

UNIVERSITY OF DAYTON SCHOOL OF LAW

POLICY MANUAL

Revised Edition May 2013

Introduction

This Policy Manual is a compilation of policies established by the University of Dayton School of Law's Dean and/or faculty. Where appropriate, the School of Law's policies have been supplemented by those of accrediting agencies and similar organizations (such as the American Bar Association and the Association of American Law Schools), and by University policies and regulations. Citations at the end of paragraphs or sections refer to the source or sources of the rules contained in that section or paragraph (e.g., "ABA Standard ___") or to the dates of faculty decisions (e.g., "April 12, 1975") as reported in the Minutes of Faculty Meetings.

[SECTION A]

MISSION STATEMENT

Our mission is to enroll a diverse group of intellectually curious, self-disciplined and well-motivated men and women, and to educate them in the substantive and procedural principles of public and private law. The School of Law seeks to graduate highly qualified attorneys who will uphold the highest professional standards, who are sensitive to the impact of Judeo-Christian ethics on the law, and who will recognize that service to others, rather than personal financial gratification, is the chief measure of professional competence.

[SECTION B]

B. ACADEMIC AND PROFESSIONAL ETHICS

1. STATEMENT ON ETHICS

Law students, as aspirants to membership in the legal profession, should conduct themselves in accordance with the ethical and professional norms of that profession. Thus, the School of Law expects its students to display the same high level of honesty, ethical conduct, and professional decorum expected of members of the practicing bar.

As a professional school, the School of Law also requires its students to adhere to the highest standards of academic integrity. A student who is uncertain as to the propriety of an action is expected to inquire as to that act's correctness before undertaking it.

The consequences of unethical or academically dishonest conduct can be very severe and long-lasting. Compared to many undergraduate programs and non-professional graduate programs, the sanctions for academic dishonesty imposed by law schools are harsh. The severest penalty may not be the one imposed by the law school, however, but the one exacted when the student guilty of academic dishonesty seeks admission to the bar. Since academic dishonesty reflects adversely on the moral character and fitness to practice law of the person accused, in most states such an applicant must reveal fully the circumstances and details of the incident, and endure a hearing into the matter by a committee on character and fitness. In extreme cases, candidates for admission to the bar may even be turned down because of incidents of academic dishonesty.

2. STANDARDS: HONOR CODE, UNIVERSITY POLICY ON ACADEMIC DISHONESTY & SCHOOL OF LAW'S ACADEMIC AND PROFESSIONAL ETHICS POLICY

a. HONOR CODE

In the fall of 1999, the student body at the School of Law voted to adopt an Honor Code, drafted by a committee appointed by the Student Bar Association. The Honor Code, which went into effect in January of 2000, supplements the University of Dayton's Policy on Academic Dishonesty and the School of Law's Academic and Professional Ethics Policy. The Honor Code's procedures will be used in cases involving conduct within its definition of dishonorable conduct.

The Honor Code is set out in Appendix B - 1. All law students are expected to review the Honor Code and familiarize themselves with its provisions.

b. UNIVERSITY OF DAYTON'S POLICY ON ACADEMIC DISHONESTY

As members of the University of Dayton community, law students are also subject to the University's Policy on Academic Dishonesty. That policy is set out in Appendix B - 2.

c. SCHOOL OF LAW'S ACADEMIC AND PROFESSIONAL ETHICS POLICY

The School of Law has adopted its own Academic and Professional Ethics Policy. The Honor Code does not address certain kinds of conduct that do violate the School of Law's Academic and Professional Ethics Policy, such as acts committed off-campus that involved the actual or attempted destruction of property, the infliction or threatened infliction of injury on persons, the theft of property, and violations of law forbidding the operation of motor vehicles while under the influence of intoxicants. The School of Law's Academic and Professional Ethics Policy will be used in cases not encompassed by the Honor Code. That policy is set out in Appendix B - 3.

3. SCHOOL OF LAW'S POLICY ON COMPUTING ETHICS

A statement on Computing Ethics is set forth in Appendix B - 4.

[SECTION C]

C. ACADEMIC STANDARDS AND POLICIES

1. EDUCATIONAL PROGRAMS

a. JURIS DOCTOR CURRICULUM [NOTE: This section a. is applicable only to students entering in May 2011 and later. For students entering before August 2005, see Appendix J-1 of this Policy Manual. For students entering in August 2005 or later, but before September 2008, see Appendix J-2 of this Policy Manual. For students entering in May 2009 or later but before May 2011, see Appendix J-3 of this Policy Manual.

(1) CREDIT HOURS

Every student must earn credit for at least 90 semester hours of law school work. Credit for at least 70 of those hours must be earned in courses with regularly scheduled class sessions. [ABA Standard 304(b)].

(2) COURSE LOAD

During any regular semester, every student must enroll in courses totaling at least twelve, but not more than eighteen, credit hours. [ABA Standard 304(e).]

(3) REQUIRED COURSES ALL STUDENTS

(a) FOUNDATION COURSES:

In order to graduate, all students must receive credit for the following required courses in their first year of study in the following semesters:

(i) First Semester

Civil Practice and Procedure	4 credits
Contracts I	2 credits
Legal Profession I	3 credits
Real Property I	4 credits
Torts I	3 credits

(ii) Second Semester

Constitutional Law	4 credits
Contracts II	3 credits
Criminal Law	3 credits
Legal Profession II	3 credits
Torts II	2 credits

(iii) Third Semester

Legislation 3 credits

(b) UPPER LEVEL WRITING REQUIREMENT

In order to graduate, all students who begin study after May 2011, are required to take at least one of the following courses after completion of two semesters and before taking a required capstone course:

Appellate Advocacy 2 credits
Transactional Drafting 2 credits

(c) ADDITIONAL UPPER LEVEL REQUIREMENTS

In addition to the required foundation courses and the Upper Level Writing Requirement, in order to graduate, all students must receive credit for:

ADR requirement – one of the following:

ADR for the Litigator	3 credits
Interviewing, Counseling, Negotiation	3 credits
Conflict Management & ADR	3 credits
Advanced Dispute Resolution	4 credits
Either Externship	4 credits
Or Law Clinic Intern	4 credits
Evidence	3 credits
Professional Responsibility	2 credits
Synthesis Requirement: Capstone	3 or 4 credits

The required synthesis requirement (Capstone course) must be taken in a student's final semester before graduation. The Externship or Law Clinic Intern course and the required course in Professional Responsibility may be taken in either of a student's final two semesters before graduation or in the Summer term immediately preceding a student's last or next to last semester before graduation.

(d) ELECTIVES

In addition to the requirements set forth in (a) through (c) above, students must receive credit for elective courses so that the number of credits earned equals or exceeds 90.

(e) CURRICULAR CONCENTRATIONS

A curricular concentration is a sequence of courses that have been identified and approved by the faculty as appropriate to be taken as a course of study in order to pursue a more intense or focused study in a particular area of law or legal practice.

(f) EXCEPTIONS AND WAIVERS

Students are expected to follow the curriculum approved by the faculty both as to courses taken and as to the sequencing of such courses. In extraordinary cases, resequencing of courses may be approved by the Associate Dean for Academic Affairs for good cause shown.

(4) PERIOD OF ATTENDANCE

All courses for the Juris Doctor must be taken over a period of not fewer than 24 calendar months and not more than 84 calendar months.

b. JOINT-DEGREE PROGRAMS

(1) JURIS DOCTOR/MASTER OF BUSINESS ADMINISTRATION

The JD/MBA Joint Degree Program is an integrated program of studies leading to both the Juris Doctor and the Master of Business Administration degrees. The program was created in response to a growing need for professionals trained in both fields. The designation of certain courses from both the law and MBA programs as common electives results in completion of both programs in one term less than would be required if each degree was pursued independently. At the completion of the program, both degrees are conferred.

While the specific program structure and requirements are determined for each student through individual consultation, there is a basic format common to all students. Normally, the first- year is spent entirely in the School of Law. Course work in the second and third years is distributed between law and business courses, sequenced in a manner to achieve integrated progression in the two fields. The fourth year consists mainly of taking law courses to complete the JD requirements. Since both schools offer courses during the summer, students may accelerate the program by attending summer sessions. The total number of hours required for the MBA degree will depend upon a student's need for prerequisite courses. Those with undergraduate degrees in fields other than business administration normally require additional hours.

Students applying for the JD/MBA program must meet the admission requirements of both the School of Law and the School of Business Administration. Separate applications for admission must be submitted to each school, complete with the required records. Upon admission to the joint-degree program, each school will appoint an advisor to assist in the planning of the student's program of studies.

(2) JURIS DOCTOR/MASTER OF SCIENCE IN EDUCATIONAL ADMINISTRATION

The School of Law in cooperation with the School of Education offers a joint program leading to both the Juris Doctor and a Master of Science in Education. The design and requirements of the program are determined for each student in order to provide sufficient flexibility to accommodate the unique needs and career plans of the individual. Students interested in this joint program should consult both the School of Law and School of Education for the particulars.

(3) COURSES ACCEPTED

Under each of the above programs, up to six credit hours of non-law courses will be applied toward the requirements of the Juris Doctor, provided the grade earned equals or exceeds the minimum necessary for graduation from the school in which it was earned. Such courses will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average.

c. CREDITS EARNED IN OTHER UNIVERSITY SCHOOLS AND THE COLLEGE

An upper-level law student whose cumulative grade-point average is 2.30 or higher may, with the advance approval of the Associate Dean, enroll in graduate level courses in the other schools and the College of the University of Dayton and receive credit for up to six semester hours toward the requirements for a law degree. Such courses will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average.

d. TRANSFER STUDENTS – (TRANSFER CREDITS)

(1) AWARD OF CREDIT

The Associate Dean for Academic Affairs may award credit for work done at another law school to students transferring to the University of Dayton. This award is also known as granting "advanced standing."

(2) LIMITATIONS

Only courses that were completed at a law school approved by the ABA, for which a grade of "C" or better (or its equivalent) was received, and which reasonably conform to the curriculum of this law school, will be accepted for transfer. Normally, not more than thirty semester hours, or forty-five (45) quarter hours, of credits will be accepted for transfer.

