

# MERCER UNIVERSITY SCHOOL OF LAW



## Student Handbook 2009-2010

## **Non-Discrimination Statement**

**Mercer University is committed to providing equal education and employment opportunities to all qualified students, employees, and applicants without discrimination on the basis of race, color, national or ethnic origins, sex, age, or disability, veteran status, sex, sexual orientation, age, or religion, as a matter of University policy and as required by applicable State and Federal laws. Inquiries concerning this policy may be directed to the Equal Opportunity/Affirmative Action Officer, Human Resources Office, 1400 Coleman Avenue, Macon, GA 31207, phone (478) 301-2786.**

## **University Accreditation**

**Mercer University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award bachelor's, master's, and doctor's degrees. Inquiries to the commission on Colleges should relate only to the accreditation status of the institution and not to general admissions information. Inquires may be referred to the Commission on Colleges of the Southern Association of Colleges and Schools. 1866 Southern Lane, Decatur, GA 30033-4097; telephone, (404) 679-4558; Web site, <http://www.sacscoc.org>.**

## **CONFIDENTIALITY NOTICE**

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*This handbook can be found on the Web at*  
<http://www.law.mercer.edu/life/handbook.cfm>  
*Course descriptions can be found at*  
<http://www.law.mercer.edu/administrative/registrar>

**LAW SCHOOL STAFF DIRECTORY ALPHABETICAL LISTING |**  
**DEPARTMENT LISTING**

Staff Member	Phone 478-301-	Office	Title
<b>Dean's Suite</b>			
Daisy Hurst Floyd	2602	206	Dean and Professor of Law
Steve Johnson	2192	209	Associate Dean and Professor
Mary Donovan	2586	205	Assistant Dean for Student Affairs
Michael Dean	2607	207	Assistant Dean for Administration and Finance
David Hefner	5000	342	Director Communications & Marketing
Gloria Marshall	2173		Alumni Relations
Michael Mattox	2232	334	Director Law School Development
Karen Batts	2602	202	Administrative Assistant to the Dean
Debra Boney	2606	201	Administrative Assistant
<b>Faculty Suite</b>			
Armstrong, Monica	2203	333	Assistant Professor
Baldwin, Anthony	2619	332	Professor
Berger, Linda	2191	303	Professor
Blumoff, Theodore	2634	313	Professor
Cassidy, Suzanne	2665	212	Director of Law Library and Professor
Claxton, Joseph	2146	344	Professor
Cole, John	2638	314	Professor
Creswell, Richard	2616	305	Professor
Dantzler, Deryl	2416	126	Tommy Malone Distinguished Chair in Courtroom Advocacy Professor and Dean of National Criminal Defense College
Fleissner, James	2637	310	Professor
Floyd, Timothy	2631	363	Professor and Director of Law and Public Service Program
Gerwig-Moore, Sarah	2195	366	Associate Professor

Griffin, Oren	2642	362	Assistant Professor
Hricik, David	4154	340	Professor
Hunt, James	2202	321	Associate Professor
Jellum, Linda	5689	317	Associate Professor
Jones, Mark	2636	325	Professor
Kosek, Reynold	2628	306	Professor
Lewis, Jr., Harold	2632	309	Walter F. George Professor
Longan, Patrick	2639	315	William Augustus Bootle Chair in Ethics and Professionalism Professor
Oedel, David	2629	316	Professor
Painter-Thorne, Sue	2647	341	Associate Professor
Ritchie, David	5686	307	Associate Professor
Sabbath, Michael	2643	318	The SBLI/Walter H. Drake, Jr. Endowed Chair in Bankruptcy Law Professor
Sammons, Jack	2323	304	Griffin B. Bell Professor
Sheppard, Jennifer	2239	311	Assistant Professor
Sneddon, Karen	5908	343	Associate Professor
Titshaw, Scott	2492	302	Assistant Professor
Watson, J. Shand	2617	326	Professor
Wells, D. Christopher	2603	364	Associate Professor
Williams, Virginia	2618	308	Associate Professor
Fax Machine	2259		

