Mountain Health Services)**

Phone: (276)597-7081

Address: 1721 Lovers Gap Road, Vansant VA 24656

*\*Does offer a sliding scale fee based on income.*

### **Meetings**

#### **Buchanan County- Support Group Meetings**

**Sunday-** 7pm-The Connection- Hurley, VA

**Tuesday-** 7pm- The Gazebo @ Hurley Park- Hurley, VA

**Wednesday-** 4:30pm- Tookland Pentecostal Church- Grundy, VA- Food Served  
 7pm- New Life Fellowship- Oakwood, VA

7pm- Deliverance Tabernacle- Homecreek, VA  
**Thursday-** 6:30pm- Harman Memorial Baptist Church- Harman  
**Friday-** 7pm- The Connection- Hurley, VA

### **Regional Resources**

**Generations United-** Long-term treatment resources

Phone: 276-870-7306

[coopkam@gmail.com](mailto:coopkam@gmail.com)

Facebook [@generationsunitedforChrist](#)

**Healing in the Hills** (Buchanan County Substance Abuse Recovery Resources)– Amanda

Phone: 276-979-6176

[www.healinginthehills.org](http://www.healinginthehills.org)

### **Appalachian Substance Abuse Coalition for Prevention and Treatment (ASAC)**

[Lori Gates lgates@cmcsb.com](mailto:Lori.Gates@cmcsb.com)

[Address: 196 Cumberland Road, Cedar Bluff, VA 24609](#)

<http://stopsubstanceabuse.com>

### **Residential Treatment Programs Resources**

#### **Red Oak Recovery**

Phone: 866-831-9107

Address: 108 Executive Park Asheville, NC 28801

Website: [RedOakRecovery.com](http://RedOakRecovery.com)

#### **Caron**

Phone: 800-854-6023

Address: Several locations throughout the U.S. please see website for specific site information.

Website: [www.caron.org](http://www.caron.org)

#### **The Laurels Recovery Center-** Detox, stabilization, and rehabilitation

Phone: (276) 889-3063

Address: 216 Gilmer Street, Lebanon, VA 24266

### 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,

Mason Heidt, who is ASL's Section 504 coordinator for students. The procedures for requesting academic or physical 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 at 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.

## Chapter 2 Admissions – Juris Doctor Program

### Policy

General policy regarding qualifications needed for students seeking admission to ASL is set by the faculty, with individual admission decisions made by the faculty Admissions Committee. ASL accepts for admission those students who will benefit from a challenging curriculum in a professional environment. Admission decisions are not based on a single criterion; rather, each item will be considered in relation to the applicant's total qualifications. In addition to the undergraduate transcripts and Law School Admissions Test (LSAT) score, other considerations include an applicant's graduate work, character, work history, professional promise, personal commitment, recommendations, life experience, and other non-academic achievements.

ASL does not discriminate in admissions decisions on the basis of age, race, color, gender, gender identification, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin. ASL is committed to providing full opportunities for the study of law and entry into the legal profession by qualified members of groups that have been victims of discrimination in various forms. To this end, the potential of applicants from these groups is of special concern in the individualized admissions process. ASL encourages qualified women and minorities, people with disabilities, and people who have overcome significant disadvantages to apply for admission. Applicants are free to disclose in the application or their personal statements information concerning their gender, race, disability, or past disadvantages if they wish the Admissions Committee to consider that information as a factor.

As a part of its J.D. program, the Appalachian School of Law confers the Juris Master degree after the completion of all degree requirements as outlined in the Academic Standards and Policies.

### Eligibility for Admissions

ASL requires a bachelor's degree from an accredited institution, an LSAT score, a minimum of two letters of recommendation, a personal statement, and any posted application fee. Appalachian School of Law accepts application fee payments processed through the Law School Admissions Council.

All applicants are required to subscribe to the Law School Admissions Council Credential Assembly Service (CAS) and submit their application material through that service. All documents received by ASL in connection with such applications for admission become the property of the Appalachian School of Law.

The school is authorized under Federal law to enroll nonimmigrant alien students.

### Application & Admissions Procedure

All applicants must submit an ASL application form. The ASL Admissions Staff will request a copy of the applicant's Credential Assembly Service (CAS) report that should include a minimum of two and up to four letters of recommendation. In addition, applicants may submit up to two additional letters specific to their application to ASL if they so choose to the Office of Admissions, The Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.

First-year students are admitted in the fall and spring semesters. Admissions are made on a rolling basis as applications are received. The Admissions Committee accepts, rejects, or places the application on hold for later review. Most applicants can expect to receive an admissions decision shortly after ASL receives all of the application material. In the case of applicants who are completing their undergraduate degree at the time of application, admission to ASL will be conditioned on proof of a conferred bachelor's degree.

While ASL has no formal application deadline, applicants who desire full consideration for acceptance to the fall entering class should complete the application process by June 1, with June LSAT scores to follow, if applicable. Applicants who desire full consideration for acceptance to the spring entering class should complete the application process by November 1, with December LSAT scores to follow, if applicable.

### Seat Deposit

Admitted students will receive a letter informing them of acceptance and requesting that a \$200 seat deposit be submitted to ASL within a specified time. A second seat deposit of \$300 is due June 1 for fall entering students. The seat deposit is credited toward the applicant's first semester tuition and/or fees. Admitted applicants who are awarded full-tuition scholarships are still required to submit seat deposits to reserve a seat in the incoming first-year class. Because an accepted student is not guaranteed a place in the entering class until the student's seat deposit has been received and accepted by ASL, students who have been accepted for admission should submit their seat deposits as soon as possible. Seat deposits are not refundable.

### Deferrals

Deferrals of admission are rarely granted, but considered by the Admissions Committee on a case-by-case basis.

### Transfer Students

ASL may accept transfer students from ABA-approved or state-approved law schools in accordance to ABA Standard 505 upon demonstration that the student would have qualified for entrance into the School as a first year student and the student either is or was a student in good standing at the prior law school.

### Submission of Transcripts

American Bar Association rules require students to submit official transcripts for all work undertaken at other higher education institutions, including official records of all credits earned and degrees granted, either before the admitted student registers at ASL or within a reasonable time thereafter. Students who fail to submit the required transcripts to ASL by October 1 of the year they first matriculate will be administratively withdrawn from courses, barred from taking exams, and have their grades withheld. Submission of official transcripts to the LSAC Credential Assembly Service will satisfy this requirement; however, it is incumbent upon the student to ensure that all required educational records have either been accepted by LSAC or submitted directly to ASL.



## Chapter 3 Tuition and Fees

The tuition and fees for students entering ASL in the 2019-20 academic year are listed below. Students enrolled full-time are charged a flat-rate tuition. Any student enrolled in less than full time will be charged at the Part-time tuition rate. Flat-rate tuition is guaranteed not to increase during the first three years of a student's enrollment as long as the student maintains uninterrupted enrollment. A withdrawal or leave will result in a change of tuition to the new current tuition rate upon the student's return. Each applicant's seat deposits are credited toward the first semester's tuition.

Tuition	\$35,000	(\$17,500 per semester)
Activity Fee *	\$500.00	(\$250.00 per semester)
Laptop Computer	Market Price	(an optional one-time expense – up to \$1,500)
Summer Externship Fee*	\$200.00	(payable as a course fee associated with LAW0205)
Part-time tuition rate of	\$1,460.00	(per credit hour/requires approval from Dean's office)
Summer/Intersession courses	\$1,460.00	(per credit hour)
Visitor administrative fee	\$1,000.00	(upon commencement of visit)
Transcripts	\$0.00	(current students and alumni for employment or bar applications)
Transcripts	\$5.00	(former students and non-employment or bar application purposes)
Transfer package fee	\$25.00	(per school application)
Expedited shipping	\$20.00	If expedited shipping is requested for any of the above transcript requests, the expedited shipping charge is required.
Graduation Fee*	\$100.00	(payable <b>final</b> semester of enrollment, generally Spring semester of the Third year)

\*fees are non-refundable

### Withdrawal from Classes, Dismissals, and Refund of Tuition

Students who voluntarily withdraw from the School are responsible for paying all assessed tuition and fees due for that semester. Students dismissed after the Spring semester may be responsible for prorated tuition fees for any Summer Intersession courses for which they are enrolled. For purposes of determining the amount of tuition owed by a withdrawing student, ASL follows the method described by the federal Return of Title IV Funds regulations to calculate the percentage of the academic term completed. The amount of tuition owed by a student will be assessed based upon the percentage of time the student spent in academic attendance. This policy will apply to all students regardless of whether the student received Title IV funds. Student fees are not refundable.

Up through the 60% point in each period of enrollment, a pro rata schedule will be used to determine the amount of tuition the student owes at the time of withdrawal. After the 60% point in the period of enrollment, a student owes 100% of the tuition for that semester.

Because the amount of tuition owed depends on the number of calendar days of the academic term completed by the withdrawing student, any student contemplating withdrawal should contact the Financial Aid Office for a calculation of tuition and fees owed as of the student's intended withdrawal date.

Withdrawal forms are available from the Registrar's Office. Withdrawal is effective only upon completion of ASL's withdrawal form, approval of that form by the Dean or his or her designee, submission of the completed form to the Registrar's Office, and payment of all tuition or fees owed to ASL. ASL will refund any tuition paid by the student prior to withdrawal that exceeds the amount for which the student is responsible to the student at the address provided to ASL by the student within three weeks of the date of withdrawal. However, if ASL is obligated under the terms of a student's loan program to remit the excess tuition to a lender or other appropriate agency, ASL will do so.

An interruption in enrollment will permanently deactivate all scholarship awards. Upon withdrawal scholarship awards will be pro-rated based on the same method used to calculate the return of Title IV funds.

### Penalties for not paying tuition and fees

Tuition and fees are due on the first day of class. If you fail to pay or make arrangements to pay tuition and fees in full by the last day of class, you will be subject to the following actions:

- Registration will not be processed.
- Transcript requests will not be processed.
- Grade reports will be withheld.
- Registered students may be removed from current class enrollment.
- Certification of graduated students to bar authorities will be withheld.
- Diplomas will be withheld.

### Satisfactory Academic Progress

Federal regulations stipulate that in order to be eligible for Title IV financial aid you must be making satisfactory progress toward a degree.

Full-time students at ASL do NOT make satisfactory academic progress if they exceed a maximum time frame of 84 months for earning their J.D. degree, are academically dismissed, or placed on probation in accordance with the following dismissal standards:

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 or, for students entering spring 2020 or after, after receiving a grade in at least 12 credits of ASL courses graded on a numerical scale their Academic Standards GPA is below 2.1 for students with less than 30 total credits or 2.3 for students with more than 30 total credits.

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 or, for students entering spring 2020 or after, after receiving a grade in at least 12 credits of ASL courses graded on a numerical scale their Academic Standards GPA is below 2.5 but at least 2.1 for student with less than 30 total credits or 2.3 for student with more than 30 total credits.

If you fail to meet the satisfactory progress standard, you may appeal to the Dean. The appeal will be evaluated for mitigating circumstances resulting from personal illness, injury, and tragedy, etc., and your ability to improve your academic record. See Ch. 5 Section X(B)(2)(C) for additional information.

Ordinarily, a successful petition for academic probation will suffice as a request for continued financial aid. A grant of academic probation results in being placed on financial aid probation, during which you may continue your eligibility to receive federal financial aid funds. If you fail to return to good academic standing at the end of the probationary period, you will lose eligibility for federal financial aid. Generally, only one probationary period will be granted, except as provided by ASL's Academic Standards.

Students who lose financial aid eligibility may apply to restart their legal education at ASL and, if accepted, will regain eligibility. For specific guidance on good standing and academic probation, please refer to the ASL Academic Standards (Chapter 5; Section X).

## Financial Assistance

A legal education is a major investment of time and money. All potential students should plan early during the application process and consider carefully, before entering, the costs and obligations of a legal education. The first step in the financial aid process is the completion of a FAFSA.

Although some assistance is available, students and their families are expected to make every reasonable effort to contribute through their own resources. The importance of responsible borrowing cannot be stressed enough. Students who borrow conservatively will find more flexibility in their future legal employment options. Counseling on student budgeting and financing options is available from the Financial Aid Office. Prior to graduation or in the event that the student leaves law school, a student must complete exit counseling <https://www.studentloans.gov> before the end of the final semester or academic year. Federal regulations state that Appalachian School of Law is responsible for ensuring that all students who receive Federal Financial Aid while enrolled at ASL complete exit counseling.

## Loans

Appalachian School of Law participates in the William D. Ford Federal Direct Loan (Direct Loan) Program beginning July 1, 2010. Students who previously received loans through the Federal Family Education Loan (FFEL) Program will now borrow through the Direct Loan Program. Instead of a bank lending the money, the U.S. Department of Education lends the money directly to students through the student's school. Students should complete a Free Application for Federal Student Aid (FAFSA) at <http://www.fafsa.ed.gov>. A Federal Student Aid ID is required to complete the FAFSA. Federal Student Aid ID may be obtained at <https://fsaid.ed.gov/>. First-Time Student Loan Borrowers must complete a Direct Loan Master Promissory Note (MPN) and complete Direct Loan Entrance Counseling. To complete a Direct Loan MPN electronically, the student must have a Federal Student Aid ID. The Federal Student Aid ID is the same ID used to complete the Free Application for Federal Student Aid (FAFSA). Direct Loan Entrance Counseling and Direct Loan Master Promissory notes must be completed electronically via the StudentLoans.gov Web site at

<https://www.studentloans.gov>. For additional information, contact the Financial Aid Office at 800-895-7411, ext. 1211.

## Merit Scholarships

Appalachian School of Law is committed to recognizing the outstanding scholastic achievements of its entering students. The School therefore has established several levels of academic scholarships. Prospective students should contact the Financial Aid Office or check ASL's website to determine the current eligibility criteria for these scholarships. The School will endeavor to make these awards to all applicants who meet these eligibility criteria. However, prospective students are encouraged to complete their applications and submit their seat deposits as soon as possible in the event that the scholarships become oversubscribed.

## Other Scholarships

ASL annually allocates monies for scholarships that are either need- or merit-based. For the 2019-2020 academic year, ASL has set aside over one million dollars in scholarships. In addition to the Merit Scholarship program described above, Appalachian School of Law Scholars and the Buchanan County Scholarship funds provide for awards that can range up to one half of tuition. Awards are given for one academic year and may be renewed, depending on need and academic performance. Appalachian School of Law Scholars are chosen by the Dean based on demonstrated financial need and either entering credentials or performance at ASL (for upper-level students). Buchanan County Scholarships are granted by the Buchanan County Board of Supervisors based on demonstrated financial need, entering credentials or performance, and place of permanent residence.

## Veterans' Benefits

ASL has been approved under the provisions of Public Law 89-358 for eligible persons to receive veterans' benefits in connection with the J.D. degree. ASL is a Yellow Ribbon qualified school. In compliance with Section 103 of the "Veterans' Benefits and Transition Act of 2018"; even if the VA has not yet paid tuition and fees, ASL will not:

- Prevent enrollment
- Assess a late penalty fee
- Require you to secure alternative or additional funding
- Deny access to any school resources (access to classes, libraries, or other institutional facilities) that are available to other students that have paid

To be eligible for coverage under section 103 of the "Veterans' Benefits and Transition Act of 2018", you must provide ASL with a copy of your certificate of eligibility for entitlement to educational assistance no later than the last day of class. Any other requested documentation must be submitted within a reasonable time frame to allow for proper certification of enrollment. If your eligibility does not cover 100% of your educational expenses, any amount not covered must still be paid by the last day of class. For example, if your eligibility only covers 50%, then the remaining 50% of tuition and fees must be paid by the last day of class. For more information, contact ASL's Financial Aid Office at 1-800-895-7411, extension 1211.

## Federal Work Study

ASL participates in the Federal Work Study (FWS) program. A limited number of employment opportunities are available to students enrolled at ASL. These jobs pay at least the minimum wage and may not exceed twenty hours per week. All students employed by ASL must participate in the FWS program.

Federal regulations require that eligible students selected to participate in the FWS program must file a Free Application for Federal Student Aid (FAFSA) and meet the federal definition of financial need. Students should be aware that FWS earnings are treated as a part of the student's overall financial aid package; that is,

the total amount of a student's FWS earnings, scholarships, grants, loans, etc., may not exceed his or her cost of attendance.

Students interested in participating in the FWS program should contact the Financial Aid Office for a determination of their eligibility.

## Chapter 4 Curriculum - Juris Doctor Program

### Program Offered

ASL offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree for students entering in the Fall of 2017 and after include completion of ninety-three semester credits, including a summer externship, and six semesters (or the equivalent thereof) in full-time residence. In addition, a student must obtain a cumulative grade point average of 2.1 or better in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

ASL provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. ASL offers a rigorous program for the professional preparation of lawyers by a nationally recruited, well-qualified, and diverse faculty which is particularly committed to a high level of student instruction in substantive law, professional responsibility, and practice skills. The faculty also emphasizes scholarship and community service while modeling excellence, integrity, and independence in the best traditions of the legal profession.

### Curricular Learning Objectives

Beginning with the 2015-16 year, ASL adopted the following curricular learning objectives that will be accomplished over the course of the 93 hour degree program:

- Graduates understand and integrate sufficient knowledge of core substantive and procedural law to pass the bar and begin competently practicing law within one year of graduating.
- Graduates will be able to analyze legal situations with the skill of an entering practicing attorney.
- Graduates will be able to synthesize rules from relevant sources of law.
- Graduates will be able to conduct legal research efficiently with a variety of research products.
- Graduates will be able to solve legal problems with the strategic ability of an entering practicing attorney.
- Graduates will be able to communicate professionally in both oral and written formats with a variety of legal constituencies.
- Graduates understand and integrate the rules of professional conduct that are essential for the ethical and professional practice of law.
- Graduates will be able to analyze a legal situation to determine and implement the ethical and professional course of action.
- Graduates will develop and embrace a sense of professionalism that transcends their practice by being resources for their communities and their profession.
- Graduates will be able to purposefully select, counsel, and implement traditional or alternative dispute resolution strategies that best align with each client's goals.
- Graduates will develop and embrace a sense of civic responsibility and leadership, including an awareness of local, state and national issues; involvement in community issues; collaboration to mitigate community problems and addressing community needs.

### Prescribed Curriculum -- Full-time Students -- J.D. Program

Students beginning their first year at ASL in the fall semester typically take required courses in Civil Procedure I & II, Contracts I & II, Criminal Law, Legal Process I & II, Property I & II, Introduction to ASL Legal Studies I & II, and Torts.

Students typically complete the required Externship course during the summer after their first year. Students also must successfully complete the following required upper-level courses prior to graduation: Appellate Advocacy or Legal Writing with a Purpose; Bar Preparation Studies; Business Associations/Agency; Constitutional Law I & II; Criminal Procedure; Evidence; Family Law; MBE Fundamentals; 8 credit hours of Practicum courses; Professional Responsibility; Secured Transactions/UCC; a Seminar; and, Wills and Estates.

Prior to graduation from ASL, students also must satisfy two upper-level writing requirements. First, students must successfully complete the Seminar Writing Requirement, which requires the student to complete an expository or argumentative research paper of at least twenty pages in length, not including endnotes or footnotes. Most students satisfy the Seminar Writing Requirement by completing one of the Seminar courses during their third year of studies, although some students satisfy the requirement through work on Law Journal or Moot Court.

Second, all students must successfully complete at least one course designated as satisfying the Upper-Level Writing Skills Requirement. The purpose of this Requirement is to insure that all students receive substantial exposure, beyond the first-year Legal Process courses, to the types of writing and drafting that attorneys typically encounter in the practice of law. For a course to satisfy the Upper-Level Writing Skills Requirement, writing or drafting assignments must comprise at least a quarter of the work for the course. Courses that satisfy the Requirement will be designated by the Dean and the Associate Dean.

Prior to graduation, a total of 93 credit-hours of course work must be completed in compliance with the curricular structure established by the faculty. Please see Appendix F for the current ASL graduation worksheet, which will assist you in planning to meet ASL's graduation requirements.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL.

### Spring-start Students

Students beginning their first year at ASL in the spring semester typically take Introduction to ASL Legal Studies I, Criminal Law, Professional Responsibility, Torts, and other courses as available during their first semester. The summer following the student's first semester, the student may enroll in additional courses for which they have completed the pre-requisites. In the following fall, the student will join the incoming fall class in Civil Procedure I, Property I, Contracts I, and Legal Process I and complete Introduction to ASL Legal Studies II.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL. Please see Appendix F for the current ASL graduation worksheet, which will assist you in planning to meet ASL's graduation requirements.