(3) GRADES

Courses for which advanced standing is awarded will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average. Because a transfer student's academic record is not comparable to that of other students, an official class rank cannot be determined for him or her. Upon graduation, an unofficial estimate of class rank will be prepared upon request, however.

(4) STATUS

Regardless of the number of credit hours of advanced standing granted, a transfer student is considered a second year student for purposes of applying the standards for continuation in law school, even though he or she may have less than thirty hours of credit and/or may be registered for first-year courses.

e. CURRENT STUDENTS - STUDY "IN ABSENTIA" (TRANSFER CREDITS)

With an appropriate showing, a UDSL law student can receive permission to enroll in courses at another law school as a transient student, a privilege known as "studying in absentia." Normally, studying in absentia is a privilege reserved for third-year students. First-year students will not be permitted to study in absentia, and second-year students may be permitted to do so only under extraordinary circumstances. Students must obtain permission to study in absentia.

(1) ELIGIBILITY

In order to study in absentia a student must have completed at least one, and preferably two, years of study at the School of Law, must be in good standing and must have a cumulative grade-point average of 2.30 or above. Requests to study in absentia will be approved only in cases of extreme hardship circumstances, and for reasons beyond mere personal convenience or financial considerations. No more than two (2) semesters of study in absentia will be permitted under any circumstances.

(2) APPROVAL

Requests for permission to study in absentia should be submitted to the Associate Dean for Academic Affairs during the semester before such study is to begin. Ordinarily, the request will be approved or disapproved by the Associate Dean for Academic Affairs without further consultation. In unusual or sensitive cases, a request may be referred to the Academic Affairs Committee for a recommendation.

(3) LIMITATIONS

The student must submit a list of the courses he or she intends to take, along with a description of those courses from the visited law school's catalog or bulletin. The Associate Dean for Academic Affairs will review the course offerings for approval.

(4) GRADES

At the conclusion of each semester, the student must arrange for an "official transcript" to be sent directly to the School of Law's Registrar. The student will receive credit for those courses which were approved in advance and for which a grade of "C" (or its equivalent) or above was earned. Such courses will be recorded on the University of Dayton transcript as "K" (pass), but will not be used in calculating the student's cumulative grade-point average.

(5) FEES

Students who study in absentia must pay an administrative fee of \$750 for each semester they study at another law school.

f. LEAVES OF ABSENCE

A law student may petition the Associate Dean for Academic Affairs for a leave of absence. This petition must be in writing, setting forth the circumstances of the request and the length of leave desired. Normally leaves of absence are granted for one year. A student who has been given a leave of absence can request an extension for an

additional year. No student will be granted a leave for more than two years. Petitions for leaves of absence will not be considered during examination periods.

It is the student's responsibility to meet the conditions of his or her leave. The student must submit a letter to the Associate Dean's Office at least two months prior to the end of leave, indicating his or her intention to return to the school. If the student fails to submit a letter or goes beyond the time of leave granted, the student will not be eligible to return, but must petition for readmission.

2. COURSE OFFERINGS

Required courses will be offered as specified by the curriculum. Some of the more basic electives will be offered yearly; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning the last two years of their legal education, a tentative schedule of course offerings will be published with registration materials every spring.

3. FACULTY ASSIGNMENTS

a. COURSES

All first-year courses and most of the larger enrollment upper-level courses will be assigned to full-time faculty members. Normally faculty members will be assigned to teach only courses which they have taught before or within their areas of expertise. When necessary to assure the quality of instruction and the involvement of full-time faculty, however, exceptions will be made.

b. TEACHING LOADS

Normally a full-time faculty member will be assigned to teach two courses each semester, totaling from five (5) to seven (7) credit hours. Adjunct faculty member usually will be assigned to teach one course of not more than four (4) credit hours. Under no circumstances will any faculty member be permitted to teach more than ten (10) contact hours per week or more than eight (8) hours counting repeat courses at half the number of credit hours.

4. SCHEDULING

a. CLASS PERIODS

With certain exceptions, all classes will be scheduled in fifty minute sessions. Exceptions include capstones, skills courses (such as Law Clinic Intern), and any course taught by an adjunct faculty member. Class periods of longer than seventy-five minutes (often called "one and one-half hours") will be scheduled only with the consent of the course instructor. [March 26, 1975.]

b. PRIORITIES

In scheduling classes, the following priorities will be observed:

(1) The needs of the academic program. This includes the desirability of keeping the noon hour free of classes to encourage student participation in the speakers program, and to allow for the convenient scheduling of make-up classes at the end of the semester;

(2) Requests from faculty members for one day per week without classes, in order to facilitate and encourage faculty research and scholarship;

(3) Any other personal requests from faculty members that classes be scheduled at a particular time or on a particular day. [December 3, 1986].

5. COURSES

a. MANNER OF GRADING

The decision to grade by an examination or written assignments is to be made by the course instructor, subject to the approval of the Associate Dean and provided appropriate and timely notice of any change is given to students. [April 14, 1980.]

b. SEMINARS [This section b. only applies to students entering before August 2005.]

The Academic Affairs Committee designates courses as seminars, provided notice of any change is given to students before the first class. No more than twenty students may be enrolled in a seminar. [April 21, 1976.]

c. FIELD PLACEMENTS

Through Fall 2006, field placement courses must be approved, conducted, evaluated and reviewed in accordance with the Policy on Field Placements, set out in Appendix C - 2. Beginning Spring 2007, such courses must comply with the Externship Guidelines, set out in Appendix C - 3.

d. SUPERVISED INDIVIDUAL STUDY AND INSTRUCTION

Supervised Individual Study and Instruction (Directed Reading, Clinic Practicum, and Independent Study) must be approved, conducted, evaluated and reviewed in accordance with the Policy on Courses Involving Supervised Individual Study and Instruction, set out in Appendix C - 4.

e. APPROVAL OF COURSES

(1) General Rule on Course Approvals

All courses must be approved by the faculty of the School of Law before being offered as part of the curriculum. Except as specifically provided in this policy, the approval of the faculty is required for any change in the curriculum of the School of Law. Under ordinary circumstances, the faculty's authority is exercised through the consideration of curricular proposals that have first been reviewed and evaluated by the Academic Affairs Committee and that are presented to the faculty with a report of the Committee's evaluation.

(2) Temporary & Experimental Courses

(a) The faculty recognizes that the ordinary processes for approval of curricular change, and in particular the processes for the approval of new or modified courses, may be unduly cumbersome in two circumstances.

First, there may be occasions in which it is appropriate to offer a course only as a temporary part of the curriculum, and not as a permanent addition. Courses of this character most frequently will involve a subject that is of interest to a faculty member or a group of students but that is not of sufficient breadth or long-term interest to warrant creation of a permanent addition to the School's approved course offerings or inclusion in a pre-existing course.

Second, there are occasions in which it may be more appropriate to offer a new course on an experimental or trial basis. This is especially likely to be the case when a new course involves novel or non-traditional pedagogical approaches. In that situation, the experimental character of the course may involve a substantial element of trial-and-error in designing, re-designing, and refining the course's structure.

(b) In order to accommodate situations such as those described above, the Academic Affairs Committee is authorized to approve the offering of experimental or temporary courses for credit without approval by the faculty. The committee may approve any such course only if, in the committee's judgment, the course falls within the descriptions of such courses set out in this policy. No course approved by the committee as an experimental or temporary course under this policy may be offered for credit without the approval of the faculty in more than one semester. Upon a showing of need, a course approval may be renewed by the committee for one additional semester. Upon each approval of such a course, the committee shall notify each member of the faculty of the approval including full details of the course description and course proposal.

(3) Proposals for changes to the curriculum from persons outside of the School of Law shall be reviewed by the Associate Dean of the School of Law before consideration by the Academic Affairs Committee.

(4) Course Proposals: Timing & Format

(a) Proposals for the addition to the curriculum of a permanent, temporary or experimental course or for the significant modification of an existing course description shall be presented to and considered by the Academic Affairs Committee according to the following schedule. For courses proposed to be offered for the first time in a future Summer or Fall semester, the proposal shall be presented to the committee no later than January 15th of any calendar year and the committee shall take final action on the proposal no later than February 15th of that same calendar year. For courses proposed to be offered for the first time in a future spring semester, the proposal shall be presented to the committee no later than September 15th of any calendar year and the committee shall take final action on the proposal no later than October 15th of that same calendar year.

(b) Course proposals presented to the Academic Affairs Committee shall contain the following information:

(i) The name of the course and a course description that clearly and concisely notifies students of the general content of the course. The course description should include some indication of specific legal issues that will or may be examined in the course and should be consistent with existing course descriptions posted on the web site of the law school;

(ii) The number of suggested credits for the course;

(iii) An indication of whether the completion of any pre-requisite or co-requisite courses are required or suggested for a student's enrollment in the course;

(iv) The course materials that will be utilized by the students;

(v) A description of the evaluative method or methods that may be utilized by the instructor in assessing student performance in the course; this description should include an identification of the tests, assignments, or tasks (e.g. examinations, written papers, class presentation or participation, etc.) that will be considered by the instructor in arriving at a final grade in the course, together with the weight to be assigned to those tests, assignments or tasks;

(vi) The grading option to be utilized in the course; where a grading option other than option A has been selected, the proposal should indicate why that alternative grading option has been selected;

(vii) An explanation of any proposed exemption from the Law School's mandatory grading norms;

(viii) An explanation of how the proposed course complies with any criteria or requirements that may be contained in other relevant sections of this policy manual or its appendices; (See, for example, the academic policies on the "Writing Requirement," "Capstone Courses," "Specially Scheduled Courses," "Externship Guidelines," "Distance Education Courses");

(ix) A presentation of the rationale for inclusion of the proposed course in the curriculum, i.e. an explanation of how the proposed course fits in with or contributes to the curriculum. Such a presentation might include an explanation of why students might want to take the proposed course, how it relates to other courses in the curriculum or a field of legal practice, and how the course may reinforce or enhance a student's general or focused curricular choices; and

(x) An indication of when the proposed course might be offered for the first time.