**Adjunct Faculty**

Adams, Charles  
Axam, Tony  
Bates, Carter  
Bonapfel, Paul  
Boyer, Wes  
Boyer, Ronald  
Brown, Manley  
Clark, John Christopher  
Clifton, William  
Cole, Bonnie  
Cole, John P.  
Cooper, John  
Cox, Charles

Culpepper, Bryant  
 Donovan, Mary  
 Edwards, Brown  
 Elliott, James  
 Gautreaux, Jarome  
 Guichard, Gary  
 Harrell, Beth Ann  
 Hervey, William  
 Hicks, Deron  
 Hill, William  
 Hogue, Frank  
 Hogue, Laura  
 Sallie Jocoy  
 Johnson, Anne  
 Johnson, Edward  
 Malcor, Nancy  
 Matthews, Thomas  
 Peterman, G.F.  
 Pope, David  
 Roberts, Jennifer  
 Royal, Ashley  
 Siegel, David  
 Sizemore, Lamar  
 Smith, G. Boone  
 Traynham, Jay  
 Treadwell, Marc  
 Weigle, Charles  
 White, Nick

**Library**

Cassidy, Suzanne	2665	212	Director of Law Library and Professor
	2423	220	Access Services Librarian
Bloodworth, Lynn	2988	228	Acquisitions and Serials Coordinator
Bombardo, Chris	2182	350C	Director of Information Technology
Byrd, Michelle	2613		Library Associate Interlibrary Loan/Circulation

Davis, Jonathan	2181	350B	Systems Manager
Dennis, Ethel	2668	228	Library Assistant/Acquisitions
Gibson, Denise	5905	219	Assistant Law Librarian For Research Services
	2947	350	Web Developer
Gullon, Ismael	5904	217	Associate Law Librarian For Collections & Technical Services
Jacobson, Cheryl	2614	211	Library Administrative Secretary
Leary, Frederick	2183	350D	Instructional Technology Coordinator
Myers, Susan	2612		Library Assistant III- Circulation/Student Supervisor
Perkins, John	2667	210	Reference Services Librarian
Solomon, Labrina	2982	228	Library Assistant/Gov. Documents
Walsh, James	2625	227	Reference Services Librarian
Wornum, Lucile	2981	228	Library Assistant/Serials
Computer Lab		352	Third Floor
Fax Machine	2284		Library
Lawyers' Reading Room	5015		
Library Circulation Desk	2612		
Library Circulation Desk	2613		
Library Reference Desk	2334		
Library Third Floor	2220		
<b>Admissions and Financial Aid</b>			
Sutton, Marilyn	2429	141	Assistant Dean of Admissions and Financial Aid
Powell, Stephanie	2064	138	Director of Financial Aid/Assistant Director of Admissions
Brown, Betty	2145	140	Administrative Secretary
Martin, Susan	2605	139	Administrative Secretary
Trussell, Teresa	2147	139	Office Specialist
Fax Machine	2989		Admissions Fax Machine

**Career Services**

Martin, Hope	2914	105	Director of Career Services
Bacote, Jenia	5014	104	Assistant Director Career Services
McDuffie, Terry	2615	103	Administrative Secretary
Terrill, Nancy	2204	106	CLE Coordinator
Fax Machine	2287		

**Registrar**

Crammer, Patsy	2621	125	Registrar
Griffin, Marsha	2620	123	Registrar Specialist
Fax	5900		

**Faculty Secretaries**

Wilson, Susan	2611	322	Administrative Coordinator
Churchwell, Barbara	2609	339	Administrative Secretary
Studdard, Sandra	4131	320B	Administrative Secretary
Van Zant, Paulette	2610	320A	Administrative Secretary
Mail Room	2608	324	
Fax Machine	2259	324	
Nadler Room			

**Law and Public Service Program**

Dickey, Courtney	5023	361	Program Coordinator
Fax Machine	5019		

**Law Review**

Shaw, Yonna	2622	135	Law Review Publishing Coordinator
Jump, Cherie	2337	136	Administrative Secretary
Editor in Chief	2624	134	Ryan Ingram
Fax	2649		