### Reduced-load Students

ASL does not have a part-time program. Special permission from the Dean is required to enroll in less than 12 credit hours in a semester. Permission to take less than a full load of courses will only be granted in exceptional circumstance and where students can demonstrate that they will still be able to graduate in a timely manner.

### Community Service

ASL's mission is to develop professionals who will serve as community leaders and community advocates. ASL provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from ASL, each student must complete 25 hours of community service each semester. During their first semester in law school, students satisfy this requirement by taking the mandatory Introduction to Community Service class, which meets once per week throughout the Fall semester.

As just a few examples of direct community service provided by members of ASL community, Law students have volunteered with the Buchanan County Commonwealth's Attorney, students have tutored and mentored in the public school system, students have assisted Buchanan County by providing property research for the Great Eastern Trail and Spearhead Trail project, students have assisted the Buchanan County Humane Society and volunteered with the Volunteer Income Tax Assistance ("VITA") project. Students and faculty may create alternative service projects as well. For example, students have worked at a food bank, created personnel policies and a pay plan for a small town, coached  
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a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

## Externships & Clinics

Since its inception, Appalachian School of Law has distinguished itself from other law schools by providing our students with practical legal experience well before graduation. ASL's externship program is a central part of the school's commitment to equipping students with practical lawyering skills. The externship also gives our students a chance to network and make connections that may aid students in their future law careers. During their externships, students may:

- Assist with trial strategy
- Draft judicial opinions
- Draft pleadings and legal memoranda
- Interview clients
- Observe court proceedings
- Perform factual investigations
- Research legal issues
- Update law libraries
- Assist in representing real clients
- Practice Client interviewing
- Mediate Disputes & Apply Alternative Dispute Resolution
- Hone courtroom presentation and evidentiary techniques
- First Year Summer Externship Program

Normally completed between their first and second years of school, all ASL students earn two hours of academic credit by spending at least 200 hours working under the supervision of an experienced attorney. This allows our students to take what they have learned in the classroom and apply it to the real world in public interest or pro bono legal environments during the summer. This experience then informs and transforms their remaining studies at ASL. In addition, students are also required to earn one hour of academic credit by completing the externship classroom component, which must be completed prior to their field placement. This component is designed to prepare students for the field placement experience. Topics covered during this class include, but are not limited to, what to expect at the placement, ethical considerations, and guidance on securing a site.

## Second Year Summer Internship Program

Beginning in the summer of 2013, ASL expanded its traditional externship program to include competitive placements for our most distinguished students. Through this component of the externship program, students compete for placement at sites that focus their practices in the areas of (1) natural resources and environmental law, (2) the judiciary and (3) administrative law. Students who are selected for these internships may receive a stipend to offset travel and living expenses.

## Summer / Intersession Courses

Courses may be offered in summer intersessions, as student interest and faculty availability allows. Intersessions are condensed format courses offered for academic credit. Specifics on summer session offerings and registration will be made available during the spring semester. Courses offered during past intersessions include: Business Organizations, Contract Drafting, Debtor Creditor Law, Doing and Undoing Environmental Regulations, Environmental Crimes and Torts, , Information Privacy, Insurance Law, , Real Estate Transactions, Title Examination, and Workers' Compensation.



## Juris Master's Degree Program

ASL will confer the degree of Juris Master upon all candidates for the Juris Doctor in the spring semester of the year in which they (1) have completed the number of credits normally required in the first three semesters for fall starting students; (2) have not received an F, W, WF, or I in a required course, unless that course has since been completed or retaken with a passing grade; and (3) are in good academic standing when the degree is to be conferred. Awarding ASL students the Juris Master's degree provides them recognition for mastering basic legal skills, and is in keeping with ASL's leadership role in the legal education community, where the school has earned well-deserved national repute for its commitment to legal education access, community service, and student externships. Students qualifying for Appalachian School of Law's Juris Master degree will receive their J.M. diplomas during a ceremony in ASL's Appellate Courtroom during the spring semester after satisfying the requirements above.

## The J.D. Certificate Programs

By focusing their upper level studies in specific areas of legal education, students pursuing a J.D. degree may earn a certificate in one of three areas of study: Criminal Law, Litigation, or Natural Resources Law. These certificates inform prospective employers that a student's legal education, in addition to fulfilling the general requirements necessary to receive the Juris Doctorate, has been concentrated in a specific practice area. ASL's certificates are awarded to students whose coursework and grades fulfill the requirements established for each of the programs. Certificates in the J.D. program are awarded only for coursework completed during a student's matriculation; however, a J.D. student who falls a few hours short of receiving a certificate in the J.D. program may opt to receive a post-J.D. professional certificate by completing the remaining courses needed to meet the credit hour requirement for the professional certificate at the price of \$1,460.00 per credit hour (the standard credit hour price for the professional certificate program.)

### CRIMINAL LAW CERTIFICATE

All required courses \* from the list below must be taken as well as an additional 9 hours of electives. To be eligible for the certificate the student must attain a grade no lower than "Competent" and a "B" average in all courses taken to meet the Certificate requirements.

- Criminal Law \*
- Criminal Procedure \*
- Appellate Advocacy –Criminal Law Section\*
- Evidence \*
- Externship \*
- Virginia Criminal Procedure
- Criminal Trial Practice
- The Prosecution Project
- Post-Conviction Relief
- Mental Health in the Criminal Justice System
- Alternative Dispute Resolution
- Additional elective courses as approved by the faculty

The required first year summer externship, or an externship during the following summer, shall be with: 1) a prosecutor's office, 2) public defender's office, 3) a Judge, or 4) an Attorney General's office.

The student must complete a minimum of 120 hours of third year practice in a public defender's or prosecutor's office. The program will be fully implemented for the class of 2020. Anyone qualifying in the class of 2019 will also be given the certification. Upon graduation and completion of the above requirements, the student's transcript will reflect this certification with a list of the requirements attached.

## LITIGATION CERTIFICATE (CRIMINAL, CIVIL, OR GENERAL)

An Appalachian School of Law graduate will receive a Certificate in Litigation with a corresponding notation in the student's permanent academic record if he or she meets the following criteria:

Students must take the following courses (25 credits):

- Civil Procedure I (2 credits)
- Civil Procedure II (2 credits)
- Criminal Law (3 credits)
- Criminal Procedure (3 credits)
- Evidence (4 credits)
- Appellate Advocacy (3 credits)
- \*Trial Advocacy (4 credits)
- Criminal Practice (4 credits), Pretrial Practice (4 credits) or Family Law Practice (2/4 credits)

In addition, a student may complete any combination of the following courses to fulfill the requirement:

- Advanced Criminal Procedure (3 credits)
- Virginia Civil Procedure (3 credits)
- Remedies (3 credits)
- Moot Court (2 credits)

A student must receive a "CP" in each first year required course and have at least a cumulative 3.0 grade point average in the upper level courses that qualify the student to receive the certificate. Absent approval from the Academic Standards Committee, transferred credits for courses taken at other institutions will be counted with respect to 1L required courses, but will not count towards the Certificate for 2L and 3L courses.

If a student chooses Criminal Practice and Advanced Criminal Procedure as optional courses, the Litigation Certificate will reflect that concentration as a Criminal Litigation Certificate. If a student chooses Pretrial Practice and/or Family Law Practice and/or Virginia Civil Procedure and/or Remedies as optional courses, the Litigation Certificate will reflect that concentration as a Civil Litigation Certificate.

The Curriculum Committee and Academic Standards, with approval from the Dean and Assistant Dean, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program.

\*Two years of participation on the Mock Trial Team may be substituted for the Trial Advocacy course requirement.

## NATURAL RESOURCES LAW CERTIFICATE

A student will receive a Certificate in Natural Resources Law with a corresponding notation in the student's permanent academic record if he or she meets the following criteria:

1. Successfully completes 12 hours of credit in specified natural resources classes and programs.
    - (a) Up to three of the required 12 hours may be fulfilled by (a) earning credit for work with the Natural Resources Law Journal (2 hours), (b) earning credit for participation on a qualifying moot court team (2 hours)<sup>1</sup>, (c) successfully completing a course through Virginia Tech's Graduate School of Natural Resources that has been approved for credit as part of the Virginia Tech Certificate in Graduate Studies in Natural Resources (3 hours)<sup>2</sup>, (d) earning credit through work at a clinic overseen by ASL's Natural Resources Law Program (1-3 hours)<sup>3</sup>, or (e) earning credit through Independent Study on an approved topic (2 hours)<sup>4</sup>.
    - (b) At least 9 of the 12 hours must be earned by obtaining passing grades in approved natural resources classes.<sup>5</sup>
    - (c) The Natural Resources Law committee will have the authority to determine classes, programs, competitions and topics that qualify for credit, and to otherwise modify the credit requirements for achieving the
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Certificate.

2. Achieves at least a cumulative 3.0 grade point average in the graded ASL courses that count towards the 12 qualifying credit hours.

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<sup>1</sup>Qualifying moot court teams in the past have included ones that competed at the Pace National Environmental Law Competition and at the West Virginia National Energy Law Competition.

<sup>2</sup>At present, students can earn a certificate in Graduate Studies in Natural Resources from Virginia Tech by, among other criteria, successfully completing three approved courses through Virginia Tech's Graduate School. ASL students in good standing who wish to participate in that program are automatically admitted at Virginia Tech. ASL will be seeking approval from Virginia Tech to automatically admit an ASL student to take only one course as part of the ASL NR Certificate program. A class taken through Virginia Tech would not otherwise count towards the ASL graduation requirements.

<sup>3</sup>Students can earn credit toward the certificate by (a) working in the NRLC Clinic or (b) participating in a live client clinic in connection with their enrollment in a natural resources course. Credit earned through a live client clinic must be approved by the externship director and faculty member responsible for teaching the related natural resource course in order for the student to earn academic credit toward the certificate.

<sup>4</sup>Criteria for approved Independent Studies credit are already part of the Academic Standards. Students would have to meet all of those standards in addition to obtaining approval of the Natural Resources Law committee for the proposed topic.

<sup>5</sup>Qualifying courses in the ASL academic catalog are: Introduction to Natural Resources Law, Environmental Law, Natural Resources Law, Sustainable Energy Law, Real Estate Transactions, Coal & Hard Mineral Law, Environmental ADR, Oil & Gas Law, Law of Renewables, Water Law, Regulation of Energy Markets, and Utilities, Mineral Title Search & Examination, Administrative Law, Agricultural Law, Environmental Science for Lawyers, Energy Law and Policy, Practice Before the Federal Energy Regulatory Commission, and Energy, Economics, and the Environment. In addition, one section of Appellate Advocacy may be built around a problem in an area related to natural resources law, environmental law or energy law. Such a section will be designated "App Ad-NR," and it will be a qualifying course for purposes of meeting the NRL Certificate requirements.

3. Commencing in July 2016, students complete a publishable quality note in addition to the curricular writing requirements within the Certificate qualifying courses.
4. Meets all other requirements to graduate from ASL.

## Course Descriptions

ASL's course descriptions are listed in alphabetical order. Courses that will satisfy the practicum and seminar requirements will be noted in parenthesis after the number of credit hours. Practicum courses are designed to give students practical, skills-based training. These courses combine skills training with additional instruction in a particular substantive area of the law. The practicum offerings vary from year to year and enrollment in each course is limited. Seminar courses require students to complete an expository or argumentative research paper under faculty supervision. Seminar offerings vary from year to year and enrollment in each course is limited.

### Administrative Law - 3 credit hours (general elective)

Examines the role of the formal and informal administrative processes in our society, and emphasizes the powers and procedures common to all administrative agencies and the relationships among the legislative, judicial, and executive branches in the development of public policy.

### Advanced Criminal Procedure – 2 credit hours (general elective)

This course is designed to cover select areas of Criminal Law & Procedure. The Rules of specific Courts as well as statutory rules and case law will be examined in the course. This course will consist of students gaining an advanced understanding, knowledge, and ability to apply Criminal Law & Procedure from a substantive, procedural and practical standpoint. It is expected that this course will assist students with their preparation for the Bar Exam and particularly in practice.

### Advanced Legal Research – 1 credit hour (general elective)

Advanced Legal Research expands on the skills first year students learned in Legal Process I and II. It focuses on the type of research projects lawyers face in the first few years of practice. Prerequisite: Legal Process I & II

#### Advanced Torts – 3 credit hours (general elective)

Expands on the issues examined in the first year Torts course. It focuses on privacy, business torts, product liability, and defamation. Prerequisite: Torts

#### Agency/Partnership – 2 credit hours (general elective)

This course will explore unincorporated business associations. We will consider agency, partnership and limited liability entities. Discussion will emphasize the obligations, benefits and pitfalls of each entity. Cases will be reviewed that are in conflict and/or turn on minor differences. The class will discuss and consider why, in recent years, these types of business associations have become more prevalent and important. Prerequisites: Contracts I & II and Torts.

The goal of this course is to provide students with a basic background in this area of the law. Upon completion, students should feel reasonably comfortable advising clients on these issues.

#### Appellate Advocacy - 3 credit hours (required course)

Appellate Advocacy is an upper-level required course which provides students with the opportunity to further develop their skills as a legal writer and oral advocate. The course focuses on appellate theory and practice, standards of review, advanced appellate brief writing, and the art of appellate oral argument. Students will complete at least one major writing assignment and participate in a class wide moot court competition. Appellate Advocacy is generally offered in two or three sections focusing on criminal law, natural resources law, and/or broader legal topics. Prerequisite: Legal Process I & II

#### Assistantship, Research, or Teaching – 1 credit hour [4 hour maximum toward degree]

A student will work under the supervision of a member of the full time faculty and assist in providing research assistance to the faculty member in furtherance of a substantial scholarly endeavor or assist in grading formative assessments and providing supplemental instruction to lower level students. This endeavor will broaden or deepen a student's knowledge of a law topic beyond that provided in a standard offering of a course's material. A student must complete and document 65 hours of work and in the case of a teaching assistantship, [substantial experience]. The supervising faculty member will verify completion of requirements to earn credit. Prerequisite: Completion of all the required first year courses and, if a teaching assistantship, the course for which assistance will be provided

#### Bar Preparation Studies – 2-3 credit hours (required course)

Bar Preparation Studies (BPS) is a bar preparatory course that will build on the analytical, writing and organizational skills taught across the ASL curriculum with the goal of enhancing a student's ability to prepare for the bar examination. Although the most intensive preparation for the bar will occur in the nine to eleven weeks before the bar examination, BPS will prepare students for that period of study and practice by introducing them to the format and components of the bar exam and the scope of the task, and by conveying information about study and organizational skills. Students will review selected substantive topics, learn methods by which to review the tested areas of law, complete practice essays, multiple choice and performance test questions, and receive feedback on practice questions. This course is not intended to replace commercial bar preparation courses, but rather to introduce (or re-introduce) students to tested substantive law and many of the strategies needed to perform well on the bar exam. While this course focuses on the Multistate Bar Examination subjects (Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property and Torts), the class will also include additional sessions and lectures on state subjects, based on the state bar exam being taken by students. -- Civil Procedure I & II; Contracts I & II; Property I & II; Constitutional Law I & II; Criminal Law; Criminal Procedure; Torts; and, Evidence.

#### Business Associations/Agency or Business Organizations – 4 credit hours (required course)

Business Associations/Agency is a study of the law concerning business entities, including: the factors affecting the selection of the form of a business enterprise; the nature of corporate entities; and the promotion, organization, activities, financing, management, and dissolution of business corporations. In addition to discussing the law of

corporations, the course covers the principles by which one party may act as agent for another and the law governing unincorporated business organizations such as partnerships, limited partnerships, limited liability companies, and limited liability partnerships.

Civil Procedure I - 2 credit hours (required course)

A general survey of court procedure in civil cases using federal civil procedure as a model. The course covers the jurisdiction of courts (both personal and subject matter), venue, pleading, discovery, disposition without trial, joinder of claims and parties, and effects of judgments. Prerequisite: Introduction to Law

Civil Procedure II - 2 credit hours (required course)

A continuation of Civil Procedure I. Prerequisite: Civil Procedure I

Conflict of Laws - 3 credit hours (general elective)

Conflict of Laws will introduce students to choice-of-law that arise when a case involves a transaction or occurrence that has a connection to two or more jurisdictions and the different approaches that courts have developed to resolve conflicts between the laws of such jurisdictions. This course will focus primarily on choice-of-law problems and approaches in the areas of torts, contracts, and property (real and personal). This course will also introduce students to approaches used in the areas of trusts and estates, and family law (including adoption, marriage, and legitimacy). This course will conclude with a review of constitutional control of choice-of-law decisions and choice of law in federal diversity cases. Prerequisites: Civil Procedure I & II.

Constitutional Law I - 3 credit hours (required course)

A study of the provisions in the United States Constitution governing our form of government and the powers of the federal judiciary, legislature, and executive. The course also reviews relations between the federal government and the states.

Constitutional Law II - 3 credit hours (required course)

A study of the limitations on governmental power over individuals inherent in constitutional provisions relating to due process and equal protection and freedom of speech and religion. The course evaluates the restrictions on private action mandated or permitted by these constitutional provisions. Prerequisites: Constitutional Law I

Contract Drafting – 2 credit hours (practicum)

This course will teach you the principles of contemporary commercial contract drafting and introduce you to documents typically used in a variety of transactions. The skills you gain will apply to any transactional practice and will even be useful to litigators. On finishing the course, you will know: the business purpose of each of the contract concepts; how to translate the business deal into contract concepts; how to draft each of a contract's parts; how to draft with clarity and without ambiguity; how to add value to a deal; how to work through the drafting process; and how to review and comment on a contract. Prerequisites: Contracts I & II

Contracts I – 3 credit hours (required course)

Encompasses the study of legally enforceable promises, termed "contracts." The course encompasses the study of what types of promises are legally enforceable, what it takes to form a contract, what the obligations of the parties are, what constitutes breach, and what remedies are available upon breach.

Contracts II - 3 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

#### Corporate Governance - 2 credit hours (seminar or general elective)

It is vitally important that every student have some basic knowledge of how corporations are governed and the impact such governance has on our daily lives. The food we eat, the air we breathe, the safety of our modes of transportation (from bicycles to eighteen wheelers!) are all dependent upon the type of corporate governance of the corporations which affect these areas. The fact that real people who manage corporations make decisions which can greatly benefit or harm us makes it imperative that we examine such decisions and decide how corporations should operate to serve the interests not only of their shareholders but also of the American people. This Corporate Governance will examine these issues and others.

#### Criminal Law - 3 credit hours (required course)

An inquiry into the sources and goals of the criminal law, general principles of liability and defenses, and the characteristics of particular crimes.

#### Criminal Practice - 4 credit hours (practicum)

Includes both substantive instruction and skills training on pre- and post-trial criminal practice issues. Students will prepare written motions and participate in simulated in-class exercises involving indictment and charging decisions, client relations, bail and release, investigation, discovery, preliminary hearings, pre-trial motions, guilty pleas, sentencing, and probation. The course focuses on both defense and prosecution issues and students will have the opportunity to experience both sides of criminal practice through in-class exercises. Prerequisites: Criminal Law; Criminal Procedure; and Evidence

#### Criminal Procedure - 3 credit hours (required course)

A survey of federal procedures and constitutional safeguards applicable in the criminal justice system, focusing on police investigation and arrest. Particular emphasis is given to Fourth Amendment issues. Prerequisites: Criminal Law

#### Current Issues in Constitutional Law – 2 credit hours (seminar)

Examines decisions of the Supreme Court dealing with constitutional law. Students will undertake detailed analysis and in-class discussion of the decisions and their rationale. Prerequisites: Constitutional Law I and Constitutional Law II

#### Debtor-Creditor Law - 3 credit hours (general elective)

This course will offer a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on bankruptcy law matters. The course will also address creditor's state law rights and remedies as well as debtor's rights under state law. A brief introduction to secured transactions will also be presented as part of the course since it necessarily relates to the overall understanding of the debtor-creditor relationship. The objective of this class is to prepare the student to step in on day one and be a contributor to a collections or bankruptcy practice.

#### Dispute Resolution - 2 credit hours (practicum)

Provides students with a working knowledge of dispute resolution theory and practice. The major dispute resolution processes are examined critically with discussion of their strengths and weaknesses. Particular emphasis is given to negotiation, mediation, arbitration, and ethics. Legal, ethical, and policy issues that arise in the use of dispute resolution processes also are examined. A major theme throughout the course is the selection of appropriate dispute resolution forums and representation of clients in dispute resolution.