(5) The Academic Affairs Committee is authorized to approve the offer of existing law school courses in a format that would constitute "distance

education” under the Law School’s Distance Education policy without approval by the faculty. The committee may approve any such course offering only if, in the committee’s judgment, the course complies with the requirements of that Distance Education policy. Upon each approval of such a course offering, the committee shall notify each member of the faculty of the approval including full details of the course’s distance education format.

f. CAPSTONE COURSES

(1) Capstones are limited enrollment (no more than twenty) and will be awarded either three credits or four credits toward graduation as provided in each capstone course’s course description.

(2) The capstone experience, including all courses designated as “capstones”, will ordinarily include the preparation of written work, which may include scholarly as well as practice-related writing. A student must have completed the Upper Level Writing Requirement before beginning a required capstone course. Completion of a capstone course does not satisfy the Upper Level Writing requirement.

(3) The capstone experience may introduce some new information, but it is expected that the course will be a culmination of previous course work, including general requirements, and electives. Any capstone proposals should specifically identify the prerequisite courses it builds upon. Proposals should also identify new information or skills that will be introduced in the courses.

(4) Descriptions of capstone course offerings will ordinarily be available to students at least one year in advance of the course being offered.

g. SPECIALLY SCHEDULED COURSES

Courses that are scheduled to meet regularly outside a regular term or for a shorter period than the course of an entire term must comply with the Policy on Specially Scheduled One- Credit Courses, set forth in Appendix C-6.

6. REGISTRATION

a. PREREGISTRATION

When feasible, a preregistration will be held to obtain student views on a tentative course schedule. The information obtained will be used in making final decisions about scheduling conflicts and the cancellation of courses for lack of interest.

b. GENERAL POLICIES

(1) CREDIT/AUDIT

Ordinarily registration for a course means that the student intends to receive credit for the course, assuming its successful completion, in meeting graduation requirements and on his or her transcript. An elective course may be taken for audit rather than for

credit, however. Auditing a course requires the student to attend and prepare for class, but not to sit for an examination or submit a paper that will be graded. The student pays tuition at the regular rate and the course is included on his or her transcript with the appropriate notation (X). Audited courses do not affect a student's cumulative grade-point average and are not counted for either residency or credit hour requirements.

(2) COURSE LOAD [NOTE: This section (2) is applicable to students entering in August 2005 or later only.]

Students must register for all required courses, as appropriate for their track and graduation option. Exceptions may be made only with the permission of the Associate Dean for Academic Affairs for good cause shown. In any event, upper-level students are required to register for not less than 12 credit hours during each regular semester they are enrolled.

Audited courses do not count toward this requirement. [February 19, 1975.]

(3) COURSE LOAD [NOTE: This section (3) is applicable to students entering before August 2005 only.]

First-year students must register for all required courses. Upper-level students are required to register for not less than 12 credit hours during each regular semester they are enrolled until they accumulate six or more residency units. Audited courses do not count toward this requirement. [February 19, 1975.]

(4) TUITION

Tuition will be assessed at the per credit hour rate for all courses taken for credit or as an audit.

(5) RESPONSIBILITY

A student is not considered registered until his or her registration has been completed and tuition and fees have been paid in full.

c. ORDER

The order of registration will be based upon semester seniority, with the most senior students registering first. For this purpose, "semester seniority" means total number of full semesters completed.

d. PREREQUISITES

Students are responsible for ensuring they have taken the prerequisites for any course. Waiver of any prerequisite must be in writing and requires the approval of both the course instructor and the Associate Dean for Academic Affairs.

Failure to have taken prerequisites, or to obtain a waiver thereof, prior to registration, may result in involuntary withdrawal from a course, with a concomitant loss of credits.

e. REPEATED COURSES

Except in the case of a student readmitted to begin afresh, courses for which a student has received a grade of "D" or above, or audit credit, cannot be repeated. Required courses that are failed must be repeated at the next offering. [September 12, 1975.]

f. LIMITATIONS

(1) RESERVATION

The School of Law reserves the right to cancel or reschedule any course for lack of student interest or of a suitable course instructor.

(2) MULTIPLE SECTIONS

In a course with multiple sections, no more than 60% of the students enrolling in that course can be enrolled in any section.

(3) SPECIFIC COURSES

(a) INDEPENDENT STUDY (LAW 6860)

Independent Studies are subject to the following limitations:

Only four Independent Studies can be taken by any student.
Only one Independent Study can be taken per semester.
Only one Independent Study can be taken during a summer term.
Not more than four credits of Independent Studies can be counted in the ninety (90) credits required for graduation. [November 17, 1982.]

(b) DIRECTED READING (LAW 6861)

Directed Readings are subject to the following limitations:

Only four Directed Readings can be taken by any student.
Only one Directed Reading can be taken per semester.
Only one Directed Reading can be taken during a summer term.
Not more than four credits of Directed Readings can be counted in the ninety (90) credits required for graduation.

(c) LAW CLINIC INTERN

Law Clinic Intern is open only to students who have completed 60 credit hours or more, and have obtained, or will have obtained by the first class, an intern license from the Ohio Supreme Court.

(d) TRIAL PRACTICE

Students may receive credit for only one trial practice course (either Civil or Criminal), although they are encouraged to "audit" the second course. [April 13, 1983.] Trial Practice courses may not be taken by students who have received credit for Evidence for the Litigator and its related lab.

(e) INTERSCHOOLADVOCACYCOMPETITIONS

Students may participate in no more than one (1) interschool advocacy competition during any one (1) academic year. [April 25, 1980.]

(f) LAWREVIEW

Eligibility for Law Review will be determined on the basis of first-year grades, rather than first-semester grades, and a writing sample. [August 21, 1982.]

(g) DISTANCEEDUCATIONCOURSES

(i) DEFINITION

A "distance education course" means a course offered by the School of Law that meets the criteria of ABA Standard 306.

(ii) LIMITATIONS

Students may not register for a distance education course until they have completed at least thirty (30) credits. Students may enroll for no more than four (4) credits of distance education courses in any term, and may not receive credit for more than twelve (12) credits toward the total number required for graduation.

g. ADJUSTMENTSTOSCHEDULE

Courses may be "added" during the first week of classes only.

Students can withdraw from a class for which there is a waiting list only during the first week of class. Students can withdraw from all other courses "without record" during the first four weeks of class. Withdrawals after this period will result in the recording of a "W" for that course on the student's transcript. In no event will a student be permitted to withdraw from a course that is required, or after taking any examination or submitting any paper that will receive weight in the final course grade, or after the seventh week of the semester.

A student in a non-required course may change the course from audit to grade credit or grade credit to audit. A change from grade credit to audit may be made without restriction during the first four weeks of the semester. Any change of status from audit to grade during the fifth, sixth and seventh weeks of the term must receive prior approval of the course instructor and the Associate Dean. In no event will a student be permitted to change from or to audit after the seventh week of classes, or after having taken any examination or submitted any paper that will receive weight in the final course grade.

h. REFUNDS

Students academically dismissed from the School of Law will receive a refund of any tuition paid for the succeeding semester. Except in extenuating circumstances, students who are dismissed for other reasons, or who withdraw for any reason, will receive a refund based on the tuition refund table set forth in the school's Bulletin. University and Student Bar fees are not refundable.

7. CLASSES

a. SCHEDULED MEETINGS

Since classes are scheduled to meet the requirements of accreditation standards, faculty members are expected to meet classes at the times published in the class schedule and on the days indicated in the academic calendar. Absences should be reported to the Administrative Office as early as possible (including before a scheduled absence) and make-up classes must be scheduled at the earliest practicable date. [ABA Standard 304.]

b. ATTENDANCE

Students are required to attend classes regularly. Each student shall be allowed absences up to, but not exceeding, two times the number of credit hours in a course. (For example, a student in a three-hour class that meets in two 75-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 50-minute sessions may miss a total of six such sessions.) This policy sets a firm absence limit and does not permit excused absences.

In their discretion, a faculty member may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, he or she must notify students of the policy in writing during the first week of the semester.

For each absence exceeding the limitation imposed in the paragraph above, a faculty member must impose a penalty for violations. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments including giving an "F", for failing to attend classes regularly. During the first week of class, the faculty member must provide written communication to the class describing the penalty that will be imposed for violations. A written warning from the faculty member informing the student and the Associate Dean that the student has one remaining absence before exceeding the number of absences allowed for that class is required before imposing any penalty. If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Associate Dean in writing of any penalty imposed as a result of the excessive absence(s). If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Associate Dean. In such extraordinary circumstances, the Associate Dean has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. The Associate Dean shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.

Students who fail to attend classes regularly will be contacted by the Associate Dean or the Assistant Dean of Students to meet for academic advising and/or counseling. Students who fail to comply with the required academic advising and/or counseling session with the Associate Dean or the Assistant Dean of Students will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

Every faculty member shall take attendance each day of class by means of distributing a sign-in sheet consisting of a current class roster, or by some alternative method. If a sign-in sheet is used, each student in attendance must sign the roster next to his or her name. The faculty member, or his or her appointed designee, shall deliver completed attendance sheets, or the results of the alternative method of taking attendance, to the faculty secretary prior to the next class meeting. [February 27, 2013]

8. OFFICE HOURS

In order to assure availability to students and colleagues, faculty members are expected to establish "office hours," that is, times when they will normally be in their offices and available for consultation. Office hours should be reasonable in number (at least five hours per week) and occur during normal business hours (8:30 a.m. to 4:30 p.m.). At the beginning of each semester, written notice of office hours will be posted on or near each faculty member's office entrance. [Faculty Handbook, F - 2.]

9. STUDENT EVALUATIONS

Student evaluations of faculty performance are conducted at the conclusion of each academic semester. [September 16, 1974.] The evaluations are voluntary, and anonymous on the part of student. [September 16, 1974.]

The Associate Dean for Academic Affairs is responsible for administering the evaluation and compiling the results. [September 16, 1974.] Evaluations will be distributed, completed and collected as close to the end of classes as possible. [September 16, 1974.] At his or her option, an instructor may be present when the evaluations are distributed but must depart the room before another person collects the evaluations, or another will distribute and collect the evaluations in the instructor's absence.

The Associate Dean for Academic Affairs must make the evaluations available to the Dean and instructor, and, in the case of tenure-track faculty members, may make them available to the instructor's Promotion, Retention and Tenure Committee after informing the instructor. Any other distribution or use of the evaluations may be made only with the consent of the instructor. [May 13, 1981.]

