



# ASL

APPALACHIAN  
SCHOOL OF LAW

2021 – 2022

Catalog & Student Handbook

# Appalachian School of Law

## 2021-2022 Catalog & Student Handbook

### (August 2021)

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This catalog and handbook (hereafter catalog) is published by Appalachian School of Law (ASL) based on information as of August 2021, 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 policies and procedures 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 policies contained in the catalog. Failure to do so does not excuse students from the requirements and regulations described herein. ASL reserves the right to vary any of its policies or procedures on a case-by-case basis.

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"). Accreditation documents are available for review in the Dean's Office. 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, President and Dean, and Faculty are contained in the Corporate Charter, Corporate Bylaws, 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 has a vast collection of information and material that is readily available to students, faculty, and the public through print, online and microform resources. 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 office.

Faculty members are expected to be on the school campus and accessible to students for the majority of the operation 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.

## 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, Virginia Continuing Legal Education materials, treatises, and legislative history materials online, in print, and in 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 a comprehensive guide to legal research. The Library is a designated government depository and also offers 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. The first floor of the Library also has an exercise room available with various gym equipment. Additionally, the second floor contains a large gathering space for students to get together and relax between classes. Students can access the campus wireless network from anywhere in the building.

## 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 at all levels of the J.D. program, 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. 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 are required to take Bar Subject Review I & II, Bar Preparation Studies, and MBE Fundamentals where they focus on bar exam subjects and 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.



## Policy on Grievances Against ASL Personnel

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 of policy of ASL. This Policy applies to complaints regarding alleged violations of ASL rules or policies by an ASL personnel, except for the following:

- Complaints and allegations regarding behavior by students are governed by the Code of Student Conduct/Code of Academic Integrity found in Chapter 6 of the Student Catalog.
- Complaints regarding sexual harassment as defined within Title IX regulations and ASL’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations are governed by that policy, which can be found as Appendix C to the Student Catalog.
- Complaints concerning alleged violations of the ABA Standards for the Approval of Law Schools shall be governed by the “Student Grievances, Violations of ABA Standards” found in Chapter 1 of the Student Catalog.

Examples of behavior that may form the basis for a grievance under this Policy include: an ASL employee’s harassing or discriminatory behavior based on sex that does not meet the definition of “covered sexual harassment” under the Grievance Policy on Sexual Harassment Under Title IX, an employee’s harassing or discriminatory behavior based on another protected category as defined in ASL’s Statement on Nondiscrimination, and behavior by an ASL employee that violates ASL’s general standards of professionalism and employee expectations.

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”). Any person who is alleging sex discrimination or sexual misconduct by any person associated with ASL should direct his/her complaint to the Title IX Coordinator. If the behavior complained of is not covered by Title IX but still violates any ASL policy on anti-discrimination/harassment, the Title IX Coordinator will transfer the complaint to the correct process.

Grievances may be filed by a student, faculty, or staff member (“ASL parties”), and may be against any faculty member, staff member, volunteer or other visitor/participant in ASL-sponsored programs or activities. Complaints regarding student behavior are handled in accordance with the relevant provisions of the Student Catalog.

Grievances must be submitted in writing to the Grievance Coordinator. Grievances may not be filed anonymously.

Retaliation against any person 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. 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 ASL 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. The written grievance statement should state with particularity the behavior involved and the policy/rule/guidance alleged to be violated by that behavior. If the Grievance Coordinator determines by a preponderance of the evidence that the behavior complained of, even if proven to be true, does not violate an ASL policy/rule/guidance/standard, the Grievance Coordinator may dismiss the grievance as “unfounded.” Appeals of such dismissals may be taking in accordance with the section on “Appeal Process.”
2. The first step the Grievance Coordinator shall take after receipt of the written statement of the grievance will be to meet with the person accused of violating an ASL policy (the “respondent”). The second step the Grievance Coordinator shall take is to conduct an informal mediation/discussion/resolution process that includes the complainant and the respondent. This meeting will occur “live” but may be in person or conducted remotely as long as all persons have the opportunity to hear each other and to be heard by all others. If the grievance cannot be resolved by mutual agreement of the parties, the grievance process shall continue as set forth below by the Grievance Coordinator initiating an investigation into the alleged behavior. If either party refuses to participate in the informal mediation/discussion/resolution process or does not participate in good faith, the grievance will be dismissed as “unfounded” if the non-cooperating party is the complainant, or will be determined to be “founded” if the non-cooperating party is the respondent. Refusal to participate in good faith waives that party’s right of appeal.
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 President and Dean of ASL, the Chief Academic Officer, the Chief Operating Officer, the Directory of Personnel, and/or the General Counsel/Associate General Counsel for ASL.
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 President and Dean shall review and approve any suspensions from 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 standard of proof required shall be a preponderance of the evidence. 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 by are not limited to:
  - Employee: counseling, or recommendation to the Dean for suspension with or without pay, or termination.

- Non-Law School Employees 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.
  - “No contact” orders or recommendations.
7. If any party involved is unsatisfied with the Grievance Coordinator’s initial resolution of the grievance, he or she may request an appeal of the matter.

Appeal process:

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 President and Dean of ASL for such appeals involving faculty members and by the Chief Operating Officer for such appeals involving ASL staff members. The President and Dean/COO shall be referred to as the hearing office. 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 hearing officer for good cause shown.

1. The hearing shall be held within 10 working days of the request for the hearing.
2. The hearing officer shall conduct the appeal hearing.
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 as 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.

10. The standard of proof during the Appeal process shall be a preponderance of the evidence.

11. The decision of the hearing officer on Appeal shall be final.

### Conflicts and Amendments:

- 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 President and Dean shall appoint a faculty member to perform the role of the Grievance Coordinator in the grievance process.
- If the President and 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 President and Dean in their grievance process.
- The Policy may be amended from time to time by the President and Dean, in keeping with the statement on grievances as adopted by the Board of Trustees.
- The Virginia State Approved 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, 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 Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer, 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 Chief Academic Officer, 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 Chief Academic Officer 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 or Chief Academic Officer 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, research, or support staff position (including security, law enforcement personnel and health staff); 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); an accrediting organization; 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.

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. 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

(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:

U.S. Department of Education  
Student Privacy Policy Office  
400 Maryland Ave, SW  
Washington, DC 20202-8520

## Statement on Nondiscrimination

Law School policy prohibits discrimination on the basis of age, race, color, sex/gender, gender identity, sexual orientation, pregnancy/childbirth, marital status, disability, religion, political affiliation, veteran status, or national and ethnic origin. Race discrimination includes discrimination on the basis of traits historically associated with race, such as hair texture, hair type, and protective hairstyles. 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, the Americans with Disabilities Act of 1990, the Virginia Human Rights Act, 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 Ch. 6 Student Conduct and Academic Integrity. 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 Chief Academic Officer 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 the 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 Chief Academic Officer.

## 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>Substance</b>	<b>Nicknames/Slang Terms</b>	<b>Health Effects</b>
<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- Hydroxybutyrate</b>	GHB, liquid B, liquid X, liquid ecstasy, G, Georgia homeboy, grievous bodily harm	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>Substance</b>	<b>Nicknames/Slang Terms</b>	<b>Health Effects</b>
<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>Ketamine</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 Director of Campus Safety for confidential assistance or referral to appropriate resources. The following is a list of resources available to students and employees.

### **COUNSELING RESOURCES**

The following are services available in the areas surrounding ASL. This directory is included for informational purposes only and is not an endorsement of a specific service provider.

**Dr. Rick Carroll, Ph.D., LPC, ACS**

[rwc Carroll@bv u.net](mailto:rwc Carroll@bv u.net)

Licensed Professional Counselor

Telemedicine Appointments Available

#### **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

**Commonwealth Family Care**

Phone: 276-935-1760

Contact: Maggie Gilbert

Address: 1532 Slate Creek Road Suite 106

Grundy, VA 24614

Telemedicine Visits Available

*\*\*Does not offer a sliding scale but does accept insurance*

***Services Offered:***

- Psychiatric Services
- Medication Management only. No counseling.

**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

4 locations: 1100 Cedar Valley Drive, Cedar Bluff, VA 24609

39 South Flanagan Avenue, Lebanon, VA

510 West Main Street, Wytheville, VA 24382

106 Spring Avenue NE, Wise, VA 24293

*\*\*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**

**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.*

**Angeline Saferight Lloyd**

**Southwest Virginia Program Manager**

**Virginia Judges & Lawyers Assistance**

Phone: 276-920-8133

Email: [alloyd@vjlap.org](mailto:alloyd@vjlap.org)

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

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

**Services Offered:**

- **Stress Management**
- **Addressing Character and Fitness concerns**

- **Concerns about Substance Use**
- **Coping Skills**
- **Managing Mental Health Concerns**
- **Interpersonal Concerns**
- **Emotional Wellness**
- **Maintaining General Wellness**
- **Supportive Counseling and Referrals**

### **Meetings**

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

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

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

**Wednesday-** 4:30 pm- Tookland Pentecostal Church- Grundy, VA- Food Served

7 pm- New Life Fellowship- Oakwood, VA

7 pm- Deliverance Tabernacle- Homecreek, VA

**Thursday-** 6:30 pm- Harman Memorial Baptist Church- Harman

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

### **Regional Resources**

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

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

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

<http://stopsubstanceabuse.com>

**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)

#### **Mountain Movers – Buchanan County (ASAC)**

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

Linda Austin [lindaaustin1225@gmail.com](mailto:lindaaustin1225@gmail.com)

### **Residential Treatment Programs Resources**

**Red Oak Recovery**

Phone: 866-831-9107

Address: 108 Executive Park Asheville, NC 28801  
Website: RedOakRecovery.com

**Caron**

Phone: 800-854-6023

Address: Several locations throughout the U.S., please see their 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

Please note these resources change frequently. We have made every attempt possible to insure the information is accurate and up to date. If you have difficulties contacting a specific resources, please see Glenna Owens for assistance.

## 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 Registrar, Beth Stanley. 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 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.

### Eligibility for Admissions

ASL requires a bachelor's degree from an accredited institution, a LSAT score, a minimum of two letters of recommendation, a personal statement, and any posted application fee.

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

### Application & Admissions Procedure

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.

First-year students are admitted in both 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 the required application materials. 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 with 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 transferring law school as of the student's most recent date of enrollment.

## 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 will be administratively withdrawn from courses, barred from taking exams, and have their grades withheld. Official transcripts must be received by October 1 (for Fall starting students) and March 1 (for Spring starting students) of the year they first matriculate. Submission to and acceptance of official transcripts by 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 2021-2022 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 and are non-refundable.

Tuition	\$38,000	(\$19,000 per semester)
Part-time tuition rate	\$1585.00	(per credit hour/requires approval from the Chief Academic Officer)
Summer/Intersession courses	\$1585.00	(per credit hour)
Visitor administrative fee	\$2000.00	(upon commencement of visit)
Exam4 fee*	\$25.00	Exam taking software required for all exams unless instructed by professor or Registrar.
Transcripts*	\$0.00	(current students and alumni for employment or bar applications)
Transcripts*	\$10.00	(current students and alumni for non-employment or non-bar application purposes)
Transfer package fee*	\$25.00	(per school application)
Expedited shipping	Amount varies depending on delivery service and amount of materials enclosed.	If expedited shipping is requested for any of the above transcript requests, the expedited shipping charge is required. The shipping charge must be paid before the request is filled.

\*fees are non-refundable

### Withdrawals 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 Chief Academic Officer, submission of the completed form to the Registrar's Office, and submission of 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.

## Military Withdrawals

Students requesting to withdraw from ASL because they have been called to active duty with orders to leave during a semester will be granted permission without punitive action and a full refund of paid tuition and fees for the semester will be made. Refunds will be processed in accordance with regulations governing the source of the funding. In some cases, funds may be returned to their source rather than directly to the student.

Students called to active military duty are encouraged to communicate with the Chief Academic Officer to make arrangements regarding courses they are currently enrolled in. Depending on how much of the semester is complete at the time of withdrawal and the length of the active duty, it may be possible to either withdraw from the course with a grade of "W" or to leave courses in an incomplete status pending the student's return.

Students who have been called to active duty after paying a seat deposit but before matriculating, will receive a refund of their seat deposit.

Students are requested to provide copies of activation orders. If orders are unobtainable (in some emergency call-ups, this is possible), the Chief Academic Officer or Registrar will contact the company commander for verbal confirmation. Students with federal financial aid are advised that withdrawal may result in a requirement to commence repayment. Students on active duty with outstanding federal loans should contact their loan servicer about whether deferment or other benefits may be available. Students with federal financial aid will be given the option of full or partial refund as appropriate and subject to federal aid guidelines.

All military withdrawal policies are subject to and may be superseded by ABA accreditation standards in place at the time of withdrawal.

## Military Reinstatement and Deferral of Initial Enrollment

All students leaving under the military withdrawal policy are entitled to reinstatement into the JD program or, in the case of students who have paid a seat deposit but have not matriculated, to defer initial enrollment if:

- The student returns to ASL after a cumulative absence of not more than five years, and
- The student provides notice of intent to return to ASL not later than three years after completion of the period of service.

Students are directed to seek academic advising from the Registrar or the Chief Academic Officer prior to seeking reinstatement. Students should note that ABA accreditation standards require the completion of all courses to be applied toward the JD degree within a single 84-month period. In some cases, this limitation may require students to retake courses after reinstatement.

All military reinstatement and deferral of initial enrollment policies are subject to and may be superseded by ABA accreditation standards in place at the time of reinstatement or deferral of initial enrollment.

## 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.

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 or are academically dismissed. See Ch. 5, Section IX for additional information on academic dismissal and probation.

Satisfactory Academic Progress will be reviewed annually following the fall semester.

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. A successful appeal results in being placed on financial aid probation, during which you may continue your eligibility to receive federal financial aid funds.

Note: financial aid probation will only be granted in conjunction with academic probation and is therefore subject to the standards set forth in Ch. 5, Section IX. If you fail to return to good academic standing at the end of the financial aid probationary period, you will lose eligibility for federal financial aid. Students who lose financial aid eligibility may apply to restart their legal education at ASL and, if accepted, will regain eligibility.

## 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.

For additional information, contact the Financial Aid Office at 800-895-7411 x. 1211 or at [financialaid@asl.edu](mailto:financialaid@asl.edu).

## 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 or at [financialaid@asl.edu](mailto:financialaid@asl.edu).

## 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

For the 2021-2022 academic year, ASL has set aside monies for other 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 academic performance. Appalachian School of Law Scholars are chosen by the Dean based on 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 Beth Stanley, Registrar at 1-800-895-7411, extension 1204 or [bstanley@asl.edu](mailto:bstanley@asl.edu).

## 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 at 276-244-1229 or [financialaid@asl.edu](mailto:financialaid@asl.edu) 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 2020 and after include completion of ninety-two 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 for all courses that is 2.3000 or higher 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 92- 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; Contracts I & II; Criminal Law; Legal Process I & II; Property I & II; Introduction to ASL Legal Studies I & II; Intentional Torts; and Negligence.

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 I & II; Bar Preparation Studies or Virginia Civil Procedure & Practice (for VA bar takers); Bar Subject Review I & II; Constitutional Law I & II; Criminal Procedure; Evidence; MBE Fundamentals; 8 credit hours of Practicum courses; Professional Responsibility; and a Seminar. 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 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 Practicum Upper-Level Writing Skills Requirement. The purpose of this Requirement is to ensure 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 Chief Academic Officer.

Prior to graduation, a total of 92 credit hours of course work must be completed in compliance with the curricular structure established by the faculty. Please see Appendix H 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; Civil Procedure; Criminal Law; Legal Process I; Negligence, 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, in addition to taking Constitutional Law I and Legal Process II, the student will join the incoming fall class in Contracts I; Intentional Torts; Property I; and complete Introduction to ASL Legal Studies II/Externship.

The sequence in which courses are taken change from time to time and may change during a student's period of studies at ASL. Please see Appendix H 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 Chief Academic Officer 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 generally 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 a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

## Externship Programs & Clinics

### First-Year Externships

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 techniques
- Hone courtroom presentation and evidentiary techniques

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 while working in various legal offices 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, Introduction to Externships, which must be completed prior to their field placement.

### Clinics

ASL Students are encouraged to participate in clinical experiences while on campus. Clinical options on campus include the Medical-Legal Partnership Clinic, Buchanan County Legal Clinic and Volunteer Income Tax Assistance (VITA) Clinic.

## 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. Some topics offered during past intersessions include: Business Organizations, Contract Drafting, Doing and Undoing Environmental Regulations, Environmental Crimes and Torts, Information Privacy Law, Insurance Law, Juvenile Practice, Law Office Management, Legal History, Marijuana Law and Policy, Poverty, Health, and Law: Medical-Legal Partnerships, Procedural Fairness, , The Resurgent Role of Legal History, Sentencing, and Workers' Compensation.