#### Doing and Undoing Environmental Regulations – 2 credit hours (general elective)

With new presidential administrations come new environmental policies. After a slew of congressionally-enacted environmental laws in the 1970s and 1980s, EPA and other federal agencies set out to implement and enforce those laws through rule-making, and presidents complemented such rule-making with executive orders and enforcement priorities. Perhaps in no other area of law, at least in recent years, do new administrations impose their priorities

more than in the rules and policies relating to the environment, energy, land use and climate change. This course will explore the legal and administrative tools that are available to new administrations to change or erase the environmental policies of their predecessors, as well as the legal and administrative obstacles new administrations face in such efforts. The class will look broadly at policy changes between administrations dating back to the 1970s, before looking into specific rules and policies that have been reversed with the more recent changes of administrations, paying specific attention to the dismantling of Obama-era environmental regulations under the Trump administration. The Administrative Procedures Act, the Congressional Review Act, Executive Orders, prosecutorial discretion, enforcement policies, and taking new positions in litigation will all be explored for their impact on attempts to effectuate environmental policy and regulatory changes between presidential administrations. This two-hour course will combine seminar-style lectures with class discussion and debate, and will culminate in a final exam.

#### E-discovery – 3 credit hours (general elective)

This course guides the student through the complicated process of handling Electronically Stored Information (ESI). Recommended best practices are explored and analyzed within the framework of the ABA Model Rules of Professional Conduct with particular emphasis on lawyer competence in technology matters. The knowledge gained in this course will benefit both those who plan to be litigators as well as those who choose a transactional practice. The subject matter includes an in depth analysis of ESI, metadata, litigation holds, social media and related digital information sources. The Federal Rules of Civil Procedure will be examined to illustrate the shift from paper to digital records in litigation and the subsequent changes to the Rules to accommodate this new environment. Students will also review the Electronic Discovery Reference Model (EDRM) and the principles established by the Sedona Conference to develop skills and experience in handling digital information. Throughout the course, students will learn the ethical requirements governing the attorney's role in the collection, storage and dissemination of digital information. Prerequisites: Civil Procedure I and Civil Procedure II.

#### Energy and Utility Law and the SCC – 1 credit (general elective)

Energy and Utility Law and the SCC explores fundamental and developing issues in utilities and their regulation. The course will explore important cases and feature guest speakers. Course grades are based on class participation and a written exam.

#### Entrepreneur Law/Entrepreneurship Law – 2 credit hours (practicum)

Entrepreneurship Law is designed to give law students exposure to the lawyer's activities in the life cycle of a business, from start-up to disposition. In addition to relevant legal principles and key forms used in the market, this course will bore into significant financial concepts that every good business attorney should know. This course will review how to start, finance, buy, and sell a business. Students will be paired into firms, buy-side and sell-side, for the final assignment.

#### Environmental Crimes and Torts – 2 credit hours (practicum)

Environmental Crimes and Torts will cover major cases as well as the elements and prosecutorial procedure of criminal actions under major U.S. environmental laws such as the Clean Water Act and Clean Air Act. The course will also discuss major issues and special issues surrounding toxic torts. The course will be a combination of lecture and practical work with the primary assessments for the course consisting of several relatively small drafting assignments such as a complaint; answer; motion to dismiss; motion for a new trial; or a portion of any of these. Prerequisites: Torts and Criminal Law

#### Environmental Law/Environmental Law and Policy - 3 credit hours (seminar)

Examines selected topics in the law governing the protection of air, water, and land from pollution. Early class sessions will cover: (1) brief overviews of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act; (2) the impact of Climate Change on the permitting process; (3) additional areas of environmental law having regional connections, including mine permitting and regulation; (4) competing conceptual approaches to

environmental regulation; (5) the political and bureaucratic aspects of environmental regulation as a model of regulation generally; (6) emerging notions of environmental justice; and (7) the role of citizen enforcement, including the implications of recent U.S. Supreme Court decisions dealing with the issue of standing. Reading materials will focus on judicial decisions, administrative materials, and case law but will also include selections from the literature of science, economics, and political science that underlie current legal debates in environmental law. Early classes will involve the students in informal presentations based on the reading materials. The last few classes will be devoted to presentation and discussion of student research papers.

#### Estate Planning – 2-4 credit hours (practicum)

Develops students' skills relating to the disposition of property during lifetime and at death. The first part of the course will examine federal estate and gift taxation. The second part of the course will focus on developing estate plans and drafting the instruments (e.g., wills, trusts, etc.) necessary to implement such plans so as to accomplish a client's non-tax objectives while minimizing estate taxes, gift taxes, and income taxes. Prerequisites: Wills and Estates

#### Evidence - 4 credit hours (required course)

An examination of the rules governing the admissibility of evidence in civil and criminal trials, with particular emphasis on the Federal Rules of Evidence. Topics covered include relevancy, the hearsay rule and its exceptions, examination, cross-examination, and impeachment of witnesses, witness competency, opinion and scientific evidence, admissibility of writings, judicial notice, and burdens of proof and presumptions.

#### Externship – field work 2 credit hours (required course); classroom component 1 credit hour (required course)

Allows students to apply the skills learned in the core curriculum. Students typically take this course during the summer following their first year of studies. Students work for a total of approximately 200 unpaid hours in a judge's chambers, public law office, or public interest organization under the direct supervision of a licensed attorney. Each student is assigned to a full-time faculty coordinator and the faculty coordinators conduct an orientation and a debriefing session before and after the externships. Externship placements for students have included federal magistrate, district court, and circuit judges; state Supreme Court justices in Virginia, Kentucky, Tennessee, and North Carolina; state trial judges in Virginia, West Virginia, and Kentucky; U.S. Environmental Protection Agency and U.S. Department of Justice; Virginia Attorney General's Office; Virginia, West Virginia, and Kentucky Legal Services offices; Tennessee District Attorneys; Virginia Commonwealth Attorneys; West Virginia District Attorneys; North Carolina District Attorneys; Kentucky County Attorneys; Georgia District Attorneys; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observing court proceedings, researching legal issues, performing factual investigations, drafting pleadings and legal memoranda, drafting judicial opinions, updating law libraries, and assisting with trial strategy and problem solving. Prerequisite: Completion of 28 credit hours prior to beginning work at field placement.

#### Family Law - 3 credit hours (required course)

Covers various subject areas in family law, and introduction on how to practice in the family law area. The main topics covered are marriage, divorce, division of property, spousal support, child custody and visitation, child support, adoption, and domestic violence.

#### Family Law Practice – 2-4 credit hours (practicum)

Focuses on substantive instruction and skills training in issues most prevalent to a family law practitioner. The course will cover selected subject areas in family law, such as annulment, divorce grounds and defenses, spousal support, child support, property division upon dissolution of marriage, ante-nuptial agreements, post-nuptial agreements, and child custody and visitation. Students will receive instruction in the preparation of pleadings, motions, court orders, and agreements. Students will also participate in simulated in-class exercises, including in-class simulated client interviews and court hearings. Prerequisite: Family Law



#### Federal Income Taxation - 3 credit hours (general elective)

Gives a basic understanding of federal income taxation relating to individuals and teaches the use and interpretation of complex statutes and regulations.

#### History of Race and the Law in America – 2 credit hours (general elective)

This course evaluates the legal regulation of race in the United States. The seminar will begin with having students understand and define racism. We will consider history, statutes, and cases dealing with American Indians, African Americans, Latinos, Asian Americans and other groups. How is “white” defined? Students will be assigned readings to present to the class and lead discussions. They will be expected to prepare written summaries of these readings and their presentations. Students will be encouraged to express all views, and be willing to have their views challenged, in a civil and dignified manner. Grade will be based on participation, presentations, and written summaries. There will be no exam.

#### Independent Study - 1 to 3 credit hours

Involves assigned readings, conferences, research, and writing in specialized or advanced areas of the law. Proposals for Independent Study must be approved by the supervising professor and the Dean.

#### Information Privacy Law – 2 credit hours (seminar or practicum)

An exploration of some of the areas in which information privacy may be at risk: law enforcement, national security, health care, financial data, etc. In each area, the seminar examines case law, statutory regimes, and policy approaches. When taught as a seminar the course is usually taught as a colloquium; after an introduction to several legal and philosophical perspectives on information privacy, teaching will be undertaken by students, with each team of students being responsible for leading a discussion on a topic related to information privacy. Students will also complete a final paper on some aspect of information privacy law covered in the seminar.

#### Insurance Law - 2 credit hours (general elective)

Will focus on substantive instruction and writing skills training in issues most relevant to an insurance law practice. The course will include study of selected subject areas in insurance law, including automobile, fire and casualty (homeowners), liability, health, and disability. Among other topics covered will be the formation and operation of the insurance contract, coverage and exclusions, insurable interests, the claims process, subrogation, and vehicles to determine coverage issues such as declaratory judgment actions.

#### Intellectual Property – 3 credit hours (general elective)

During the first half of this course students will receive an introduction to trademark, copyright, and patent law. The second half of the class will focus on day-to-day issues regarding intellectual property in the workplace and in transactions. For example, we will study: (1) intellectual property provisions in employment agreements, (2) provisions regarding ownership of intellectual property that appears generally in asset or stock acquisition agreements, (3) nondisclosure agreements, and (4) contracts for the sale of intellectual property.

#### Intensive Negotiations Workshop – 2 credit hours (general elective)

Intensive Negotiations Workshop teaches negotiation skills using both in-class instruction and simulated negotiation exercise.

#### Introduction to ASL Legal Studies I and II - 2 credit hours each (required course)

Introduction to ASL Legal Studies is a two-semester academic excellence course designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams.

Students will learn the critical reading, writing, and thinking skills that are essential to excel in law school, pass the last revised: Aug. 2019

bar exam, and succeed in the practice of law. Topics to be covered include the stages of a lawsuit, court structure, case and statute reading and briefing, understanding case rationales, case synthesis, time management, optimizing individual learning styles, course outlining, law school and legal note-taking, issue spotting on essays, how to analyze (and write) effectively for law school exams, how to answer law school and MBE-style multiple choice questions, and other exam-taking strategies.

#### Introduction to ASL Legal Studies III and IV - 2 credit hours each

A continuation of Introduction to ASL Legal Studies I and II. Introduction to ASL Legal Studies III is required for students who receive a grade of NP or F in four or more doctrinal courses in their 1L year. Students who receive a grade below a "C" in Introduction to ASL Legal Studies III will be required to take Introduction to ASL Legal Studies IV.

#### Introduction to Externship – 1 credit hour (required course)

#### Introduction to Law/Strategies for Success (replaced in 2017 by Introduction to ASL Legal Studies)– 1 credit hour (required course)

An introduction to legal analysis and the legal process. The course introduces the student to the structure of the judicial system and the thought processes used in it. In addition, there is significant emphasis on the nature of the legal profession, rules of conduct for lawyers, and the ideal of professionalism.

#### Juvenile Law - 2 credit hours (seminar or practicum)

This course is a study of the three principal branches of juvenile court jurisdiction: delinquency, abuse/neglect and status offense proceedings as well as the basics of developmental psychology in exploring questions of capacity, competency and culpability. The course analyzes how the role of counsel differs from the role of a guardian ad litem or of a Court Appointed Special Advocate. Each student writes a 20-25 page research paper on some topic of juvenile law and makes a twenty minute presentation of the topic in class. The paper is critiqued, and the student edits and resubmits it for the final grade. This course satisfies the upper level writing requirement.

#### Law Journal - 2 credit hours

Credit is awarded to students who successfully complete two years of service on Appalachian School of Law Journal of Law, including at least one year as a member of the Board of the Journal, and who produces a note of publishable quality. Successful completion of the requirements is determined by the Journal's faculty advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the seminar requirement or for a 2-credit-hour elective course, at the student's option.

#### Law of Coalbed Methane – 1 credit hour (general elective)

This course will provide students with the opportunity to explore the unique legal issues associated with coalbed methane gas. The course will fall into three segments. Part one will provide a brief introduction to coalbed methane's history, production, and development. Part two will then comparatively examine ownership theories. Finally, part three will present each ownership theory through state and federal case-law.

#### Law Office Management/Solo Law Practice - 2 credit hours (practicum)

Provides grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents, e.g., various types of contracts, rather than litigation documents. The course includes practice exercises simulating work with clients and the other parties on business transactions. Topics covered in the office management component include: structure of law firms; financial issues (including compensation, billing, fees, and trust accounts); business development (marketing and advertising); law practice tools; and personnel, office, and operational issues.

#### Legal Process I - 3 credit hours (required course)

The Legal Process component of this course explores the basic methods of legal analysis and legal research, and how to write clear and concise predictive legal analyses. Students are assigned a number of research and writing projects, which may include briefing cases and drafting office memoranda and client communications. Students also gain experience in editing and rewriting.

#### Legal Process II - 3 credit hours (required course)

A continuation of Legal Process I that explores the art and science of legal writing in greater depth. Students will complete written assignments of significant complexity and acquire more advanced research skills to be used in the production of practice-ready predictive and persuasive legal documents. Students will apply the lessons of Legal Process I and II to their own careers, learning how to write compelling cover letters and other successful professional correspondence. Prerequisites: Legal Process I

#### Legal Writing with a Purpose – 2 credits (required course)

This full-year writing program, one-hour for each semester, is broken down into seven, four-class units, with each unit being substantively taught by a different ASL professor. Each unit will be built around a particular legal issue within a subject heavily tested on the Bar Exam (for example, Torts or Civil Procedure). There will be three writing assignments and a timed essay quiz within each of the four-week units. The three writing assignments are designed to mirror those that a new attorney may be asked to undertake in practice, and the essay quiz is designed to mimic Bar Examination testing. Each unit will be counted equally towards a student's grade.

#### Mental Health in the Criminal Justice System – 2 credit hours (practicum)

During this course, students will: 1) Learn practical knowledge using a comprehensive overview of mental health jurisprudence in a variety of criminal litigation contexts such as competency to stand trial, criminal responsibility, competency to be executed, juvenile transfer, sexual offender risk assessment, and civil commitment. 2) Understand the background, efficacy and reliability of instruments and methods currently employed in the forensic assessment of mental disability and/or aptitude. 3) Discover the ethical dilemmas and legal ramifications inherent in the representation or prosecution of those with mental health problems in the modern and historical legal system. 4) Gauge the knowledge, skill, experience, training, education, credentials, and effectiveness of potential mental health experts and consultants, with an understanding of the discrete nature and critical impact of each of these professional attributes.

#### Mineral Title Search and Examination – 2 credit hours (practicum)

This course will familiarize and provide the students with an overview of the process of examining mineral titles and rendering legal opinions on title in the context of mineral production and development. Students will gain hands-on experience by conducting mineral title examinations in regional courthouses as well as drafting title opinions. The course will focus on examining title to Appalachian mineral properties, including natural gas and coal. The course will include a hands-on title search component where students will research the title from public records, learn how to identify conveyances and exceptions, and how to construe a mineral severance deed. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Moot Court - 2 credit hours

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.

Students 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 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.

#### Multistate Bar Examination (MBE) Fundamentals – 2 credit hours (required course)

Course structure: This upper level course combines substantive review of bar-tested subjects with multiple choice question deconstruction and extensive practice.

This course is designed to provide early preparation for the Multistate Bar Exam (MBE) and uses best practices and cognitive learning science to promote learning. The course will be focused directly towards driving student achievement on the bar exam by working to build critical analytical skills, and will combine substantive review with multiple choice question deconstruction. The primary goal of this course is to develop the expertise and sound analytical processes necessary for MBE multiple choice questions. Practice-testing will include actual former MBE questions. Please note that this course is not remedial in nature; on the contrary, the course will cover a significant amount of substantive information and will be fast-paced.

#### Natural Resources Law – 2 credit hours (seminar)

Examines the specialized property rules governing estates in natural resources, the correlative rights of surface and mineral owners, and the rights to explore, mine and extract, develop, and transport natural resources, with primary emphasis on "hard" minerals. As a compliment to existing courses in Administrative and Environmental law, the course examines selected issues of natural resources regulation from the perspective of the regulated community.

#### Negotiations in the Criminal Justice System – 2 credit hours (practicum)

This two credit course fosters acquisition and development of negotiation skills, relevant to criminal proceedings. The course will cover ethical, practical and skills based techniques and issues. Upon successful completion of Negotiations in the Criminal Justice System," students will be able to: 1) Evaluate all aspects of a criminal case from both a prosecution and defense perspective. 2) Understand the ethical and legal bounds of prosecutorial discretion, including tactics, for structuring and offering a plea bargain. 3) Understand the value and potential pitfalls of plea bargaining as a method for resolving criminal cases. 4) As defense counsel, evaluate a defendant's best interests as well as formulating a well thought out strategy for plea negotiations with prosecutors and complaining witnesses. 5) Know the obligations of effective plea bargaining as mandated by the ABA Standards of Practice and recent court cases.

#### Oil and Gas Law – 2-4 credit hours (practicum)(may offered as a combined course with Coal Law)

Applies property law and contract law principles to a complex natural resource, and evaluates resource rights from the perspective of the developer, the property owner, and the regulator. ASL is in the Marcellus shale region, one of the largest shale plays in the U.S. With U.S. oil and gas production exploding, and world demand and competition for natural resources growing, students are exposed to a growing area of law in need of lawyers who can serve as effective advocates, problem solvers and negotiators. Topics include the creation of mineral property interests in oil and gas, how those interests differ from other forms of real property, and how they are conveyed. Students evaluate

oil and gas lease provisions, the principal instruments for transferring oil and gas rights. The course may require review and/or drafting of contracts, legal memorandums, and transactional documents. The course makes use of speakers who serve as in-house counsel for energy companies and utilities, and/or practitioners in the natural resource industry.

#### Post-Conviction Relief – 2 credit hours (seminar)

This course will cover principles and practices of post-conviction remedies available to collaterally attack a criminal conviction in federal courts. This class will provide students an opportunity to observe how constitutional law, criminal law and procedure, and civil procedure apply to Post-Conviction relief.

#### Pretrial Practice - 4 credit hours (practicum)

Focuses on the handling and preparation of a civil case from the time a client walks in the lawyer's office to the eve of trial. Specific topic covered will include: client interviewing and counseling; tactical considerations of where and what to file; preparation of the pleadings; taking and defending discovery; interviewing witnesses; preparation of pretrial motions. Students will prepare a series of written documents and take part in a variety of in-class exercises.

#### Professional Responsibility - 3 credit hours (required course)

Instruction in the history, structure, goals, duties, values, and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients, the legal profession, courts, and the public.

#### Property I - 3 credit hours (required course)

Introduction to the law of personal property and real property, including estates and other interests in land, real property marketing and conveyancing, landlord and tenant issues, nuisance, regulatory limitations on land use, and eminent domain and inverse condemnation.

#### Property II - 3 credit hours (required course)

A continuation of Property I. Prerequisite: Property I

#### Prosecution Project – 2 credits (general elective)

The Prosecution Project is a unique collaboration between law students and professional prosecutors. The Project has two aims. First, through readings and discussions with experienced prosecutors, judges, police, defense attorneys and others, students will be introduced to the professional roles of prosecutors, to their ethical responsibilities, and to the challenges faced by modern prosecutors in seeking to do justice in a rapidly changing environment. Second, through their research and analysis, students will assist the regional prosecutors in their efforts to study and address issues of importance to prosecutors and the public.

#### Real Estate Transactions – 2-4 credit hours (practicum)

Focuses on how commercial and residential real estate is conveyed. Lecture will discuss legal theories of title, transfer, and ownership issues. Students will prepare written projects that will require research of title records, statutes, and precedent. Projects will follow real property as it is conveyed, mortgaged, leased, and foreclosed. Condominium issues and mineral rights transfers will be addressed. Students will work with a local attorney to gain experience in current issues. Skills elements of this course include real estate title search; drafting of purchase and sales agreements, deeds, mortgages, UCC statements, closing settlement statements, and leases; drafting and review of easements, attachments, and other encumbrances; and drafting and scheduling of foreclosure sale. Prerequisites: Contracts I & II; Property I & II

#### Remedies - 3 credit hours (general elective)

A study of the forms of legal and equitable remedies, the substantive law of restitution, and the problems of

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measuring damages and non-monetary forms of remedy. Various remedies are explored in both litigation and alternative dispute resolution contexts.

#### Secured Transactions/UCC - 4 credit hours (required course)

Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers. Prerequisites: Contracts I & II

#### Solar Energy Law – 2 credits (seminar)

This seminar-styled class covers the major legal and policy issues affecting the development and deployment of solar energy. The class will meet for 14 weeks. The first ten weeks will be lecture classes; the last four class times are reserved for student presentations.

#### Social Security Disability – 2 credit hours (general elective/practicum)

Familiarizes students with the substantive law governing social security disability claims. The course also covers the practical aspects of representing a claimant through the application, review, and appeals processes.