10. EXAMINATIONS

a. WHEN REQUIRED

By University policy, final examination must be given in all courses except those in which a substantial written product is the main basis for grading or in which the performance of skill is primary. Mid-term practice exams for first-semester students are to be given, if practicable. [October 2, 1974.]

b. RESPONSIBILITY

While the preparation and grading of examinations is the responsibility of the course instructor, the administration of the examination itself is the responsibility of the Associate Dean for Academic Affairs and the Registrar.

c. ANONYMITY

All examinations, including midterm examinations, will be administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. The Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number. [October 16, 1974.]

d. ACCOMMODATIONS OF DISABILITIES

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. Student must obtain a determination by the University of Dayton's Learning Enhancement and Academic Development Office ("LEADS") that a disability exists and of the appropriate accommodations.

e. SCHEDULING

Examinations must be taken during the period and at the times stated on the academic calendar and examination schedule provided by the Registrar. Students are responsible for reading and following all examination instructions provided by the Registrar. All scheduled examinations taken at the law school shall be proctored. [February 27, 2013]

(1) DEFERRALS

Examinations are rescheduled in only two circumstances:

(a) When a student has two or more exams scheduled to begin during a twenty-four hour period (a 1:30 PM examination followed by an 8:30 AM examination the next day presents a conflict; however, an 8:30 AM examination followed by an 8:30 AM examination the next day does not); or

(b) When extraordinary and unavoidable circumstances intervene (such as a serious health problem of a student or a close family member).

Overlapping deadlines for papers or projects do not present a justification for rescheduling exams.

Students requesting a change in examination schedule under (1)(a) shall complete and submit an Examination Accommodation form no later than five weeks before the examination period begins. Students requesting a change in examination schedule under (1)(b) must be prepared to submit documentation in support of their request. The Associate Dean for Academic Affairs shall approve all examination deferral requests. Upon approval, the Registrar will reschedule the examination to the next available non-conflicting date, but not later than the third business day after the end of the examination period.

(2) MISSED EXAMS

A student who fails to take an examination during the final examination period will receive a failing grade in the course unless his or her absence is excused by the Associate Dean for Academic Affairs.

f. INCOMPLETE GRADES

Incomplete grades given because a student was excused for missing an examination or for other reasons, must be removed within one year from the date of the grade report on which the incomplete is recorded or the student's graduation, whichever comes first. Incomplete grades not so removed will be changed to a grade of "F."

g. GRADING

Once submitted, the Registrar will make each student's answer available to the course instructor for grading in a way that will preserve the anonymity of the student. Grades must be submitted by the deadline determined by the Associate Dean for Academic Affairs.

h. RETENTION

Faculty must deliver all examination answers to the Registrar. The School of Law will retain examination questions and answers for at least one year. [September 12, 1975.] Thereafter, examination questions and answers may be destroyed.

11. GRADES

a. GRADING OPTIONS

(1) GRADING OPTION A

Grading Option A is the system used for courses that involve a minimum of 650 minutes of classroom or personal contact between student and professor per credit hour, and a requirement of a written examination or individual performance as the principal basis for grading the course. Option A grades are the only ones used in calculation of grade-point averages.

Quality Points

Grade Per Credit		Grade Explanation	
A+	4.3	I	Incomplete
A	4.0	W	Withdrawn
A-	3.7	P	Course in Progress
B+	3.3	X	Audit (no grade)
B	3.0	N	No grade reported by instructor
B-	2.7		
C+	2.3		
C	2.0		
C-	1.7		
D+	1.3		
D	1.0		
F	0.0		

(2) GRADING OPTION B

Grading Option B is used in courses that involve less than 650 minutes of personal contact per credit hour, but do involve performance sufficient to form a basis for a grading judgment.

Grade Explanation

EX Exceptional
S Satisfactory
U Unsatisfactory

(3) GRADING OPTION C

Grading Option C is used for courses that do not fall within Grading Options A or B.

Grade Explanation

Cr - Credit NC - No credit

b. MANDATORY GRADING NORMS

(1) In courses on Grading Option A, the grades in each section must meet the applicable mandatory mean:

For first-year courses, 2.80 +/- .05¹
For upper-level courses, 3.00 +/- .05²

(2) A section mean is determined by:

¹ *I.e.*, between 2.75 and 2.85.

² *I.e.*, between 2.95 and 3.05.

equivalent,
and
included.

- (a) Converting each letter grade to its numerical
- (b) Adding the equivalents for all grades awarded,
- (c) Dividing the sum by the number of grades
- (d) Incompletes, withdrawals, and grades other than Option A grades will not be used in the calculation.
- (e) Disciplinary reductions of grade for absence from class, being prepared, tardiness, and academic dishonesty will be made after compliance with the mandatory mean has been determined.

(3) Sections with fewer than 25 students eligible for final grades are exempted from this requirement. However, the applicable mandatory mean normally should be used as a guide when assigning grades.

(4) If one instructor teaches more than one section of the same course in a semester, and at least one of those sections has 25 students or more, paragraphs (1) and shall be applied on a section-by-section basis; Provided, however, at the option of the instructor, the requirements of paragraphs (1) and (2) may be applied as if all such sections had been combined into one.

(5) The "Elements of Legal Analysis" course is exempted from this requirement. [April 18, 2012]

(6) When a mandated mean applies, the instructor may deviate from that mean only with faculty approval upon a showing of exceptional circumstances.

c. "OTHERFACTORS"

Factors other than final examination scores and grades on papers cannot be used to award grades that deviate from the mandatory grading norms set forth above in courses to which those norms apply. [August 21, 1991.] If a faculty member intends to incorporate class participation or other factors as elements used to calculate a final grade in a course governed by the mandatory grading norms set forth above, he or she can do so as long as the final course grade conforms to those norms and as long as he gives the students notice, at the beginning of the course, of his or her intention to use these factors in calculating the final course grade.

d. INCOMPLETES

Incomplete grades given because a student was excused for missing an examination or for other reasons, must be removed within one year from the date of the grade report on which the incomplete is recorded or the student's graduation, whichever comes first. Incomplete grades not so removed will be changed to a grade of "F."

e. REPEATEDCOURSES

When a student repeats a course in which he or she received a failing grade, both grades will appear on the student's transcript and both will be used in calculating the student's grade-point average.

f. POSTING

The Registrar will arrange for grades to be distributed confidentially. Grades cannot be disclosed over the telephone, or looked up for those students who failed to use their examination number. Normally release of first-year grades will be deferred until two or more grades have been submitted for each section. Upper-level grades may be released as soon as possible after receipt of the final grades by the Registrar. Faculty members may release final course grades prior to their release by the Registrar.

After each semester, the Registrar will release a summary of the distribution of grades for all courses with ten (10) or more students receiving final grades.

g. GRADE REVIEW

There is a presumption that each faculty member exercises good faith, prudence and due care in grading examinations and papers. Therefore, after submission a course grade is subject to review only as follows:

(1) ARITHMETIC AND CLERICAL ERRORS

Each student has the right to obtain verification of the arithmetic and clerical accuracy of the grade. Arithmetic errors include only mathematical errors, and erroneous plotting of a grade (such as awarding a C+ for a total score of 127 when any established curve included scores of 123 through 130 as B-). Clerical errors are mistakes in the transcription of a grade. Awarding additional points is neither an arithmetic error nor a clerical error. If the verification procedure reveals an error warranting a change of grade, the change will be made upon the approval of the Associate Dean for Academic Affairs.

(2) OTHER ERRORS

In all other cases, the extent of grade review is within the discretion of the course instructor. A change in grade is appropriate only when the change is (1) justified and (2) fair to other students. Such changes will be made only at the request of the course instructor, the affirmative recommendation of the Appeals Committee, and the approval of the Dean.

h. SAMPLE EXAM QUESTIONS AND/OR ANSWERS

Each professor may make copies of his or her examination questions and/or sample or exemplar answers available to students.

12. ACADEMIC STANDARDS

a. CLASS RANKS

(1) Class ranks will be determined after every semester, based upon students' cumulative grade point average.

(2) "CLASS" DEFINED

For class rank purposes, students will be divided into the following "classes" based upon the credits earned at the end of each Spring semester:

- 1L = less than 30 credits
- 2L = 30 through 60 credits
- 3L = more than 60 credits

(3) DETERMINATION OF RANK

For the 2L and 3L classes, ranks will be determined for the class as a whole. For the 1L class, ranks will be determined separately for Summer and Fall starts.

b. HONORS

(1) GRADUATION HONORS

In each graduating class, the top 12% of students who have completed at least five semesters in residence at the School of Law will receive "honors" as follows:

- | | |
|---------|-----------------|
| Top 2% | Summa cum laude |
| Next 3% | Magna cum laude |
| Next 7% | Cum laude |

In addition, transfer students, or others who have completed less than all of their legal studies in residence at the school, but have a cumulative grade-point average that would otherwise entitle them to honors, may be awarded honors in the discretion of the Dean. [April 7, 1977 & May 4, 1979.]

(2) TRACK HONORS

A student who graduates with a grade point average for courses in his or her track of 3.50 and above, will receive "track honors."

c. GOOD STANDING

Students whose cumulative grade-point average is 2.20 or higher are in "good standing."

d. ACADEMIC PROBATION

(1) DEFINITION

Any student whose cumulative GPA at the end of any regular semester is below 2.20, but who is eligible to continue studies in the School of Law (whether under the terms of these academic standards or by virtue of readmission), is on "academic probation." [March 30, 1978, Amended May 15, 2007]

(2) TERMS

A student on academic probation is subject to the following restrictions:

(a) He or she may not hold part or full time employment (whether or not compensated) without the written approval of the Associate Dean for Academic Affairs.

(b) He or she may not participate as an elective officer or a working member of any student activity or faculty committee without the written approval of the Associate Dean for Academic Affairs.