## 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 standard per credit hour tuition rate in effect at the time of enrollment.

### CRIMINAL LAW CERTIFICATE

All required courses from the list below must be taken as well as an additional 9 hours of qualifying electives. To be eligible for the certificate, students starting in 2018 and 2019 must attain a grade no lower than "Competent" and a "B" average in all courses taken to meet the Certificate requirements. Students starting in 2020 or later must attain a grade no lower than a "B" average in all courses taken to meet the Certificate requirements.

#### REQUIRED COURSES:

- Criminal Law
- Criminal Procedure
- Appellate Advocacy – Criminal Law Section
- Evidence
- Externship

#### QUALIFYING ELECTIVES:

- Advanced Criminal Procedure
- Virginia Criminal Procedure
- Criminal Trial Practice
- The Prosecution Project
- Mental Health in the Criminal Justice System
- Alternative Dispute Resolution
- Negotiations in the Criminal Justice System
- Post-Conviction Relief

The curriculum committee or the director of the certificate program, with the approval of the faculty, may add or delete qualifying elective courses.

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.

You must complete a minimum of 120 hours of third year practice in a public defender's or prosecutor's office.

If interested in obtaining the Criminal Law Certificate, please contact the Registrar's Office at 276-244-1204, or Judge Larry Elder at 276-244-1270 or [lelder@asl.edu](mailto:lelder@asl.edu).

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

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

In addition to grade requirements, students must complete all required courses from the first list and at least one elective from the second list to qualify for the Certificate.

#### REQUIRED COURSES:

- Civil Procedure
- Criminal Law
- Criminal Procedure
- Evidence
- Appellate Advocacy
- \*Trial Advocacy
- Criminal Practice, Pretrial Practice, or Family Law Practice

#### ELECTIVES:

- Advanced Criminal Procedure
- E-Discovery
- Moot Court (2 credits)
- Remedies
- Sentencing
- Virginia Civil Procedure or Virginia Civil Procedure & Practice

Students entering Spring 2018-Fall 2019, must have received a grade of "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. Students entering Spring 2020 and after, must have at least a cumulative 3.0 grade point average in the courses that qualify the student to receive the Certificate. Absent approval from the Academic Standard 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 or 3L courses.

If a student chooses Criminal Practice 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 (Virginia Civil Procedure & Practice) and/or Remedies as optional courses, the Litigation Certificate will reflect that concentration as a Civil Litigation Certificate.

The Certificate's Faculty Advisor, with approval from the Dean and Chief Academic Officer, 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) earning credit through work at a clinic overseen by ASL's Natural Resources Law Center Program (1-3 hours)<sup>2</sup>, or (e) earning credit through Independent Study on an approved topic (2 hours).<sup>3</sup>
  - (b) At least 9 of the 12 hours must be earned by obtaining passing grades in approved natural resources classes.<sup>4</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 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.
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.

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<sup>1</sup> Qualifying moot court teams include those that compete at the Pace National Environmental Law Competition and at the West Virginia National Energy Law Competition.

<sup>2</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>3</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>4</sup> Qualifying courses in the ASL academic catalog are: Sustainable Energy Law, Administrative Law, Supreme Court Survey of Energy Law Cases, Mineral Title Examination, the Law of Coalbed Methane, Environmental Law and Policy, Environmental Crimes and Torts, Doing and Undoing Environmental Regulations, Natural Resources Law & Policy, Energy & Utility Law and the SCC, Coal, Oil and Gas Law, Solar Energy Law, Environmental Law & Policy, Natural Resources: Why Lawyers and Engineers Need Each Other, and Appellate Advocacy – Natural Resources.

## 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.

\*Advanced Legal Research is recommended for law journal participants. Pre-requisite: Legal Process I & II.

### Advanced Torts – 1-3 credit hours (general elective)

Tort law is a broad and rapidly-evolving area of practice for civil litigators. Advanced Torts gives students who plan to engage in civil trial practice, or who seek a more advanced understanding of the tort system, an opportunity to build upon the broad introductory principles learned in the first-year student of torts. In particular, students will conduct an in-depth study of selected hot topics, such as defamation, product liability, and professional negligence. Students will also examine some interesting United States Supreme Court decisions that have significantly impacted the operation of tort law. Pre-requisite: Torts or Intentional Torts & Negligence

### 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. Pre-requisite: Legal Process I & II

\*Students have the option to complete this requirement by taking either Appellate Advocacy or Legal Writing with a Purpose I & II.

#### Assistantships (Research or Teaching) – 1 credit hours [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. Pre-requisite: Completion of all the required first year courses and, if a teaching assistantship, the course for which assistance will be provided.

#### Assisted Reproductive Technology Law – 2 credit hours (seminar)

The purpose of this course is to explain how the laws regarding Assisted Reproductive Technologies currently influence public policy and affect potential clients. The world of assisted reproductive technologies is a relative newcomer to the legal curriculum, making its perceptible entrance only within the past two decades. Yet the discipline mixing law and assisted conception seems to have established firm roots, sustained by a nearly daily dose of activity somewhere around the globe. The study of reproductive technologies has branched out from its founding in the late 1970s with the introduction of in vitro fertilization, to a field that includes such emerging topics as posthumous reproduction, embryonic stem cell research and human cloning. These topics often take center stage in our political and social world, making them ideal for dissection in the law school classroom.

By the end of the course, you should be able to understand the essentials in science, medicine, law and ethics that underpin and shape each of the topics that combine to form the law of reproductive technologies. As each new technology is introduced, you will become informed about the clinical application of these techniques, and learn how the procedures are used to treat patients facing infertility or produce advances in medical research. Once comfortable with the science, you can then contemplate the legal parameters that do or should accompany the technology. Since so much of the law in this area is either nascent or wholly unformed, students are free, and indeed encouraged, to design legal systems that meet the needs of patients, parents, children and society at large, participants all in the world of assisted reproduction.

#### 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; Contracts I & II; Property I & II; Constitutional Law I & II; Criminal Law; Criminal Procedure; Torts; and, Evidence

#### Bar Subject Review I & II – 1 credit hour each (required courses)

Bar Subject Review is a focused review course designed to cover the most frequently tested subjects in several substantive areas of the law such as secured transactions and family law. Taught by several

members of the faculty, the course will use focused instruction and mock testing to prepare third-year students for the type of essay questions they will experience on the bar.

#### Black Lung Practice – 2 credit hours (practicum)

This course will introduce students to state and federal laws governing black lung workers' compensation claims. The course will cover practical aspects of representing a claimant through the application, review, and appeals processes. The course will examine the history of these programs, the legal and regulatory challenges, and the differences of federal and state approaches to these programs. Through this course, students will gain experience in identifying and analyzing federal and state laws, regulations, and gain a practical understanding of administrative law. Students will learn how to interpret current legislation and case law concerning past and current reforms and changes in this field.

#### Business Associations/Agency or Business Organizations – 4 credit hours (general elective)

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 – 4 credit hours (required course) (Before Fall 2020, this course was taught in two sections)

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.

#### Coal, Oil, and Gas Law – 2 credit hours (practicum)

Coal, Oil, and Gas Law is designed to familiarize students with the legal, business, and environmental issues facing the coal, oil, and gas industries. Specifically, the course will cover the nature of ownership of subsurface minerals; methods of transferring ownership; implied rights; surface rights; leasing; royalties; and environmental and regulatory issues. Students will engage in class discussion of current topics as well as participate in extensive practical skills exercises.

#### Conflict of Laws – 3 credit hours (general elective)

In an age where people and businesses regularly interact across borders, Conflict of Laws is an essential course for students planning to engage in civil litigation or transactional work. This course introduces students to legal issues that arise when a transaction or occurrence has a connection to two or more jurisdictions. In particular, students learn the traditional and modern approaches courts have developed to resolve conflicts between the laws of such jurisdictions, the constitutional limitations on these approaches, and the extent to which parties can choose their own courts and laws. Students also reexamine, in the context of conflict-of-law issues, certain principles first introduced in civil procedure, such as personal jurisdiction and recognition of judgments. Because conflict-of-law issues arise in nearly every area of substantive law, students study a broad range of cases, giving them an opportunity to review and build upon principles of torts, contracts, property, constitutional law, and family law. 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. Pre-requisites: Constitutional Law I

### Constitutional Power: A Contemporary Examination – 2 credit hours (general elective)

This course is about power: how it is used, abused, controlled, and ultimately channeled for the public good.

Students will be required to think critically about the practical meaning of the U.S. Constitution in real-time 2020. There will not be a single text. Rather each class will include a variety of readings (and some podcasts), many of which will be quite current. The course will include a combination of lecture and vigorous, respectful, informed discussions. Specifically, the course will address: (1) Impeachment, (2) Executive Privilege/Contempt of Congress, (3) Limitations on Executive Power, (4) the Pandemic, (5) Protest and Policing, and (6) Crystal Ball: The 2020 Election. At the conclusion of the course, Justice Mims will devote an hour to each student, to have either a one-on-one or small group discussion (depending on the number of students), relating to what each student has found significant and how each student might use the principles learned in this class in their legal career.

### 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. Pre-requisites: 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 - 2 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

### 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. Pre-requisites: 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. Pre-requisites: 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. Pre-requisites: Constitutional Law I and Constitutional Law II

#### Current Issues in the Law – 2 credit hours (general elective)

This course will offer discussion on a variety of relevant topics in law today, including Confederate monuments, student debt, the police and police unions, health care and COVID-19, the right to protest and Black Lives Matter, Populism and Socialism, the “social safety net,” stock market reports, “Make America Great Again,” voting, racism in the criminal justice system, and the “drug war.”

#### 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, the 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.

#### Employment Law – 3 credit hours (general elective)

The goal of this class is to introduce students to the subject matters of the legal questions that frequently arise for employers regarding an employer's employment relationship with the employees of the business. The intent is to provide the student with some base knowledge to begin to discuss questions a young lawyer might receive from a VP of Human Resources of a larger business or the owner of a small business. The student will be introduced to the vocabulary of the workplace and the basic law in each of these areas.

The first quarter of the class will focus on the employee-employer employment relationship. Hiring, firing, working conditions, etc. will be discussed.

The middle half of the semester will be spent gaining a knowledge of the alphabet soup of employment laws, regulations and agencies (ADA, HIPPA, FMLA, FLSA, EEOC, OSHA, etc., etc.).

The last quarter of the class will focus on the law of employee benefit plans and executive compensation as regulated by ERISA and the IRC (health plans, pension plans, executive compensation, stock option plans, etc.).

By the end of the class the student should have a basic understanding of most employment law legal issues and have a "jumping off place" for further research in each of the areas.

#### 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 – 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. Pre-requisites: 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 – 2credit hours (practicum)

Develops student's skills relating to the disposition of property during lifetime and at death. This 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. The course develops the student's understanding of trusts, including rights and responsibilities of settlors, trustees, and beneficiaries. Pre-requisites: 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. Pre-requisite: Completion of 28 credit hours prior to beginning work at field placement.

#### Family Law – 3 credit hours (general elective)

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 – 2credit 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 or seminar)

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.

#### Immigration Law & Policy – 2 credit hours (seminar)

Students will examine the history of the U.S. immigration law and policy, federal powers over immigration, federal agencies tasked with immigration issues, and basic rules governing those noncitizens who wish to enter, live, study, and/or work in the U.S. This course will also focus on specific “hot topic” immigration issues such as birthright citizenship, the DREAM Act/DACA and other avenues for unauthorized immigrants, and U.S. policy on refugees and asylum-seekers. Each student will write an original 20-25 page research paper on an immigration issue that will not be covered in class. Grades will be based on class discussion and participation as well as the research paper. The most important thing to know about this class is that it is expected that not all of us will agree on many immigration issues or policies, but it is expected that all viewpoints will be respected and class discussion will remain courteous.

#### 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 Chief Academic Officer.

#### 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.

### Intentional Torts – 2 credit hours (required course) (Beginning Fall 2020, Torts will be taught in two sections: Intentional Torts and Negligence. Before Fall 2020, this course was taught as Torts in one, four credit hour section.)

This course is one component of the two-semester study of torts undertaken by first year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. The subject of Intentional Torts focuses primarily on torts committed with intent to accomplish a result or with knowledge the result will come about (in contrast to torts arising from purely accidental or careless conduct). In particular, students examine cases and explore the principles of governing intentional torts to the person (including battery, assault, false imprisonment, and intentional infliction of emotional distress), intentional torts to property (including trespass to land, conversion, and trespass to chattel), the standard defenses and privileges applicable to intentional torts.

### Introduction to ASL Legal Studies I – 2 credit hours (required course)

Introduction to ASL Legal Studies is an academic excellence course and a pre-requisite to Introduction to ASL Legal Studies II and Introduction to Externships. This course is designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams.

Student will learn the critical reading, writing, and thinking skills that are essential to excel in law school, pass the 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, analyzing and writing effectively for law school exams, how to answer multiple choice questions, and other exam-taking strategies.

### Introduction to ASL Legal Studies II and Externships – 2 credits (required course)

Introduction to ASL Legal Studies II is structured in a way that builds upon the skills learned in Introduction to ASL Legal Studies I. This academic excellence course teaches 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 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, analyzing and writing effectively for law school exams, how to answer multiple choice questions and other exam-taking strategies.

Introduction to Externships is a pre-requisite for participation in ASL's Externship Field Placement and is paired with Introduction to ASL Legal Studies II. The course is intended to prepare students for the work they will do in the summer following completion of the first-year curriculum. Initially, the focus is on the applications for externship placement. Students will also focus on proper interview etiquette. The students will have opportunities to hear from guest speakers and panels, including alumni and students. The course also has an introduction to professional responsibility as a law student through which students will learn about common ethical issues faced by Externship students. Other topics covered in the course include:

social media, networking, memorandum drafting, legal research, various types of externship opportunities, and career-focused experiential learning.

#### Introduction to Community Service – not for credit (required course)

This course is designed for incoming students attending the Appalachian School of Law. Sessions will be delivered primarily through lectures, class discussions, guest speakers, and peer-to-peer sessions. Students may use this class as an opportunity to broaden their network of contacts and facilitate community service project placement and opportunities. Students earn the required community service credit for the fall semester, 25 hours, upon successful completion of this introductory course. Therefore, attendance is mandatory for all weekly sessions.

#### Judicial Clerkship Preparation – 2 credit hours (practicum)

The purpose of the course is to prepare students for judicial clerkships, both trial and appellate positions. However, emphasis will be placed on appellate positions. Basic information will be reviewed such as preservation of issues and standards of review. We will discuss the unique nature of judicial clerking. Ethics, confidentiality, professionalism and decorum required of judicial clerks will be reviewed.

Students will be expected to observe and critique actual appellate arguments after having reviewed the briefs filed in those cases. In addition, students will review the appendix, briefs filed and oral argument in at least one pending case and prepare a bench brief and a draft opinion. During each phase of the drafting the student will receive input from professor and teaching assistant. It is expected that the timing of these assignments will require that the final student opinion be submitted prior to the release of the Court's opinion, thus giving the student a real world comparison.

#### Juvenile Practice – 2 credit hours (practicum)

This specialized course in Virginia Family Law procedure concentrates on actual practice in the Juvenile and Domestic Relations Course of Commonwealth of Virginia and is taught by a judge who has presided in such courts for 13 years. The aim of the course will be to equip the JDR practitioner with the particular procedural aspects of jurisdiction, venue, parties, and appeals in cases involving Juvenile Delinquency and adult criminal cases that fall within the purview of the JDR Court's authority. Foster Care and DSS cases involving Abuse and Neglect, Protective Orders, paternity petitions as well as custody and child/spousal support cases. The aim of the course is to develop familiarity with practice and to offer real-world practical instruction in the procedures of this court. Family Law is not a prerequisite as the substantive law involved is secondary to the practice and procedure taught. This course will not duplicate the Family Law course but rather focus on other distinct issues in the JDR Courts of Virginia. Taught by lecture, guest speakers, discussion, and practical exercises.

#### Law & Modern Literature – 1 credit hour (general elective)

This discussion-based course examines issues involving law, justice, lawyers, and the legal system through the lens of modern literature. Students will read a selection of contemporary novels and/or non-fiction books with legal themes and meet bi-weekly to discuss issues rising in books such as the role of law in society, social justice, racial equality, gender equality, substance abuse and mental issues for legal practitioners, and ethical questions surrounding the practice of law.

#### Law Journal – 2 credit hours

Students who successfully serve on Appalachian School of Law Journal of 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. Student may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares.