#### Social Security Disability & Workers' Compensation – 2 credit hours (practicum)

This course will introduce students to the practical aspects of representing claimants for social security disability insurance and workers' compensation benefits. This course will include instruction in the applicable legal theory, but the focus will be on the nuts and bolts of actually practicing in this area. Topics will include client interviewing, developing medical evidence, preparing witnesses for testimony, working with vocational experts, administrative hearing and appeals processes, and more.

#### Solo Law Practice/Law Office Management – 2 credit hours (practicum)

See Law Office Management above

#### State & Local Government – 2 credit hours (seminar)

As all of you are probably aware, state and local governments play as equally an important role in our lives as does the federal government. The role of law enforcement (police, district attorneys and judges), the placement of street signs and lights, the construction, operation and maintenance of our public schools all fall primarily under the jurisdiction of our state and local governments. One of the most important ways in which we can ensure that our representatives in state and local government respond to our needs is through the election process. This course will examine how well do state and local governments perform their essential functions and what we as citizens can do to insure that our representatives carry out their responsibilities.

#### Supreme Court Survey of Energy Law Cases – 2 credit hours (Practicum)

Students will examine energy law issues through the lens of important Virginia Supreme Court cases. The course will include such topics as coal, oil and gas, utilities, and administrative appeals. Students will work in teams to analyze and argue cases before Justice Elizabeth A. McClanahan. For each case, students will receive relevant briefs,

statutes, Court rules, and cited materials.

#### Sustainable Energy Law Practice - 4 credit hours (practicum)

Students explore the significant challenges facing the energy industry today, including climate change concerns, energy independence and security, traditional pollution, regulatory and litigation burdens, jobs, the price of electricity, “peak” supply, and increased energy demand. Students will gain an understanding of historical and current energy use, law and policy, both globally and nationally. The class is built around the following units: the international regime; national energy and environmental policy; coal law and policy; natural gas law and policy; transportation and oil; nuclear and renewable energy; and legislation and litigation. Students will represent nations in mock climate treaty negotiations; debate the “hot” energy issues of the day; and advise “clients” on energy-related regulations and agreements. Reading materials are compiled from source documents (treaties, regulations, laws and court decisions), government and industry studies and reports, and current commentary. There is a significant paper due at the end of the class.

#### Title Examination – 2 credit hours (practicum)

This course will provide the students with an overview of the process of examining titles and rendering legal opinions on title in the context of residential and commercial real estate sales. The course will include a hands-on title search component where students will research the title from public records, learn to identify conveyances and exceptions, and to interpret deeds. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Torts - 4 credit hours (required course)

Reviews the standards and principles governing legal liability for intentional and unintentional invasions of interests of personality and property, including such topics as assault, battery, negligence, and strict liability. Prerequisites: Introduction to Law

#### Trial Advocacy - 4 credit hours (practicum)

Intensive course in the analysis, skills, and techniques of trials. The course includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross-examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony, and summations. Each participant will take part in at least one full simulated trial.

#### Virginia Civil Procedure - 3 credit hours (general elective)

Covers the subject of procedure from the point of view of practice in the Virginia state courts, with heaviest emphasis on civil procedure. Expected topics include self-help, subject matter jurisdiction, personal jurisdiction, service of process, venue, parties, pleading, discovery, pre-trial motions, motions at trial, post-verdict motions, judgments, costs, and appeals.

#### Virginia Criminal Law and Procedure – 2 or 3 credit hours (general elective)

This course is a review of Virginia Statutes, Rules of Court and Virginia appellate decisions important to a basic understanding of Virginia Criminal Law and Procedure. Topics include Virginia Criminal Law and Procedure distinctions, jurisdiction, venue, preliminary hearings, grand jury, pre-trial motions, trial, sentencing and appeals.

#### Virginia Drafting – 2 credit hours (practicum)

The VA Drafting course will allow students to create their own personal file of various VA pleadings, motions, etc. The course will consist of pleadings, motions, etc. of Circuit Court, General District Court, and Juvenile and Domestic Relations Court. The subject matter of the specific pleadings, motions, etc. will concentrate in the areas of Criminal

Law, Criminal Procedure, Property, Estates, Equitable Distribution, Medical Malpractice, Personal Injury, Wrongful Death, Domestic Relations, and standard orders (e.g. Continuances or Objection(s) to Order.

For each subject matter stated above the class will prepare pleadings, motions, and orders based on facts provided by the Professor. Further, the students will also have to prepare for either class discussion and/or mock hearings based on said pleadings, motions, and orders. A typical class setting will consist of either review of assignment through lecture or class discussion or through argument on a motion or other pleading.

Virginia Law Foundations – 2 credit hours (general elective)

This course is designed to cover the major substantive and procedural areas of Virginia Civil Procedure. The rules of Court as promulgated by the Supreme Court of Virginia as well as statutory rules and case law will be examined in the course.

Wills and Estates - 3 credit hours (required course)

A study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also covers a study of the formation and management of trusts, including the rights and responsibilities of settlors, rights and responsibilities of trustees, rights and responsibilities of beneficiaries, the doctrine of cy pres, and the concept of fiduciary duty. In addition, the course introduces the federal transfer tax system and related estate planning opportunities and techniques. Prerequisites: Property I & II

Workers' Compensation – 2 credits (practicum)

This course will introduce students to the practical aspects of representing claimants for workers' compensation benefits. This course will include instruction in the applicable legal theory, but the focus will be on the nuts and bolts of actually practicing in the area. Topics will include client interviewing, developing medical evidence, preparing witnesses for testimony, working with vocational experts, administrative hearing and appeals processes, and more.



## 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.

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<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

For students entering fall 2019, 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. For students entering spring 2020 and after, grades for all 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 and at least 20% of the students enrolled in the course must receive a grade of C or lower. 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

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against the class they graduate with rather than the class they started with. As a result, December grads will 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 at ASL, or, for students entering spring 2020 or after, until he/she has completed at least thirty (30) credit hours. 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. Mandatory Intensive Academic Success

Students who are otherwise in good academic standing but whose academic performance, in the Dean's discretion, places them in danger of falling out of good standing, may be required to complete additional academic success programming. The additional programming, when directed by the Dean, shall be mandatory and substantial completion a pre-requisite to enrollment in further semesters at the School.

#### 3. 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 or, for students entering spring 2020 or after, after receiving a grade in at least 12 credits of ASL courses graded on a numerical scale their Academic Standards GPA is below 2.1 for students with less than 30 total credits or 2.3 for students with more than 30 total credits.
- 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 or, for students entering spring 2020 or after, after receiving a grade in at least 12 credits of ASL courses graded on a numerical scale their Academic Standards GPA is below 2.5 but at least 2.1 for student with less than 30 total credits or 2.3 for student with more than 30 total credits.
- 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, or 2.5 or greater for student entering spring 2020 and after, 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; or, (d) for students entering spring 2020 or after, the student has at least 12 credits of graded courses from ASL and an Academic Standards GPA below 2.3, or 2.1 for students with less than 30 total credit hours.

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, or 2.5 for students entering spring 2020 or after, 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 2.3 for students entering spring 2020 or after 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, or 2.4 for students entering spring 2020 or after;

(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, or 2.5 for students entering spring 2020 or after, 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 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. Credit for courses taken outside the law school

After completing at least 30 credits either at ASL or as approved transfer credit, students may earn a maximum of 9 credit hours towards the J.D. degree from pre-approved graduate-level courses offered at other colleges or universities. Students are only permitted to apply credit towards the J.D. degree from courses pre-approved by the faculty and in which the student earns a grade of C or better. Students who successfully complete a course under this provision will receive a grade of Credit (CR) on their ASL transcript for the course.

Law students will receive 1 credit hour for each 750 minutes of scheduled class time in a semester regardless of the number of credit hours a course at another college or university is described as consisting of. A law student, therefore, may in some cases earn only 2 credits towards the J.D. for a course offered by another college or university for 3 credits.

For a list of courses currently pre-approved, please see the registrar. Proposals for additional courses to be approved under this provision may only be made in the semester prior to the semester in which the proposed course is offered and may be presented to the faculty only after consultation with and initial approval of the Associate Dean for Academic Affairs.

### D. 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.

### E. 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.

## F. 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.

## G. 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 or, for students entering spring 2020 or after, 2.5. There is no waiver of this standard.

A candidate who otherwise qualifies for graduation but has a cumulative average below 2.10, or 2.5 for students entering spring 2020 or after, 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.

## Appendix A Appalachian School of Law's Board, Faculty, & Staff

ASL is governed by a Board of Trustees. The Board members, who are appointed to three-year terms, are distinguished leaders from central Appalachia who are strongly dedicated to the mission and goals of ASL.

### 2019-2020 Board of Trustees

<b>Title</b>	<b>Trustee</b>	<b>City, State</b>
Chair	Jerry Kilgore	Richmond, Virginia
Vice-Chair	James Keen	Vansant, Virginia
Treasurer	Michael McGlothlin	Grundy, Virginia
Vice-Treasurer	Lowell Dexter Ray	Vansant, Virginia
Secretary	Wade McGeorge	Grundy, Virginia
Trustee Member	Gerald Arrington	Grundy, Virginia
Trustee Member	Governor George Allen	Alexandria, Virginia
Trustee Member	Delegate Jeffrey Campbell	Richmond, VA
Trustee Member	Jim Wayne Childress	Grundy, Virginia
Trustee Member	Honorable Chad Dotson	Wise, Virginia
Trustee Member	Honorable Teresa Chafin	Lebanon, Virginia
Trustee Member	Donald Ratliff	Big Stone Gap, Virginia
Trustee Member	Roger Rife	Grundy, Virginia
Trustee Member	Reece Hale Robertson	Grundy, Virginia
Trustee Member	Honorable Birg Sergent	Pennington Gap, Virginia
Trustee Member	Joseph E. Wolfe, Esq.	Norton, Virginia
Alumni Association President	Justin Marlow	Charleston, West Virginia
General Counsel to the Board	Thomas R. Scott, Jr. Esq.	Grundy, Virginia
Dean & Chief Operating Officer	Sandra McGlothlin Justice Elizabeth A. McClanahan (effective Sept. 2, 2019)	Grundy, Virginia

## Administration and Faculty

### (Effective Sept. 2, 2019) Justice Elizabeth A. McClanahan, Dean and Chief Operating Officer, and Professor of Law

Prior to becoming ASL's Dean and COO, Elizabeth A. McClanahan was elected by the Virginia General Assembly as a Justice on the Supreme Court of Virginia in 2011. During her time as a justice of the Supreme Court of Virginia, Justice McClanahan served as the Street Memorial Distinguished Visitor in Real Estate Law at Appalachian School of Law. Prior to joining the Supreme Court, Justice McClanahan served as a Judge on the Court of Appeals of Virginia, as Virginia's Chief Deputy Attorney General, and was a principal in the law firm of Penn, Stuart & Eskridge. Justice McClanahan has also served as a member of the Board of Trustees of the U.S. Chamber of Commerce and the Energy and Mineral Law Foundation where she was designated as an Honorary Trustee. She was one of Virginia Lawyers Media "Influential Women of Virginia" in 2011. She is admitted to the bars of Virginia, the District of Columbia, Maryland and West Virginia and was selected as the 1994 El Paso Natural Gas Law Fellow for the Natural Resources Law Center at the University of Colorado School of Law.

Justice McClanahan has served as Vice-Rector of the College of William and Mary in Virginia, chairman of the State Council of Higher Education for Virginia and chairman of the Task Force on Governance Issues for the Governor's Blue Ribbon Commission on Higher Education. She has also received community service awards, including the Virginia Cooperative Extension's William Skelton Extension Leadership Award, Virginia Oil & Gas Association's David M. Young Award, YWCA Tribute to Women Award for Volunteer Community Service, Radford University Heritage Award, Bridgewater College Outstanding Service Award, Virginia 4-H Foundation Alumni Award and the Appalachian School of Law's 2004 Appalachian Service Award.

Courses taught include: Energy and Utility Law and the SCC; Law of Coalbed Methane, Mineral Title Examination, and Supreme Court Survey of Energy Law Cases

### Mason Heidt, Associate Dean for Academic Affairs and Assistant Professor of Law

B.S., Emory and Henry College, MsEnv, University of Wollongong, N.S.W., Australia, J.D., The George Washington University School of Law. Prior to joining the faculty, Dean Heidt practiced energy, mineral, and corporate law with the firm of Thomas L. Pruitt, Attorney at Law, in Grundy, Virginia. His private practice experience focused on mineral title, coalbed methane, and other property issues endemic to Southwest Virginia. Dean Heidt's current research continues to focus on natural resources and real property.

Courses taught include: Property I & II; Appellate Advocacy; Appellate Advocacy Natural Resources; Contract Drafting; Coal, Oil, and Gas Law; Energy, Economics, and the Environment; Environmental Crimes and Torts; Environmental Science for Lawyers; Mineral Title Search and Examination; and; Real Estate Transactions.

### Mark Belleville, Associate Professor of Law, Director of the Natural Resource Law Center

B.A., Philosophy, Miami University, with Departmental and University Honors; J.D. with Honors from the Ohio State University College of Law. Formerly: 12 years as a business litigator and counselor with the well-respected law firms of Woods Rogers PLC in Blacksburg and Calfee Halter & Griswold LLP in Cleveland and Columbus. His litigation practice focused on commercial contract disputes, tort and products liability, environmental litigation, a variety of business torts, labor litigation and premises liability. On behalf of a utility client, Professor Belleville obtained the first summary judgment in Ohio in defense of a premises liability asbestos claim, and participated in the drafting significant asbestos reform legislation. He has also successfully negotiated and avoided multi-million dollar environmental claims on behalf of municipal and industrial clients. He is licensed to practice in Pennsylvania, Ohio and Virginia. Professor Belleville has served as faculty advisor for the Natural Resources Law Journal and moot court.

Courses taught include: Appellate Advocacy; Appellate Advocacy – Natural Resources; Contracts I & II; Doing and Undoing Environmental Regulations; Environmental Law and Policy; Introduction to Natural Resources;

Natural Resources Law and Policy; Solar Energy Law; The Law of Renewables; Law Office Management; Sustainable Energy Law Practice.

### Charles J. Condon, Associate Professor of Law

B.A., Florida Atlantic University (1975); J.D., Nova Southeastern University College of Law, (1980); LL.M., Agriculture Law, University of Arkansas College of Law (1993); M.L.S., University of Southern Mississippi (1994). For many years, Professor Condon served as the Associate Dean for Information Services and Director of the Law Library at ASL. Formerly: Faculty Member and Computer Services/Reference Librarian, Northern Illinois University.

Courses taught include: Advanced Research & Law Firm Technology; Business Associations; E-Discovery; Information Privacy Law; Law Office Management; Pre-Trial Practice; Pre-Trial Civil Litigation; Remedies; Secured Transactions/UCC.

### Eric Elder, Visiting Assistant Professor of Law

J.D., Washington College of Law at American University; As a Dean's Fellow in the Integrated Curriculum Program there, he conducted academic skills training sessions and individual tutoring for 1L students. During law school Professor Elder interned with Judge Gerald Lee in the Federal District Court for the Eastern District of Virginia, and later clerked for Judge William Petty on the Court of Appeals of Virginia. After working as an attorney and organizer for the United Auto Workers, he went into private practice in Richmond, VA, focusing primarily on employment law issues under the Fair Labor Standards Act.

Courses taught include: Legal Process; Social Security Disability; Social Security Disability & Workers' Compensation

### The Honorable Larry G. Elder, Assistant Professor of Law

B.A., University of Virginia (1966-68), Virginia Commonwealth University (1970), J.D., University of Richmond (1975). Judge Elder served as Judge of the Juvenile and Domestic Relations District Court, 11th Judicial District, for more than five years, serving as chief judge for a period of time. He has completed more than 22 years of service as a judge on the Court of Appeals of Virginia.

Courses taught include: Appellate Advocacy Criminal Law; Criminal Law; Criminal Procedure; Current Issues in Constitutional Law; History of Race and the Law in America.

### Dawn Figueiras, Assistant Professor of Law and Assistant General Counsel

B.A.Ed. Virginia Tech, Magna Cum Laude, 1987. J.D. College of William & Mary, 2000. Prof. Figueiras served as a law clerk to Hon. James T. Turner, U.S. Court of Federal Claims, Washington, DC, 2000-2001; associate attorney at Gibson Dunn & Cutcher, LLP, Washington, DC, 2001-2002; partner in Elliott Lawson & Minor, P.C., Bristol, VA, 2002-2018. Prof. Figueiras also served on the Board of Governors of the Virginia State Bar, Local Government Section; Local Government Attorneys' Ethics Committee; and President of Bristol Virginia Bar Association. During law school, Ms. Figueiras was Notes Editor of *William & Mary Law Review*, and was named to the Order of the Coif and the Order of Barristers.

Courses taught include: Civil Procedure I & II; Estate Planning; Wills & Estates.

### Patrick G. Gould, Assistant Professor of Law, Director of Academic Success and Bar Preparation Services

B.S., State University of New York; M.A., Northwestern University; J.D., State University of New York. Professor Patrick Gould's ancestors include Talcott Gould, who helped to fortify Bunker Hill against the British in

America's Revolutionary War, and Colonel Abram Penn, who organized and led the first Revolutionary troops from Henry and adjoining counties in Virginia.

Professor Gould's scholarly interests include the dynamics of cognitive automaticity couched within progressive novice-to-expert learning protocols, the development of domain-specific expertise through nested legal notation, scientifically-situated myelin formation through isolation and activation agency, strategically appropriate algorithmic contexts of legal writing, performance-based teaching and learning strategies, multi-modal cognitive inculcation through verbal articulation, application of expert free-thought as a distinctive mode to teach complex legal analysis, accelerated formation of tenacious long-term memory, development of synchronous and asynchronous blending learning solutions, and effort-based self-learning initiatives congruent with teaching within the legal academy.

Course taught include: Bar Preparation Studies; Introduction to ASL Legal Studies I, II, III, & IV; MBE Fundamentals, and Torts.

**Christopher King, Assistant Professor of Law, Director of the Law Library**

B.A., University of New Hampshire; M.L.I.S., University of Rhode Island; J.D., Vermont Law School. At ASL, Mr. King has served in several positions, including Reference Librarian, Public Services Librarian, and Acting Director. He is licensed to practice in New Hampshire.

Course taught include: Advanced Legal Research.

**Lucy C. McGee, Assistant Professor of Law and Director of Career Services and Externship Program**

B.A., University of Georgia; J.D., Appalachian School of Law. Professor McGee served as a law clerk for the Supreme Court of Virginia for five years. In addition, Professor McGee co-owns and operates a family farming enterprise in the Mississippi Delta where she grew up.

Courses taught include: Legal Process and Introduction to Externship

**(Effective Sept. 2, 2019) Sandra Keen McGlothlin, Dean Emeritus and Professor of Law**

B.A., University of Virginia, 1978; J.D., T.C. Williams School of Law of the University of Richmond, 1981. Formerly: Associate, Williams & Gibson, Grundy, Virginia; Partner, McGlothlin & Wife, Grundy, Virginia; President, Buchanan County Bar Association; Member, Town Council of the Town of Grundy, Virginia; Member, Virginia Coalfield Regional Tourism Development Authority; Vice-Mayor, Town of Grundy, Virginia; Member, Virginia Transportation Advisory Council. Published: VIRGINIA PRACTICE: CIVIL DISCOVERY (co-author).

Courses taught include: Family Law; Family Law Practice; Juvenile Law; Virginia Civil Procedure.

**Ken Russell, Assistant Professor of Law and Director of Online & Masters Programs**

B.A., Carson-Newman College, 1980; J.D., University of Tennessee College of Law, 1983. Mr. Russell is a 1983 graduate of the University of Tennessee College of Law (With High Honors). While at UT Law he was an Assistant Editor of the Tennessee Law Review, Member of Order of the Coif and received the American Jurisprudence Awards in Constitutional Law and Jurisprudence. Kenneth grew up in Rockwood, Tennessee and graduated from Rockwood High School in 1976. Formerly: The Russell Law Firm, Bristol, VA; partner and practice group leader at Troutman Sanders, LLP ; shareholder, Penn, Stuart & Eskridge. Additionally, Kenneth has held a number of jobs in industry including: C.E.O. of Cottages Group, Inc.; V.P. of Corporate Affairs for Cumberland Resources Corporation; and General Counsel to GC Toys Worldwide and President of its US operating company General Creations, LLC.

Mr. Russell has served as an Adjunct Professor at Georgia State School of Law teaching Corporate Reorganizations and Tax Procedure and at Emory & Henry College teaching Business law. Mr. Russell has

served on the board of trustees, and as an officer, of several charitable organizations. He currently serves as Chairman of the Board of Trustees of Bluefield College.