(c) Students with a cumulative grade point average below a 2.5 at the end of their first semester in law school shall be required during their second semester at the law school to enroll in the course entitled "Elements in Legal Analysis" and shall be required to defer enrollment in the Constitutional Law course until the next regularly scheduled offering of that course. In addition, students on academic probation at the end of their first semester in law school must meet with the Associate Dean for Academic Affairs for academic counseling. [April 18, 2012, April 24, 2013]

(d) An upper-level student on academic probation must meet with the Associate Dean for Academic Affairs and the Director of Academic Success Programs for academic counseling by the end of the fourth week of the next semester in which the student is enrolled in classes at the School of Law. Any upper-level student failing to comply with this required academic counseling requirement with the Associate Dean for Academic Affairs and the Director of Academic Success Programs will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

(e) Upper-level students on academic probation may enroll only in "core courses." For this purpose, "core courses" are those that are required and other courses taken by a majority of law students before graduation. For good cause shown, the Associate Dean may approve enrollment in other courses up to one-fourth of the credit hours taken by the student during that semester. [April 18, 2012]

(3) PROGRESS

A student who is on academic probation at the end of his or her second regular semester must raise his or her cumulative GPA by one-half the difference between his or her GPA and 2.20 by the end of the third regular semester, and must attain a cumulative GPA of 2.20 or higher by the end of the fourth regular semester. Failure to make progress as required by this section results in academic dismissal.

(4) DETERMINATION OF STATUS

For the purpose of applying academic standards for probation in law school:

a transfer student is considered as a third semester student, even though he or she may have less than thirty hours of credit and/or may be registered for first-year courses, and attendance at two summer sessions shall not be considered as the equivalent of attending one semester. [February 2, 1978.]

e. ACADEMICDISMISSAL

(1) STANDARDS

A student who has matriculated at the School of Law on or after August 15, 2007 will be dismissed if:

(a) His or her grade-point average (GPA) is less than 1.80 at the end of the first semester of law school study. [September 8, 1982. Amended May 15, 2007]

(b) His or her cumulative GPA is less than 2.0 at the end of the first year of law school study. [September 8, 1982. Amended May 15, 2007]

(c) His or her cumulative GPA is less than 2.20 at the end of any subsequent academic year. [October 3, 1975. Amended May 15, 2007]

(2) DETERMINATION OF STATUS

For the purpose of applying the academic standards for continuation in law school:

(a) a transfer student is considered a second year student, even though he or she may have less than thirty hours of credit and/or may be registered for first-year courses, and

(b) attendance at two summer sessions shall not be considered as the equivalent of attending one semester. [February 2, 1978.]

13. READMISSION

a. IN GENERAL

Readmission is a means for students who have been academically dismissed from the University of Dayton School of Law to resume their legal studies. The readmission procedure has three steps:

- (1) The student files a petition;
- (2) The Appeals Committee makes a recommendation with respect to that petition;
- (3) The Dean makes his or her decision. Readmission is the exception rather than the rule. Therefore, students who have been academically dismissed are well-advised to make alternative educational and career plans instead of counting on readmission. The term "readmission" includes both reinstatement

to continue (from the point of dismissal) and to begin "afresh" (that is, start law school again).

b. STANDARDS

The Faculty of the School of Law has established minimum academic standards, and a student who fails to achieve those standards prima facie is not entitled to continue legal studies. A student who has been dismissed bears the burden of persuasion that he or she merits readmission by presenting clear and convincing evidence that he or she will do good quality law school work if readmitted, and that the reasons for the dismissal no longer exist. Experience indicates that students have more success in establishing the second factor than the first.

Students on probation are required to make progress every semester toward a 2.20 cumulative grade-point average. In order to make that progress, the student must achieve grades above "C+;" that is, they must show a "capacity for overreach." The best evidence of capacity for overreach is a significant number of law school grades higher than "C+" in examination courses.

Students dismissed during their first year of legal studies are ordinarily not readmitted to continue from the point of dismissal. They will not be readmitted to begin afresh until two (2) years after the date of dismissal unless they establish compelling reasons to waive the two-year rule.

Students who have satisfied the requirements for graduation except for the minimum cumulative grade-point average may not be readmitted to continue. [September 8, 1984.] They cannot be readmitted to begin afresh until two (2) years after the date of dismissal, unless they establish compelling reasons to waive the two-year rule.

c. PETITIONS

A student who has been academically dismissed may file a Petition for Readmission at any time. However, the Appeals Committee normally will consider such petitions during the summer term only. Students whose petitions were denied may present new petitions annually.

The petition, which shall be in the form specified by the Committee, must set forth all of the reasons for readmission. Exhibits, such as transcripts of other academic work, legal writing samples, letters of recommendation from persons in a position to know the student's academic potential, and other documents in support of readmission, may be submitted with the petition.

The Appeals Committee is not the proper forum in which to contest a course grade, however. The school has established a grade review procedure that is the exclusive remedy for a student who feels aggrieved by any course grade.

Information indicating how close a student was to a particular grade in one course is incomplete and, therefore, misleading without similar information for all courses. Thus, students presenting such information should advise the committee how close he or she was to the next highest and lowest grade category in each course. In the event grade

information cannot be obtained for a course, the student should state the efforts he or she has made to obtain such information.

e. APPEALS COMMITTEE

(1) COMPOSITION

The Appeals Committee consists of four (4) faculty members and two (2) students. One faculty member will serve as Chair. The responsibilities of the Chair and Members of the Appeals Committee are set out in Appendix C - 6.

(2) CONFIDENTIALITY

Each member of the committee shall keep committee deliberations and information about petitioners confidential, except for information that can be shared with other committee members, the Dean, the Associate Dean for Academic Affairs and the Registrar.

(3) EX PARTE COMMUNICATIONS

Committee members may not speak with petitioners about their petition at any time between the filing of a petition and the committee hearing on it. During this time, only the Chair, Dean, Associate Dean for Academic Affairs, or the Registrar will discuss procedures and criteria for readmission with the petitioner. The committee generally encourages students who have been academically dismissed to consult with faculty about their skills and circumstances, and faculty members are encouraged to assist individual students as they are able.

(4) CHALLENGES

A petitioner may request that one or more members of the Committee not participate for good cause only. The fact that the former student was enrolled in a faculty member's course or received a low grade from a faculty member is not sufficient cause for excusing that faculty member from participating in the proceedings.

(5) HEARINGS

Although not required, petitioners may make a personal statement before the committee of up to 15 (fifteen) minutes. Failure to make a personal appearance will not prejudice a petitioner's case, however. No new evidence (documentary or otherwise), or reasons in support of the requested relief, may be brought forth for the first time at the personal appearance, and witnesses are not permitted, except at the request of, or with the permission of, the committee.

(6) COMMUNICATIONS WITH FACULTY MEMBERS

After receiving a petition seeking readmission, the Registrar will inform every faculty member who had the person in a class and the Director of the Academic Excellence Program (if the person participated in that program) of the petition and invite them to submit written comments if they so desire. The Registrar will inform faculty of the

deadline for submitting any such comments. Any information submitted by faculty after the deadline has elapsed will not be considered.

Information provided by faculty members and/or the Director of the Academic Excellence Program will be sent to the student, who will be invited to respond. The faculty members' and/or Director's comments and the student's response to those comments, if any, will become part of the student's file.

(7) REPORTS

After making its decision, the committee will submit a written report to the Dean containing its recommendations, including, in the case of a recommendation to readmit, any limitations or special conditions the Committee believes should be imposed.

f. DECISION

The final decision on a petition for readmission is made by the Dean, after receiving the report of the Appeals Committee.

g. CONDITIONS

All students on probation, including those readmitted, are required to carry a full-time load of 12 semester hours or more. In addition, each readmitted student is required to devote his or her entire energies to the study of law, and may not hold any employment or engage in any business or extracurricular activity, with or without compensation, except as specifically allowed by the terms of readmission. Accordingly, students are usually required to establish that they have an absolutely certain source of funds to complete the next academic year.

Readmitted students are subject to the same course restrictions as other students on probation. Priority must be given to repeating any required course in which the student received an "F." Beyond this, students on probation may take only "core" or required courses until they have achieved a cumulative grade-point average of 2.20 or above.

The Dean, in his or her discretion, may impose any reasonable conditions upon readmitted students.

[SECTION D]

D. ADMISSIONS POLICIES

1. GENERAL POLICIES

a. STATEMENT OF NON-DISCRIMINATION

The University of Dayton School of Law does not discriminate on the basis of age, race, color, creed, national or ethnic origin, gender, sexual orientation, or against otherwise qualified handicapped students in its admissions policies and academic and other standards, nor in the granting of scholarships, loans, and other financial aid, nor in the planning and administration of any of its academic and other programs, services, and activities.

b. AFFIRMATIVE ACTION POLICY

The University of Dayton School of Law values diversity in its student body and, to that end, has adopted a Policy on Equality and Diversity, set forth in Appendix D - 1.

c. ACCOMMODATION OF DISABILITIES

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. Student must obtain a determination by the University of Dayton's Learning Enhancement and Academic Development Office ("LEADS") that a disability exists and of the appropriate accommodations.

The School of Law's Policy for Students with Disabilities, Appendix F - 1.

2. FIRST-YEAR APPLICANTS

a. CRITERIA

There is no automatic level of qualification or disqualification based on statistics alone, but rather the entire application will be reviewed. Periodically, however, the Admissions Committee may set standards for presumptive acceptances and denials, and delegate to one or more members of the Committee the authority to issue acceptances and denials in those cases.

While first consideration will be given to undergraduate grade-point averages and Law School Admission Test (LSAT) scores, other factors will be considered, including the two required letters of recommendation; other educational factors, such as the type, depth and difficulty of courses completed, grade trends, honors, and graduate studies; life experience, such as work and military achievements, extracurricular activities, community service; and personal attributes, such as maturity, good judgment, writing ability, analytical and leadership skills, breadth of interests, and ability to overcome handicaps of all kinds, including environmental or financial problems.

b. APPLICATIONS

(1) LAW SCHOOL ADMISSIONS TEST (LSAT)

All applicants must take the LSAT and have their scores reported directly to the school by the Law School Data Assembly Service before their application is complete and ready for decision. [ABA Standard 503.] Those who are non-American citizens and have been foreign-educated must provide a TOEFL (Test of English as a Foreign Language) score in addition to the LSAT.