#### 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 - 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. Pre-requisites: Legal Process I

#### Legal Writing with a Purpose I & II – 1 credit hour each (required courses)\*

This full-year writing program, one-hour 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.

\*Students have the option to complete this requirement by taking either Legal Writing with a Purpose I & II or Appellate Advocacy.

#### Marijuana Law and Policy – 2 credit hours (general elective)

Marijuana (cannabis) is one of the most popular drugs in the country. It is also one of the most highly regulated. Until recently, such regulation was virtually synonymous with prohibition. But over the past two decades, a growing number of states have experimented with new approaches to regulating the drug,

treating it more like other legal medicines or alcohol than heroin or methamphetamines. These experiments have created a new body of law governing a host of marijuana-related behaviors, from simply possessing the drug to employing those who use it, along with a host of intriguing questions regarding who has authority to regulate the drug.

This course will analyze the competing approaches to regulating marijuana, the rationales behind these approaches, and where legal authority resides for choosing among them. What are the elements of a marijuana trafficking offense? May a state legalize a drug the federal government forbids? Who is allowed to use and traffic marijuana under state law? How do states prevent diversion of marijuana into forbidden markets? Are contracts with marijuana dealers enforceable? May employers fire employees who use marijuana for medical purposes? These are just some of the questions the course will address.

#### 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 Examination – 1-2 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.

#### MLP Clinic – 2 credit hours (practicum) (Previously Competitive Summer Internship Placement which was part of the Second-Year Externship Program)

This course offers students practical experience working with real clients. Students receive guided learning on topics relevant to our Medical-Legal Partnership Clinic, including: law office management, case management software, client interviewing, HIPAA and other privacy issues, divorce, custody, and protective orders, Medical applications, foreclosures and eviction prevention, guardianships and conservatorships, consumer credit issues, SSI and SSDI, along with other topics relevant to the low-income patient/clients served by the MLP. Student also have the opportunity to represent low-income patient/clients while certified for supervised practice in Tennessee and/or Virginia. Under limited practice certification, students work with ASL professors and legal aid attorneys to address the unmet legal needs of low-income patients of Ballad Health.

#### Moot Court – 1-2 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)

This course provides students with a comprehensive review of the eight subjects featured on the Multistate Bar Exam: criminal law, criminal procedure, torts, civil procedure, property, contracts, evidence, and constitutional law. By working on MBE questions under exam conditions, and dissecting said questions, students will develop strategies to efficiently work through a high volume of MBE questions in a limited amount of time.

#### Natural Resources: Why Lawyers and Engineers Need Each Other – 3 credit hours (practicum)

The class will explore both the legal and engineering components of projects, programs, and permits involving our natural resources. Each class will discuss a distinct project or program. For instance, the attorney applying for a SMCRA permit for a new mining project will need an engineer to create a reclamation plan upon mine closure. The engineer designing a pipeline crossing under a scenic trail will need a lawyer to explain what standards the design must meet under the National Trails System Act. Designing underground mines to comply with MSHA, soil erosion plans to comply with NEP, and coal ash impounds to comply with the Clean Water Act and local zoning laws are among the many other instances where lawyers and engineers need to work collaboratively. The bulk of the materials will be delivered through synchronous live video connecting ASL and Virginia Tech; the first two weeks will include asynchronous on-line professor recordings and assignments, and the last three weeks will be reserved for student presentations.

#### Natural Resources Law/Natural Resources Law & Policy – 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.

Negligence – 3 credit hours (required course) (Beginning Fall 2020, Torts will be taught in two sections: Intentional Torts and Negligence. Before Fall 2020, this course was taught as Torts in one, four credit hour section.)



This course is one component of the two-semester study of torts undertaken by first-year law students. Torts is a broad area of law establishing responsibilities, rights, and remedies for civil wrongs not arising out of contract. Negligence, the largest segment of modern tort law, focuses primarily on torts that are committed by accident or carelessness (in contrast to torts committed with intent to accomplish a result). In this course, students examine cases and explore the principles governing basic elements of a negligence case, qualified and special duty doctrines, defenses and immunities, damages and apportionment of liability, and other associated topics, such as liability without fault.

#### 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.

#### 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.

#### Poverty, Health, and Law: Medical-Legal Partnerships – 2-3 credits (general elective)

This class will be an introduction to the concept of a Medical-Legal Partnership (MLP). The course will survey topics related to MLPs. It is expected that students will also gain practical knowledge about the types of issues intended to be addressed by an MLP. Broad topics to be covered include:

- Making the connection between poverty, health and the law;
- Social determinants of health;
- Collaboration with healthcare providers and how the professions can help one another;
- Addressing the social determinant of health through legal advocacy;
- MLPs for special populations (e.g., cancer patients, immigrants, HIV/AIDS patients, elderly populations, adolescents); and
- Improving health through MLPs.

Subsets of these major topics will include an overview of public and private insurance markets, ethical issues in the MLP context, housing concerns with patients needing MLP services, inter-disciplinary training and learning opportunities between medical and legal professionals, and strategies for policy change.

In addition, it is anticipated that the course will include some practical aspects. Students will have exposure to examples of patient medical records, and MLP patient/client intake forms. Students will hear directly from policy makers and healthcare workers who will participate in the lectures.

#### 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.

#### Procedural Fairness – 2 credit hours (general elective)

This presentation will focus on the concept of procedural fairness, a research-based idea about building trust between justice system actors, clients, and other members of the public, and the costs of low levels of trust across the criminal justice system. The course will consider three main perspectives; litigant, public, and student perspectives. Course materials will cover a national and local scope. The objective of this class is to prepare the law student to step in on day one as a new lawyer and work to build trust and enhance fairness within their professional practice.

#### 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 - 2 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 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. Pre-requisites: Contracts I & II; Property I & II

#### Regulation of Energy Utilities – 2 credit hours (general elective)

Electric and natural gas service to consumers is provided under a complex set of laws and regulations at the state and federal levels. This course will examine the legal underpinnings of utility regulation at the state and federal levels. The course will provide an introduction to ratemaking; certificates of public convenience and necessity; renewable portfolio standards; integrated resource planning; wholesale

electric markets; natural gas pipelines; and liquefied natural gas export facilities. Grading will be based on class participation and a paper or end of semester exam.

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

#### The Resurgent Role of Legal History – 2 credit hours

The Resurgent Role of Legal History examines the increasingly prominent role legal history plays in modern judicial decision-making. Focusing on recent judicial opinions that appear to be decided primarily based on historical reasoning, the course critically examines the cited historical sources and considers academic praise and skepticism of the judicial invocation of legal history – all toward the goal of equipping students to confidently incorporate historical argument into their legal thinking as well as their future advocacy.

#### Secured Transactions/UCC - 4 credit hours (general elective)

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. Pre-requisites: Contracts I & II

#### Securities Law – 2 credit hours (general elective)

This class will focus on the “life cycle” of a business’s need for capital. We will discuss initial formation of a company and how a startup (mom and pop, friends and family or private placement) can legally raise capital. We will also study mezzanine financing and how public offerings work. Part of our study will include equity based compensation programs that are designed to retain employees and reward initial “sweat equity” employees.

#### Sentencing – 2 credit hours (practicum)

This course will address the theories behind sentencing, as well as the practicalities of sentencing. The course will discuss sentencing guidelines and mandatory minimums, parole and “defined sentencing,” and juvenile sentencing issues. In addition, post-sentencing issues such as revocation of parole or probation and civil commitments will be addressed. The course is intended to teach students about the theories and issues involved in sentencing and about the practical information that attorneys need to consider on both the prosecution and defense sides of criminal law.

#### Solar Energy Law – 2 credit hours (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.

#### State & Local Government – 2 credit hours (general elective)

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 state and local governments perform their essential functions and what we as citizens can do to insure that our representatives carry out their responsibilities.

#### 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.

#### 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 and Practice – 4 credit hours (required course for VA bar takers) (Before Spring 2020, this course was taught as Virginia Civil Procedure for 3 credit hours.)

In this course, students undertake a comprehensive and in-depth study of civil procedure and practice in Virginia state courts, as governed by statutory provisions of the Code of Virginia, Rules of Court promulgated by the Supreme Court of Virginia, and Virginia case law. In addition, students regularly work on practice essays containing issues of Virginia Civil Procedure frequently tested on the essay portion of the Virginia Bar Exam. This course is essential for students planning to practice law in Virginia and also satisfies the spring Bar Preparation Studies course requirement for students taking the Virginia Bar Exam.

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

A study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also introduces the student to concepts involving the formation and management of trusts. This course is a pre-requisite to Estate Planning Practicum course. Pre-requisites: Property I & II

#### Workers' Compensation – 2 credit hours (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 Chief Academic Officer. 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 Student Conduct and Academic Integrity 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. Curriculum

#### A. Prescribed Curriculum

##### 1. Prescribed Curriculum Generally

All students enrolling in the fall of 2020 and after must take the following courses, in the sequence specified by the Faculty: Appellate Advocacy/Appellate Advocacy Criminal Law/Appellate Advocacy Natural Resources or Legal Writing with a Purpose; Bar Preparation Studies; Bar Subject Review I & II; Civil Procedure; Constitutional Law I & II; Contracts I & II; Criminal Law; Criminal Procedure; Evidence; Externship; Intentional Torts; Introduction to ASL Legal Studies I; Introduction to ASL Legal Studies II and Externship; Legal Process I & II; MBE Fundamentals; Negligence; Professional Responsibility; Property I & II. 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 Chief Academic Officer; 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 Chief Academic Officer, 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 Chief Academic Officer, 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 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 Chief Academic Officer for students on Academic Probation.

#### G. 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.

### IV. Registration

#### A. Normal Registration Times

Registration times for each semester or term shall be set by the Chief Academic Officer.



## 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 IV(C)(1) and the mid-way point in a course, a student may, with permission of the Chief Academic Officer, 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 at the time of the dismissal 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.

## V. 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 Student Conduct and Academic Integrity (see Ch. 6 of the ASL Catalog & Student Handbook). 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. 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 V (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 due to the student's sincerely held religious beliefs, practices, or observances shall not be computed toward the maximum number of absences. See Appendix F for ASL's Religious Accommodations Policy.

Students who are members of the military on active duty should contact the Chief Academic Officer regarding any absences resulting from their service.

Students who are legally required to attend court should contact the Chief Academic Officer regarding any absences resulting from their court appearance.

### 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 Chief Academic Officer, for permission to withdraw and receive a grade of "W" as provided in Section V (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 Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer may be appealed to the Dean. The decision of the Dean upon appeal is final and not subject to further review or appeal.

## VI. 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 for that examination. 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 or mid-term deferred without first applying to the course professor for permission to defer the quiz or mid-term. No student may have a final examination deferred without first applying to the Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer'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 Chief Academic Officer 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 on ASL's website at <http://www.asl.edu/accommodations/>.

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

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

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

Unless instructed otherwise by the professor, all exams will be completed using Exam4 and/or Scantron. Students must use school-approved exam software on examinations, as approved by the Registrar. In order to use exam software, students must comply with all requirements set forth by the Registrar.

#### 4. Technical Requirements & Troubleshooting

Students are responsible for having functional and reliable equipment in order to take examinations. The hardware/software used must be compatible with ASL's exam software. Students will not be given additional time for technical issues not related to ASL's services. The Information Services staff is not responsible for

repairing student computers and other equipment. However, the Information Services staff will assist as they are available. Information Services does not maintain hardware/software for student use during exams. If you have questions about equipment compatibility, please contact Information Services at [is@asl.edu](mailto:is@asl.edu).

## F. Exam Administration Procedures

Rules for the administration of all examinations shall be prepared by the Registrar, or an individual designated by the Chief Academic Officer, and approved by the Chief Academic Officer 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 appropriate under the circumstances in accordance with Chapter 6, Student Conduct and Academic Integrity.

## VII. 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 the 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 last revised: Aug. 2021

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.

## VIII. Grades and Grading Policies

### A. Grades

#### 1. Available Grades

For students entering fall 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, CR, and NC.

#### 2. Course Credit

Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, P 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 generally indicates good and acceptable performance 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 acceptable (but lacks slightly the consistency associated with truly acceptable 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.

vii. 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 minimally acceptable (but lacks slightly the consistency associated with generally acceptable 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 2.33.

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 marginally insufficient to demonstrate acceptable 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 2.00.

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 insufficient to demonstrate acceptable 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 for a law student and future lawyer at this stage of his or her education, but clearly does not rise to the level of acceptable work. 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 only 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 V (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 Chief Academic Officer. 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 Chief Academic Officer and the instructor to complete the work within no more than six months, or when the sequence of curricular offerings warrants and the Chief Academic Officer 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 IV (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 Chief Academic Officer. 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.

### 4. Calculating Grade Averages

Students shall receive a "cumulative grade average" (or "GPA") that includes all letter grades received. This GPA shall be used for purposes of determining academic standing, graduation eligibility, Dean's List, Class Rank, and similar purposes.



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.

No student shall be eligible to receive a class ranking until he/she has completed at least thirty (30) credit hours of numerically graded courses at ASL. Credits transferred from another law school or other graduate level programs will not be included in calculating a student's cumulative grade average.

## B. Pass/Fail Grading

### 1. Pass/Fail Grading Generally

Any course in which grades with numerical value are not expected to be given 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 Chief Academic Officer, 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. Law Journal, Moot Court, Independent Study, and Assistantship credit shall be graded on a pass/fail basis.

## C. Grade Standards

### 1. Generally

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 Chief Academic Officer. For all courses that are designated as required first-year courses and that have an enrollment of 15 students or more, at least 15% 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. Courses currently designated as required first-year courses are Civil Procedure, Contracts I and II, Criminal Law, Intentional Torts, Introduction to ASL Legal Studies I and II, Legal Process I and II, Negligence, and Property I and II.

### 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 Chief Academic Officer.

### 3. Submission of Final Grades

Final grades are to be submitted to the Chief Academic Officer, 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 Chief Academic Officer and Dean shall act in his or her discretion to bring the grades into compliance.

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

After an instructor has submitted grades to the Chief Academic Officer, the grades are final and may not be changed except as provided in this Part X. The Chief Academic Officer 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 Chief Academic Officer shall allow other grade changes requested in writing by an instructor only when the Chief Academic Officer 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.

#### D. Dean's List and Class Rank

At the conclusion of each semester, the Dean will publish the Dean's List. The Dean's List is comprised of all full-time students who have completed at least 30 credit hours of numerically-graded courses at ASL and who rank in the top 25% of their class for the courses taken during that semester, based on cumulative grade average. Students who have received permission from the Dean to enroll as a reduced load or part time student will be ranked with students who are at a similar stage of their progress towards a J.D. and have no more than eleven more or eleven less numerically graded credit hours than the part time student, and for purposes of degree honors will be ranked against the class they graduate with rather than the class they started with. As a result, December grads will be ranked with the students from the previous May. No Dean's List will be published for summer intersessions.

Continuously enrolled students of ASL who have completed at least thirty (30) credit hours of numerically-graded courses at ASL shall receive a class rank after the distribution of grades each semester. Such rank shall be based on grades in all numerically graded courses, including the Externship course, through the most recent completed semester. Transfer students, as well as students graduating in the Fall semester shall receive analogous class rankings once the requisite thirty (30) 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. Class rank will not be determined after summer intersessions.

### IX. 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, Academic Dismissal, and Probation Status

##### 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, (c) the student does not have a currently-effective sanction of 'not in good standing' for violating the Student Conduct and Academic Integrity; (d) the student currently is in compliance with the Community Service Requirement, and (e) the student has a cumulative grade average of 2.3000 or higher.

## 2. Mandatory Intensive Academic Success

Students who are otherwise in good academic standing but whose academic performance, in the Chief Academic Officer'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 Chief Academic Officer, shall be mandatory and substantial completion a pre-requisite to enrollment in further semesters at the School.

## 3. Academic Dismissal

A student shall be academically dismissed from the school and shall not be permitted to maintain enrollment or request probation status if his or her cumulative grade average falls below 2.0000 (i.e., GPA is 1.9999 or lower).

## 4. Probation Status

A. A student may be placed on probation status in accordance with this paragraph, if his or her cumulative grade average falls between 2.0000 and 2.2999 (inclusive).

B. A student whose cumulative grade average at the end of Fall or Spring Semester falls between 2.0000 and 2.2999 (inclusive) will receive notice that he or she is being placed on probation status through the completion of the next semester (Spring or Fall)<sup>1</sup> and must fulfill certain terms and conditions of such status in order to maintain enrollment. One such term and condition is the requirement for the student to develop a proposed "Academic Improvement Plan" and submit the plan to the Chief Academic Officer within five business days of receipt of notice of probation status.