**Other Law School**

Bookstore (Phyllis)	2912	149	First Floor
Medical Lab	2096	374	Third Floor
Moot Court	2183	111	First Floor
Student Bar Association	2909	112	First Floor
Snack Bar	2298	150	Cafeteria

**NCDC**

Dantzler, Deryl	746-4151	126	Tommy Malone Distinguished Chair in Trial Advocacy Professor and Dean of National Criminal Defense College
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**Main Campus**

Admissions, Main Campus	2650	Student Activities	2868
Athletic Dept. (Intramural)	2370	Switchboard	2700
Bookstore, Main Campus	2945	University Center	5155
Bursar's Office	1001		
Campus Safety	2911		
Campus Safety Emergency Line	4357(HELP)		
<b>Counseling &amp; Student</b>			
Development	2862		
Financial Aid	2670		
Grand Opera House			
Box Office	5460		
Housing & Residence Life	2687		
Infirmary	2696		
Main Library	2055		
Mercer Health Systems	4111		
NCDC	746-4151		
Personnel	2785		
Post Office	4170		
President's Office	2500		
Purchasing	2950		
Registrar, Main Campus	2680		

## **ACADEMIC CALENDAR 2009-2010**

### **Walter F. George School of Law**

<b>Aug. 10-11</b>	<b>Minority Orientation</b>
<b>Aug. 11-14</b>	<b>1st Year Orientation</b>
<b>Aug. 17</b>	<b>Introductory Courses Begin (All Students)</b>
<b>Aug. 24</b>	<b>Regular Classes Begin (All Students)</b>
<b>Aug. 24-Aug. 28</b>	<b>Drop/Add</b>
<b>Sept. 7</b>	<b>Labor Day (University Holiday)</b>
<b>Nov. 23-27</b>	<b>Thanksgiving Break</b>
<b>Dec. 2</b>	<b>Last Class Day in Fall Semester</b>
<b>Dec. 7-18</b>	<b>Fall Semester Examination Period</b>
<b>Jan. 11</b>	<b>Spring Semester Classes Begin (All Students)</b>
<b>Jan. 11-15</b>	<b>Drop/Add</b>
<b>Jan. 15</b>	<b>Fall Semester Grade Deadline</b>
<b>Jan. 18</b>	<b>Martin Luther King, Jr., Day (University Holiday)</b>
<b>March 29-April 2</b>	<b>Spring Break</b>
<b>April 2</b>	<b>Good Friday (University Holiday)</b>
<b>April 4</b>	<b>Easter Sunday</b>
<b>April 22</b>	<b>Last Class Day in Spring Semester</b>
<b>April 27-May 7</b>	<b>Spring Semester Examination Period (1st- and 2nd-Year Courses Only)</b>
<b>April 27 (noon)</b>	<b>Senior Grades Due</b>
<b>April 30</b>	<b>Commencement Meeting - Time and location TBA</b>
<b>May 1</b>	<b>Commencement - 10:00 AM - University Center</b>
<b>May 17</b>	<b>Summer Session Begins</b>
<b>May 17-18</b>	<b>Drop/Add for Summer School</b>
<b>May 31</b>	<b>Memorial Day (University Holiday)</b>
<b>June 4</b>	<b>1L and 2L Spring Grade Deadline</b>
<b>July 1</b>	<b>Last class day for summer session</b>
<b>July 4</b>	<b>University Holiday</b>
<b>July 6-7</b>	<b>Summer Session Final Exams</b>
<b>August 3</b>	<b>Summer Grade Deadline</b>

## **Complaints and Questions**

Mercer Law School encourages students having concerns or questions to report their grievances to the appropriate members of the faculty and administrative staff. The administration, staff, and faculty will remedy justified requests whenever possible. Dean Donovan is available to hear any student problem. Please use the following guide in reporting any complaints.