(2) LAW SCHOOL DATA ASSEMBLY SERVICE (LSDAS)

All applicants must participate in the LSDAS. Those applicants who received their undergraduate degree from a foreign institution (that is not part of LSDAS), must participate in LSAC JD Credential Assembly Service (JD CAS) if they completed any post-secondary work outside the U.S. (including its territories) or Canada. Applicants need not use this service if they completed the foreign work through a study abroad, consortium, or exchange program sponsored by a U.S. or Canadian institution, and the work is clearly indicated as such on the home campus transcript.

(3) INFORMATION AND DATA REQUIRED

Before an admission decision is made, the applicant's file must include the following:

(a) An application form with all of the requested information provided. No application form will be processed unless it states clearly whether the applicant has ever attended another law school or is now so attending.

(b) A non-refundable application fee in the amount determined by the University.

(c) An LSDAS report, of reasonably current date, showing all undergraduate and graduate work, and all LSAT scores, (Foreign-educated applicants, see, 2. (b) (2), above).

(d) Two letters of recommendation, and

(e) A personal statement.

c. REACTIVATED FILES

Applicants who complete their admission file in one year, and then request that the file either be reactivated or be reconsidered in a later year, must file a new application form stating clearly whether the applicant has ever attended another law school or is now so attending.

d. PRIOR LEGAL STUDIES

An applicant who has prior legal study (that is, who has attended law school at the University of Dayton or elsewhere, but has not received the first degree in law) must reveal that attendance in his or her application. Such a student is not eligible to apply for admission as a first-year student until two or more years have elapsed since his or her most recent law school attendance. An application from a person whose prior legal study ended with an academic disqualification will be considered for admission only under the circumstances set forth in ABA Standard 505.

e. DECISIONS

(1) APPLICANTS WITHOUT PRIOR LEGAL STUDIES

When completed, the files of applicants who have never attended another law school will be forwarded to the Admissions Committee for decision; provided, however, that the committee may delegate its authority to make final decisions on certain categories of files to the Office of Admissions.

(2) APPLICANTS WITH PRIOR LEGAL STUDIES

When completed, the files of applicants who have previously attended law school will be forwarded to the Associate Dean for Academic Affairs for decision.

f. "OFFICIAL TRANSCRIPTS"

(1) DEFINITION

An "official" transcript is a record issued by the registrar of an educational institution showing all of the courses taken while a student there and the grades received, bearing the embossed seal of the institution, and indicating the award of an undergraduate degree.

(2) REQUIREMENT

Once accepted and prior to registration, every enrolling student must arrange for his or her undergraduate college or university to submit an official transcript directly to the School of Law's Registrar. Such a transcript is required by the American Bar Association Standards for the Accreditation of Law Schools, and by many of the state bars. [ABA Standard 502(a) and Interpretation 502-1.] Transcripts received from the LSDAS are photocopies and, thus, are not acceptable to fulfill the requirement for an "official" transcript.

(3) NON-COMPLIANCE

In view of the importance of the official transcript, sanctions will be applied to students who have not complied with this requirement within a reasonable time after acceptance to the school. In the case of a student who has been awarded an undergraduate degree six months or more before matriculation, an official transcript must be received before he or she can be registered for the second semester. In the case of a student who has been awarded a degree within six month of matriculation, the transcript must be received before he or she can be registered for the third semester.

3. TRANSFER APPLICANTS

a. QUALIFICATIONS

Only students in "good standing" (that is, having a cumulative grade-point average in excess of that required for graduation) and eligible to continue at their present law schools will be considered for transfer admission. Transfer applications will be accepted for the beginning of Fall semester only.

b. APPLICATIONS

Students seeking transfer admission must submit an application, must currently be registered with LSDAS (Law School Data Assembly Service), provide an official undergraduate degree transcript directly from the undergraduate institution, as well as an official law school transcript, faculty letter of recommendation, letter of good standing, and first year course descriptions from their current ABA-approved law school. Applications for admission with advanced standing are normally considered only for the fall semester.

c. PROCEDURE

Decisions on admission of transfer students will be made by the Associate Dean for Academic Affairs. As a condition or term of such an acceptance, the Dean may require a transfer applicant to take courses in addition to or different from those taken by other law students and/or may grant a waiver of courses otherwise required.

d. CONDITIONS

An offer of transfer admission will be made on the following terms and conditions:

(1) Only courses that were completed at a law school approved by the ABA, for which a grade of "C" or better (or its equivalent) was received, and which reasonably conforms to the curriculum of this law school, will be accepted for transfer.

(2) Normally, not more than thirty (30) semester hours, or forty-five (45) quarter hours, of credits will be accepted for transfer.

(3) Courses for which advanced standing is awarded will not enter into the calculation of the student's cumulative grade-point average, and no official class ranks will be determined for transfer students.

(4) Transfer students are considered second-year students for purposes of applying the standards for continuation in law school, even though they may have less than thirty hours of credit and/or may be registered for first-year courses.

4. TRANSIENT STUDENTS

With the approval of the Associate Dean for Academic Affairs, a student at another law school, approved by the ABA, may enroll in courses at the University of Dayton School of Law as a transient student for the purpose of completing the requirements for graduation from the other law school. Although a formal application is not required, a "letter of good standing" from the other law school, giving permission for the visit and agreeing to accept any credits that are completed satisfactorily, is required.

5. SPECIAL STUDENTS

With the approval of the Associate Dean of Academic Affairs, a student may be admitted as a non-degree-seeking, special student, whether or not they hold a law degree. Ordinarily, such students will be admitted only if they can demonstrate an appropriate educational foundation and experience base for legal study in the course or courses they wish to take. Courses completed as a special student cannot be applied later as credits toward a Juris Doctor degree. [ABA Interpretation 304-5]

6. READMISSION - See Academic Standards and Policies.

[SECTION E]

E. LAW LIBRARY POLICIES

1. COLLECTION DEVELOPMENT STRATEGY

The collection development strategy for the Law Library is set out in Appendix E – 1.

2. MATERIAS SELECTION POLICY

The material selection policy for the Law Library is set out in Appendix E – 2.

3. BOOK ACQUISITION PROCEDURE

a. IN GENERAL

The Materials Selection Policy provides standards for acquiring all library materials. Collection levels have been described which set priorities by subject and type of material. However, the Law Library does not have sufficient funding to bring its collection up to the desired levels immediately, nor can we develop all subject collections simultaneously. This procedure provides a strategy for eventually developing each subject area to the desired level by setting aside specified portions of the budget for those subjects.

b. BUDGET ALLOCATIONS

Each July, the beginning of the fiscal year, the Director will determine how much money is available for collection development. In order to maintain a balanced collection, the budget for books (sub-account 960) will be divided into three categories:

(1) EXISTING TITLES

This category includes books which have already been published and includes current titles as well as older material. The massive quantities of material in this category require particular care in selection. While targeted subject areas within any one collecting level will be treated equally, a larger portion of the existing titles acquisition budget will be allocated to targeted subject areas in the comprehensive level than to those listed at the teaching level.

(2) NEW TITLES

This category includes books published during the school year after selection of existing titles has been made. The Law Library cannot ignore these titles and remain current (especially since emphasized subject areas will be rotated and a delay can be expected before another opportunity to acquire these items comes around).

(3) EMERGENCY FUND

The Law Library must maintain some flexibility to acquire items which do not fall within annually targeted subject areas or which are needed on an emergency basis for book

collection development or faculty research. Thus, a portion of the budget for books will be reserved for such acquisitions. It is anticipated that the Emergency Fund sub-account will total approximately 25% of the overall Book and Monograph budget.

c. SUBJECTSELECTION

Since there is not enough money for meaningful development in all subject areas simultaneously, the collection strategy will be one of phased development. Targeted subject areas will be rotated annually. Acquisition priorities will be established within each collecting level by targeting those areas where the need for development is most pronounced. At first, attention will be focused on those subject areas listed in the Materials Selection Policy under the comprehensive and teaching collecting levels. Then attention will be given to development of subject areas at the basic collecting level. Since materials at the intensive collecting level are already highly developed, the few new titles at this level will be purchased from emergency funds.

After consulting the faculty and his or her staff, the Director will select those subject areas at each collecting level that are to receive emphasis during that year. The faculty will be apprised of the subject areas so targeted.

d. EXISTINGTITLES

The school's faculty will be asked periodically to review the subject lists in their subjects from the AALS's Law Books Recommended for Libraries. If more than one faculty member teaches in a subject area, all will be consulted. In addition, the Acquisitions Librarian will route periodically to faculty lists of existing titles in their subject areas, including reviews if available.

Each faculty member will be asked to identify those books that he or she feels should be acquired in order to meet the goals of the collection level for that subject area by indicating whether the purchase is a "must" or "desirable." The Director and the Acquisitions Librarian make the final determination on titles to be purchased. Faculty members will be advised of which titles had been selected in their subject areas and also notified when the material arrived.

At the end of each fiscal year, the Acquisitions Librarian will report on progress in collection development to the Law Library Director for inclusion in his annual report, and to help him plan for the next year's priorities.

e. NEWTITLES

In an attempt to keep pace with the development of legal scholarship and to keep the collection current, a portion of the new titles acquisition budget will be allocated to each subject area listed at the comprehensive and teaching levels. However, allocation priorities will be made which reflect the Materials Selection Policy and past experience with respect to the annual volume of new scholarship in the various subject areas.

While most faculty members receive information on new titles in areas of their interests directly from publishers, the Acquisitions Librarian will consult with faculty members regarding promising items. Also lists of current material available from publishers will

be sent to the faculty for input on acquisitions in the subject areas of expertise. Faculty members will be asked to classify purchases as a "must" or "desirable." Faculty members are kept informed regarding the acquisition of new titles in their subject area.

If there are any unspent funds in the new titles budget two months before the end of the fiscal year, the Director will use the unspent funds to acquire existing titles in targeted subject areas or to supplement collection efforts of new titles in subjects at the same collection level.

f. EMERGENCYFUNDS

In order to provide the needed flexibility to develop a balanced and current collection which responds to the teaching and research efforts of the entire faculty and the students of the School of Law, a portion of the annual book and monograph budget is reserved for emergency acquisitions. These funds will be reserved for acquisition of existing titles in subject areas that have not been targeted, or for the acquisition of new or existing titles in targeted areas for which the budget is exhausted.