C. The Academic Standards Committee (including the Chief Academic Officer) shall review the student's Academic Improvement Plan within five business days of the student's submission of the Plan to the Chief Academic Officer. The Committee may accept the student's proposed Plan or revise such Plan and place additional terms and conditions upon the probation status. The Committee shall communicate its decision to the student, who shall be required to sign the Plan, agreeing to its terms and conditions, and return it to the Chief Academic Officer within two business days of receipt of the Plan.

D. The Academic Improvement Plan is a plan for improving the student's academic performance and should be individually tailored for each student. Typical provisions that may be included in a Plan for the probationary semester are: reduced credit hour load, prohibition on outside employment during, limitations on extracurricular activities, repeating a course, working with the Writing Center, and enrollment/participation in other academic support programs or activities.

E. A student whose cumulative grade average remains below 2.3000 after any Spring or Fall semester in which he or she was on academic probation shall be academically dismissed from the School. Probation status may not be extended beyond the initial probationary semester. A student whose cumulative grade average improves to 2.3000 or higher after the probationary semester shall be returned to "good standing,"

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<sup>1</sup> If a student is enrollment for a Summer or January Intersession term after having been placed on probation status at the end of the immediately preceding Fall or Spring semester, the probation terms shall be imposed for that Summer or January term and shall continue through the completion of the next Fall or Spring semester.

assuming the student meets the other requirements of Section IX (B) (1) (“Good Standing Defined”).

## C. 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 who have been academically dismissed from ASL, and are seeking readmission must apply using the regular application process for new students. 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 passing grade and for any grade in the Externship Course which confers credit pursuant to Section VIII (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 XII of these Standards.

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

### A. Leaves of Absence

The Chief Academic Officer 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 Chief Academic Officer. 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 Chief Academic Officer. The decision of the Chief Academic Officer 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 X (E). Notwithstanding the provisions of that section, no visiting student transfer credit will be granted for credit earned at non-ABA accredited law schools. In order to receive credit for any courses taken as a visiting student, official transcripts from the host school must be received by Registrar's office no later than January 31 for courses taken during the previous fall; June 30 for courses taken during the previous spring; September 30 for courses taken during the previous summer; or August 27 for courses intended to qualify a student for an August 31 graduation date.

## 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 12 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 Chief Academic Officer.

## 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 IX (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, notated on the academic transcript with the grade Credit Received (CR), for the purpose of computed grade point averages. Students receiving transfer credits must still meet the graduation

requirements set forth in Part XI of these standards, except that (a) transfer credits from courses substantially identical to the course required in Section XI (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, Intentional Torts, Negligence,, Property I and II, Legal Process I and II, Criminal Law, and Civil Procedure ;

(2) Professional Responsibility; and

(3) the required Practicum courses.

Transfer credit for a course that requires a rigorous writing as defined by Section III(D) of these standards may be substituted for the seminar and rigorous writing requirements of Sections III(D) and XI(A)(1) of these standards. Decisions regarding transfers, readmissions, and transfer of credits shall be in the sole discretion of the Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer deems appropriate attached thereto), or dismissal.

## XI. 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 III(A)(1) of these academic standards and be in full compliance with the Community Service Requirement.

#### 2. Total Hours

For classes entering in the 2017-2018 academic year 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.

For classes entering in 2019-2020 academic year and after, a candidate for graduation must have received ninety-two semester credit hours. No more than a total of four of the required ninety-two 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 a cumulative grade average for all courses that is 2.3000 or higher. There is no waiver of this standard.

#### 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.

## XII. 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 Chief Academic Officer, 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 Chief Academic Officer, 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.



# Chapter 6 Student Conduct and Academic Integrity

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# Chapter 6 Student Conduct and Academic Integrity

Appalachian School of Law has adopted the policies, procedures, and rules set forth in this Chapter to govern student conduct and academic integrity. Although this Chapter is detailed, it should not be construed as all-inclusive, as a binding contract, or as a limitation on the authority or power of the President and Dean of ASL.

## I. Code of Student Conduct and ASL Community Standards

ASL students are bound by the rules of Student Conduct set forth in this Article I, “Code of Student Conduct and ASL Community Standards.”

### A. Community Standards Statement

(1) The following ASL Community Standards Statement is the governing principle for its students.

“I will not lie, cheat, or steal in my endeavors, nor will I tolerate those who do;  
I will behave honorably in all my endeavors; and I will behave in accordance  
with my standing as an aspiring member of the legal profession.”

(2) The Appalachian School of Law is a community at heart. It is a community dedicated to scholarship, leadership, ethics, and the education of those seeking to enter the legal profession. ASL is committed to the principles of community, honesty, fairness, respect, integrity, and accountability. Members of the ASL community, including its students, commit to reflect upon and uphold these principles in their academic and personal endeavors, whether off campus or on campus, in person or on virtual platforms such as social media. To that end, ASL has adopted Code of Student Conduct, including the Community Standards Statement as the overarching principle governing student behavior, and the Code of Academic Integrity, as the overarching principle governing academic activities.

### B. Professionalism Oath

(1) Upon matriculation, students are required to commit themselves to the “Professionalism Oath” to govern their behavior while enrolled at ASL. The Professionalism Oath is as follows:

**Professionalism Oath**

I, \_\_\_\_\_, acknowledge and understand that I am both joining an academic community and preparing to enter an honored profession.

I acknowledge the privileges granted by society to the legal profession and the responsibilities concurrent therewith.

I promise to uphold the highest standards of academic honesty and ethical practice.

I promise that I will faithfully, honestly, professionally, and courteously demean myself in the study of law and all activities associated therewith.

I promise to embrace the principles of civility and professionalism throughout my legal education and for the remainder of my professional life.

I understand the unique role and responsibility of lawyers in contributing to the community. I will conduct myself with dignity, and will respect the dignity of others in my professional and personal life.

To strengthen the ASL community, I will conduct myself with integrity. I will treat all of my colleagues—students, staff, and faculty—with courtesy, civility, and respect.

As a lawyer-in-training, I pledge my best efforts to pursue these values, so as to bring credit to the Appalachian School of Law, to the legal profession, and to myself.

Students acknowledge their commitment to the Professionalism Oath by signing it in front a notary public during their orientation period upon matriculation at ASL. Students may be asked to re-commit themselves to the Professionalism Oath while enrolled at ASL.

### C. Technical Standards & Essential Abilities for Law Students

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 timely 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.
- 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.

### D. Incorporation of ASL Policies

ASL students are governed by many other policies and procedures. By this reference, these policies and procedures are incorporated into this Chapter on Student Conduct and Academic Integrity. These policies include, but are not limited to, the remaining Chapters of the Student Catalog, ASL’s Statement on Nondiscrimination, the “Lyceum” Policy, and ASL’s Computer Use Policy. Violations of any ASL policy or procedure by a student may be considered a violation of Article I, Code of Student Conduct & ASL Community Standards of this Chapter 6.

### E. Character and Fitness

Students are advised that upon registration for any bar exam in the United States, they will be required to waive confidentiality of any law school records that may be requested by the state board of bar examiners. All records properly requested will be disclosed. Students are advised that some state boards of bar examiners will ask for records of any process involving the Code of Student Conduct, Code of Academic Integrity, or the Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations, regardless of the outcome of the complaint/allegation. Further information can be found in this Chapter in Section IV, Notes & Miscellaneous Items, paragraph (a), Student Records.

## II. Code of Academic Integrity

In addition to the provisions outlined in Section I above, “Code of Student Conduct and Community Standards,” ASL students are bound by the Code of Academic Integrity set forth in this Article II.

### A. Statement of Academic Integrity

“I will act with honesty and integrity in all my academic endeavors.”

## B. Implementing Rules

Although it is impossible to set forth an exhaustive listing of rules to implement this Statement, the following are illustrative:

### 1. Submission of the Student's Own Work

#### (1) Use of Unauthorized Resources or Assistance

Unless specifically permitted by the instructor for that academic assignment, all work must be that of the student himself/herself, without reference to any outside resources—written, digital, verbal, or otherwise.

#### (2) Identification of Sources

All work submitted to meet course requirements must be the student's own work. In the preparation of academic assignments that permit the use of outside resources, 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. In written work, use quotation marks and a citation to identify language taken verbatim from a source, and use citations alone to identify any paraphrased language or borrowed ideas. Identify all sources relied upon in preparing your work. Failure to properly quote and/or cite sources is plagiarism. The responsibility for learning the proper forms of citation lies with the individual student.

#### (3) 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.

Keep in mind that "collaboration" means more than working together side-by-side with someone else or dividing and individually performing particular elements of an assignment or project. It also means using another person's research notes, reading another's draft of a paper (or having another read your draft), engaging in conversations about the substantive specifics of an assignment, and informing another of a judicial opinion relevant to an assignment. Again, if in doubt about what would constitute unauthorized collaboration in a specific case, ask the assigning faculty member for guidance and clarification. Collaboration when it is not expressly permitted is cheating.

#### (4) Resolution of Doubts

Students who are in any doubt about the preparation of academic work, including the use of outside resources, citations, and/or collaboration 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.

#### (5) Use of Old Exams/Questions

From time to time, instructors may provide students enrolled in a course with sample exams, exam questions, sample assignments and/or sample answers, or may publish an exam/assignment actually used in a previous course. When the instructor provides this information and makes it available to all students, these old/sample exams/questions/assignments are important study materials and students are encouraged to utilize them for study and practice in exam-taking.

However, if the instructor has not released an exam/question/assignment for study purposes, it is a violation of the Code of Academic Integrity to duplicate, capture, record or re-create questions from an actual exam or assignment given in a course. Sharing or soliciting a copy thereof likewise violates the Code of Academic Integrity.

## 2. Examinations

Students are required to refrain from taking any actions that would give themselves or another student any unfair advantage in taking an examination, test, or quiz (together, “exams”). This includes use of unauthorized resources during an exam, sharing or acquiring information about the substance of any exam, and access or use of unauthorized computer resources such as the internet or grammar/spelling tools. Violation of any ASL or instructor-created rules regarding exams will be considered a violation of the Code of Academic Integrity, even where the rule is considered “procedural” rather than “substantive.”

### 3. Truthfulness and Candor toward Instructors

Students are required to be honest in their communications with instructors.

### 4. Truthfulness and Candor toward Other Students

Students are required to be honest in their communications with other students.

It shall be a violation of this provision for a student to steal, destroy, or deface any library materials, or in contravention of library rules, remove from circulation and accessibility any library materials with the purpose of depriving others of the use of those materials.

It shall be a violation of this provision for any student to undertake an activity or course of conduct with the purpose of creating an unfair competitive advantage over other students.

It is expected that students will disagree from time to time. Informed thought and respectful dissent is encouraged. Resort to unprofessional methods of disagreement such as yelling and name-calling shall be violations of this provision.

### 5. Double Dipping/Multiple Use of Same Work

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.

### 6. Preservation of Anonymity and Confidentiality

Instructors must inform students about course evaluation procedures at the beginning of each course. For classes in which the primary means of evaluation is one or more exams, students will receive “blind” exam grades. In those courses, the instructors assign grades to exams without knowing the name or identity of the test taker. The Office of the Registrar administers the use of Student Grading Numbers (“SGNs”) to facilitate this process. After instructors turn in the “blind” exam grades for their courses, they have the opportunity to match SGNs with student names. Instructors will then calculate final grades based on the evaluation procedures announced by the instructor, including reflecting credit for additional course work or assignments, class participation, and other factors relevant to evaluating student work.

SGNs are confidential. Students must preserve anonymity in grading by proper use of SGNs.

It is a violation of this provision for any student to obtain in contravention of ASL rules, official school information including, but not limited to, grades or SGNs, that a reasonable student knows or should know is properly kept confidential. Further, it is a violation for any student who has properly obtained such information, such as during the performance of duties as a Teaching Assistant, to disclose such information that a reasonable student knows or should know is properly kept confidential.

## 7. Confidentiality in the Digital Classroom

With the increase in usage of digital platforms for legal education comes the concern for preservation of student and instructor privacy. Access to all online or other digital content used in a course is limited to registered students, instructors, and teaching assistants for that course.

Unauthorized sharing of online or other digital content or access information such as web addresses or passwords for accessing online or digital content is a violation of the Code of Academic Integrity.

## 8. Upholding the Code of Academic Integrity

Students have a duty to report any good-faith belief that another student has violated the Code of Student Conduct or the Code of Academic Integrity.

Students must willingly and honestly participate in the processes associated with resolving a complaint involving the Code of Student Conduct or allegation of violation of the Code of Academic Integrity. Any student who refuses to participate (other than a refusal to provide evidence against himself/herself) or who testifies or otherwise participates untruthfully shall be considered to have violated the Code of Academic Integrity.

Retaliation in any form against a student who participates in upholding the Code of Student Conduct or the Code of Academic Integrity is prohibited. Any student who engages in such retaliation shall be considered to have violated the Code of Academic Integrity.

## III. Processes & Procedures

### A. Jurisdiction

The President and Dean of ASL has jurisdiction over all student conduct, including allegations of violations of Article I, Student Conduct and ASL Community Standards, and Article II, Code of Academic Integrity. The President and Dean has delegated her authority to the Dean of Students as set forth in this Article III, Processes & Procedures.

Nothing in this Chapter shall be deemed to limit the power or authority of the President and Dean to rescind this delegation of authority or to otherwise limit the inherent power and authority of the President and Dean to act in the best interests of Appalachian School of Law.

### 1. Hierarchy of Authority

The Dean of Students shall be responsible for implementation of all processes and procedures regarding the provisions of Article I, Code of Student Conduct and ASL Community Standards, and Article II, Code of Academic Integrity. The Dean of Students shall be assisted and supported by an Associate Dean of Students and an Assistant Dean of Students, in descending order of authority.

All rules, processes and procedures related to Article I, Code of Student Conduct, shall be administered by the Assistant Dean of Students, the Associate Dean of Students, and the Dean of Students, in accordance with the process set forth herein.

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All rules, processes and procedures related to Article II, Code of Academic Integrity, shall be administered by the Associate Dean of Students and the Dean of Students, in accordance with the process set forth herein.

### B. Standard of proof.

The standard of proof when evaluating any matter that arises under Article I, Code of Student Conduct or Article II, Code of Academic Integrity, shall be “preponderance of the evidence.” In accordance with generally applicable legal principles, this shall be interpreted as “more likely than not” or “greater than 50%.”

### C. Procedures for matters arising under Article I, Code of Student Conduct.

All procedures for complaints involving student behavior arising under Article I of this Chapter shall originate with the Assistant Dean of Students (“Asst. DOS”). This includes all complaints regarding student behavior OTHER THAN behavior covered by Article II, Code of Academic Integrity or behavior covered by ASL’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations. Complaints involving sexual discrimination/harassment should be directed to the Title IX Coordinator. If the Title IX Coordinator determines that the alleged behavior is not covered under ASL’s Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations, she shall direct the complaint to the Asst. DOS for handling in accordance with this section. Complaints regarding behavior that would be addressed by ASL’s Grievance Policy if the behavior were committed by a person other than a student are specifically included in Article I, Code of Student Conduct.

#### (1) Complaint Intake.

Complaints involving student behavior arising under Article I shall be made to the Asst. DOS, who may request the complaint be reduced to writing.

#### (2) Specificity and Unfounded complaints.

Complaints must be made with specific reference to the Code of Student Conduct or any other policy alleged to have been violated and with specific reference to the behavior that is alleged to be in violation thereof. Failure to provide such specificity may result in dismissal of the Complaint as “unfounded” by the Asst. DOS.

At any point during the Complaint Intake Process, the Asst. DOS has the ability to determine that the behavior being complained of, even if proven by a preponderance of the evidence to be true, does not constitute a violation of Article I, Code of Student Conduct. The Asst. DOS will then dismiss the complaint as “unfounded” and keep a record thereof for purposes of tracking the reporting of unfounded complaints.

Dismissals by the Asst. DOS as “unfounded” may be appealed as any other Decision by the Asst. DOS, unless the right to appeal is waived by failure to engage, in good faith, in the Informal Discussion/Mediation process.

#### (3) Complaint Intake Process.

(1) Asst. DOS meets with complainant to discuss the complaint.

(2) Asst. DOS notifies the affected student(s) (“respondents”) of the complaint and meets with the respondent(s) to discuss the complaint.

#### (4) Informal Resolution Process (Discussion/Mediation).

(1) In all cases other than those involving physical violence, the Asst. DOS will meet with complainant(s) and respondent(s) in a neutral setting to attempt resolution of the complaint in an informal manner.