Courses taught include: Civil Procedure I & II; Constitutional Law I & II; Intellectual Property; and Federal Income Taxation.

### Thomas R. Scott, Jr., Distinguished Visiting Professor of Law & General Counsel

B.A., Government & Political Science, Hampden-Sydney College, 1974; J.D., T.C. Williams School of Law of the University of Richmond, 1976. Mr. Scott is an Advocate of the American Board of Trial Advocacy, a Fellow of the American College of Trial Lawyers, and former Chairman and current member of the Virginia State Bar Disciplinary Board. He has been selected by *Virginia Business Magazine* as one of the state's Best Lawyers for inclusion in the Legal Elite, and *Richmond Magazine* for inclusion in multiple editions of Super Lawyers. Mr. Scott has also served as lead counsel and co-counsel in a number of high profile civil and criminal cases throughout far Southwest Virginia, including Commonwealth v. Roger Keith Coleman, a highly publicized capital murder prosecution in which he made numerous state, national and international television appearances. The Coleman case is the subject of John Tucker's book, *May God Have Mercy*.

Mr. Scott is a past winner of the Bill Geimer Award, which is presented annually to a dedicated capital defender by the Virginia Capital Case Clearinghouse at Washington and Lee University School of Law in Lexington, Virginia. Mr. Scott is rated AV Preeminent by Martindale-Hubble for his high ethical standards and professional ability. He was recently selected by *Virginia Lawyer's Weekly* as a Leader in the Law (Class of 2013) and by the Virginia Bar Association as a Fellow in the Virginia Law Foundation in January 2014.

Scott is the senior partner in the Street Law Firm, LLP, in Grundy, Virginia where he has practiced as a criminal and civil litigator for over 42 years. Mr. Scott joined the full-time faculty at the Appalachian School of Law in 2005 and has been selected by his students on multiple occasions as Professor of the Year. He also serves as faculty advisor to a number of student organizations, including BLSA.

Courses taught include: Criminal Practice; Evidence; Insurance Law; Professional Responsibility; Trial Advocacy.

### Laura Wilson, Assistant Professor of Law and Assistant Director of Bar Preparation

B.A., Transylvania University, 1988; J.D., University of Kentucky College of Law, 1991. Professor Wilson earned a B.A. in Accounting from Transylvania University in Lexington, Kentucky, and her J.D. from the University of Kentucky College of Law, where she was a member of the law school's Moot Court team. Prof. Wilson is a graduate of the William & Mary Summer School of Law in England through the Marshall-Wythe School of Law, during which she also completed a legal clerkship in Exeter.

Professor Wilson previously practiced law in the Abingdon and Bristol office of Penn, Stuart & Eskridge, where her practice primarily focused on commercial and personal injury litigation in state and federal courts, and included appearing before the Supreme Court of Virginia and the Fourth Circuit Court of Appeals. Prof. Wilson also has extensive experience in natural resources law including mineral title examinations and transactional matters for clients in the natural resources industry. Prof. Wilson served as law clerk to the Honorable Elizabeth A. McClanahan at both the Court of Appeals in Virginia and the Supreme Court of Virginia. In private practice, Prof. Wilson was admitted to the bars of Virginia, Tennessee, and Kentucky.

Professor Wilson has served as an Adjunct Professor at Emory & Henry College, teaching Constitutional Law, and at ASL, teaching Conflict of Laws, Virginia Law Foundations, and Virginia Bar Preparation. Professor Wilson joined the ASL faculty on a full-time basis in the Fall of 2019, where she serves as Assistant Professor of Law and Assistant Director of Bar Preparation.

Courses taught include: Conflicts of Laws; Introduction to ASL Legal Studies I, II, III, & IV; Virginia Bar Preparation; Virginia Law Foundations.

## Adjunct Faculty

### Pebbles Burgess

Professor Burgess teaches Family Law Practice and Virginia Criminal Procedure.

### Honorable Jack Hurley

Judge Hurley teaches Advanced Criminal Procedure; Virginia Criminal Procedure; and Virginia Drafting.

### Emma Jones

Professor Jones teaches ADR in the Criminal Justice System; Dispute Resolution; Mental Health in the Criminal Justice System and Negotiations in the Criminal Justice System.

### Honorable William Petty

Judge Petty teaches Prosecution Project.

### John Tucker, III

Professor Tucker teaches Appellate Advocacy Criminal Law and Workers' Compensation.

### Christopher Young

Professor Young teaches Post-Conviction Relief.



## Professional Staff

Title	Employee
Access Services Librarian	Rebecca Belcher, B.S., M.L.S.
Financial Aid Officer	David Brookshire, B.S., ;ihbB.A.
Interim Director of the Business Office	Peggy Street
Regional Admissions Officer	Susan Gibson, B.B.A.
Regional Admissions Officer	Hannah Whited, B.S.
Coordinator of Institutional Effectiveness	Rebecca England, B.A., M.Ed.
Student Services Coordinator	Glenna Owens, B.A., M.S.I.S.
Director of Information Services	Brian Presley, B.S.
Director of Community Service and Personnel, Title IX Coordinator/Campus Safety Coordinator	Jina Sauls, B.A., J.D.
Registrar, Director of Reporting and Regulatory Compliance	Elizabeth Stanley, B.S., M.S.I.S.
Network Administrator	Glen R. Turner, B.S.
Director of Admissions	Holly Cline, J.D.

Other Essential Personnel

Title	Employee
Faculty Assistant for Academic Programs and Switchboard Operator	Sandy Baker, A.A.S., B.S.
Maintenance & Housekeeping	Andy Boldt
Circulation Assistant	Jeree Boyd, B.B.A., M.B.A.
Assistant to Office of Community Service and Personnel	Jennie Clevinger
Housekeeping	Christine "Judy" Doughten
Writing Specialist	Rebecca Elswick, B.A., M.Ed.
Maintenance Supervisor	Jeff Hutchinson
Business Office Assistant	Becky Keen
Assistant to the Office of Admissions	Tonya Moore
Assistant to the Registrar	Marcia Owens
Housekeeping	Virginia "Ginny" Stinson
Assistant to the Associate Dean and Events Coordinator	Patty Street
Serials Assistant	Teresa Yates
Security Officers	Kenny Keen, Chief Security Officer Corey Sullivan, Officer Kaleb Gifford, Officer

# Appendix B: Student Life & Organizations

## Student Organizations

Below is a listing of the Student Bar Association approved organizations at ASL. The participation level of these organizations is contingent upon student interest and involvement. Please see Glenna Owens, Student Services Coordinator, for more information.

### Alexander Hamilton Society

The Alexander Hamilton Society is an organization comprised of those law students, administrators, teaching staff, and support personnel of the law school who profess a sincere and sympathetic interest in as well as a proven and unique concern for debate on basic principles and contemporary issues in foreign, economic, and national security policy.

### Appalachian Journal of Law

The Appalachian Journal of Law (Journal) is a student-run organization, operating with the aid and guidance of the faculty and staff of Appalachian School of Law (ASL) that is an official publication of the ASL. Its purpose is to attract, edit, and publish scholarly articles, notes, and comments written by academics, jurists, practitioners, students, community leaders, and others. It is designed to provide a forum for issues that arise in the communities of Appalachia and nationwide. Those serving on the Journal are expected to adhere to the highest standards of honesty, integrity, and scholarship in the production of a publication that embodies the quality and professionalism that are hallmarks of the legal profession.

### Appalachian Women in Law Society (AWILS)

Appalachian Women in Law Society (“Where there’s A.W.I.L., there’s a way”) is an egalitarian, consensus-based organization concerned with issues facing women in law. The group, which welcomes all students, participates in community service projects, networks with women lawyers in the Appalachian School of Law region, and hosts discussions of gender-related topics.

### ASL Memorial 5K Run/Walk

The ASL Memorial 5K Run/Walk, held annually in October. The ASL Memorial 5K Run/Walk is a community service project designed to foster and promote the memory of Tony Sutin, Tom Blackwell, and Angela Dales. The organized event endeavors to build stronger ties with the local community while offering community service opportunities to ASL staff and volunteers. Proceeds of the race benefit the Anthony Sutin and Thomas Blackwell Endowment Scholarship Funds, which benefit future ASL students in memory of those who died on January 16, 2002.

### Basketball Team

The ASL Basketball team is a social group of players of all skill levels that get together to exercise, fellowship, network, and play the game of basketball. We strive to represent the school in activities for students as well as the local community. Our purpose is to promote unity, teamwork, and communication through basketball.

### Black Law Students Association (BLSA)

Black Law Students Association is a student organization on campus that supports minority students and students in general who want to be included in the organization. The National Black Students Association’s (“NBSA”) mission, which is followed by all chapters, is to increase the number of culturally responsible black and minority attorneys who excel academically, succeed professionally, and positively impact the

community. BLSA conducts general body meetings for members and students who are interested in joining the organization 2-3 times per semester to discuss current issues in the legal community, support each other academically, discuss the organization budget and plan for community service events in the community. BLSA facilitates informal potlucks on campus throughout each semester in order to relieve the stressor and rigors of being a law student and to support each other emotionally and academically.

### Business and International Law Society (BILS)

The Business and International Law Society is an association that promotes the study of business and international law by supporting the professional development of its members. They thrive to explore issues of importance to the corporate and international legal community, assist students in pursuing legal careers with an international component, promote awareness of international legal topics, and increase understanding of the corporate and international law practice. BILS is committed to upholding the highest standards for advancing the values of collegiality, intellectual diversity, and freedom of inquiry.

### Christian Legal Society (CLS)

The Christian Legal Society (“CLS”) is a non-denominational membership organization of lawyers, judges, law professors, and law students, working in association with others, to follow the command of Jesus “to do justice with the love of God.” (Luke 11:42, Matthew 23:23). CLS is international in scope, with more than 90 attorney chapters and 165 law student chapters located in more than 1100 cities, in all 50 states and in 10 foreign countries. The mission of CLS is to identify, equip, and mobilize “a national grassroots network of lawyers and law students committed to proclaiming, loving and serving Jesus Christ, through all that we do in the practice of law, and by advocating biblical conflict reconciliation, public justice, religious freedom and the sanctity of human life.” The ASL chapter of CLS meets regularly throughout the school year to share prayer, Bible study, and fellowship. The chapter also works on projects of service to ASL and the community. All are welcome to attend.

### Criminal Law Society

The Criminal Law Society of Appalachian School of Law is dedicated to keeping students informed of developments in the criminal law area, as well as increasing students’ exposure to networking and career opportunities. Toward this end, the Society will sponsor discussion groups, invite outside speakers, and promote curricular and co-curricular activities in the criminal law field. The Society is apolitical; however, the Society will facilitate student membership in political groups representing defense attorneys or prosecutors.

### Democratic Law Society (DLS)

Democratic Law Society strives to prime an interest in liberal politics and progressive policy among law students. We are a student-run organization whose members anxiously seek opportunities to learn more about politics so that we may render service by connecting with organizers, advocates, activists, union leaders, journalists, and elected officials. Our touchstones: equal rights, people before corporate profits, livable working wages, and sustainable clean energy. Regardless of political persuasion, everyone is welcome at our meetings.

### Energy and Mineral Law Society (EMLS)

ASL’s Energy and Mineral Law Society is a student chapter of the Energy and Mineral Law Foundation. Each year EMLS sends several students to the Kentucky Mineral Law Conference in Lexington, KY. The Energy & Mineral Law Foundation is a national nonprofit educational organization which fosters the study of the laws and regulations related to natural resource development and energy use. The Foundation is an Accredited Provider of Mandatory Continuing Legal Education programs, AAPL and other professional recertification credits, and provides opportunities for professional development through committee participation, program planning, public speaking and publishing of original work.

## Environmental Law Society (ELS)

The Environmental Law Society was established to further the preservation of the greater Grundy area and the larger global environment by recycling. Each semester over 500 pounds of plastic bottles, aluminum cans, and paper are collected and recycled by law school students. The team collects recycling from individual students during ELS's Fall and Spring Recycling Competitions. The ELS Recycling Program saw student involvement in recycling increase significantly during the 2017-2018 academic year. The Environmental Law Society also hosts trail and river cleanups each semester where students can earn community service by collecting litter near campus. Each year ELS also hosts a camping trip to Breaks Interstate Park. Membership in ELS and the Recycling Program also helps students secure community service hours required for graduation from ASL.

## Federalist Society

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

## OutLaw

OutLaw is dedicated to creating a safe space for all LGBT+ persons and their allies, and provide social, educational, professional, and philanthropic opportunities for the LGBT+ community at ASL. OutLaw strives to foster a dialogue with the larger campus community and the surrounding community at large about the legal status of LGBT+ persons in society, the ways in which the law interacts with the lives of LGBT+ persons, and what it means to be LGBT+ in the legal profession.

## Phi Alpha Delta (PAD)

The L. Anthony Sutin Chapter of the Phi Alpha Delta Legal Fraternity was chartered in 2002. Phi Alpha Delta is the world's largest legal fraternity. The purpose of the fraternity is to form a strong bond uniting students and teachers of the law with members of the Bench and Bar in a fraternal fellowship designed to advance the ideals of liberty and equal justice under law; to stimulate excellence in scholarship; to inspire the virtues of compassion and courage; to foster integrity and professional competence; to promote the welfare of its members; and to encourage their moral, intellectual, and cultural advancement; so that each member may enjoy a lifetime of honorable professional and public service.

## Phi Delta Phi (PDP)

The Phi Delta Phi International Legal Fraternity, established in the year 1869 to promote a higher standard of professional ethics, is among the oldest legal organizations in North America. It holds a unique position in the history of the North American bench, bar, and ASLs. Phi Delta Phi is the world's largest legal fraternity whose membership is restricted to students and practitioners of the law. Phi Delta Phi holds monthly meetings for fellowship and planning.

## Republican Law Students Association (RLSA)

The RLSA is a local Republican student organization formed at Appalachian School of Law to promote individual liberty, fiscal responsibility, and Constitutional values. All ASL students, faculty, and staff are welcome to join. The RLSA holds bi-monthly meetings during the academic semester, hosts the annual Great American Bash during the Fall semester, attends regional political events, and contributes all charitable proceeds to Fisher House Foundation to build homes for disabled veterans.

## Softball Team

At the beginning of every new academic year, the students at Appalachian School of Law start to prepare for a softball tournament that usually takes place during the month of April in Charlottesville, VA. Typically, we have enough students to completely fill two teams, which means that we have double the chance of bringing the winning trophy back to Grundy! Anyone who comes out to the practices and pays the club dues is on the team and we welcome any and all different types of experience levels. So get away from the grind of law school and come have some fun with your classmates on the diamond!

## Student Bar Association (SBA)

The Student Bar Association of Appalachian School of Law is governed by four officers, nine Senators, and four Honor Court Justices. Every ASL student is a member of the Student Bar Association by virtue of enrollment. The SBA serves the ASL student body in the formation of law school policy and student governance. In addition, the SBA organizes social events and community service events and facilitates the formation of new student organizations. The SBA plays an important role in serving as a liaison between the students and the faculty and administration.

## Student Animal Law Defense Fund (SALDF)

The Appalachian School of Law SALDF is dedicated to providing a forum for education, advocacy, and scholarship aimed at protecting the lives and advancing the interests of animals through the legal system, and raising the profile of the field of animal law. The Appalachian School of Law SALDF is equally dedicated to protecting the lives and advancing the interests of animals through the legal system. The activities of the Appalachian School of Law SALDF shall include, but not be limited to: hosting speakers, debates, and conferences on current issues in animal law protection; networking with students at other law schools, colleges, and universities, and high schools; conducting educational events such as information tables and video screenings on pertinent issues; and advocating on behalf of vegetarian/vegan students within their law school.

## Sutin Public Interest Association (SPIA)

The mission of the Sutin Public Interest Association is to promote awareness, educate, and empower public service-minded law students in upholding Dean Sutin's strong beliefs in serving the public. The founders of this organization were dedicated to surmounting barriers to equal justice that affect millions of low-income individuals and families. Today, the association is committed to organizing, training, and supporting public service-minded law students, and in creating summer and postgraduate public interest career opportunities.

## Veteran Law School Association (VLSA)

The Veteran Law School Association was formed to articulate and promote the needs and goals of the veterans, service members, and families represented on campus and in the local community; to foster and encourage an attitude of military service to America; and to focus upon the relationship between duty to country and our legal system. To engender respect among civilian students who have not had the opportunity to serve in the military, for those who have sacrificed through military services to the country, by promoting informational programs on military life. To make known causes advancing the interest of veterans, service members and their families.

# Appendix C TITLE IX /SEXUAL MISCONDUCT POLICY

## PART 1: RESOURCES AND DEFINITIONS

### I. INTRODUCTION

Definitions of key terms are provided under Section X of this policy.

#### A. Notice of Nondiscrimination and Policy on Statement on Sexual Misconduct

The health, safety, and well-being of all members of the Appalachian School of Law (“School”) community are the School’s primary concerns. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act/Campus Sexual Violence Act (“Campus SaVE Act”), and other applicable state, federal and local laws, the School is committed to maintaining a community free from all forms of sex discrimination, including sexual misconduct. In accordance with Title IX, the School does not discriminate on the basis of sex in its education programs and activities. Under Title IX, discrimination on the basis of sex includes sexual harassment and sexual violence.

Sexual misconduct includes a broad range of behaviors that will not be tolerated in the School’s education programs or activities. The School strictly prohibits sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity. The School does not tolerate any form of sexual misconduct.

Questions regarding Title IX and the Campus SaVE Act may be referred to the School’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights.

#### B. The Title IX Coordinator

The School’s designated Title IX Coordinator is:

Name: Jina Sauls

Title: Director of Community Service and Personnel

Address: 1169 Edgewater Dr., Grundy, VA 24614

Phone: (276) 244-1228

Email: [titleixcoordinator@asl.edu](mailto:titleixcoordinator@asl.edu) or [jsauls@asl.edu](mailto:jsauls@asl.edu)

The Title IX Coordinator’s responsibilities include, but are not limited to, overseeing the School’s response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, and identifying and addressing any patterns or systemic problems of sexual misconduct that arise during the investigation of a complaint of sexual misconduct.

#### C. Scope of Policy

This policy governs sexual misconduct involving students, and applies to such students regardless of sex, race, national origin, disability, part-time/fulltime status, sexual orientation, gender identity, or other protected status. Complaints of discrimination or harassment on the basis of sex that do not involve sexual misconduct are governed by the School’s Grievance Policy contained in the School’s Catalog & Handbook.

This Title IX/ Sexual Misconduct Policy applies to any allegation of sexual misconduct that takes place on School property or any other property on which a School program or activity takes place. This policy also covers conduct that takes place off of School property, or has a reasonable connection to the School.

This policy:

1. sets forth the rights of the victim;
2. describes programs implemented by the School to educate and increase awareness among the School community regarding sexual misconduct;
3. sets forth available resources and reporting options for victims of sexual misconduct;
4. defines prohibited conduct;
5. describes the School's procedures for responding to complaints of sexual misconduct, including the investigation, hearing, and sanctioning process.

### *Victim's Rights*

All victims of sexual misconduct have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the investigation and hearing process and/or criminal justice process free from pressure from the School;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the School courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident with as few School representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the School, any student, the respondent, and or their friends, family and acquaintances within the jurisdiction of the School;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process, if applicable;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the School;
12. Be informed of the outcome of the School's investigation;
13. Be provided with information about health, counseling, and other support services from School and local resources. All members of the School community may obtain information about such resources from the School's Title IX Coordinator. Students may also obtain information from such resources as:

Access Intensive Counseling  
Susan Fogg  
Phone: 276-244-1380 (Grundy office)  
email: [accessintensivecounseling@gmail.com](mailto:accessintensivecounseling@gmail.com)

Healing Waters  
1113 Cedar Valley Drive, Cedar Bluff, VA 24609  
(276)963-0111

Cumberland Mountain Community Services (Buchanan County Satellite Office)  
P.O. Box 1115, 1014 Stillhouse Hollow Road (Slate Creek), Grundy, VA 246144



Phone: (276)935-7154  
Dinah Stacy Appleton, Office Manager  
Email: dstacy@cmcsb.com  
<http://www.cmcsb.com/substanceabuse.html>

14. Be notified of options for changing academic, living, transportation, and working situations;
15. Report the incident to School authorities and seek guidance from the School's Title IX Coordinator;
16. The prompt, impartial, and thorough investigation of his/her complaint in accordance with this Policy;
17. Be informed of the importance of preserving evidence;
18. Be informed of his/her rights and the School's responsibilities for orders of protection, restraining orders, or "no-contact" orders as applicable;
19. Confidentiality in accordance with this Policy.