Beyond these emergency acquisition requests, the Emergency Funds will be used to meet other collection development needs and problems. For example, there are times when valuable materials can be purchased at a discount for a limited period and funds may be used to take advantage of these relatively rare opportunities. Curriculum changes may require limited new acquisitions.

g. THE PURCHASE DECISION

(1) All suggestions or requests for the acquisition of new or existing titles in a given subject area should be made in writing to the Director and the Acquisitions Librarian.

(2) All purchasing decisions will be made by the Acquisitions Librarian. Any request exceeding \$100 or which might be considered as outside of the goal of the collecting level for that particular subject area must be approved by the Director.

(3) In the event that a suggestion or request by a faculty member for the acquisition of a new or existing title in a given subject area must be deferred or denied, the faculty member will be promptly notified of this decision and the reasons for the decision. Should the faculty member have any questions concerning such a decision, all inquiries should be made directly to the Director of the Library.

[SECTION F]

F. STUDENT AFFAIRS

1. GENERAL POLICIES

a. STATEMENT OF NON-DISCRIMINATION

The University of Dayton School of Law does not discriminate on the basis of age, race, color, creed, national or ethnic origin, gender, sexual orientation, or against otherwise qualified handicapped students in its admissions policies and academic and other standards, nor in the granting of scholarships, loans, and other financial aid, nor in the planning and administration of any of its academic and other programs, services, and activities.

b. POLICY OF EQUALITY AND DIVERSITY - Appendix D - 1.

c. POLICY FOR STUDENTS WITH DISABILITIES - Appendix F - 1.

d. POLICY ON SEXUAL HARASSMENT - Appendix F - 2.

2. STUDENT RECORDS

The University of Dayton and the School of Law are subject to the provisions of federal law known as the Family Educational Rights and Privacy Act (the Buckley Amendment), affording to students rights of access to education records and imposing obligations on the University in the release and disclosure of those records to third parties. To comply with federal regulations promulgated pursuant to the Buckley Amendment, the University of Dayton has formulated and adopted policies and procedures to be followed with regard to the disclosure of information from the education records of current and former students. These policies are set out in Appendix F - 3.

3. CO-CURRICULAR ACTIVITIES

a. VOLUNTARY INCOME TAX ASSISTANCE (VITA)

First-year students are not eligible to participate in VITA. [January 28, 1987.]

b. MOOT COURT

See Policies Regarding Support for Participation in Moot Court Programs set out in Appendix F - 4.

4. EXTRA-CURRICULAR ACTIVITIES

a. IN GENERAL

All students who are in good academic standing and eligible to continue in law school are eligible to participate in extra-curricular activities.

b. STUDENT ORGANIZATIONS

(1) STUDENT BAR ASSOCIATION

All students who are enrolled at the University of Dayton School of Law are members of the Student Bar Association.

The Constitution of the Student Bar Association is set out in Appendix F - 4.

(2) STUDENT ORGANIZATION GUIDELINES

In order to be recognized as a student organization at the University of Dayton School of Law, obtain space in Keller Hall, or an allocation of funds from SBA, each group must have an advisor and comply with the following:

(a) The advisor will be the Dean of Students, or another faculty or staff member designated by the Dean.

(b) CHECKING ACCOUNTS

Each organization may maintain only one checking account at the Day-Air Credit Union office on campus. In order to assure continuity, each organization's advisor must be a co-signer on the account. Any check written for \$300.00 or more must be co-signed by the advisor.

(c) PURCHASES AND CONTRACTS

Any purchase of goods or services, reimbursement for prior expenditures for those goods or services, or contract for goods or services, in the amount of \$300.00 or more (\$500 or more in the case of SBA), must be approved by the advisor on an Advisor Approval form. SBA is exempt from this provision.

(d) RECORDS

(1) Copies of all receipts for the purchase of goods and/or services over \$20.00, and all reimbursements and contracts for such purchases, must be kept for at least two years in the student organization's assigned file cabinet.

(2) Monthly checking account statements must be kept on file for at least two years in the student organization's assigned file cabinet.

(e) DEBTS

All debts must be paid on or before three weeks prior to the end of each semester unless there is a bona fide dispute concerning either liability or amount. Disputes must be reported to SBA and Dean of Students immediately.

(f) SANCTIONS

Any student organization found to have violated any of the above guidelines may incur sanctions, including, but not limited to, personal liability for individuals; and loss of any or all rights as a student organization, or complete recognition.

5. FACULTY COMMITTEES

Only students who are in good academic standing and are eligible to continue in law school are eligible for appointment and to serve on faculty committees.

6. PART-TIME EMPLOYMENT

a. FIRST-YEAR STUDENTS

First-year students are prohibited from working without the written permission of the Associate Dean for Academic Affairs.

b. UPPER-LEVEL STUDENTS

Upper-level students are permitted to work up to twenty (20) hours per week. [ABA Standard 304(f).]

c. STUDENTS ON PROBATION

Students on probation are also prohibited from working, except by the written consent of the Associate Dean for Academic Affairs.

7. STUDENT COMPLAINT POLICY (ABA Accreditation Standard 512)

a. HOW TO REPORT A SIGNIFICANT STUDENT COMPLAINT

The University of Dayton School of Law (UDSL) is accredited by the American Bar Association (ABA). As an ABA accredited school, UDSL is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found on the ABA's webpage and may be accessed at http://www.americanbar.org/groups/legal_education/resources/standards.html. Any student at UDSL who wishes to bring a formal complaint to the attention of the UDSL administration of a significant problem that directly implicates the school's program of legal education and compliance with the ABA's Accreditation standards should do so in writing to the Associate Dean for Academic Affairs. The writing may consist of e-mail, U.S. mail, or fax and must provide the name, phone number, official law school e-mail address and street address of the complaining student to enable further communication about the complaint. The written complaint must be signed by the student. Filing a complaint pursuant to this policy does not preclude a student from pursuing other remedies, otherwise available by law or University of Dayton policy.

b. CONTENT OF THE STUDENT COMPLAINT

The written student complaint should describe in detail the behavior, program, process or other matter that is the subject of the complaint and should explain how the matter

implicates the law school's program of legal education and its compliance with specific identified ABA Standard(s). The complaint must reference the specific ABA accreditation standard at issue and contain sufficient detail to enable an investigation of the matter.

c. RESOLVING THE COMPLAINT

As soon as possible after receiving the complaint, the Associate Dean for Academic Affairs or designee shall investigate the allegations of the complaint. Within fifteen business days of the receipt of the complaint, the Associate Dean for Academic Affairs or designee shall notify the student of relevant findings and any intended action that UDSL is taking to address the complaint or any further investigation into the matter subject to any applicable rules of confidentiality.

d. APPEALS

If the complaining student is dissatisfied with the outcome or resolution of the complaint, that individual shall have the right to appeal the decision to the Dean of the School of Law in writing. The complaining student should submit the written comments to the Dean in a timely matter, but in no case more than ten business days after notification of a final determination by Associate Dean of Academic Affairs. The Dean's decision shall be communicated to the complainant within fifteen business days of receipt of the written comments and the decision of the Dean shall be final.

e. MAINTAINING A RECORD OF THE STUDENT COMPLAINT

The School of Law shall maintain a complete record of each student complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner and retained for a period of eleven years.

f. PROTECTION AGAINST RETALIATION

The School of Law will not in any way retaliate against a student who makes a complaint under this policy, nor permit any faculty member, administrator, employee or student do so. [Adopted January 25, 2012]

[SECTION G]

G. GOVERNANCE POLICIES

1. GENERAL ADMINISTRATION

Within the general policies established by the University and its trustees, the Dean and the Faculty of the School of Law shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and, academic standards for retention, advancement, and graduation of students. [ABA Standard 204.]

2. ROLE OF THE DEAN

a. IN GENERAL

The Dean is the administrative head of the School of Law, and its educational leader. [University Constitution VIII, Sec. 2(a).] He or she, in consultation with members of the school's faculty, is responsible for formulating a general framework for the operation and advancement of the School of Law. [University Constitution Article VIII, Sec. 2(c).]

b. SPECIFIC RESPONSIBILITIES

(1) COMMITTEES

The Dean designates, from time to time, an Academic Affairs Committee and other committees, and appoints members of the faculty to them for the purpose of consultation and participation with him or her in the decision-making processes of the school. [University Constitution Article VIII, Sec. 2(c).]

(2) WRITTEN POLICIES

The Dean is responsible for the preparation of a policy manual providing an organizational and operational framework for the School of Law. [University Constitution Article VIII, Sec. 2(c)-(e).]

(3) CHAIR OF THE FACULTY

The Dean presides at all meetings of the faculty.

(4) FACULTY SELECTION

The Dean recommends the appointment of new faculty to the Vice President for Academic Affairs and Provost. The Dean will not recommend the appointment of a new faculty member without the concurrence of at least two-thirds of the faculty. [September 16, 1974 and February 11, 1988.]

c. WAIVERS

The Dean has the discretion to waive any faculty policy in an individual case. When a waiver is made, the Dean will inform, in writing, the faculty committee having jurisdiction over the matter, stating his or her reasons for the waiver. If the matter is not within the jurisdiction of any committee, the notice will be sent to the faculty. [April 8, 1981, and April 27, 1987.]

d. DELEGATIONS

The Dean may delegate any of his or her duties and responsibilities to an Associate or Assistant Dean.

3. ROLE OF THE FACULTY

a. DEFINITION

The Faculty of the School of Law consists of all members of the school's instructional staff under full-time contract to the University in the rank of Instructor or above. [University Constitution Article VIII, Sec. 1(a)(2).] Members of the faculty are appointed by the Vice President for Academic Affairs and Provost upon the Dean's recommendation.

b. RESPONSIBILITIES

Full-time faculty members must devote substantially all their working time to teaching and legal scholarship. They must have no substantial outside office or business activities. Outside activities, if any, are limited to those which relate to their major academic interests or enrich their capacities as scholars and teachers, or are of service to the public generally and do not unduly interfere with their responsibilities as faculty members. [ABA Standard 402(b).]

c. MEETINGS

(1) REGULAR MEETINGS

Faculty meetings will be held at least monthly during the academic year.