- (1) The Asst. DOS may elect to utilize a neutral third party to assist in mediating the complaint in an informal manner or to handle the Discussion/Mediation herself.
  - (2) All parties must participate in the process and make a good faith effort to resolve the dispute using the Informal Resolution Process. Any party who fails to participate in the process and make a good faith effort to resolve the dispute using the Informal Resolution Process waives the right to appeal from the Decision of the Asst. DOS.
  - (3) In any case in which a complainant refuses to engage in Informal Discussion/Mediation in good faith, his/her complaint shall be dismissed as “unfounded.” In any case in which a respondent refuses to engage in Informal Discussion/Mediation in good faith, the refusing respondent shall be deemed “responsible” for the violation complained of and the Asst. DOS shall proceed to issue a Decision with any appropriate sanctions. In either case, the party not engaging in Informal Discussion/Mediation in good faith shall have no right of appeal.
- (2) The Asst. DOS has a wide range of discretionary authority to resolve complaints using the Informal Discussion/Mediation process. However, resolution of the complaint at this stage is dependent upon the cooperation of all complainants and respondents. If agreement cannot be reached among all parties, the complaint shall proceed to the Formal Complaint Resolution process.
  - (3) Timing. Although the details of the allegations will necessarily dictate the timing of the Informal Discussion/Mediation process, it is intended that the Informal Discussion/Mediation process shall be completed within 15 business days of the initial notification to the Asst. DOS of a complaint.
- (5) Formal Complaint Resolution.
- (1) Written Statements of Complainant(s) and Respondent(s)
    - (1) If the Informal discussion/mediation process fails to resolve the situation, whether by lack of agreement between the parties or by a party’s later violation of an agreed informal resolution, the Asst. DOS will utilize the Formal Complaint Resolution process.
    - (2) The Formal Complaint Resolution process may be initiated by the Asst. DOS or a student. The first step is for written statements from the complainant(s) and respondent(s) to be submitted to the Asst. DOS.
    - (3) The complainant shall submit to the Asst. DOS a brief written statement (ordinarily no more than two pages in length) outlining the specific behavior being complained of. Reference shall be made to all relevant provisions of Article I, Code of Student Conduct, or other relevant policy or rule of ASL, as well as identification of all other persons having information that may be relevant to the complaint. The complainant shall outline all efforts undertaken to attempt to resolve the complaint and the outcome thereof. Finally, the complainant’s statement shall set forth a proposed resolution.
    - (4) The respondent shall be given the opportunity to review the complainant’s statement and to respond in writing within three business days. The respondent’s statement shall include his/her defense or justification of the alleged behavior, the identity of all other persons having information that may be relevant, and the respondent’s own statement on prior efforts to resolve the complaint. The respondent’s statement will include a proposed resolution.
  - (2) Review by Asst. DOS

- (1) Upon receipt of the complainant(s)' and respondent(s)' statements, the Asst. DOS may elect to meet individually with either party to discuss the statement. Such individual meetings are within the discretion of the Asst. DOS, and meeting with one complainant or respondent does not automatically entitle others to a similar meeting.
- (2) The Asst. DOS may elect to discuss the specifics of the complaint with any person identified by the complainant(s)' or respondent(s)' statements as potentially having relevant information, and/or with any other person who the Asst. DOS believes may have relevant information.

(3) Decision by Asst. DOS

- (1) Upon the Asst. DOS' conclusion of the Review of the complaint, the Asst. DOS will issue a written decision. The decision will outline the specific allegations of the complaint, the findings of the Asst. DOS during her Review, and a resolution of the complaint.
- (2) The Asst. DOS has a wide range of discretion in resolving complaints, including a wide range of sanctions that may be imposed upon a respondent who is found to be responsible for violation any provision of Article I, Code of Student Conduct or of other policies or rules of ASL, other than alleged violations of Article II, Code of Academic Integrity or the Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations.

(4) Opportunity for Appeal.

- (1) Unless the party has waived the right to appeal, a complainant or respondent may appeal the Decision of the Asst. DOS to the Assoc. DOS by notifying both the Asst. DOS and Assoc. DOS in writing of his/her intent to appeal within five business days of receiving the Decision of the Asst. DOS.
- (2) The Appeal shall be handled in accordance with the provisions of Section D, "Procedures for matters arising under Article II, Code of Academic Integrity, and appeals of Decisions by Asst. DOS on matters arising under Article I, Code of Student Conduct," below.

D. Procedures for matters arising under Article II, Code of Academic Integrity, and appeals of Decisions by Asst. DOS on matters arising under Article I, Code of Student Conduct

(1) Allegation to Associate DOS

- (1) All complaints involving student behavior arising under Article II, Code of Academic Integrity, shall be made to the Associate Dean of Students ("Assoc. DOS"), who may request the allegation be reduced to writing.
- (2) Appeals from Decision of Asst. DOS
  - i. All appeals of Decisions by the Asst. DOS for complaints regarding matters arising under Article I, Code of Student Conduct, shall be handled in accordance with this Section D. The request for appeal shall be treated as an "allegation" under this Section D.
  - ii. This appeal shall be de novo, except that the appeal will be dismissed by the Assoc. DOS, without further proceedings, if she determines that the Appellant failed to engage in the Informal Discussion/Mediation Process in good faith.

(2) Allegation Resolution Process

(1) The Assoc. DOS shall meet with the person alleging that a student has violated Article II, Code of Academic Integrity. This meeting may occur in-person, telephonically, remotely, or via email. The person making the allegation of a violation of the Code of Academic Integrity should provide all relevant information to the Assoc. DOS.

i. In the case of graded work, the instructor shall report the suspected violation to the Assoc. DOS and shall grade the assignment or exam as if no violation occurred. Final grades shall be held until the resolution of the allegation.

(2) Opportunity for Admission

i. The Assoc. Dean shall review the allegation, notify the respondent of the allegation, and provide an opportunity to the respondent to meet in-person or remotely to discuss the allegation before written statements are taken.

ii. If the respondent admits the allegations before written statements are submitted, the Assoc. Dean shall reduce the allegation to writing, including any evidence or supporting information and provide a draft to the respondent and to the instructor or faculty member supervising the academic endeavor involved in the allegation. The instructor/faculty member shall have an opportunity to discuss the proposed resolution with the Assoc. DOS prior to finalization, but the Assoc. DOS has final authority regarding the resolution of the matter. If the respondent concurs with the information set forth in the draft, the respondent shall sign the document, admitting responsibility therefor. This shall be known as an "Agreed Decision." The Assoc. DOS shall issue supplement to the Agreed Decision, imposing sanctions. This "Sanctions" document shall set forth the appropriate sanctions or other resolution of the allegation. While the Assoc. DOS retains broad discretion in determining the appropriate sanctions, she shall take into consideration the fact of respondent's acceptance of responsibility for the behavior in making the determination. The Agreed Decision with the Sanctions supplement shall be placed in the student's record in the Office of the Registrar.

iii. If the respondent disputes the appropriateness of the sanctions imposed by the Sanctions supplement, he or she may request reconsideration of sanctions by the Assoc. DOS. If the respondent does not accept the sanctions imposed after reconsideration by the Assoc. DOS, the respondent may withdraw his/her agreement to the Agreed Decision and proceed with the process set forth below.

(3) If no Agreed Decision is reached, the Assoc. DOS shall request from the party initiating the allegation a written statement of the allegation, including all evidence or supporting information relevant to the allegation.

i. If the initiating party declines to provide a written statement to the Assoc. DOS, the Assoc. DOS has discretion to dismiss the allegation or to continue investigation of the allegation.

(4) The Assoc. DOS shall decide which method of resolving the allegation is appropriate to the allegation. The Assoc. DOS may, but is not required to, consult with the DOS to decide on the proper method.

(3) Method 1—Review and Investigation by Assoc. DOS; Decision by Assoc. DOS

(1) The Assoc. DOS shall provide a copy of the initiating party's written statement of allegation to the respondent. The respondent has three business days from the receipt of the allegation to provide a written response to the Assoc. DOS.

(2) The Assoc. DOS shall investigate the matter by whatever means are appropriate to the situation, including but not limited to, review of the questioned academic work, discussion

with instructors or students who may have information that is relevant to the allegation, and/or outside source research. No “hearing” or opportunity for cross-examination by the respondent is required.

- (3) The Assoc. DOS shall consult with the instructor or faculty member supervising the academic endeavor in which the respondent is alleged to have violated the Code of Academic Integrity. The Assoc. DOS is not required to accept the instructor/faculty member’s recommendations on findings, determinations, or sanctions, but shall give due respect to his or her opinions.
  - (4) Upon the Assoc. DOS’s conclusion of the investigation under Method 1, she shall issue a written Decision to the respondent. The Decision shall outline the allegation(s), the evidence reviewed, the investigation conducted, and the Assoc. DOS’s findings, determinations, and appropriate resolutions or sanctions.
  - (5) The written Decision shall be provided to the respondent and to the DOS, a copy shall be provided to the Instructor, and a copy shall be placed in the student’s file in the Office of the Registrar.
    - i. The time frame from initial allegation being made to the Assoc. DOS to a written Decision shall necessarily depend on the circumstances of the allegation, but it is ordinarily anticipated to be no more than 30 calendar days. If more than 30 calendar days elapse before a Decision is issued, the Assoc. DOS will provide notice of the delay to the respondent and will set forth the time frame in which the Decision can be expected.
  - (6) Within five business days of receiving the written Decision, the respondent may elect to appeal the Decision or any aspect thereof.
    - i. If the respondent accepts the determinations and findings of the Decision but requests an alternative resolution or sanction, he or she may make a written Request for Reconsideration to the Assoc. DOS within three business days of receiving the Decision. The Assoc. DOS may elect to consult with the DOS, but is not required to do so. The Assoc. DOS will issue a Reconsidered Decision, which may uphold the previous Decision or change any part thereof. This Reconsidered Decision is final, except for the Appeal Process outlined in Section E, “Appeal of Decision by Assoc. DOS,” below.
    - ii. If the respondent rejects the Decision’s findings and/or determinations, the respondent may appeal the Decision to the Dean of Students as set forth in Section E, “Appeal of Decision by Assoc. DOS,” below.
- (4) Method 2—Review and Investigation by Faculty Committee with Decision by Assoc. DOS
- (1) The Assoc. DOS shall provide a copy of the written statement of allegation to the President and Dean of the Law School and ask the President and Dean to convene a Faculty Committee comprised of three members of the full-time or part-time faculty of ASL to conduct the investigation. The President and Dean shall appoint the Faculty Committee within five business days of the Assoc. DOS’s request.
  - (2) The Faculty committee will elect a Chair if the President and Dean has not appointed a Chair. The Chair will be responsible for notifying the respondent that the Assoc. DOS has elected to use Method 2 (Faculty Committee) to investigate the allegations. The Chair will arrange interviews of the involved parties and witnesses, collect evidence, and provide the Committee members with all materials. The Committee has broad discretion in investigating the allegations, but in all investigations, the respondent shall be provided an opportunity to present an oral and/or written statement to the Committee responding to the allegations and the evidence supporting those allegations.
  - (3) Upon completion of the Committee’s investigation, the Committee shall draft a report summarizing the allegations, the investigative process used and the witness statements and evidence considered by the Committee. Unanimity in recommendations by the

Committee is preferred, but a majority of the Committee may reach a recommendation if unanimity is not achieved. The Committee's report shall include the determinations and findings recommended by a majority of the Committee as well as any suggested resolutions or sanctions. If the Committee's recommendation is not unanimous, the member in the minority may write separately to provide his or her own recommendations. Both the Committee's report and any minority report shall be submitted to the Assoc. DOS.

- (4) The Assoc. DOS shall review the Committee's report and any minority report, as well as all materials considered by the Committee in reaching its recommendation.
- (5) The Assoc. DOS shall consult with the instructor or faculty member supervising the academic endeavor in which the respondent is alleged to have violated the Code of Academic Integrity. The instructor/faculty member shall have the opportunity to review the Committee's report and any minority report, to provide any relevant information to the Assoc. DOS, and to discuss the Assoc. DOS's thoughts regarding the allegations and any proposed sanctions. The Assoc. DOS is not required to accept the instructor/faculty member's recommendations on findings, determinations, or sanctions, but shall give due respect to his or her opinions.
- (6) The Assoc. DOS shall then issue a written Decision regarding the allegations. The Decision shall include findings of fact and determinations regarding the responsibility of the respondent for the alleged violations. The Decision may reflect the Committee's recommendation, the minority recommendation, or neither. If the respondent is found by the Assoc. DOS to be responsible for violating any provision of the Code of Academic Integrity, the Assoc. DOS shall include any appropriate resolutions or sanctions in the Decision.
- (7) The Assoc. DOS has broad discretion in making findings, determinations, and imposing sanctions.
- (8) The Assoc. DOS's Decision shall be provided to the respondent, the DOS, the Committee members, and the instructor/faculty member supervising the academic endeavor that was questioned. A copy of the Decision shall be placed in the student's file in the Office of the Registrar.
- (9) Within five business days of receiving the written Decision, the respondent may elect to appeal the Decision or any aspect thereof.
  - i. If the respondent accepts the determinations and findings of the Decision but requests an alternative resolution or sanction, he or she may make a written Request for Reconsideration to the Assoc. DOS within three business days of receiving the Decision. The Assoc. DOS may elect to consult with the DOS, but is not required to do so. The Assoc. DOS will issue a Reconsidered Decision, which may uphold the previous Decision or change any part thereof. This Reconsidered Decision is final, except for the Appeal Process outlined in Section E, "Appeal of Decision by Assoc. DOS," below.
  - ii. If the respondent rejects the Decision's findings and/or determinations, the respondent may appeal the Decision to the Dean of Students as set forth in Section E, "Appeal of Decision by the Assoc. DOS," below.

#### E. Appeal of Decision by the Associate DOS

- i. Reasons for Appeal. Appeals of Decisions issued by the Associate DOS are limited to three circumstances: (1) The Decision didn't take into account all available evidence, documents,

witnesses, or mitigating factors, or the sanctions imposed are not commensurate with the violation, (2) The Decision was the result of an investigation/process that was not thorough, fair, or impartial, or deviated in a substantially material way from the processes and procedures outlined in this Chapter 6, or (3) any evidence is available that exonerates the Appellant of the complaint/allegation, which evidence was not available at the time of the review and investigation and issuance of the Decision now being appealed. Further, appeals will be granted only when the violation of reasons (1), (2), or (3) would have affected the outcome of the Decision.

- ii. Request for Appeal. Any party (complainant, respondent, party initiating allegation of violation of the Code of Academic Integrity, instructor or supervising faculty member) (the “Appellant”) aggrieved by a Decision of the Assoc. DOS may make a written request for an Appeal within five business days of the issuance of the Decision.
  - (1) The Appellant’s written request must be made to the DOS, with a copy to the Assoc. DOS.
  - (2) The Appellant’s written request for appeal should identify the reason for the appeal and contain all available information or supporting evidence relevant to the reason for appeal. If the Appellant expects to introduce new evidence/witness testimony that was not considered by the Assoc. DOS in her Decision, the written request should include a proffer of the expected evidence/testimony and the reason why the evidence/witness testimony was not presented during the investigation and review process.
  
- iii. Review by DOS.
  - (1) The DOS shall review all materials and statements provided by the Appellant, along with the Decision and all materials considered by the Asst. DOS, Assoc. DOS, and/or Faculty Committee in investigating and deciding the complaint.
  - (2) The DOS shall decide whether to grant Appellant’s Request for Appeal within ten business days after receipt of the written request and supporting information from Appellant.
  - (3) The DOS will grant the Request for Appeal if the DOS agrees that there is a substantial likelihood that the Appellant will be able to prove by a preponderance of the evidence that one of the Reasons for Appeal (above) exists.
    - (1) In other words, if the DOS agrees that the Decision did not take into account all available evidence, documents, witnesses, or mitigating factors, or that there is reason to question the thoroughness, fairness, or impartiality of the Decision, the DOS will grant the Request for Appeal. If the DOS finds that the Decision was adequately supported and all available information, evidence, witnesses, and mitigating factors were taken into account in the Decision, or that there is insufficient evidence to question the thoroughness, fairness, or impartiality of the Decision, the DOS will deny the Request for Appeal and the Decision shall stand.
    - (2) The instructor/faculty member supervising the academic endeavor that was originally questioned shall be notified of the impending Appeal.

#### iv. Appeal Hearing

If the DOS grants the Request for Appeal, he shall have broad discretion in deciding the format of the Appeal Hearing. The DOS shall preside over the Appeal Hearing and may set applicable rules governing the timing and method of presentation of evidence and the admissibility of evidence that is relevant to the Appeal. At a minimum, the Appeal Hearing shall consist of a live hearing (in-person or remotely) during which the Appellant may make personal statements or provide testimony, may present evidence, and may call witnesses to provide testimony. The Appellant may represent himself/herself or may choose a representative (including but not

limited to a licensed attorney) to represent his/her interests. Such representative may not be a witness in the case.

v. Decision by DOS

Within ten business days after the conclusion of the Appeal Hearing by the DOS, the DOS shall issue a written Decision on Appeal. The Decision on Appeal shall be final and no appeal therefrom is available, EXCEPT THAT the imposition of the sanction of expulsion from ASL requires the concurrence of the President and Dean of ASL in accordance with Article IV, Section B, "Sanctions," below.