## **II. PREVENTION AND AWARENESS EDUCATION PROGRAMS**

Creating a safe and respectful environment is the responsibility of all members of the School's community. To promote and maintain this environment, the School engages in comprehensive educational programming to prevent sexual misconduct, (including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation). The School provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees.

The School educates the student community about sexual misconduct through its mandatory orientation program, certain required courses, and ongoing programming initiatives throughout the students' time at School. Such programming and courses provide students with information about safety and security procedures, the School's procedures for responding to reports of sexual misconduct, options for safe and positive bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. Some of the programs include:

1. "Prevention and Awareness" during Introduction to Law week which may be presented as a live program or a video course.
  2. "Haven" by EverFi.com and/or similar awareness and prevention training programs;
  3. Various ongoing "awareness and prevention" activities;
- For additional information about the School's sexual misconduct prevention and awareness programming, please contact the School's Title IX Coordinator, Jina Sauls; Room 133 Main Office and Classroom Building; Phone: 276-244-1228.

## **III. RESOURCES AND REPORTING OPTIONS FOR VICTIMS OF SEXUAL MISCONDUCT**

### **A. Immediate Medical Assistance and Counseling**

If you or someone you know is or may be the victim of any form of sexual misconduct, the School strongly urges you to seek immediate assistance. Assistance is available 24 hours a day, 7 days a week, from:

- Immediate or Emergency Assistance - Call 911  
Local Police: Town of Grundy: 276-935-1993; Buchanan County Sheriff's Office: 276-935-2313;
- Campus Security - (276) 244-1295 or 276-935-4349, Ext. 1295 (during office hours only)
- Buchanan General Hospital Emergency Room, 1535 Slate Creek Road, Grundy, VA 24614, 276-935-1000;
- Clinch Valley Medical Center: 6901 Governor G.C. Peery Highway; Richlands, VA 24641, 276-596-6000;

## **B. Sexual Assault Forensic Examiners**

Victims of sexual assault should receive immediate medical attention. Sexual Assault Forensic Examiners (SAFE) are considered the best and most appropriate medical professionals to conduct such an examination.

- Clinch Valley Medical Center: 6901 Governor G.C. Peery Highway; Richlands, VA 24641, 276-596-6000.

## **C. School Counseling Resources**

Regardless of whether or not an official complaint of sexual misconduct is made, students can be referred to various local/regional counseling options.

Reporting Option:

Jina Sauls  
Title IX Coordinator  
1169 Edgewater Dr., Grundy, VA 24614  
(276) 244-1228  
[titleixcoordinator@asl.edu](mailto:titleixcoordinator@asl.edu) or [jsauls@asl.edu](mailto:jsauls@asl.edu)

## **IV. Reporting of Incidents of Sexual Misconduct**

### **A. Law Enforcement Notification**

If you are the victim of sexual misconduct, the School strongly encourages you to promptly report the incident to the police. Timing is a critical factor in collecting and preserving evidence that may assist in proving that the alleged misconduct occurred, or may be helpful in obtaining a protection or restraining order from the police. School representatives are available to assist you in notifying law enforcement of an incident of sexual misconduct and in contacting law enforcement or legal service organizations to learn about these remedies. You may also decline to notify law enforcement.

### **B. School Notification**

The School is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of sexual misconduct. Therefore, the School also encourages the reporting of sexual misconduct to a School representative in a timely manner. Incidents of sexual misconduct should be reported to the School's Title IX Coordinator. Any incident of sexual misconduct reported to another School employee, with the exception of those employees designated as confidential, as set forth herein, will be reported by the employee to the Title IX Coordinator.

When the School receives a report from a student that he or she has been the victim of sexual misconduct including dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the School will provide the reporting individual with a written explanation of his or her rights and options. The School will provide the reporting individual with written notification to students regarding existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other services available for victims both within the School and in the community. If the reporting individual is not the complainant, and the identity of the complainant is made known to the School, the School will provide written notification to the Complainant.

A reporting individual will be provided with the Complaint and will have emergency access to the Title IX Coordinator, or his or her designee, who is trained in interviewing victims of sexual assault and who shall be available upon the first instance of disclosure by the Complainant to provide information regarding options to

proceed upon the first instance of disclosure of sexual misconduct to the School. The Title IX Coordinator, or other designated School official will be available to provide the reporting individual with information regarding his or her options to proceed, and other important information about his or her rights under School policy and the law.

The Complainant reserves the right to withdraw a complaint or his/her involvement in the School's investigation or resolution process at any time. However, in such instances the School's ability to respond will be limited and Title IX may nevertheless require the School to complete the investigation processes.

### **C. Reports of Sexual Misconduct from Anonymous Sources**

If the School receives a report of alleged sexual misconduct by someone other than the complainant (e.g., friend or roommate, resident advisor) or from an anonymous source, the School's Title IX Coordinator will promptly notify the complainant of the report, and inform the complainant of the available resources and assistance. The School will respond to the report of sexual misconduct as if the complainant had made the initial report and an investigation will commence.

### **D. Time for Reporting**

There is no time limit for reporting sexual misconduct. Nevertheless, any member of the School community who believes that he or she has been a victim of sexual misconduct is encouraged to report the alleged sexual misconduct immediately in order to maximize the School's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation.

Under no circumstances will the School allow an impending graduation to compromise its resolution of a sexual misconduct complaint. The conferral of a degree may, therefore, be withheld, if necessary, until proper resolution of any sexual misconduct charges, provided that a hearing opportunity will be scheduled for the earliest practicable date that can accommodate the parties and their witnesses.

### **V. Confidentiality**

The School understands that, for many victims of sexual misconduct, confidentiality is a primary concern. However, certain School employees are required by state and federal laws to share information from a report of sexual misconduct with the School or governmental agencies. Even School employees who cannot guarantee confidentiality will maintain the privacy of the reporting individual to the greatest extent possible. The information that the reporting individual provides to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. When reporting crimes for the purposes of Clery Act compliance, the School will not release identifying information of the victim. The ability of School employees to maintain confidentiality is as follows in the subsequent section describing Responsible Employees and their obligations under this policy.

#### **A. Professional and Pastoral Counselors**

The School does not offer professional, licensed counselors or pastoral counselors (ordained clergy.)

#### **B. Responsible Employees**

A "responsible employee" is a School employee who has the authority to redress sexual misconduct, who has a duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee must report all relevant details about the alleged sexual misconduct shared by the victim to the Title IX Coordinator. A responsible employee will strive to maintain privacy and information reported to the responsible employee will be shared only with those having a need to know such information in order to respond in accordance with School policy.

The School is obligated by law to investigate all allegations of sexual misconduct regardless of whether the complainant wishes to file a complaint. Therefore, if a complainant reports an incident of sexual misconduct to a responsible employee but wishes to remain anonymous or requests that no investigation into the incident be conducted, the School will weigh that request against the School's obligation to provide a safe, nondiscriminatory environment for all members of the School community, including the complainant. If the School honors the request for confidentiality, the complainant must understand that the School's ability to effectively investigate the incident and pursue disciplinary action against the respondent may be limited. In certain circumstances, the School may not be able to honor a complainant's request for confidentiality when doing so would jeopardize the School's responsibility to provide a safe, non-discriminatory environment. The Title IX Coordinator is designated to evaluate requests for confidentiality once a responsible employee is notified of alleged sexual misconduct.

When weighing a complainant's request for confidentiality or the need to continue to pursue the investigation, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- whether there have been other sexual misconduct complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the incident represents an escalation in and unlawful conduct on behalf of the respondent from previously noted behavior;
- whether there is an increased risk that the respondent will commit additional acts of violence;
- whether the sexual misconduct was committed by multiple perpetrators;
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether the alleged sexual misconduct was perpetrated with a weapon;
- the age of the complainant;
- whether the School has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence).

After considering these factors, the School may be compelled to investigate the alleged sexual misconduct and, if appropriate, pursue disciplinary action in a manner that may require the School to disclose the complainant's identity to the respondent. If the School determines that an investigation is required, the School will inform the complainant and take immediate action necessary to protect and assist the complainant.

If, after considering these factors, the School determines that it is able to respect the complainant's request for confidentiality, the School will nevertheless take all reasonable steps to respond to the complaint consistent with the complainant's confidentiality request, and will determine whether interim measures are appropriate or necessary. The School will also consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported sexual misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys.

## **VI. School Amnesty Policy**

The health and safety of every student at School is of utmost importance. The School recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The School strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to School officials. A bystander acting in good faith or reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to School officials or law

enforcement will be not be subject to the School Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the domestic violence, dating violence, stalking or sexual assault incident.

## **VII. Immediate Measures and Accommodations**

Any individual who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations. The School will grant such accommodations, provided they are reasonable and available, regardless of whether the student chooses to report the crime to law enforcement. Such accommodations may include providing increased security, supervision or monitoring at locations or activities where the alleged misconduct occurred, moving a student's residence, adjusting a student's academic or Schoolwork schedules, and issuing a "no contact" order. The complainant or respondent may request a review of any individual against whom a no-contact order is issued and will, upon request, receive a prompt review of the need for, and terms of, the no-contact order, including potential modification, and may submit evidence in support of his or her request. The School will conduct a prompt review in response to such request.

## **VIII. Orders of Protection**

The School is not able to assist an eligible complainant in acquiring an order of protection; however, the Title IX Coordinator may provide the necessary information and support to assist a victim to file for a protective order. Emergency Protective orders (EPO) can be obtained from a Buchanan County Magistrate's office or a petition for Preliminary Protective orders (PPO) can be obtained from the Juvenile and Domestic Relations Court Clerk. Both an EPO and PPO require filing under oath. There are employees of the 29<sup>th</sup> Judicial Court Services Unit who may be able to assist with filling out the PPO petition that can be reached at (276)935-8549. Alternatively, a complainant may call the Department of Social Services at (276)935-8106 during regular business hours, or 911 outside of regular business hours for an on-call service worker to be dispatched to their home; however, this option will require the notification of law enforcement since a Sheriff's Deputy will accompany the worker.

If an order of protection is granted, the requesting individual will have the right to receive a copy of the order of protection when the order is received by the School. The Complainant will also have the opportunity to have an appropriate School employee explain the order, the consequences for violating the order, and answer any questions about the order. Additionally, if the Respondent violates the order of protection, the no contact order is violated and the Complainant may receive assistance from the School in calling local law enforcement to inform them of the violation.

When the Respondent is a School student and is determined to present a continuing threat to the health and safety of the School community, the Respondent may be subject to interim suspension pending the outcome of the hearing resolution process, described herein. In the event the School imposes an interim suspension on the Respondent, the Complainant or Respondent may request a review of the need for an interim suspension, including potential modification, and may submit evidence in support of his or her request. Upon such request, the School will conduct a prompt review.

Requests for accommodations in connection with incidents of sexual misconduct should be made to the School's Title IX Coordinator. The School will provide information about the student's request for accommodations only to those having a need to know such information in order to implement the accommodations. Both the Complainant and the Respondent may ask the School to review the need for and terms of any interim measures or accommodations that directly affects him or her and may submit evidence in support of his or her request. Upon such request, the School will conduct a prompt review.

## **IX. Anti-Retaliation Policy**

The School prohibits retaliation against any person who reports sexual misconduct or participates in the investigation of any allegation of sexual misconduct, including testifying as a witness. Retaliation should be reported promptly to the School's Title IX Coordinator. Reports of retaliation will be investigated in accordance with the appropriate School policy, and such conduct may result in disciplinary action independent of the sanction(s) or interim measures imposed in response to the underlying allegations of sexual misconduct.

## **X. Definitions within the Policy**

"Bystander" means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of the School.

"Complainant" means the individual who experienced the sexual misconduct, regardless of whether such individual reports such sexual misconduct to the School or participates in the School's conduct process for responding to complaints of sexual misconduct described herein.

"Confidentiality" may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (f) and 20 U.S.C. 1681 (a).

"Consent" must be affirmative. Consent means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated.
- Consent cannot be given when it is the result of any coercion, intimidation, force, threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

"Force" The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

"Incapacitation" A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of disability, involuntary physical constraint, sleep, or consumption of alcohol or other drugs.

"Intimidation" means implied threats or acts that reasonably cause another to fear for his/her safety or well-being.

"Privacy" may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a complainant or bystander to a crime or incident reporting individual, including appropriate School employees, above what is necessary to comply with this and other applicable laws or School policy.

“No-Contact Order” A directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.

“Reporting Individual” Any individual who reports a violation of this policy to the School, including, but not limited to, a complainant or bystander.

“Responsible employee” is a School employee who has the authority to redress sexual misconduct, who has a duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

“Respondent” means the individual alleged to have committed acts constituting sexual misconduct.

“Retaliation” Taking any adverse action or attempting to take adverse action, including intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

#### Definitions of Gender-Based Misconduct

“Sexual Misconduct” means a range of unwelcome behavior of a sexual nature that is committed without consent or by intimidation, coercion, threat or force. Sexual Misconduct includes, but is not limited to, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking.

**Under the Code of Virginia, §18.2, Sexual Misconduct and related crimes are defined as follows:**

#### § 18.2-67.10. General Definitions:

As used in this article:

"Complaining witness" means the person alleged to have been subjected to rape, forcible sodomy, inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery, or sexual battery.

"Intimate parts" means the genitalia, anus, groin, breast, or buttocks of any person.

"Mental incapacity" means that condition of the complaining witness existing at the time of an offense under this article which prevents the complaining witness from understanding the nature or consequences of the sexual act involved in such offense and about which the accused knew or should have known.

"Physical helplessness" means unconsciousness or any other condition existing at the time of an offense under this article which otherwise rendered the complaining witness physically unable to communicate an unwillingness to act and about which the accused knew or should have known.

The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the complaining witness which took place before the conclusion of the trial, excluding the conduct involved in the offense alleged under this article.

"Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any person, where:

a. The accused intentionally touches the complaining witness' intimate parts or material directly covering such intimate parts;

b. The accused forces the complaining witness to touch the accused's, the witness' own, or another person's intimate parts or material directly covering such intimate parts;

c. If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or

d. The accused forces another person to touch the complaining witness' intimate parts or material directly covering such intimate parts.

#### § 18.2-61. Rape.

A. If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

#### § 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.

Similar to Statutory Rape:

#### § 18.2-63. Carnal knowledge of child between thirteen and fifteen years of age.

A. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony.

B. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor.

Similar to Domestic Violence:

#### § 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in



any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

Virginia has no separate criminal code violation relating to Dating Violence.

§ 18.2-67.6. Proof of physical resistance not required.

The Commonwealth need not demonstrate that the complaining witness cried out or physically resisted the accused in order to convict the accused of an offense under this article, but the absence of such resistance may be considered when relevant to show that the act alleged was not against the will of the complaining witness.

## **PART II: PROCEDURES FOR RESPONDING TO A COMPLAINT OF SEXUAL MISCONDUCT**

The School is committed to providing a prompt, fair, and impartial investigation and resolution of all allegations of sexual misconduct. Incidents of sexual misconduct should be reported to the School's Title IX Coordinator. Any incident of sexual misconduct reported to another School responsible employee, with the exception of those employees designated above as confidential, will be reported by the responsible employee to the Title IX Coordinator.

### **XI. Initial Steps**

#### **A. Intake Meeting with Complainant**

Upon notice of any allegation of sexual misconduct, the Title IX Coordinator or his or her designee will schedule an individual intake meeting with the Complainant. At the intake meeting, the Title IX Coordinator or his or her designee will provide the Complainant with a general understanding of this policy for reports of student sexual misconduct, and identify forms of support or immediate assistance available to the Complainant (e.g., referrals to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers). The Title IX Coordinator or his or her designee will also provide the Complainant with a written explanation of his or her rights and options with respect to his or her report of sexual misconduct. The intake meeting may also involve a discussion of any interim accommodations that may be appropriate concerning the Complainant's academic schedule, School housing, and/or School employment arrangements. Additional information regarding interim accommodations is set forth below.

At the initial intake meeting or at a subsequent time the Title IX Coordinator or his or her designee will seek to determine how the complainant wishes to proceed, i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind. Regardless of how the complainant chooses to proceed, the School seeks to resolve every report of sexual misconduct within 60 calendar days of the initial report, excluding any appeal. The time frames included in this policy may vary depending on the details of the complaint and, in some cases, the time of the academic year (e.g., during School breaks or final exams). The School may extend any time frame for good cause, provided the complainant and respondent are given a written explanation as to the reason for such extension.

If the complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, in a timely fashion, will schedule an individual intake meeting with the respondent. The School will notify the respondent that a complaint has been filed and provide the date, time, location and factual allegations concerning the alleged violation, and possible sanctions.

If the complainant wishes to proceed with Formal Resolution, the Title IX Coordinator will promptly prepare a formal letter to the Hearing Committee on Student Behavior ("Hearing Committee") notifying the Hearing

Committee of the initiation of a formal investigation. The letter will provide the Hearing Committee with the names of the complainant and respondent and the date, location, and nature of the alleged sexual misconduct.

If the complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential, or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the complainant that the School's ability to respond may be limited. In such scenarios, Title IX nevertheless requires the School to evaluate the complainant's request(s) for no action in the context of the School's commitment to provide a reasonably safe and non-discriminatory environment for the entire School community.

## **B. Interim Measures**

In all complaints of alleged sexual misconduct, the School will undertake an appropriate inquiry and take immediate action to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, at or after the intake meeting, the School may impose a "no-contact" order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, including social media, pending the investigation and, if applicable, the hearing.

To ensure the safety and well-being of the complainant, the Title IX Coordinator also may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the hearing, which may include directing appropriate officials to alter the students' academic, transportation, School housing, and/or School employment arrangements, or other appropriate protections. Any student who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations after a report of sexual misconduct. The School will grant such accommodations, provided they are reasonable and available, regardless of whether or not the victim chooses to report the crime to law enforcement.

When taking such steps to separate the complainant and the respondent, the School will, to the extent practicable, minimize the burden on the complainant.

Violation(s) of the Title IX Coordinator's directives and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

## **C. Effect of Criminal Proceedings**

Sexual misconduct may constitute a violation of both law and School policy. The School encourages students to report alleged sexual misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Therefore, criminal investigations or reports are not determinative of whether sexual misconduct under this Policy, has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The School will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the complainant and the School community. However, the School may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code.

## **XII. Formal Resolution Process**

### **A. Investigation**

When the complainant indicates a desire to pursue Formal Resolution, the reported allegations will be investigated promptly, thoroughly, and impartially. School will notify the respondent that a complaint has been filed and will include notice of the allegations. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator. Additionally, the Title IX Coordinator will inform both the complainant and respondent that both parties have the right to an advisor of their choice to assist in the resolution process. During all phases of the Formal Resolution Process, the parties will be provided with advance notice of any meeting they are required or eligible to attend.

The Title IX Coordinator will collect and review evidence it deems necessary or helpful to the investigation of the alleged sexual misconduct. The Title IX Coordinator may designate a specially trained investigator or investigators to conduct the interviews and investigation. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation may also include examination of medical records, surveillance video, cell phone and other electronic records, and other evidence.

In response to the Investigation, both the complainant and the respondent will be given the opportunity to submit a written statement. The written statement will be provided to the Title IX Coordinator, the opposing party, as well as members of the Hearing Committee.

### **B. Hearing Committee**

Formal Resolution involves a hearing before a committee. The Committee is comprised of at least three School Administrators, all of whom receive training, at least annually, on the issues relating to sexual misconduct, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking. They will also be trained regarding how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The Hearing Committee Chair will select the

Hearing Committee members who will participate in the hearing and will either serve as the presiding chair of the hearing, or will appoint the presiding chair (or, if the Hearing Committee Chair is unavailable or otherwise unable to serve, the Associate Dean for Academic Affairs will select the members who will conduct the hearing and a presiding chair of the Committee).

### **C. The Hearing**

After the investigation the School will provide written notice at least five business days before the hearing date to both parties stating the date, time, and place of the hearing. A party wishing to challenge the participation of any member appointed to the Committee must notify the Hearing Committee Chair, in writing, within three business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Committee Chair will determine whether the challenge has merit, and reserves discretion to make changes in the composition of the Committee at any time. A party wishing to challenge the participation of the Committee Chair must notify the Title IX Coordinator, in writing, within three business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit and reserves discretion to instruct the Hearing Committee to designate a new Committee Chair.