**Bookstore** –Assistant Dean Michael Dean

**Building and Grounds** – Assistant Dean Michael Dean

**Career Services** -- Director, Career Services, Hope Martin

**Class & Exam Schedules** – Associate Dean Steve Johnson

**Computer Lab** – Library Director Suzanne Cassidy

**Faculty Members** – Associate Dean Steve Johnson

**Honor Violations** – Honor Court Prosecutor Patrick Wells or Assistant Dean Mary Donovan

**Legal Writing** – Professor Linda Berger

**Library** – Director Suzanne Cassidy

**Parking** – Assistant Dean Michael Dean

**Registrar's Office** – Dean Daisy Hurst Floyd

**Student Lounge/Food Service** – Assistant Dean Michael Dean

**Staff Members** – Assistant Dean Michael Dean

**University Housing** – Jeff Takac, Director (301-2687)

**Mercer Student Health Services** – 301-2696 or Assistant Dean Mary S. Donovan

### **Counseling**

Students experiencing difficulties in their academic, financial, or personal lives should consult with Assistant Dean Mary Donovan. An appointment for free personal counseling can also be made with a therapist on the main campus of Mercer. Please call (478) 301-2862.

## **FINANCIAL INFORMATION**

### **Financial Aid**

Currently, over 80 percent of Mercer law students receive financial aid. Financial aid consists of scholarships, loans, and work study. Mercer awards over three million dollars in scholarships every year. In addition, many students finance their legal education through student loans. Information regarding student loans and academic merit scholarships may be obtained by contacting the Financial Aid Office. The priority deadline for receipt of financial aid applications is April 1. Applicants applying for student loans or work study must submit a Free Application for Federal Student Aid (FAFSA) and a Mercer Application for Financial Aid.

### **Tuition and Fees**

Tuition and fees are due the first class day of each semester. A fee of \$25.00 will be charged for late payment. Tuition and fees for the 2009-2010 academic year are \$34,330. The estimated living expenses for a nine-month academic year are \$16,000.

### **Debts**

No records will be released and no student will be considered by the University as a candidate for graduation until all indebtedness to the University has been settled. The Bursar's Office is authorized to withhold and apply to the student's debt any funds needed, including the student's payroll check, stipend, scholarship, loans, state grants, or any other student financial aid. Students with outstanding indebtedness will not be eligible for priority registration, and the student may be subject to late penalty and interest charges. Unpaid student accounts which are deemed delinquent may be placed with a collection agency. If such action is required, the student will be liable for any costs associated with such action.

## **SATISFACTORY ACADEMIC PROGRESS**

### **General Requirements**

Continuing eligibility for federal financial aid is contingent upon a student meeting the "satisfactory academic progress" standard. The satisfactory academic progress standard means that the student is progressing toward completion of the degree in both a qualitative and quantitative manner. At the end of the spring semester during each academic year, each student's academic progress will be reviewed and a determination will be made whether the student has met the satisfactory academic progress standard.

The satisfactory academic progress qualitative standard for financial aid eligibility is explained under "Failures" within the discussion of Grading Policy later in this Student Handbook.

Each student must be able to complete the 91 required credit hours for graduation within a maximum time frame of 84 months. Under the satisfactory academic progress quantitative standard a student must earn a minimum of thirteen (13) credit hours during an academic year in which the student attempts to earn credit hours. If a student fails to meet the satisfactory academic progress quantitative standard at the end of an academic year, the student shall be considered on a probationary status for financial aid eligibility. At the end of the following semester in which the student enrolls for credit hours, he or she must earn a minimum of seven (7) credit hours. Failure to earn seven (7) credit hours during this probationary semester will result in the loss of eligibility for federal financial aid until the student reestablishes satisfactory academic progress as described below.

### **Appeals**

A student who fails to meet the qualitative satisfactory academic progress standard shall be eligible to appeal this adverse determination as described under the “Academic Dismissal and Readmission Policy” in this handbook. A student who fails to meet the quantitative satisfactory academic progress standard shall be eligible to appeal this adverse determination by submitting to the Director of Financial Aid a letter explaining the mitigating circumstances that led to the failure to make satisfactory academic progress. These circumstances shall be considered mitigating if they are of a discrete, severe and temporary personal, medical, social or financial nature. If applicable, the student should also describe how those mitigating circumstances have been remedied or eliminated. The Director of Financial Aid and Assistant Dean of Admissions and Financial Aid shall review the letter of appeal and notify the student within thirty (30) days of filing the letter of appeal whether the appeal has been granted.