F. Conflicts.

In the event of a conflict involving one (or more) of the individuals responsible for the processes and procedures under Article I, Code of Student Conduct or Article II, Code of Academic Integrity, the President and Dean of ASL shall appoint an alternate for that position. The decision as to whether a conflict exists shall lie in the discretion of the President and Dean of ASL.

G. Reporting of Outcomes

ASL may report to the ASL community, or any section thereof, the outcome of any complaint of student behavior alleging violation of the Code of Student Conduct or allegation of violation of the Code of Academic Integrity, including any sanctions imposed, if the reporting is permitted under applicable law.

As an example, FERPA regulations currently permit the disclosure of allegations/complaints and outcomes if the disclosure can reasonably protect the identity of the student(s) involved.

## **IV. Notes & Miscellaneous Items**

### **A. Student Records.**

- i. Student records are maintained by the Office of the Registrar. Students are on notice that the resolutions of any and all complaints against them while enrolled at ASL are placed in the student's records. It is common for the character and fitness assessment for state bars to submit requests to an applicant's law school requesting such information. ASL will respond providing the requested information. Students are on notice that what will be provided is dependent upon the information requested.
  - (1) Specifically, some state bars request information regarding any complaint regarding the student, regardless of the outcome of any investigation or decision; others may ask more open-ended questions about whether ASL has any information that might bear on a student's character and fitness to practice law.
  - (2) For example, Kentucky's Office of Bar Admissions asks whether the applicant "has ever been charged with a violation of the Honor Code" (regardless of outcome) as well as whether the Dean believes "there is anything that would reflect adversely on their character and fitness to become a member of the bar." Virginia's Board of Bar Examiners asks "Does the applicant's record indicate any conduct or behavior that could call into question the applicant's ability to practice law in a competent, ethical, and professional manner?" North Carolina requires an officer of the law school to answer, after review of the applicant's student records, whether the applicant is "honest" and whether he or she is "thorough in fulfilling obligations." In addition to a laundry list of specific questions, North Carolina requires the Dean of the law school to state whether she "recommend[s] this applicant for a position of trust and confidence." Students are on notice that they should be aware of the

specific questions that may be asked by the jurisdiction[s] in which they plan to apply to practice law.

ii. Retention of Work upon Which Grades are Based.

ASL will retain exams and other written work on which a student's grade for a given course is based until the student has graduated, permanently transferred, withdrawn, been expelled, 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. If a student received a failing grade in a course and wishes to review written work upon which that grade was based, such review may take place within 30 calendar days after release of the grade; no student may review written work in any semester in which he or she is re-taking the course.

iii. Exams and other written work upon which student's grades are based may be stored in the Office of the Registrar or a secure area designated by the Office of the Registrar, which may include the professor's office.

**B. Sanctions**

i. Sanctions that may be imposed as part of the processes for resolving complaints of student behavior under Article I or Article II of this Chapter may include any of the following, up to and including expulsion from ASL:

- (1) Suspension from ASL for a period of up to one academic year;
- (2) A letter of censure;
- (3) Loss of "good standing" for purposes of academic standing, scholarships, or other awards;
- (4) Requirements for additional academic work, courses, or credits;
- (5) Sanctions recommended by the instructor/faculty member;
- (6) A period of probation on such conditions as set by the deciding officer for the Complaint (Asst. DOS, Assoc. DOS, or DOS); and
- (7) Such other sanctions as may be commensurate with the violation.

**Students should be aware that the standard sanction for a violation of the Code of Academic Integrity is expulsion from ASL.**

ii. Before a sanction of expulsion from ASL may be imposed, the President and Dean of ASL must agree. The President and Dean will review the complete record regarding the allegation/complaint, including any Reports, witness statements, and Decisions, and will consult with the DOS. The President and Dean must approve a sanction of expulsion in writing, before it may be imposed.

iii. ASL is committed to community service. All ASL students are required to meet certain expectations for community service. Community service should be viewed as an opportunity for the student to contribute to the community and not as a punishment. Accordingly, no sanction for violation of the Code of Student Conduct or the Code of Academic Integrity will include the imposition of additional community service requirements.



## C. Examinations.

- i. Examination Schedules. Examinations, tests, and quizzes (“exams”) shall be scheduled by the course instructor, except that final exams shall be scheduled by the Chief Academic Officer in conjunction with the Office of the Registrar. All students shall take exams as scheduled. No student has the right to defer an exam. A student who fails to sit for an exam when scheduled, or who does not defer an exam according to these procedures, shall receive a failing grade for that examination. 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 exam deferral.
- ii. Exam Deferral. Deferral of an exam may be permitted for good cause, in the discretion of the course instructor. Good cause includes, but is not limited to, serious personal injury or illness; serious illness, injury, or death of a member of student’s immediately family; and similar emergencies beyond the student’s control which prevents the student from sitting for the exam when scheduled.
- iii. Procedure for Deferral. No student may have a course quiz or mid-term deferred without first applying to the course professor for permission to defer the quiz or mid-term. No student may have a final examination deferred without first applying to the Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer 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 Chief Academic Officer’s decision shall be made, in writing to the President and Dean. The decision of the President and Dean on appeal is final and is not subject to further appeal or review.
- iv. Accommodations for Schedules. The Deferral process is not applicable to requests for accommodations for schedules based on religious reasons. Students requiring an accommodation for an exam for a religious reason shall apply directly to the Office of the Registrar.
- v. Other Accommodations. 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, available from the Registrar’s Office or from the office of the Chief Academic Officer.

Take-Home Pass/Fail Remedy. In the event of a student’s excused omission of a scheduled examination, the Chief Academic Officer 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.
- vi. Use of Computers on Exams. Except as provided for in this Chapter, 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. 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.

- vii. Exam Software. Unless instructed otherwise by the professor, all exams will be completed using Exam4 and/or Scantron. Students must use school-approved exam software on examinations, as approved by the Registrar. In order to use exam software, students must comply with all requirements set forth by the Registrar.
- viii. Technical Requirements & Troubleshooting. Students are responsible for having functional and reliable equipment in order to take examinations. The hardware/software used must be compatible with ASL's exam software. Students will not be given additional time for technical issues not related to ASL's services. The Information Services staff is not responsible for repairing student computers and other equipment. However, the Information Services staff will assist as they are available. Information Services does not maintain hardware/software for student use during exams. If you have questions about equipment compatibility, please contact Information Services at [is@asl.edu](mailto:is@asl.edu)
- ix. Exam Administration Procedures. Rules for the administration of all examinations shall be prepared by the Registrar, or an individual designated by the Chief Academic Office reach 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 appropriate under the circumstances in accordance with this Chapter..

#### D. Papers and Projects.

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.

## 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.

### 2021 - 2022 Board of Trustees

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## **Administration and Faculty**

### **B. Keith Faulkner, President and Dean**

B. Keith Faulkner joined the Appalachian School of Law as president and dean July 1, 2021. Prior to coming to ASL, Faulkner gained valuable experience during his tenures as dean at Liberty University School of Law, Campbell University School of Business, and Campbell Law School. He enjoyed a varied private law practice that included work in a general practice and at a large civil litigation firm in North Carolina.

Leading from the front, Faulkner's teams have been very successful in preparing students for practice and business. Professionalism and practical training have been the hallmark of his work. At Campbell and Liberty law schools, he has been part of teams that have pioneered new and innovative approaches to student success, bar passage, and employment outcomes. Under his leadership, Campbell Law realized the institution's highest ranking as a top-tier law school in U.S. News & World Report's Best Graduate Schools 2014 guidebook, and while leading Liberty Law, Liberty achieved the seventh highest bar passage in the country in 2018.

Faulkner holds the Juris Doctor (J.D.) and Master of Business Administration (M.B.A.) from Campbell University. He has also earned the Master of Laws (LL.M.) in Litigation Management from Baylor University School of Law, the B.S. in business administration (finance emphasis) from Charleston Southern University, and he completed the United States Navy Nuclear Power Training Pipeline. His service included a tour aboard the U.S.S. Billfish (SSN 676), and he was an instructor at Nuclear Power Training Unit (MTS 635).

Professionally, Faulkner enjoys being a lawyer and remaining active in the profession and practice. From a leadership perspective, developing effective and exceptional teams that deliver superior education and support to students is what drives his love of leading law schools and higher education. Personally, he enjoys spending time with his wife, Patty, and his three children, Hannah, Erin, and Ryan.

### **Mason Heidt, Chief Academic Officer and Associate 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 and Interim Director of the Law Library

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.

### The Honorable Chadwick S. Dotson, Distinguished Professor of Law and Dean of Students

B.A., University of Virginia; J.D., Georgetown University. After graduating from law school, Judge Dotson practiced with the firm of Mullins, Harris, & Jessee in Norton, VA before joining the Wise County/Norton Commonwealth's Attorney's office in 2002, first as an Assistant Commonwealth's Attorney, and then as a Chief Deputy.

In 2003, Judge Dotson was elected as the Commonwealth's Attorney for Wise County and the City of Norton. During his term, he prosecuted every major case in the jurisdiction, including two capital murder cases, and directed the criminal investigation of all complex felonies with full oversight of initial investigations, trial planning, motion practice, and discovery. Judge Dotson also conceived and implemented the "Courtroom to the Classroom" program in local public schools. This program consisted of lectures to government/civil cases in all local high schools, followed by an actual session of the General District Court held in each school's auditorium.

While serving as Commonwealth's Attorney, Judge Dotson was appointed as a Special Assistant United States Attorney for the Western District of Virginia, in order to enhance cooperation between the state and federal law enforcement agencies. He also served as an adjunct professor at the University of Virginia-Wise, teaching undergraduate courses in political science, including "Campaigns & Elections," as well as two semester-long mock trial courses.

Judge Dotson was elected by the Virginia General Assembly to the General District Court bench in 2007, and he was unanimously elevated to the Circuit Court bench in 2011 (and reappointed in 2019). He has served as the Chief Judge of the 30<sup>th</sup> Judicial Circuit and presided over the Circuit's Recovery Court program for the entirety of his tenure on the Circuit bench. In addition, Judge Dotson served a term on the state Drug Court Advisory Board, appointed by the Chief Justice of the Supreme Court of Virginia.

After serving a term on ASL's Board of Trustees, Judge Dotson joined the faculty as an adjunct in the spring of 2020. He joined the full-time faculty for the fall semester of 2020.

Courses taught include: Constitutional Law I & II; Criminal Procedure; Prosecution Project.

### The Honorable Larry G. Elder, Distinguished 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, Associate General Counsel and Assistant Professor of Law

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; Estate Planning; Immigration Law & Policy; Law & Modern Literature; Wills & Estates.

### Jeremy W. Hurley, Director of Academic Success and Bar Preparation

B.A., University of Virginia, J.D., Appalachian School of Law. Prior to joining the faculty, Professor Hurley practiced disability, workers' compensation, and personal injury law with the firm of Arrington Schelin in Bristol, Virginia. His private practice experience focused primarily on Social Security Disability. Professor Hurley still maintains an active bar license in the Commonwealth of Virginia.

### Shelly James, Assistant Professor of Law and Assistant Dean of Students

B.S., James Madison University; M.A., University of Pittsburgh; J.D., University of Iowa, College of Law. Professor James taught debate, public speaking, and critical thinking after receiving her Master's in Rhetoric and Public Address from the University of Pittsburgh. She then attended law school at the University of Iowa, where she was editor-in-chief of the *Journal of Corporation Law*. Since her graduation from Iowa, Professor James has worked as a prosecutor, an appellate attorney for the Virginia Attorney General's Office, and a law clerk for two judges on the Virginia Court of Appeals. For almost two decades, Professor James has worked as a private practice attorney in Harrisonburg, Virginia, representing primarily criminal defendants, parties and children in family law cases, and appellate parties.

Courses taught include: Administrative Law; Appellate Advocacy; Family Law; Legal Process I & II; Sentencing.

### Bernard McNamee, Street Distinguished Visiting Professor of Law

Bernard L. McNamee is the Street Distinguished Visiting Professor of Law at Appalachian School of Law. McNamee is a former Commissioner on the Federal Energy Regulatory Commission (FERC). McNamee is also a Partner at McGuireWoods LLP and a Senior Advisor at McGuireWoods Consulting where he provides clients with legal, policy and legislative guidance on a wide range of energy and environmental issues.

McNamee completed a term as a commissioner on FERC in 2020. During his time on the Commission, McNamee was recognized as a leader on a number of important energy issues and participated in more than 1,700 published orders on issues related to wholesale electricity markets, natural gas pipelines, liquefied natural gas (LNG) export facilities, oil pipeline rates, hydro facilities, reliability standards, and ratemaking. He also testified before Congress and was invited to speak before energy organizations throughout the country. McNamee assists clients with high-stakes and complex issues involving the Federal Power Act (FPA), Natural Gas Act (NGA), Public Utility Regulatory Policies Act (PURPA), Interstate Commerce Act (ICA), and Renewable Fuel Standard (RFS).

Before joining FERC, McNamee served in the U.S. Department of Energy as Executive Director of the Office of Policy and Deputy General Counsel for Energy Policy. His career in public service includes key leadership positions under Attorneys General in Virginia and Texas and policy advisor roles for a U.S. Senator from Texas and a Governor of Virginia.

McNamee previously was a partner in McGuireWoods' Regulatory & Compliance Department. He assisted electric and natural gas utilities in rate cases and in obtaining approvals to build generating facilities and transmission lines, as well as the development of renewable portfolio standards (RPS) and integrated resource planning (IRP). He played an integral role advising clients during implementation of the 2007 Virginia Electric Utility Regulation Act, which returned the state's utilities to a modified cost-of-service regulatory model.

Courses taught: Energy Law and Regulation

### Lucy C. McGee, Dean of Experiential Learning and Assistant Professor of Law

Dean McGee received her J.D. from Appalachian School of Law after completing her undergraduate studies at the University of Georgia in Athens. Prior to joining the ASL faculty in 2017, Dean McGee served as a law clerk for the Honorable Elizabeth McClanahan at the Supreme Court of Virginia.

Courses taught: Legal Process, Introduction to Externships, Health, Poverty, & Law: Medical-Legal Partnerships

### Sandra Keen McGlothlin, Dean Emerita 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.

### Justice Cleo E. Powell, Distinguished Professor of Law, Diversity Mentor and The L. Anthony Sutin Endowed Lecturer

Justice Cleo E. Powell has served on the Supreme Court of Virginia since 2011. She received her undergraduate degree, with distinction, from the University of Virginia and her J.D. from the University of Virginia School of Law.

Prior to her appointment to the Supreme Court of Virginia, Justice Powell was a labor and employment law associate at Hunton & Williams from 1982-1986. She served as Senior Assistant Attorney General for the Equal Employment Opportunity and Personnel Section for 1986-1989 in the Office of the Virginia Attorney General, Justice Powell was Corporate Counsel for Virginia Power and Director of their Employee Services.

Justice Powell began her judicial career on the Chesterfield/Colonial Heights General District Court in 1993. She was appointed to the Chesterfield/Colonial Heights Circuit Court in 2000 and then to the Court of Appeals of Virginia in 2008.

Justice Powell is a recipient of numerous awards, including Virginia Women in History (2013); Strong Men & Women Excellence in Leadership (2011); Virginia Women Attorneys Association 2010 Leader in Diversity; Virginia Lawyers Weekly Influential Women in Virginia (2010); Metro Richmond Women's Bar Association, Women of the Year 2009; and the YWCA's Outstanding Women of the Year (2001).

In 2011, Justice Powell began leading the Rule of Law Day at the Capital in conjunction with the Diversity Conference and the Young Lawyers Conference of the Virginia State Bar. The purpose of the program is to educate local middle and high school students about the rule of law principles and the operations of the legislative, executive, and judicial branches of government. Held annually at the Virginia State Capital and the Virginia Supreme Court, approximately 300 students are engaged in a day of learning while discussing legal scenarios with attorneys, judges, and law enforcement officers.

Justice Powell chairs the Judicial Performance Evaluation Committee and serves on the Executive Committee of the Judicial Conference in Virginia. She has served on the Model Jury Instructions Committee, the Judicial Inquiry and Review Commission, the Ad Hoc Committee for the Study of Canons of Judicial Conduct and the Law Revisions Committee. She has also served as an adjunct faculty member at the William and Mary School of Law.