#### **i. Pre-Hearing Submissions**

In addition to the written statements submitted by the parties, the parties will provide the Title IX Coordinator with a list of witnesses they wish the Committee to call, copies of documents, and a description of any other information they propose to present at the hearing at least three business days prior to the hearing.

The Title IX Coordinator will determine whether such witnesses and documents are relevant to the Hearing. The Title IX Coordinator will provide each party with a copy of the list of witnesses and copies of documents or other information submitted by each party.

In the absence of good cause, as determined by the Committee, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided by this deadline.

## **ii. Conduct of the Hearing**

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the School will provide both parties with written notice explaining the reason for such change. The School will arrange for the hearing to be recorded, and may arrange for the preparation of any transcript of the recording that the School deems appropriate.

As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The Hearing Committee will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The School will ask for all necessary witnesses to be present, or to have provided written statements in lieu of attending the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the Hearing Committee determines may remain anonymous. The Hearing Committee will review in advance of the hearing all the written materials provided.

Only the Hearing Committee may question the individual parties and any witnesses, unless permission is granted to modify the questioning process. After all witnesses have been questioned, each party may make a closing statement.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, the School will not disclose documents prepared in anticipation of the hearing, documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or School policy.

Both the complainant and the respondent may have advisors present to support and assist them during any meeting, the hearing and appeal stages of the Formal Resolution process. At the complainant's or respondent's request, the Title IX Coordinator will appoint to each party an advisor who has been formally trained. An advisor may not direct questions to the Hearing Committee or witnesses at the hearing, but may consult with the party that he or she is assisting. The Hearing Committee will not allow an advisor's presence to inhibit the parties' sharing of information or the conduct of the hearing.

The parties are expected to cooperate at the hearing. If either party fails to appear at the scheduled hearing, the Hearing Committee may postpone the proceedings if there is a legitimate documented reason for the absence, or proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.

If the Hearing Committee determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Committee may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents which were readily available at the time of the hearing.

## **D. Determination**

In all investigations into alleged sexual misconduct, the School will evaluate evidence under a "preponderance of the evidence" standard. A preponderance of the evidence means that information shows it is "more likely

than not” that the respondent violated this policy. The Hearing Committee must decide if the respondent is responsible, not responsible, or whether there is sufficient evidence to make a determination.

The respondent will be found to be responsible for the alleged sexual misconduct if the Hearing Committee concludes, based upon careful review of all information presented, that such sexual misconduct more likely than not occurred. The Hearing Committee shall determine whether the respondent is responsible for sexual misconduct, and will provide a written statement of such determination to the Associate Dean for Academic Affairs. The Hearing Committee’s written report will also be sent to the Associate Dean for Academic Affairs.

### *Complainant and Respondent Impact Statement*

Within three business (3) days of the conclusion of the hearing, both the complainant and respondent will be given access to the record of the hearing and offered an opportunity to provide an impact statement to the Associate Dean for Academic Affairs while he or she is deliberating on the appropriate sanctions. The record of the hearing may not be copied.

The impact statement may be up to five (5) pages single spaced. The impact statement is the students’ opportunity to discuss his or her experience, and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or/disagreement with the investigation or hearing, or determination of the Hearing Committee.

This impact statement must be provided to the Title IX Coordinator who will provide it to the opposing party as well and the Associate Dean for Academic Affairs, and all members of the Hearing Committee.

### **XIII. Sanctions**

The Associate Dean for Academic Affairs may consider suspending or expelling any student found responsible for sexual misconduct; however, he or she may impose any of the following sanctions that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting the respondent’s access to School facilities or activities
- Community service
- Issuing a “no-contact” order to the respondent or requiring that such an order remain in place
- Dismissal from or restricting or reassignment of School employment
- Suspension (limited time or indefinite)
- Expulsion

In determining appropriate sanctions, the Associate Dean for Academic Affairs will consider any record of past violations of School policies, as well as the nature and severity of such past violation(s). The Associate Dean for Academic Affairs will consider as part of the deliberations whether the respondent poses a continuing risk to the complainant and/or the School community. Any sanction imposed will be explained and supported in the written decision of the Associate Dean for Academic Affairs.

Within five business days from the determination of the Committee hearing, the Associate Dean for Academic Affairs will issue a determination letter to the respondent and the complainant. Both parties, concurrently, will receive a copy of this determination letter.

The determination letter will contain only the following information: (i) the name of the respondent; (ii) whether the respondent has been found responsible or not responsible for specific violation(s) of the sexual misconduct policy; (iii) a list of the possible sanctions imposed, if any; (iv) the sanctions actually imposed; (v) the rationale for the sanctions imposed, if any; (vi) the School's appeal process; (vii) any change to the results that occur prior to the time that the results become final; and (viii) when the results become final. Both the respondent and the complainant have a right to this information.

If the respondent is found responsible for sexual misconduct that involves a crime required by the Clery Act to be reported by the School, and, as a result, is suspended and or expelled by the School, the School is required by Virginia law to make a notation on the respondent's transcripts in accordance with the School's Transcript Notation Policy.

#### **XIV. Appeal Process**

Either party may appeal the Hearing Committee's determination and/or the disciplinary decision of the Associate Dean for Academic Affairs. A party has three grounds under which to appeal the School's determination: (i) the Hearing Committee committed procedural errors that had an impact on the complaint's decision, (ii) there is new evidence that was not reasonably available at the time of the hearing before the Hearing Committee, or (iii) the sanctions are not consistent with past practices or the severity of the alleged sexual misconduct.

Final sanctions are in effect until any timely appeal of the decision is resolved. The Associate Dean for Academic Affairs may suspend the determination pending exhaustion of appeal, allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable. Interim measures will remain in effect until the appeal is resolved.

The procedure to file an appeal is as follows:

1. A party wishing to appeal the findings of the Hearing Committee and/or sanctions by the Associate Dean for Academic Affairs must file a notice of intent to appeal within five business days of the date the party is notified of the Hearing Committee's finding and the Associate Dean for Academic Affairs' sanctions. The notice of intent to appeal must be submitted in writing (either email or hard-copy) to the Title IX Coordinator. The notice of intent to appeal must contain the party's grounds for the appeal.
2. Within two weeks of filing a notice of intent to appeal, the party's formal appeal must be filed. The party should submit copies of any and all material the party wishes to provide as evidence for his/her appeal.
3. A committee made up of three full-time faculty members ("Appeals Committee"), which shall not include the Associate Dean for Academic Affairs or members of the Hearing Committee, will be assembled by the Title IX Coordinator. Except for appeals brought under (ii) above, the Appeal Committee's entire review process will be based on the party's appeal and the Hearing Committee's record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard.
4. The Appeals Committee will make a final determination on the appeal. The Appeals Committee shall render its decision regarding the appeal within 20 calendar days of receipt of the appeal, record of the case, and if applicable, any new evidence pursuant to (ii) above.
5. Within three business days of the Appeals Committee's determination, the Associate Dean for Academic Affairs will issue a final determination letter to the respondent and the complainant. Both parties, concurrently, will receive a copy of this final determination letter.

## **XV. Informal Resolution**

A complainant who wishes to file a complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as “Informal Resolution.”

While the Informal Resolution process is not as structured as the Formal Resolution process, it can be an effective and appropriate means to deal with the complaint. The Informal Resolution procedure is not available for complaints of sexual violence.

If the complainant wishes to proceed with Informal Resolution the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, within two business days, will schedule an individual intake meeting with the respondent in order to provide him or her with a general understanding of the policy.

The complainant and the respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions for advisors in Formal Resolution, as set forth above. The Title IX Coordinator or designee will preside over the Informal Resolution and may elect to be assisted by another member of the senior staff of the School or outside expert.

If, in the course of the Informal Resolution, the respondent admits to violating the School’s Policy and Procedures for Reports of Student Sexual Misconduct, that admission will serve as a finding of responsibility that is final and cannot be appealed. The Associate Dean will recommend one or more sanctions, which the respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process above. If the Associate Dean for Academic Affairs’ recommended sanction is accepted, the process is concluded. If it is rejected, the complaint will proceed to the Formal Resolution process.

Informal Resolution may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the Informal Resolution taken together with any other relevant information known to the School at the time of the Informal Resolution.

The School may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

## Appendix D

## Academic Calendars

For 2019 – 2020

First Intersession	May 6-17, 2019
Second Intersession	May 20 - July 19, 2019
Third Intersession	July 29 – August 9, 2019
Introduction to Law	August 12-16, 2019
Fall Semester Classes Begin	August 19, 2019
Holiday – Labor Day	September 2, 2019
Last Class Day	November 22, 2019
Thanksgiving Break	November 25-29, 2019
Class Make-up Day	December 2, 2019
Exam Period	December 4 - December 13, 2019
Spring Classes Begin	January 6, 2020
Holiday – MLK Day	January 20, 2020
Spring Break	March 2-6, 2020
Last Class Day	April 17, 2020
Class Make-up Day	April 20, 2020
Exam Period	April 22- May 1, 2020
Graduation	May 2, 2020

Note: Inclement weather days, if needed, will be made up during breaks, weekends, or at the end of the semesters.



**APPENDIX E**

POLICY NAME: Accommodations for Students with Disabilities

AUTHOR: Dawn Figueiras

APPROVED BY: Faculty (03/20/2019)

REVISION DATES: 07/25/2019

CROSS-REFERENCED POLICIES: Catalog

ABA STANDARDS: 205, 207



**ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

## 1. Policy & Purpose

Appalachian School of Law is committed to offering all students with disabilities the same opportunities others have in order to succeed in law school and, ultimately, in the legal profession. Every reasonable effort shall be made to accommodate the needs of students with disabilities. ASL will not discriminate against an otherwise qualified student with a disability in the admissions process, or any academic activity or program.

ASL is governed by Title III of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act of 1973 (“Sec. 504”), and the ADA Amendments Act of 2008 (“ADAAA”), (together, “federal law”). These policies and procedures are designed to ensure compliance with all applicable laws and regulations. ASL’s policies and procedures for students with disabilities have been guided by the recommendations and best practices of the Association on Higher Education and Disability (“AHEAD”), as well as the policies and procedures adopted by various boards of bar examiners in our region. In assessing a request for accommodations, ASL will engage in an interactive and individualized process with the student.

*Students with disabilities are advised to seek information regarding policies for accommodations on the Bar examination in their intended state(s) and the MPRE early in their law school careers. The fact of an accommodation received in law school is not dispositive of a similar request for a Bar exam or the MPRE.*

## 2. Overview of Accommodations

### **Definitions:**

A “disability” is a physical or mental impairment/disorder/condition/syndrome that substantially limits one or more of the major life activities of the person. Whether an individual is “substantially limited” is based upon comparison to the average person in the general population (not the average law student).

“Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, speaking, learning, reading, and thinking. *Note that “test-taking” is not a major life activity.*

A “qualified professional” is a licensed professional who has appropriate training and experience in the field related to the applicant’s disability. This may include physicians,

psychiatrists, psychologists, licensed clinical social workers, psychiatric nurse practitioners, education diagnosticians, or neurophysiologists. The qualified professional providing supporting documentation for a student’s request for accommodations must demonstrate his or her credentials in the field.

A “reasonable accommodation” is a reasonable modification or adjustment to a course/program/testing or the provision of auxiliary aids/services that allows a qualified student with a disability an equal opportunity to participate in ASL programs and activities. An accommodation that imposes an undue financial or administrative burden on ASL is not a reasonable accommodation. An accommodation that fundamentally alters the nature of the academic program is not a reasonable accommodation. A waiver of the attendance policy requirements will generally alter the nature of the academic program in a fundamental way, and will not be granted as a reasonable accommodation.

*A diagnosis of an impairment, though required, does not automatically mean that the individual has a “disability” or that the individual qualifies for a reasonable accommodation. The student has the responsibility for providing sufficient documentation to show that he or she is covered under the applicable law, that his/her condition substantially limits one or more major life activities, and that the accommodations requested are supported by sufficient rationales.*

**Process:**

ASL’s process for requesting accommodations and evaluating those requests is designed to be interactive and individualized. The appropriateness of accommodations is based on the current impact of the disability on the student’s ability to function in the academic program. Therefore, individuals with the same diagnosis may require vastly different accommodations, depending upon how their condition impacts them personally.

The process begins with the student seeking an accommodation completing an Initial Request for Accommodations form (Form A). Forms are available as part of Appendix E of the Catalog and Student Handbook ([www.asl.edu](http://www.asl.edu)), from the Associate Dean of Academic Affairs, and from the Office of the Registrar. The student must obtain the appropriate supporting documentation, from a qualified professional; the student should choose the applicable form(s) (Forms B—F), depending upon the student’s disability(ies). The student is responsible for submitting the completed Request, including all supporting documentation, to the Associate Dean of Academic Affairs or the Registrar. The Request will be reviewed by the Accommodations Committee in accordance with this Accommodations Policy and federal law. If the student desires an in-person conference to review and discuss the Request, one member of the Accommodations Committee will be appointed to participate in the conference. Otherwise, the decision will be based on the

information and documentation provided by the student as part of the Request. The student will be informed of the Committee's decision by the Associate Dean of Academic Affairs.

**Privacy:**

All information relating to a Request for Accommodation, including the fact of a Request, is confidential. This information will be shared on a "need to know" basis only.

**Timing:**

Requests for accommodations should be submitted as early as possible in the student's law school career. Students are advised, however, that once the completed Request is received, it may take up to thirty (30) days for the review process to be completed and a decision to be issued. If an Appeal of the decision is taken, the process may take another 21 days. Accordingly, students are encouraged to apply for necessary accommodations as soon as possible. Requests submitted less than thirty (30) days prior to an event requiring an accommodation may not be able to be completed in the allotted amount of time. It is the student's responsibility to submit the Request, along with all required supporting documentation, in time to have the Request resolved before the event requiring an accommodation.

**Appeals & Grievances:**

After being informed of the Accommodations Committee's decision by the Associate Dean of Academic Affairs, a student who is dissatisfied with the result or accommodation offered may appeal the decision to the Associate Dean. The student shall notify the Associate Dean of Academic Affairs of the desire to appeal the decision within seven (7) days of the student's notification of the decision. The student then has an additional seven (7) days to supplement the Request with additional information or supporting documentation. Such additions shall be submitted to the Associate Dean of Academic Affairs, who shall consider the Initial Request, along with any such additions (the "Appeal"). The Associate Dean shall issue a decision, in writing, within seven (7) days of the receipt of the Appeal materials, or 14 days from the notice of appeal, whichever is longer. The Associate Dean's decision shall be final. The Associate Dean serves as Section 504 Coordinator for ASL.

If a student who has been granted an accommodation believes that the accommodation granted is not being fully honored, the student may file a Grievance under the Student Grievance Policy. The Grievance Policy is outlined in the Catalog and Student Handbook, available online at [www.asl.edu](http://www.asl.edu).

## Temporary Medical Accommodations:

From time to time, a student may experience a short-term condition that, while it doesn't rise to the level of a "disability," may still require certain accommodations for the student. Examples of such temporary conditions include broken bones, short-term illnesses, recovery from surgery, or other medical conditions. In those cases, the student should submit an Initial Request Form (Form A) to the Associate Dean of Academic Affairs or the Office of the Registrar as soon as the need for a temporary accommodation arises. Supporting documentation should be submitted using Form B.

### 3. Filing the Initial Request

- A. Initial Request Forms are available as part of the Catalog and Student Handbook (Appendix E, Accommodations Policy), from the Associate Dean of Academic Affairs, and from the Registrar.
- B. All student seeking an accommodation (whether as a result of a documented disability or a temporary medical condition) shall complete the Initial Request Form (Form A) and submit it to the Associate Dean of Academic Affairs.
- C. The Initial Request is not complete until the required supporting documentation from a qualified professional is submitted.
- D. Documentation from a qualified professional must be completed no more than ninety (90) days prior to the student' Initial Request.
- E. The supporting documentation required varies by the type of disability/temporary medical condition. Students affected by more than one category should use all relevant forms.
  - a. Temporary medical condition—use Accommodations Request Form B. Form B may be accompanied by a letter or note from a qualified professional who is treating the student's temporary medical condition.
  - b. Physical disabilities (including visual and hearing impairments)—use Accommodations Request Form C. Form C may be accompanied by a letter or report from a qualified professional. In recognition of the fact that many physical disabilities are long-standing, such documentation need not be "recent," but should reflect the student's current condition.
  - c. Learning disabilities—use Accommodations Request Form D. Form D must be accompanied by a letter or report prepared by a qualified professional; the evaluation must have been completed when the student was an adult, using adult scales and instruments. Documentation of any prior accommodations granted for a learning disability (e.g., IEP, 504 Plan, accommodations for LSAT), if any, must accompany Form D.
  - d. Attention Deficit/Hyperactivity Disorder (ADD/ADHD)—use Accommodations Request Form E. Form E may be accompanied by a letter

- or report prepared by an appropriate professional.
- e. Mental health impairments—use Accommodations Request Form F. Form F may be accompanied by a letter or report prepared by an appropriate professional.

#### 4. Renewals of Accommodations

After a student's Initial Request for Accommodation has been granted, the student may renew the Request at the beginning of each subsequent academic year. Form G ("Renewal") should be utilized. Failure of a student to submit a completed Renewal Request will result in the discontinuance of prior accommodations.

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM A (to be completed by student)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

This Form A must be completed by the student and returned to the Associate Dean of Academic Affairs. The Initial Request will not be considered complete until relevant supporting documents (Forms B—F) have been submitted. It is the student's responsibility to complete the Initial Request completely and truthfully, and in a timely manner.

**Student Information:**

1. \_\_\_\_\_  
First Name      Middle Initial/Name      Last Name      Date of Birth

2. \_\_\_\_\_  
Local Address (Street address/city/state/zip)

3. Telephone # (\_\_\_\_)\_\_\_\_-\_\_\_\_\_

4. Academic Year for which you are requesting accommodation: \_\_\_\_\_

5. Please provide a general statement of your specific impairment(s). If known, please include the medical diagnosis for your impairment(s). (Example: ADHD, blind, hearing impaired, etc.)

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11. Did you request an accommodation for any admissions test to an undergraduate or graduate program? If so, please complete the following.

TEST	Accommodations Requested?	Accommodations Granted?	If so, describe the accommodation.
PSAT			
SAT			
ACT			
GRE			
LSAT			
Other _____			

12. Have you ever had a request for accommodations denied? \_\_\_\_\_  
 a. If yes, please explain.

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13. Please explain the testing or classroom accommodation(s) that you believe are necessary. If you are seeking additional time on testing, please specify the amount of additional time requested and the justification for that amount of time.

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***IMPORTANT NOTE: THIS REQUEST IS NOT COMPLETE UNTIL THE APPROPRIATE SUPPORTING DOCUMENTATION HAS BEEN SUBMITTED. ONE OR MORE OF FORMS B—F MUST BE SUBMITTED.***

By signing this Form, I acknowledge that I have read and I understand the Accommodations Policy, that I must notify the Associate Dean of Academic Affairs of any changes in my disability or need for accommodation, and that all representations I have made regarding my disability and my need for accommodation are true and accurate.

\_\_\_\_\_  
 Student's signature

\_\_\_\_\_  
 Date

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM B (Temporary Medical Condition)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

Student Information:

\_\_\_\_\_  
First Name      Middle Initial/Name      Last Name      Date of Birth

By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

\_\_\_\_\_  
Student Signature      Date

The student named above has self-identified as a student with a temporary medical condition that requires accommodations. You have been identified as a qualified professional diagnosing and/or treating this temporary medical condition. You may choose to answer the questions on this Form or to attach a separate letter or report.

1. Please identify the student's temporary medical condition as well as the accommodation(s) recommended and the expected duration of this temporary medical condition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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2. Name, address, telephone number, degree(s), title/occupation/specialty, licensing entity, and licensing number of professional completing this Form.

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3. Date you last saw/treated this student. \_\_\_\_\_

4. Expected duration of medical condition. \_\_\_\_\_

\_\_\_\_\_  
Signature of Qualified Professional

\_\_\_\_\_  
Date

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM C (Physical Disabilities, Including Visual and Hearing  
Impairments)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

Student Information:

\_\_\_\_\_

First Name	Middle Initial/Name	Last Name	Date of Birth
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By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

\_\_\_\_\_

Student Signature

\_\_\_\_\_

Date

The student named above has self-identified as a student with a physical disability that requires accommodations. You have been identified as a qualified professional diagnosing and/or treating this disability. You may choose to answer the questions on this Form or to attach a separate letter or report.

In order to determine eligibility and to provide services, Appalachian School of Law requires documentation of the student's disability. Under Title III of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Sec. 504"), and the ADA Amendments Act of 2008 ("ADAAA"), qualified individuals with disability are protected from discrimination and may be entitled to reasonable accommodations necessary to ensure equal access to ASL's programs and activities.