(2) SPECIAL MEETINGS

The Dean may call a faculty meeting at his or her discretion and must call a faculty meeting within a reasonable time upon the request of four members of the faculty. [March 11, 1981.]

(3) PARTICIPATION

The following persons are entitled to attend and participate in faculty meetings:

- (a) The Dean;
- (b) All members of the tenure-track faculty;
- (c) All other, full-time members of the instructional staff;

[May 13, 1981.]

(d) Three students, one from each class, chosen in an election conducted by the Student Bar Association. Student representatives will be required to leave the meeting when the faculty goes into executive session for the discussion of personnel or budgetary matters, or other sensitive issues such as those involving the privacy of one or more individuals. Student members of faculty committees will not be allowed to attend faculty meetings except in unique circumstances and by the specific invitation by the Dean [October 29, 1975 and January 30, 1976.]; and,

(e) All other persons to whom the faculty, by majority vote, extends the privileges of attendance and participation in its meetings.

(4) QUORUM

The quorum for all faculty meetings will be a majority of all persons entitled to vote at the meeting.

(5) VOTING

All persons holding a tenure-track appointment with an academic rank of Assistant Professor or above are entitled to vote at faculty meetings as a matter of right. Other persons may be extended the privilege of voting only upon a majority vote of the faculty. [April 5, 1982.]

(6) AGENDAS

An agenda will be published for each faculty meeting and distributed to faculty members at least three days before the first date set for the meeting. The Dean shall determine the items on the agenda in his discretion, except that she or he must place an item on the agenda of the next meeting when it is a committee recommendation, or its consideration has been requested by any four faculty members or by all three student representatives. [March 11, 1981.]

(7) MINUTES

Minutes of faculty meetings will be prepared and kept by the Dean. Actual number of votes on faculty and decanal candidates will not be reflected in the Minutes, however. [February 3, 1982.]

(8) OPINIONS

Decisions reached at faculty meetings are made by the faculty as a whole. Thus, although faculty members are not discouraged from expressing their individual views, they are under no duty or obligation to do so. [February 10, 1976.]

(9) RULES OF ORDER

Meetings of the faculty shall be as informal as possible. However, when necessary for the maintenance of good order, such meetings shall be run in conformity with Robert's Rules of Order.

d. COMMITTEES

(1) COMPOSITION

The Dean will constitute various faculty committees to assist in the handling of the academic and administrative affairs of the School of Law. The Dean may also appoint students to these committees as seems appropriate. The following standing committees have been constituted, together with such additional committees as in the Dean's judgment may be necessary:

- (a) Academic Affairs
- (b) Admissions
- (c) Appeals
- (d) Faculty Recruitment

In addition, the Dean will appoint one Promotion, Retention and Tenure Committee for each tenure-track, but untenured, member of the faculty.

(2) MINUTES

Committee chairs are responsible for having minutes of committee meetings prepared and copies delivered to the Dean who will maintain such copies as a permanent record of the committee's proceedings.

(3) COMMITTEE RECOMMENDATIONS

Committee proposals requesting faculty concurrence must be prepared and circulated to the faculty at least three days prior to the faculty meeting at which it will be considered.

[SECTION H]

H. PERSONNEL POLICIES

1. IN GENERAL

The policies set forth in this part of the School of Law's Policy Manual are supplementary to the policies of the University of Dayton as set out in the Faculty Handbook and other sources.

a. STATEMENT OF NON-DISCRIMINATION

The University of Dayton School of Law does not discriminate on the basis of age, race, color, creed, national or ethnic origin, gender, sexual orientation, or against otherwise qualified handicapped persons in its hiring practices, or in any personnel actions taken with respect to its employees, including salary increases and job actions.

b. POLICY ON EQUALITY AND DIVERSITY - Appendix D - 1.

c. POLICY ON SEXUAL HARASSMENT - Appendix F - 2.

d. PERSONS WITH DISABILITIES

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to applicants for employment and employees with disabilities to the extent that it is readily achievable to do so, and that accommodations are not unduly burdensome.

e. OUTSIDE ACTIVITIES

(1) IN GENERAL

As full-time employees, all members of the law school's staff, faculty members, administrators and clerical staff, are expected to devote substantially all of their energies to the accomplishment of the duties assigned to them while working for the University. Except as noted below, it is personally and professionally unethical to use or divert University resources, including the time of its employees, for the conduct of personal affairs or for a competing business, including one operated by the employee.

(2) PERSONAL AFFAIRS

It would be unreasonable for the University, or any employer, to expect its employees to devote 100% of their energy to the accomplishment of its work during each and every day. Therefore, a rule of reason must be applied, permitting employees the freedom to use a reasonable amount of time for personal affairs. Thus, the school does not object to a staff member making or receiving personal telephone calls, as long as they are reasonable in number and length (and, as noted below, as long as the school is reimbursed for any toll charges incurred).

(3) COMPENSATED BUSINESS

Performance of services for another (including one's self) while in the employ of the University is very problematic. Clearly performing such services while working as a University employee (that is, during "working hours") is improper. Thus, for example, typing a student's paper for compensation during business hours is inappropriate.

(4) USE OF RESOURCES

Further, using the resources of the University (including its facilities and the time of any of its employees) to perform work for another may be inappropriate. Under ordinary circumstances, University resources should not be used at all. With permission of the law school's Dean, some resources may be used provided the University is reimbursed for the reasonable value of what is used, and the activity does not constitute, or give the appearance of constituting, the University's involvement in that outside business. Thus, for example, a faculty member engaged in private consulting should not ask or expect the school's clerical staff to do any work for that consulting business, and should reimburse the School of Law for all resources used, including office equipment, paper, photocopies, and telephone calls (both local and long distance). Similarly, a clerical staff member may use the school's computer to prepare student papers for pay, provided the work and any attendant contacts take place wholly outside of working hours, and the University is reimbursed for any paper or supplies that are used.

f. OFFICE HOURS

The School of Law will be open between the hours of 8:30 A.M. and 4:30 P.M. The administrative offices will be open during those hours except it will close from 12:30 to 1:30 P.M. daily for lunch. The Law Library will publish separately a schedule of the times it is open.

g. REPRESENTATION OF OTHER EMPLOYEES

In order to avoid conflicts of interest, or the appearance of such conflicts, employees may not become advocates for or otherwise represent another employee in any matter arising out of that employee's relationship to the University, with the following exceptions:

(1) when that advocacy or representation is pursuant to an established University policy such as the University of Dayton Regulations on Academic Freedom and Tenure, the Sexual Harassment Policy, or a grievance procedure under a collective bargaining agreement; or,

(2) when the representation has been approved in advance by the Dean.

2. FACULTY POLICIES

a. GRADE SUBMISSION DEADLINES

Any faculty member who submits his or her grades late (that is, after the deadline specified by the school's Registrar) will be fined \$50 per day for each day of tardiness. This fine will be assessed against the faculty member's salary the next time salaries are

set. Thus, for example, if a faculty member submits his or her Spring 2005 grades ten (10) days late, his or her 2006-07 salary will be reduced by \$500.

b. SELECTION OF NEW FACULTY

The Policy on Selection of New Faculty is set forth in Appendix H – 1.

c. MERIT PAY

The Policy on Merit Pay is set forth in Appendix H – 2.

d. RESEARCH AND TRAVEL FUNDS

(1) IN GENERAL

It is the School of Law's policy to support the research and professional activities of each faculty member by making available to him or her a definite and reasonable amount of funds for hiring of research assistants, defraying of expenses incurred for the purpose of research or other professional activities, acquiring books and other materials related to scholarly or professional activities, or other appropriate expenses. In extraordinary cases, the Dean may make available additional funds to a faculty member on a case by case basis.

(2) PROCEDURES

To use research and travel funds, faculty members should submit a written request to the Business Manager stating generally the purpose and approximate amount of the expenditure. The approval of such requests will not be unreasonably withheld.

(3) SUMMERSTIPENDS

(1) ASSUMPTIONS

The program outlined below proceeds on the assumption that there will be sufficient funds available in the School of Law's budget for financing a program for summer stipends or grants.

(2) SCOPE OF THE PROGRAM

This program is designed to support three distinct types of faculty activity:

(a) Development of new educational programs to be integrated into the curriculum of the School of Law.

(b) Legalscholarship.

(c) Development of new courses and teaching methods for integration into the curriculum.

(3) AMOUNT OF THE STIPEND

Summer stipends will be in an amount that is a realistic and serious incentive to faculty activity, and roughly equivalent to the amount of money a faculty member could expect to earn by teaching a course during the summer.

(4) PROCEDURES

Faculty proposals for a summer stipend will be submitted, in writing, to the Dean by a published date and evaluated by him or her under the following criteria:

(a) Overall quality as represented by:

(i) Innovation in legal scholarship and education.

(ii) Development of individual faculty members (independent of any retention, promotion, or tenure decisions to be made about the faculty member).

(iii) Development of the School of Law.

(c) Maintenance of diversity among the types of funded proposals.

(d) Probability of the completion of the project.

Faculty members whose proposals receive funding are required to submit a written report to the Dean describing his or her activities, by a date established by the Dean.

f. PROMOTION, RETENTION AND TENURE POLICY

The current Promotion, Retention and Tenure Policy, adopted by the faculty during the Spring 2002 semester is set out in Appendix H - 4. This policy and any amendment to the policy hereafter adopted apply to all untenured tenure-track faculty members who sign and execute a tenure-track employment contract with the University of Dayton School of Law after December 1, 2001.

g. SABBATICAL AND OTHER LEAVES

4. LAWYERING SKILL FACULTY

The Policies And Procedures For Hiring And Evaluating Full-Time Non-Tenure Track Lawyering Skills Instructional Staff is set forth in Appendix H – 5.

5. ADJUNCT FACULTY POLICIES

a. SELECTION

The Dean will appoint members of the adjunct faculty, often in consultation with the Chair of the Faculty Recruitment Committee and the full-time faculty who teach in the same subject area.

6. LAW LIBRARIAN POLICIES

The Law Library Tenure Policy is set forth in Appendix H – 6.

[Section I]

I. FACILITIES POLICIES

1. USE OF KELLER HALL

The Policy on Usage and Fees for Keller Hall is set forth as Appendix I – 1.