### Miranda Riva, Visiting Assistant Professor of Law and Assistant Director of the Legal Writing Program

Miranda Riva received her B.A. from Virginia Tech in 2016 and her J.D. from William & Mary Law School in 2020. Prior to joining the legal writing team at ASL, Ms. Riva was a Fellow for William & Mary Law School's Legal Practice Program where she taught legal citations and conducted practice skills simulations with 1L students in her second and third years of law school.

In her spare time, Miranda enjoys hiking or hitting the beach with her two Australian Shepherds and taking cross-country camping trips through our beautiful U.S. National Parks.

### Ken Russell, Assistant Professor of Law

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; Federal Income Taxation; Securities Law.

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

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 E. Wilson, Associate Dean of Students and Assistant Professor of Law

B.A., Transylvania University, 1988; J.D., University of Kentucky College of Law, 1991. Dean 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. She is also 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.

Dean Wilson previously practiced law in the Abingdon and Bristol offices 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. She also has extensive experience in natural resources law including mineral title examinations and transactional matters for clients in the natural resources industry. She served as law clerk to the Honorable Elizabeth A. McClanahan at both the Court of Appeals in Virginia and the Supreme Court of Virginia and, in private practice, was admitted to the bars of Virginia, Tennessee, and Kentucky.

Dean 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. She joined the ASL faculty on a full-time basis in the Fall of 2019, where she serves as Associate Dean of Students and Assistant Professor of Law.

Courses taught include: Conflict of Laws; Intentional Torts; Negligence; Advanced Torts; Virginia Civil Procedure and Practice.

### Christopher M. Young, Adjunct Professor of Law, Diversity Mentor, and Career Services Coach

Christopher Young, a native of Greensboro, NC was educated through the Guilford County School System and graduated from Walter Hines Page High School in 1995. Upon graduation, he began his collegiate studies at Shaw University in Raleigh, NC, graduating in May, 1999. While at Shaw, Christopher was an active student. He was a member of the university's baseball team, a Resident Advisor, and a member of several on campus clubs and organizations. In addition to being a student athlete and student leader, Christopher also maintained part-time employment during his undergraduate career.

Christopher enrolled into the Masters of Public Administration program at North Carolina Central University, completing all required coursework. In 2004, he enrolled in law school at the Appalachian School of Law in Grundy, Virginia where he would study law for the next two years. While a student at Appalachian, Christopher remained a very active student, serving as President of the Black Law Students Association, a member of the diversity committee, a member of the school's intramural softball team, and a

research assistant for Professor Joseph Grant. Following his second year at Appalachian, Christopher was fortunate enough to complete his final year of law school closer to home at North Carolina Central University School of Law.

During his term as a law student, Christopher was afforded the opportunity to work three summer internships that helped shape his legal career. He served the North Carolina Court of Appeals as a clerk for Judge John M. Tyson. He served at the Wake County District Attorney's Office under then District Attorney, C. Colon Willoughby. Finally, he served as a law clerk for long-time Wake County defense attorney, Geoffrey H. Simmons. During his time as an intern he discovered his passion was criminal law, learning the nuts and bolts of federal criminal defense under Attorney Simmons' tutelage. After graduation, Christopher continued working with Attorney Simmons in several capacities, first as intern, then as law clerk, and finally as of counsel attorney to the firm.

In April of 2012, Christopher felt it was time to spread his wings and open his own firm. After a great deal of strategic planning, he opened The Young Law Firm, PLLC in our nation's capital, Washington, DC. Christopher handles federal criminal defense and post-conviction relief nationwide, using local counsel when it is required. Christopher is making his mark as an emerging leader in federal criminal defense and post-conviction relief. He prides himself on providing each of his clients exceptional service where accessibility, diligence, and integrity are fundamental and foundational.

Courses taught include: Post-Conviction Relief and co-professor of The History of Race and the Law.

## **Adjunct Faculty**

**Pebbles Burgess, Esq.**

Professor Burgess teaches Family Law Practice and Virginia Criminal Procedure.

**Delegate Jeff Campbell, Esq.**

Delegate Campbell co-teaches Poverty, Health, and Law: Medical-Legal Partnerships and State & Local Government.

**Honorable Richard Campbell**

Judge Campbell teaches Juvenile Practice.

**Honorable Jack Hurley**

Judge Hurley teaches Advanced Criminal Procedure, Real Estate Transactions, Virginia Criminal Law & Procedure, and Virginia Drafting.

**Honorable Don Johnson**

Judge Johnson teaches Procedural Fairness.

**Emma Jones, Esq.**

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.

**Justice D. Arthur Kelsey**

Justice Kelsey teaches The Resurgent Role of Legal History.

**Justice William Mims**

Justice Mims teaches Constitutional Power: A Contemporary Examination and Executive Power: Origins, Uses, Abuses, and Limitations.

**Dale Rubin, Esq.**

Professor Rubin teaches Administrative Law, Corporate Governance, Current Issues in the Law, and State & Local Government.

**Rachel Wolfe. Esq.**

Professor Wolfe teaches Black Lung Practice.

**Professional Staff**

<b>Title</b>	<b>Employee</b>
Director of Advancement	Hayley Allison, B.A.
Access Services Librarian	Rebecca Belcher, B.S., M.L.S.
Dean of Admissions	Holly Cline, B.A., J.D.
Legal Research and Writing Fellow	Jacob Cross, B.A., J.D.
Coordinator of Institutional Effectiveness	Rebecca England, B.A., M.Ed.
Business Office Assistant	Susan Gibson, B.B.A.
Technical and Teaching Assistant	Richard Gibson, B.S., J.D.
Chief Financial Officer	Karen Jackson, B.S., CPA
Executive Assistant to the President and Dean	Ashley Kelsey, B.A.
Director of Communications & Strategic Development	Mark Kelsey, B.A., M.A.
Rector	The Honorable Terry Kilgore
Director of Campus Safety	Michael Kirkpatrick
Assistant Director of Bar Prep & Assistant Director of the Law Library	Nathan Lowell, B.A., J.D.
Executive Director of the MLP Pilot Project	Susan Moore, B.A., J.D.
Associate Director of the Law Library & Student Services Coordinator	Glenna Owens, B.A., M.S.I.S.
Director of Information Services	Brian Presley, B.S.
Director of Community Service & Personnel, Title IX Coordinator	Jina Sauls, B.A., J.D.
Registrar and Director of Reporting & Regulatory Compliance	Elizabeth Stanley, B.S., M.S.I.S.
Director of the Business Office	Peggy Street
Network Administrator	Glen R. Turner, B.S.
Chief Operating Officer	Abigail Wescott, B.B.A, M.B.A
Regional Admissions Officer	Hannah Whited Skeens, B.S.

**Other Essential Personnel**

Title	Employee
Housekeeping	Francis Addair
Housekeeping	Haley Addair
Faculty Assistant for Academic Programs	Sandy Baker, A.A.S., B.S.
General Maintenance Technician	Andy Boldt
Circulation Assistant	Jeree Boyd, B.B.A., M.B.A.
General Maintenance & Grounds Technician	Chris Charles
Writing Specialist	Rebecca Elswick, B.A., M.Ed., M.F.A.
Remote Admissions Recruiter, Minority Affairs Officer	Mary Layton, B.S., B.A., M.B.A., M.M.
Assistant to the Office of Admissions & Switchboard Operator	Tonya Moore
Assistant to the Registrar	Marcia Owens
General Administrative Assistant & Events Coordinator	Patty Street
Circulation Assistant	Della Yates
Technical Services Assistant	Teresa Yates
Security Officer	Kenny Keen
Security Officer	Corbett "Chuck" Mullins

## 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, Associate Director of the Law Library and 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 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 strives to educate, support, and empower women not just in the legal field but within our entire community as well. 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 is 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.

#### ASL Soccer Team

The ASL Soccer Team aspires to encourage exercise within the Law School student community. The team is selected based on skill, ability, attitude, participation, and team need.

#### Basketball Team

The ASL Basketball team is dedicated to winning for fun and enjoyment in promotion for the school and its students and faculty. Our members are committed to excellence, integrity, and fellowship in all games we play. We strive to bring the local community entertainment, win or lose, and regardless of the skill level of players to compete with altruism.

## Black Law Students Association (BLSA)

The Black Law Students Association utilizes the collective resources of the organization to articulate and promote the educational, professional, political, and social needs and goals of Black law students at ASL; fosters and encourages professional competence of law students within ASL; improves the relationship between Black law students and Black attorneys in the American legal structure; instills in the Black attorney and law student a greater awareness and commitment to the needs of the Black community and the Buchanan County Community; influences the legal community by bringing about meaningful legal and political change that addresses the needs and concerns of the Black community; works very closely with the law school administration on minority recruitment, retention, and financial aid; adopts and implements a policy of economic independence; encourages participation between all racial and ethnic groups; and encourages Black students to pursue careers in the judiciary.

## 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. BILS thrives 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”) exists to inspire, encourage, and equip lawyers and law students, both individually and in community, to proclaim, love, and serve Jesus Christ through the study and practice of law, the defense of religious freedom, and the provision of legal assistance to the poor. CLS is dedicated to seeking justice with the love of God by following His principles: helping members faithfully serve Jesus in their professions, relationships, communities, and churches; influencing the legal profession and the law in accordance with His teaching; and serving others as He would serve them.

## Criminal Law Society

The Criminal Law Society 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, CLS will sponsor discussion groups, invite outside speakers, and promote curricular and co-curricular activities in the criminal law field. CLS is apolitical; however, it will facilitate student membership in political groups representing defense attorneys or prosecutors.

## Democratic Law Society (DLS)

Democratic Law Society strives to enhance student awareness and participation in government and civic affairs by inviting candidates, elected officials, and speakers to campus that will inform and engage students in political discussion and promote greater political diversity and activity. DLS shall also strives to strengthen students’ bonds with the Democratic Party and each other while fostering Democratic ideals and providing service to the community.

## Energy and Mineral Law Society (EMLS)

ASL’s Energy and Mineral Law Society is a student chapter of the Energy and Mineral Law Foundation. EMLS’s purpose is to promote the educational and professional advancement of its members in the practice areas of Energy and Mineral Law. EMLS solicits co-curricular educational and employment opportunities for its members, facilitates occasions for fraternity and association within these specialized legal communities, and

## Appendix B

encourages the faculty and administration to offer an elective curriculum to explore the pertinent areas of Energy and Mineral Law as applicable to prospective practitioners. Each year EMLS sends several students to the Kentucky Mineral Law Conference in Lexington, KY.

### Environmental Law Society (ELS)

The Environmental Law Society's mission is to promote awareness of environmental concerns, issues, and problems within the legal community, the student body, and the local community; bridge the communication and information gaps between the scientific and political/legal communities; enhance the law school experience for students interested in environmental issues confronting southwest Virginia, the United States, and the world; and serve the community and the school by actively engaging in projects and events to serve this mission. ELS hosts recycling competitions and river cleanups.

### Federalist Society (Fed Soc)

The Federalist Society 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 organization seeks both to promote an awareness of these principles and to further their application through its activities.

### National Latina/o Law Student Association (NLLSA)

ASL's Chapter of the NLLSA is part of the national organization. NLLSA serves as a conduit for Latina/o law student voices. Founded on principles of social, ethnic, racial, gender, and sexual equality, NLLSA is focused on advancing Latina/o academic success and commitment to community service. NLLSA is fueled by a progressive coalition-building approach that addresses legal issues affecting Latinas/os around the nation.

### 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 this chapter shall be to provide an effective, cohesive forum, smaller than that of the entire law school student body; to provide for the professional advancement of its members; to promote the principles of liberty and equal justice under law for all citizens; to stimulate excellence in scholarship; to provide a forum for the interchange between members of this chapter and members of the practicing bar, the bench, and law professors; to develop lasting professional friendships among its members; and to provide the ideals, principles, and purposes of Phi Alpha Delta Law Fraternity, international as defined in Article II of the Constitution of the Fraternity.

### 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 ASL. Phi Delta Phi is the world's largest legal fraternity whose membership is restricted to students and practitioners of the law. ASL's Chapter of Phi Delta Phi is named

last revised: Aug. 2021



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Blackwell Inn Phi Delta Phi International.

### 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 goal of the RLSA is to support Republican candidates on the local and national level as well as encouraging debate and thoughtful awareness of the issues of the day on campus.

### Softball Team

At the beginning of every new academic year, the students at Appalachian School of Law start to prepare for the Annual University of Virginia School of Law Softball Invitational 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.

### 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. VLSA works 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.

# Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

## 1. Introduction

### What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

*See*, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, Appalachian School of Law will implement the following Title IX Grievance Policy, effective August 14, 2020.

### How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, ASL must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

ASL remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A **Code of Student Conduct** that defines certain behavior as a violation of campus policy, a separate **Grievance Policy** that addresses claims of discriminatory behavior by employees of ASL, and a Statement on Nondiscrimination.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Student Conduct/ Grievance Policy through a separate grievance proceeding.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of ASL for any violation of the Code of Student Conduct, Statement on Non-Discrimination, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of ASL and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office remains in place, and we have added a Deputy Title IX Coordinator position. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## **2. The Title IX Grievance Policy**

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### **General Rules of Application**

#### **Effective Date**

The Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Student Conduct/ Grievance Policy.

## **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocras.ed.gov/contact-ocr>.

## **Definitions**

### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Virginia domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Virginia.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Student Conduct/Statement on Nondiscrimination

### **Consent**

For the purposes of this Title IX Grievance Policy, 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 action 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.

### **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, Appalachian School of Law (ASL) "education program or activity" includes:

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- Any on-campus premises
- Any off-campus premises that ASL has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of ASL's programs and activities over which the ASL has substantial control.

### **Formal Complaint**

For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within an ASL education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Relevant evidence and questions**

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege, such as attorney-client privilege, doctor-patient privilege, ministerial privilege, or mental health professional-client privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

### **Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **School Days**

A school day is a day in which regularly-scheduled classes or exams are held.

### **Privacy vs. Confidentiality**

Consistent with the Code of Student Conduct, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean ASL offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. ASL will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Jina Sauls  
Title: Director of Community Service and Personnel  
Address: 1169 Edgewater Drive, Grundy, VA 24614  
Room 133B Main Office and Classroom Building  
Phone: (276) 244-1228  
Email: [titleixcoordinator@asl.edu](mailto:titleixcoordinator@asl.edu) or [jsauls@asl.edu](mailto:jsauls@asl.edu)

Name: Gayle Wilkinson  
Title: Compliance Inspector and Deputy Title IX Coordinator  
Address: 1169 Edgewater Drive, Grundy, VA 24614  
Room 133 Main Office and Classroom Building  
Phone: (276) 244-1236  
Email: [titleixcoordinator@my.asl.edu](mailto:titleixcoordinator@my.asl.edu) or [gwilkinson@asl.edu](mailto:gwilkinson@asl.edu)

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or Deputy Title IX Coordinator

## **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from ASL regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

As appropriate, supportive measures may include, but not be limited to:

- referral to Counseling services
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- restrictions on contact between the parties (no contact orders)
- changes in work locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

See 85 Fed. Reg. 30401.

### **Emergency Removal**

ASL retains the authority to remove a respondent from ASL's program or activity on an emergency basis, where ASL (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If ASL determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

ASL's Individualized Assessment and Response Team will review matters involving emergency removal, in accordance with the Individualized Assessment & Response Team Guidelines, Students in Distress: Violence Prevention & Individualized Assessment Policy, and the Sexual Violence Review Committee Policy. Those documents are: <http://asl.edu/wp-content/uploads/2015/08/Individualized-Assessment-and-Response-Team-Guidelines.pdf>  
<http://asl.edu/wp-content/uploads/2015/08/Sexual-Violence-Review-Committee.pdf>  
<http://asl.edu/wp-content/uploads/2015/08/Students-in-Distress-Violence-Prevention-and-Individualized-Assessment.pdf>

### **Administrative Leave**

ASL retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the ASL Faculty Handbook and ASL Personnel Policies & Procedures Manual.

## **The Title IX Grievance Process**

### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school days after the filing of the Formal Complaint, provided that the Process may be extended for a good faith reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of ASL, including as an employee. For complainants who do not meet this criteria, ASL will utilize existing policy in the Statement on Nondiscrimination and Grievance Policy, available <http://www.asl.edu/eeo-discrimination-policy-title-ix/>

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. ASL will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or Code of Student Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Informal Resolution**

A complainant who files a Formal Complaint may elect to, at any time, address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here: <http://asl.edu/wp-content/uploads/2015/08/Informal-Resolution-Policy-Draft.pdf>

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator or Deputy Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in ASL's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, ASL will investigate the allegations according to the Grievance Process.