**To establish that an individual has a physical disability under the law, documentation must indicate that a current physical impairment exists, and that the identified impairment substantially limits one or more major life activities. Whether an individual is “substantially limited” is based upon comparison to an average person in the general population (not the average law student). The negative effects of corrective and mitigating measures (i.e., side effects of medication, burdens associated with a treatment regimen, etc.) may be considered in determining whether an individual is substantially limited in a major life activity. A diagnosis of a disorder does not automatically qualify an individual for accommodations. The documentation must also address the current functional limitations on the student and support the need for the recommended accommodations.**

Name of qualified professional completing this form: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation and specialty: \_\_\_\_\_

License number/Certification/Licensing Entity/State: \_\_\_\_\_

1. Is the student’s impairment within your field of expertise? \_\_\_\_\_

2. Describe your qualifications and experience to diagnose, treat, and/or verify the student’s impairment and to recommend accommodations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. State the specific diagnosis (diagnoses) of the disability (disabilities) affecting the student. Include ICD-10 diagnostic codes, as appropriate.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Did you make the initial diagnosis? \_\_\_\_\_
- a. If so, please provide the date of the initial diagnosis.
  - b. If not, please provide the name of the qualified professional who made the initial diagnosis and when it was made. Please attach copies of any reports, letters, test results, or other records related to the diagnosis that you reviewed.

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5. Please describe the specific diagnostic criteria and/or diagnostic tests used, including dates of evaluation, test results, and a detailed interpretation of test results. Please attach copies of any such documentation.

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6. When did you first meet with, evaluate, or treat this student?

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7. When was your last complete evaluation of the student's impairment/disability?

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8. Briefly describe your treatment of this impairment/disability and describe the effect of the treatment on the impairment/disability.

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9. In its current state, is the student's impairment/disability temporary or permanent? \_\_\_\_\_
- a. If temporary, expected duration: \_\_\_\_\_

10. Describe the student's current level of functioning and all major life activities that are currently substantially limited by the student's diagnosed impairment/disability. If the student is not currently substantially limited in any major life activity, so state.

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11. Describe the accommodations you are recommending for this student. Please be as specific as possible and describe why each recommended accommodation is necessary due to the specific current functional limitations of the student. Where appropriate, link the specific impairment/disability to the accommodation. If you are recommending that the student be granted additional time on tests, please list the extension recommended (e.g., 25%, 50%). Please state whether your recommendation for additional time is limited to significant tests (10% or more of a student's grade for the course; tests with a standard exam time of one hour or more) or extends to all testing (including in-class quizzes that individually may account for less than 10% of the student's grade in a particular course; tests generally allotted less than one hour for completion).

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12. Please provide any additional information that you believe will be helpful to ASL in considering the accommodations that you are recommending.

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Signature of Qualified Professional

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Date

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM D (Learning Disabilities)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

Student Information:

_____	_____	_____	_____
First Name	Middle Initial/Name	Last Name	Date of Birth

By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

_____	_____
Student Signature	Date

The student named above has self-identified as a student with a learning disability that requires accommodations. You have been identified as a qualified professional diagnosing and/or treating this disability.

In order to determine eligibility and to provide services, Appalachian School of Law requires documentation of the student's disability. Under Title III of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Sec. 504"), and the ADA Amendments Act of 2008 ("ADAAA"), qualified individuals with a disability are protected from discrimination and may be entitled to reasonable accommodations necessary to ensure equal access to ASL's programs and activities.



**To establish that an individual has a disability under the law, documentation must indicate that a current impairment exists, and that the identified impairment substantially limits one or more major life activities. Whether an individual is “substantially limited” is based upon comparison to an average person in the general population (not the average law student). The negative effects of corrective and mitigating measures (i.e., side effects of medication, burdens associated with a treatment regimen, etc.) may be considered in determining whether an individual is substantially limited in a major life activity. A diagnosis of a disorder does not automatically qualify an individual for accommodations. The documentation must also address the current functional limitations on the student and support the need for the recommended accommodations.**

Name of qualified professional completing this form: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation and specialty: \_\_\_\_\_

License number/Certification/Licensing Entity/State: \_\_\_\_\_

1. Is the student’s impairment within your field of expertise? \_\_\_\_\_

2. Describe your qualifications and experience to diagnose, treat, and/or verify the student’s impairment and to recommend accommodations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the student have a Specific Learning Disorder according to DSM-V criteria? \_\_\_\_\_

a. If so, please provide the specifier(s) (e.g., reading, written expression, mathematics). \_\_\_\_\_

b. If not, please describe the student’s diagnosis as specifically as possible.

\_\_\_\_\_  
\_\_\_\_\_

4. Did you make the initial diagnosis? \_\_\_\_\_

a. If so, please provide the date of the initial diagnosis. \_\_\_\_\_

- b. If not, please provide the name of the qualified professional who made the initial diagnosis and when it was made. Please attach copies of any reports, letters, test results, or other records related to the diagnosis that you reviewed.

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5. Please attach an evaluation report that describe the specific diagnostic criteria and diagnostic tests used, including dates of evaluation, test results, and a detailed interpretation of test results. Age appropriate assessment instruments should be used, and scores should be reported as age-based standard scores and percentiles. (If you are relying on past testing, please so indicate.) Your professional judgment should be exercised as to which diagnostic tests are utilized, but generally tests assessing the following three categories are required:

- a. Aptitude/Cognitive Ability (e.g., WAIS III, WJ III: Tests of Cognitive Abilities, Stanford-Binet, Kaufman Adolescent and Adult Intelligence Test)
- b. Achievement (e.g., WJ III: Tests of Achievement, WIAT, SARA, Nelson-Denny Reading Test—timed and untimed, Test of Word Reading Efficiency, WRAT-3, PIAT or PIAT-R)
- c. Information Processing (e.g., Wechsler Memory Scale-III, S-CPT, TAWF, Information from subtest, index and/or cluster scores on the WAIS-III—working memory, perceptual organization, processing speed, and/or the WJ III: Tests of Cognitive Ability—visual processing, short term memory, long term memory, processing speed, and/or the DTLA-A, or other neuropsychological instruments that measure rapid automatized naming and/or phonological processing, Comprehensive Test of Phonological Processes).

6. Do you believe the student’s motivation level, interview behavior, and/or test-taking behavior was adequate to yield reliable diagnostic information/test results? \_\_\_\_\_

7. Please describe any informal measures, background history, and clinical observations that aided you in determining that this individual has a learning disability.

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8. Describe the student’s current level of functioning and all major life activities that are currently substantially limited by the student’s diagnosed impairment/disability. If the student is not currently substantially limited in any major life activity, so state.

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9. Is the student significantly restricted as to the condition, manner or duration under which the student can perform the affected major life activity as compared to the general population? \_\_\_\_\_

a. Please explain why or why not.

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10. Is there any objective evidence that the recommended testing accommodations have facilitated the student's academic performance in the past? \_\_\_\_\_

a. If yes, please explain.

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11. Describe the accommodations you are recommending for this student. Please be as specific as possible and describe why each recommended accommodation is necessary due to the specific current functional limitations of the student. Where appropriate, link the specific impairment/disability to the accommodation. If you are recommending that the student be granted additional time on tests, please list the extension recommended (e.g., 25%, 50%). Please state whether your recommendation for additional time is limited to significant tests (10% or more of a student's grade for the course; tests with a standard exam time of one hour or more) or extends to all testing (including in-class quizzes that individually may account for less than 10% of the student's grade in a particular course; tests generally allotted less than one hour for completion).

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12. Is there any medical or scientific study you can cite which provided data enabling you to determine on an objective basis the exact amount of additional testing time which will place the student in a testing position to that of a student who does not have this disability? \_\_\_\_\_

13. Please provide any additional information that you believe will be helpful to ASL in considering the accommodations that you are recommending.

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\_\_\_\_\_  
Signature of Qualified Professional

\_\_\_\_\_  
Date

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM E (Attention Deficit/Hyperactivity Disorder)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

Student Information:

First Name	Middle Initial/Name	Last Name	Date of Birth

By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

Student Signature	Date

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The student named above has self-identified as a student with Attention Deficit/Hyperactivity Disorder (“ADHD”) that requires accommodations. You have been identified as a qualified professional diagnosing and/or treating this disorder.

In order to determine eligibility and to provide services, Appalachian School of Law requires documentation of the student’s disability. Under Title III of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act of 1973 (“Sec. 504”), and the ADA Amendments Act of 2008 (“ADAAA”), qualified individuals with a disability are protected from discrimination and may be entitled to reasonable accommodations necessary to ensure equal access to ASL’s programs and activities.

**To establish that an individual has a disability under the law, documentation must indicate that a current impairment exists, and that the identified impairment substantially limits one or more major life activities. Whether an individual is “substantially limited” is based upon comparison to an average person in the general population (not the average law student). The negative effects of corrective and mitigating measures (i.e., side effects of medication, burdens associated with a treatment regimen, etc.) may be considered in determining whether an individual is substantially limited in a major life activity. A diagnosis of a disorder does not automatically qualify an individual for accommodations. The documentation must also address the current functional limitations on the student and support the need for the recommended accommodations.**

Name of qualified professional completing this form: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation and specialty: \_\_\_\_\_

License number/Certification/Licensing Entity/State: \_\_\_\_\_

1. Is the student’s impairment within your field of expertise? \_\_\_\_\_

2. Describe your qualifications and experience to diagnose, treat, and/or verify the student’s impairment and to recommend accommodations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What is the student’s diagnosis? Please include DSM-V or ICD-10 codes. If the diagnosis is ADHD, please provide the form of presentation and the current severity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please describe the symptoms that meet the criteria for the diagnosis.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Did you make the initial diagnosis? \_\_\_\_\_
- a. If so, please provide the date of the initial diagnosis.
  - b. If not, please provide the name of the qualified professional who made the initial diagnosis and when it was made. Please attach copies of any reports, letters, test results, or other records related to the diagnosis that you reviewed.

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6. Please describe the assessment procedures and evaluation instruments that you used to make the diagnosis. ADHD questionnaires/checklists, self-reported ADHD symptoms, and personality/psychopathology/cognitive testing are all helpful tools in the diagnosis of ADHD and in ruling out other psychological disorders, but none of those tools are generally sufficient on their own.

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7. Please describe the functional limitations of the impairment and all major life activities that are currently substantially limited by the student's impairment. If the student is not currently substantially limited in any major life activity, so state.

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8. Describe the accommodations you are recommending for this student. Please be as specific as possible and describe why each recommended accommodation is necessary due to the

specific current functional limitations of the student. If you are aware of prior accommodations granted to the student in the academic setting, please list those.

If you are recommending that the student be granted additional time on tests, please list the extension recommended (e.g., 25%, 50%). Please state whether your recommendation for additional time is limited to significant tests (10% or more of a student's grade for a course; tests with a standard exam time of one hour or more) or extends to all testing (including in-class quizzes that individually may account for less than 10% of the student's grade in a particular course; tests generally allotted less than one hour for completion).

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9. Please provide any additional information that you believe will be helpful to ASL in considering the accommodations that you are recommending.

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\_\_\_\_\_  
Signature of Qualified Professional

\_\_\_\_\_  
Date



INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM F (Mental Health Impairments)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

Student Information:

First Name	Middle Initial/Name	Last Name	Date of Birth

By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

Student Signature	Date

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The student named above has self-identified as a student with a mental health disorder/impairment that requires accommodations. You have been identified as a qualified professional diagnosing and/or treating this disorder/impairment. You may choose to answer the questions on this Form or to attach a separate letter or report that addresses these items.

In order to determine eligibility and to provide services, Appalachian School of Law requires documentation of the student's disability. Under Title III of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Sec. 504"), and the ADA Amendments Act of 2008 ("ADAAA"), qualified individuals with a disability are protected from discrimination and may be entitled to reasonable accommodations necessary to ensure equal access to ASL's programs and activities.

**To establish that an individual has a disability under the law, documentation must indicate that a current impairment exists, and that the identified impairment substantially limits one or more major life activities. Whether an individual is “substantially limited” is based upon comparison to an average person in the general population (not the average law student). The negative effects of corrective and mitigating measures (i.e., side effects of medication, burdens associated with a treatment regimen, etc.) may be considered in determining whether an individual is substantially limited in a major life activity. A diagnosis of a disorder or impairment does not automatically qualify an individual for accommodations. The documentation must also address the current functional limitations on the student and support the need for the recommended accommodations.**

Name of qualified professional completing this form: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Occupation and specialty: \_\_\_\_\_

License number/Certification/Licensing Entity/State: \_\_\_\_\_

1. Is the student’s impairment within your field of expertise? \_\_\_\_\_

2. Describe your qualifications and experience to diagnose, treat, and/or verify the student’s impairment and to recommend accommodations.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What is the student’s diagnosis? Please include DSM-V or ICD-10 codes. Please describe the specific symptoms the student experiences.

\_\_\_\_\_  
\_\_\_\_\_

a. Please describe the impact on academic functioning of the student’s symptoms (e.g., impact on study skills, classroom behavior, test-taking, organizing research).

\_\_\_\_\_  
\_\_\_\_\_



8. Describe the accommodations you are recommending for this student. Please be as specific as possible and describe why each recommended accommodation is necessary due to the specific current functional limitations of the student. If you are aware of prior accommodations granted to the student in the academic setting, please list those. If you are recommending that the student be granted additional time on tests, please list the extension recommended (e.g., 25%, 50%). Please state whether your recommendation for additional time is limited to significant tests (10% or more of a student's grade for a course; tests with a standard exam time of one hour or more) or extends to all testing (including in-class quizzes that individually may account for less than 10% of the student's grade in a particular course; tests generally allotted less than one hour for completion).

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9. Please provide any additional information that you believe will be helpful to ASL in considering the accommodations that you are recommending.

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\_\_\_\_\_  
Signature of Qualified Professional

\_\_\_\_\_  
Date

RENEWAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM G (Renewal of prior accommodations)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349

Email: [mheidt@asl.edu](mailto:mheidt@asl.edu)

**Student Information:**

\_\_\_\_\_

First Name	Middle Initial/Name	Last Name	Date of Birth
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I initially requested accommodation in \_\_\_\_\_ academic year.

At that time, I indicated my disability was \_\_\_\_\_ (type of disability).

I was granted the following accommodation(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The qualified professional(s) who submitted supporting documentation for my prior request(s) was: \_\_\_\_\_  
\_\_\_\_\_

By signing this Form, I hereby authorize the release of the information requested on this Form, and I request that all additional information or supporting documentation be attached to this Form and returned to me for submission to ASL.

\_\_\_\_\_  
Student Signature \_\_\_\_\_  
Date

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**To the qualified professional completing this form:**

1. Are you the professional who originally provided the documentation of this student's disability to ASL? \_\_\_\_\_
  - a. If not, who was that person? \_\_\_\_\_
  - b. Have you reviewed the documentation of that person? \_\_\_\_\_
  - c. Please specify all documentation that you have reviewed. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - d. If not, please describe your credentials and experience in diagnosing and/or treating the student's disability. Include your licensing information and the name of the licensing agency. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. When did you last see this student in relation to his/her disability? \_\_\_\_\_
  
3. When was your last complete evaluation of this student? \_\_\_\_\_
  
4. In your professional opinion, has the student's diagnosis changed since the student's last request for accommodation? \_\_\_\_\_
  - a. If so, please state the new diagnosis. \_\_\_\_\_
  
5. In your professional opinion, has the student's ability to function changed in any significant way since the student's last request for accommodation? If so, please describe those changes. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Are you recommending any changes to the student's accommodations at this time? If so, please describe those changes and the reasons therefor. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Qualified Professional

\_\_\_\_\_  
Date

You must complete at least 93 credits to graduate. ASL’s flat-fee tuition allows students to take up to 18 credit hours per semester.

<u>REQUIRED COURSES</u>		
<u>COURSE TITLE</u>	<u>CREDITS EARNED</u>	<u>SEMESTER TAKEN</u>
___ Appellate Advocacy (3) <b>OR</b>	___	___
___ Legal Writing w/ a Purp. (2)	___	___
___ Bar Preparation Studies (2)	___	___
___ Business Assoc/Agency (4)	___	___
___ Civil Procedure I (2)	___	___
___ Civil Procedure II (2)	___	___
___ Constitutional Law I (3)	___	___
___ Constitutional Law II (3)	___	___
___ Contracts I (3)	___	___
___ Contracts II (3)	___	___
___ Criminal Law (3)	___	___
___ Criminal Procedure (3)	___	___
___ Evidence (4)	___	___
___ Externship (2)	___	___

<u>REQUIRED COURSES</u>		
<u>COURSE TITLE</u>	<u>CREDITS EARNED</u>	<u>SEMESTER TAKEN</u>
___ Family Law (3)	___	___
___ Intro to ASL Legal Studies I (2)	___	___
___ Intro to ASL Legal StudiesII (2)	___	___
___ Intro to Externship (1)	___	___
___ Legal Process I (3)	___	___
___ Legal Process II (3)	___	___
___ MBE Fundamentals (2)	___	___
___ Prof Responsibility (3)	___	___
___ Property I (3)	___	___
___ Property II (3)	___	___
___ Sec Trans/UCC (4)	___	___
___ Torts (4)	___	___
___ Wills & Estates (3)	___	___
<b>TOTAL FROM REQUIRED COURSES</b> ___		

**PRACTICUM COURSES**

Students are required to take 8 credit hours of Practicum courses. One of your Practicum courses must satisfy the Upper Level Writing Requirement, denoted as “PW” on the schedule.

<u>COURSE TITLE</u>	<u>PW</u>	<u>SEMESTER TAKEN</u>	<u>CREDITS EARNED</u>
_____	___	_____	___
_____	___	_____	___
_____	___	_____	___
_____	___	_____	___
_____	___	_____	___

**SEMINAR COURSES**

Students are required to take one seminar course. This course satisfies the Seminar Writing Requirement.

\*Students who have completed the requirements for Moot Court or either of the Law Journals will receive 2 hours of credit that satisfy the Seminar Writing Requirement, please see the ASL Academic Standards for details of the requirements.

<u>COURSE TITLE</u>	<u>SEMESTER TAKEN</u>	<u>CREDITS EARNED</u>
_____	_____	___

**ELECTIVE COURSES (not required, except as necessary to reach 93 total credit hours)**

<u>COURSE TITLE</u>	<u>SEMESTER TAKEN</u>	<u>CREDITS EARNED</u>
_____	_____	___
_____	_____	___
_____	_____	___
_____	_____	___
_____	_____	___

**Total credit hours** \_\_\_\_\_

\*It is the student’s responsibility to ensure complete compliance with the curriculum of ASL. The STUDENT must ensure that he or she meets all of the requirements by registering for the correct courses.

## Appalachian School of Law – Courses by Semester

### FALL COURSES

Appellate Advocacy (3)  
Civil Procedure I (2)  
Constitutional Law I (3)  
Contracts I (3)  
Criminal Procedure (3)  
Evidence (4)  
Family Law (3)  
Intro to ASL Legal Studies I (2)  
Legal Process I (3)  
Legal Writing with a Purpose (1)  
MBE Fundamentals (2)  
Property I (3)  
Secured Transactions/UCC (4)  
Torts (4)  
General Electives (1/3)  
Practicum Electives (2/4)  
Seminars (2)

### SPRING COURSES

Bar Preparation Studies (2)  
Business Associations/Agency (4)  
Civil Procedure II (3)  
Constitutional Law II (3)  
Contracts II (3)  
Criminal Law (3)  
Introduction to ASL Legal Studies II (2)  
Introduction to Externship (1)  
Legal Process II (3)  
Legal Writing with a Purpose II (1)  
Property II (3)  
Professional Responsibility (3)  
Torts (4) (Spring Starts)  
Wills & Estates (3)  
General Electives (1/3)  
Practicum Electives (2/4)

### SUMMER COURSES

Externship (2)  
General Electives (1/3)  
Practicum Electives (2)

Courses offered are subject to change, the lists above are for general planning purposes only. Please refer to the class schedules distributed each semester for actual offerings each semester.

Practicum: All students must complete 8 credit hours of Practicum courses. One Practicum course must meet the Upper Level Writing Requirement.

Seminar: All students must complete 2 credit hours of Seminar in order to satisfy the Seminar Writing Requirement.

\*Note: Students who have completed the requirements for Moot Court or either of the Law Journals may receive 2 hours of credit that satisfy the Seminar requirement.

**\*It is the student's responsibility to ensure complete compliance with the curriculum of ASL. The STUDENT must ensure that he or she meets all of the requirements by registering for the correct courses.**