### **Allegations Potentially Falling Under Two Policies:**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations. Please see Appendix G for ASL's Transcript Notation Policy.

### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator or Deputy Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.



### **Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by ASL; or,
- If specific circumstances prevent ASL from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

### **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, ASL retains discretion to utilize the Code of Student Conduct and/or Grievance Policy to determine if a violation of the Code of Student Conduct and/or the Statement on Nondiscrimination and/or Grievance Policy has occurred. If so, ASL will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the appropriate process.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than 5 school days after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a students or employees, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or Deputy Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution’s Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.

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- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement reminding students of the ASL Community Standards Statement, which prohibits making false accusations or knowingly submitting false information, and the Code of Academic Integrity provisions on Truthfulness and Candor toward Instructors, Truthfulness and Candor toward Other Students, and Upholding the Code of Academic Integrity, all of which require honesty in all student actions.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

ASL will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The ASL has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of ASL.

ASL will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

ASL's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and ASL cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. ASL will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by ASL.

### **Notice of Meetings and Interviews**

ASL will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

## **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Deputy Title IX Coordinator, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or Deputy Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

## **Investigation**

### **General Rules of Investigations**

An investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

ASL and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from ASL and does not indicate responsibility.

ASL cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. ASL will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

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The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) school days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

ASL will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Inclusion of Evidence Not Directly Related to the Allegations:**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30438 (May 19, 2020).

### **Investigative Report**

The Investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) school days prior the hearing in an electronic or hard copy format for each party's review and written response. A hard copy of the Investigative Report will be kept on file in the Title IX Coordinator's Office.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

### **Hearing**

#### **General Rules of Hearings**

ASL will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at ASL's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, ASL may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audiovisual recording. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

### **Continuances or Granting Extensions**

ASL may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, ASL will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Decision-maker answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
  - For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>

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- ASL will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the ASL Oath of Professionalism and ASL's Decorum Policy. <http://asl.edu/wp-content/uploads/2015/08/Decorum-Policy-Draft.pdf>

### *The Decision-maker*

- The hearing body will consist of a single decision-maker.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

### *Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor of or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appears at the hearing, ASL will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Decorum Policy, and may be removed upon violation of those Rules. <http://asl.edu/wp-content/uploads/2015/08/Decorum-Policy-Draft.pdf>

### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules. <http://asl.edu/wp-content/uploads/2015/08/Decorum-Policy-Draft.pdf>

### *Others*

- Legal counsel for ASL
- Other officers or representatives of ASL, as needed

## **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- Decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- Decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after Decision-maker conducts its initial round of questioning; During the Parties' cross-examination, the decision-maker will have the authority to pause cross-examination at any time for the purposes of asking decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the Decision-maker to use statements made by the Party.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses' relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the decision-maker will determine if the question is relevant. Virginia Rules of Evidence shall apply to questions of relevance.

<https://inns.innsocourt.org/media/59249/nov.2011programva.rulesevidence9-12-11.pdf>

Cross-examination questions that are duplicative of those already asked, including by the decision-maker may be deemed irrelevant if they have been asked and answered.

### **Review of Recording**

The recording of the hearing will be available for review by the parties within 10 school days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

### **Determination Regarding Responsibility**

#### **Standard of Proof**

ASL uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred, to a neutral decision maker.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that ASL allow parties to call "expert witnesses" for direct and cross examination. ASL does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that ASL allow parties to call character witnesses to testify. ASL does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that ASL admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Decision-maker may draw an adverse inference as to that party or witness' credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Code of Student Conduct, Statement on Nondiscrimination, or Grievance Policy, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").



### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by ASL within ten (10) school days of the completion of the hearing.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) school days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The reasons for appeal set forth in the Code of Student Conduct/Code of Academic Integrity.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than ten (10) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the Appeal Decision-maker, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **Retaliation**

ASL will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to

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carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the Code of Student Conduct/Grievance Policy.

## Academic Calendars

For 2021 – 2022

First Intersession	May 17 – June 11, 2021
Second Intersession	June 14 – July 23, 2021
Third Intersession	July 26 – August 20, 2021
Orientation	August 9 – 20, 2021
Fall Semester Classes Begin	August 23, 2021
Holiday – Labor Day	September 6, 2021
Thanksgiving Break	November 22 - 26, 2021
Last Class Day	December 3, 2021
Class Make-up Day	December 6, 2021
Exam Period	December 8 – 17, 2021
Spring Classes Begin	January 18, 2022
Spring Break	March 7 – 11, 2022
Last Class Day	April 29, 2022
Class Make-up Day	May 2, 2022
Exam Period	May 4 – 13, 2022
Graduation	May 14, 2022

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

# Accommodations for Students with Disabilities

## 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.***

## 1. 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)) 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 Registrar.

The Registrar will schedule a meeting between the student and at least two members of the Accommodations Committee.<sup>1</sup> (This meeting may be held in-person or virtually.) The student is encouraged to explain their specific requested accommodations and the reasons therefor. Then, the Request and supporting documentation will be reviewed by the Accommodations Committee in accordance with this Accommodations Policy and federal law. The Committee’s decision will be reduced to writing and the student will be advised to contact the Registrar to pick up the written decision. At that time, the student may ask for clarification of anything in the written decision.

**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

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<sup>1</sup> The Accommodations Committee is subsumed within the Student-Faculty Relations Ad Hoc Committee.  
last revised: Aug. 19, 2021

have the Request resolved before the event requiring an accommodation.

### **Appeals & Grievances:**

After being informed of the Accommodations Committee's decision, a student who is dissatisfied with the result or accommodation offered may appeal the decision to the Chief Academic Officer. The student shall notify the Chief Academic Officer 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 Chief Academic Officer, who shall consider the Initial Request, along with any such additions (the "Appeal"). The Chief Academic Officer 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 Chief Academic Officer's decision shall be final. The Chief Academic Officer 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).

### **Revisions:**

The Accommodations process is an on-going process. If at any time outside of the Appeals period a student believes that he or she needs a revision to a previously-granted accommodation, the student should contact the Registrar's Office to arrange a meeting with the Accommodations Committee to discuss his or her request. The Committee may request additional documentation from the student to support that request.

### **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 Office of the Registrar as soon as the need for a temporary accommodation arises. Supporting documentation should be submitted using Form B.

## **1. Filing the Initial Request**

- A. Initial Request Forms are available as part of the Catalog and Student Handbook (Appendix E, Accommodations Policy), and from the Registrar.
- B. All students seeking an accommodation (whether as a result of a documented disability or a temporary medical condition) shall complete the Initial Request Form (Form A, along with the relevant form B through F) and submit it to the Registrar.
- C. 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.
- D. Documentation from a qualified professional must be completed no more than ninety (90) days prior to the student's Initial Request.
- E. When the Forms and supporting documentation are submitted, the Registrar's Office will schedule a meeting between the student and at least two members of the Accommodations Committee. The student is encouraged to be prepared to discuss their specific requested accommodations and the reasons therefor.
- F. The Request is not considered to be complete until Form A, the relevant form for the student's disability (Form B through Form F), and all supporting documentation has been submitted and the student has met with the Accommodations Committee.

## 2. 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. Students submitting a Renewal Request will also be required to meet with the Accommodations Committee before a Renewal may be granted. 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: [bstanley@asl.edu](mailto:bstanley@asl.edu)

This Form A must be completed by the student and returned to the Registrar. The Initial Request will not be considered complete until relevant supporting documents (Forms B—F) have been submitted and the student has met with the Committee representatives. 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 # (\_\_\_\_)\_\_\_\_-\_\_\_\_\_





10. Have you previously been granted any accommodations at any secondary (high school) or post-secondary institution (undergraduate studies or graduate studies)? \_\_\_\_\_

- a. If so, please describe the type of accommodations and the disability for which the accommodations were granted. Please also attach documentation of that accommodations. (Example: letter from school, notice of award of accommodation, IEP, 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 AND THE STUDENT HAS MET WITH THE COMMITTEE REPRESENTATIVES. 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 Registrar of any changes in my disability or need for accommodation,

Appendix E

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: bstanley@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 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: [bstanley@asl.edu](mailto:bstanley@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 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

\_\_\_\_\_  
Date

INITIAL REQUEST  
FOR DISABILITY ACCOMMODATION  
FORM D (Learning Disabilities)



1169 Edgewater Drive, Grundy, Virginia 24614. Tel: 276-935-4349  
Email: [bstanley@asl.edu](mailto:bstanley@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.

\_\_\_\_\_

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: [bstanley@asl.edu](mailto:bstanley@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 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: \_\_\_\_\_

14. Is the student's impairment within your field of expertise? \_\_\_\_\_

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

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16. 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.

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

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

- c. If so, please provide the date of the initial diagnosis.
- d. 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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Appendix E

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22. 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: [bstanley@asl.edu](mailto:bstanley@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 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).

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

4. Please address the student's psychological/psychiatric history; relevant developmental, educational, and familial history; relevant medical history; results of full mental status examination; results of any tests or diagnostic instruments used to support the clinical interview; diagnostic formulation, including discussion of differential or "rule out" diagnoses; and prognosis.

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

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5. Is the student being treated for this disorder/impairment? \_\_\_\_\_  
a. If yes, briefly describe the treatment.

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6. Please describe the functional limitations of the student's 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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7. What remediation techniques have been attempted to alleviate the student's impairment in academic settings? Have they been successful?

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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).

Appendix E

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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: bstanley@asl.edu

**Student Information:**

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

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

---

**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

## Religious Accommodations for Students

Policy Statement: It is the policy of Appalachian School of Law to reasonably accommodate students, so that their academic requirements do not conflict with their sincerely held religious beliefs, practices, and observances.

What is a reasonable accommodation for religious purposes? A reasonable accommodation is an adjustment or change to an academic course/program that enables a student to observe a sincerely held religious belief, practice, or observance. A reasonable accommodation is not a modification or reduction in academic standards or requirements, or a modification or adjustment that results in undue hardship to ASL, its faculty and staff, or its administration.

What are examples of reasonable accommodations under this policy?

Example 1: One of the graded assignments in a course is a group presentation to the class, requiring a student to be present in class on a scheduled date. The date falls on a religious holiday observed by the student. One reasonable accommodation may be to allow the student's group to make their presentation on a different date. Another reasonable accommodation may be to allow the student's group to record their presentation and the remaining students in the group could show the video in lieu of a live presentation. The instructor's learning objectives must be taken into consideration when deciding what is a reasonable accommodation. For example, if one of the goals of the assignment is to practice making presentations in front of a live audience, the video presentation may not be a reasonable accommodation. Reasonable accommodations would not require excusing the student or the student's group from completing the group presentation requirement.

Example 2: The course attendance policy provides that class absences in excess of a certain number result in a failing grade for the course. A student incurs an absence beyond the permitted number. At least one of the absences was due to a religious observance. The instructor may not count the absence for religious observance as part of the overall number of absences.

What should a student do to request a religious accommodation? If a student believes there is a course assignment/activity or other requirement that conflicts with the student's sincerely held religious belief, practice, or observance, he or she should raise the issue with the instructor to request a reasonable accommodation. This request should be in writing (hard copy or email) and should outline the reason for the requested accommodation, the specific modification or accommodation being requested, and a statement of how the activity conflicts with the student's sincerely held religious belief, practice, or observance.

For events or assignments that are set forth at the beginning of a semester, the student should make this request within two weeks of the first class session. For events or assignments that are scheduled later in the semester, the student should make the request as soon as possible after the conflict becomes apparent, but no less than one week prior to the event/assignment. For requesting a rescheduling of an exam/test, the student should make the request to the Office of the Registrar, with a copy to the course instructor. The Registrar and instructor will work with the student to reach a reasonable accommodation for the timing of the exam/test.

What should an instructor do upon receipt of a request for a religious accommodation by a student? The instructor should make every effort to grant a reasonable accommodation in the event of a conflict with a sincerely held religious belief, practice, or observance of a student. Generally speaking, the instructor should offer the student an alternate method of completing the course requirement or otherwise making up any work that may be missed. Instructors are not required to waive any course requirements or to reduce the rigor of a course requirement. Instructors are not required to grant any excused absences or make-up work if the student did not make the request in accordance with this policy.

What happens if the instructor and/or Registrar and the student do not agree on what constitutes a reasonable accommodation or on the need for an accommodation? The issue should be submitted to the



## Appendix F

Accommodations Committee for review and recommendation to the Chief Academic Officer. Ultimately, the Chief Academic Officer of ASL shall have the final authority on decisions regarding accommodations for sincerely held religious beliefs, practices, and observances. This shall include the existence of the sincerely held religious belief, practice, or observance as well as the accommodation granted.

## Transcript Notation Policy

This Policy sets forth Appalachian School of Law's ("ASL") policies and procedures regarding transcript notations.

ASL uses transcript notations to officially denote: (i) academic honors and awards such as Dean's List or graduation *cum laude*, (ii) completion of an ASL certification program such as the Natural Resources Law Certificate or the Criminal Law Certificate, (iii) academic probation or academic dismissal, (iv) compliance or noncompliance with ASL's community service requirements, (v) good standing, (vi) the results of any student disciplinary process that results in the student's Suspension or Expulsion/Dismissal, and (vii) withdrawal of a student from ASL during the pendency of a complaint against him/her pursuant to ASL's Grievance Policy for Addressing Complaints of Sexual Harassment under Title IX (the "Title IX Policy").

A student who is found to be responsible for violating an ASL policy and receives Suspension from ASL as a disciplinary sanction will have a notation placed on his/her transcript that says "Suspended for a violation of ASL policy on [Date] through [Date]." If the student serves the suspension time and is later returned to good standing at ASL, this notation will be removed from his/her transcript.

A student who is found to be responsible for violating an ASL policy and receives Expulsion or Dismissal from ASL as a disciplinary sanction will have a notation placed on his/her transcript that says "Expelled/Dismissed for a violation of ASL policy on [Date]." The student shall be given an opportunity to apply for expungement of the transcript notation after a period of three years for "good cause" shown. It is within the discretion of ASL as to what constitutes "good cause."

A student who withdraws from ASL while a complaint is pending against him/her that is subject to the Title IX Policy will have a notation placed on his/her transcript that says "Withdrew while under Investigation for violation of an ASL Policy on [Date]." The transcript notation shall remain unless the student returns to ASL and the complaint process is finally adjudicated. If the result is that the student is found "not responsible" for violating the Title IX Policy, the notation shall be removed from his/her transcript. If the result is that the student is found to be responsible for violating the Title IX Policy and the disciplinary sanction includes Suspension or Expulsion/Dismissal from ASL, the notation shall be revised to reflect the appropriate disciplinary sanction as outlined above. If the result is that the student is found to be responsible for violating the Title IX Policy and the disciplinary sanction is anything other than Suspension or Expulsion/Dismissal, the notation shall be removed from his/her record.

## Appalachian School of Law – Requirements for Graduation Checklist

*You must complete at least 92 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. I&II(2)	___	___
___ Bar Preparation Studies (2)	___	___
___ Bar Subject Review I&II (2)	___	___
___ Civil Procedure (4)	___	___
___ Constitutional Law I (3)	___	___
___ Constitutional Law II (3)	___	___
___ Contracts I (3)	___	___
___ Contracts II (2)	___	___
___ 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>
___ Intentional Torts (2)	___	___
___ Intro ASL Legal Studies I (2)	___	___
___ Intro ASL Lgl Studies/Ext II (2)	___	___
___ Legal Process I (3)	___	___
___ Legal Process II (3)	___	___
___ MBE Fundamentals (2)	___	___
___ Negligence (3)	___	___
___ Prof Responsibility (3)	___	___
___ Property I (2)	___	___
___ Property II (3)	___	___
Total	___	___

**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 Law Journal 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)**

<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) *(required)\**  
 Bar Subject Review (1) *(required)*  
 Civil Procedure (4) *(required)*  
 Constitutional Law I (3) *(required)*  
 Contracts I (3) *(required)*  
 Criminal Procedure (3) *(required)*  
 Evidence (4) *(required)*  
 Family Law (3)  
 Intentional Torts (2) *(required)*  
 Intro to ASL Legal Studies I (2) *(required)*  
 Legal Process I (3) *(required)*  
 Legal Writing with a Purpose (1) *(required)\**  
 MBE Fundamentals (2) *(required)*  
 Property I (2) *(required)*  
 Secured Transactions/UCC (4)  
 General Electives (1/3)  
 Practicum Electives (2/4)  
 Seminars (2)

### SPRING COURSES

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

### SUMMER COURSES

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

\*Students are required to take either one semester of Appellate Advocacy (3) or two semesters of Legal Writing with a Purpose (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 the Law Journal 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.**