### **Reestablishing Satisfactory Academic Progress**

A student shall reestablish satisfactory academic progress only by completing a semester of coursework that meets both the qualitative and quantitative standards set forth above.

## **SOURCES OF AID**

### **Federal Perkins Loan (formerly NDSL)**

The Perkins Loan is awarded based on financial need as demonstrated by the information provided on the FAFSA and on the availability of funds. Preference is given to students who demonstrate exceptional need through the FAFSA and whose forms are received by Mercer's priority filing deadline of April 1st. The interest rate for this federal loan is five percent and is interest free during the three years that a student is enrolled in school and during the grace period. Repayment begins after a nine-month grace period following departure from school. The Federal Perkins loan allows a maximum repayment period of ten years.

### **Federal Direct Stafford Student Loan (Subsidized)**

Subsidized Federal Direct Loans are awarded on the basis of financial need. Students must complete a FAFSA and a Mercer Application for Financial Aid to be eligible for a subsidized loan. Eligible law students may borrow up to \$8500 per academic year. The aggregate amount available for subsidized loans is \$65,500 (this amount includes loans received for undergraduate and graduate study). The federal government pays the interest during periods of enrollment or other periods of authorized deferment. The interest rate is fixed at 6.8%. Repayment begins six months following departure from school.

### **Federal Direct Stafford Student Loan (Unsubsidized)**

Unsubsidized Federal Direct Loans are not awarded on the basis of financial need. However, students must complete a FAFSA and a Mercer Application for Financial Aid to be eligible for an unsubsidized loan. Eligible law students may borrow up to \$20,500 per academic year (amount reduced by any subsidized funds awarded to student). The aggregate amount a professional student may borrow for direct subsidized and unsubsidized loans is \$138,500 (this amount includes loans received for undergraduate and graduate study; \$65,500 is the maximum amount that may be borrowed in subsidized funds). Interest is charged from the time the loan is disbursed until the loan is repaid in full. Interest payments may be deferred while the borrower is in school. Deferred interest will be capitalized at repayment. The interest rate is fixed at 6.8%. Repayment begins six months following departure from school.

### **Private/Alternative Loans**

Law students may be eligible to borrow money through private lenders such as Access Group, Citi Bank, Key Bank, Nellie Mae, and Sallie Mae. These loans are based on creditworthiness and some may require a co-signer. Interest rates are variable. Most lenders offer a six to nine-month grace period following departure from school. Borrowers are generally allowed from fifteen to twenty years to repay their private loans. Loan applications may be obtained online at the lender's website.

### **Direct Graduate PLUS Loan**

The Direct Graduate PLUS Loan is a fixed interest rate loan guaranteed by the federal government. Direct Graduate PLUS Loans through Mercer will have a fixed interest rate of 7.9%. The Direct Graduate PLUS Loan may be consolidated with other federal loans after graduation. PLUS loan borrowers are required to pass a basic credit check. Following your departure from school, repayment begins immediately as there is no grace period. You may however, be eligible for a deferment or forbearance while studying for the bar exam.

### **Law School Revolving Loan**

The Law School Revolving Loan (LSRL) is an institutional loan fund granted by Mercer Law School. This loan is based on financial need as demonstrated by the information provided on the FAFSA. The Law School Revolving Loan has a nine percent interest rate and is interest-free during the three years that a student is enrolled in school. Repayment begins after a three-month grace period following departure from school. The maximum repayment period is five years.

### **Scholarships**

Mercer Law School awards a number of merit scholarships each year to those members of the entering class whose academic records, LSAT scores, and personal achievements demonstrate the potential for outstanding performance in the study of law. Partial merit scholarships are awarded at the end of the first year and second year to those students who have excelled academically by ranking in the top 15% of the class. In addition to merit scholarships, students may also qualify for a number of academic awards. Information regarding merit scholarships may be obtained by contacting Marilyn Sutton, Assistant Dean of Admissions and Financial Aid. Questions regarding awards should be addressed to Assistant Dean Mary Donovan.

### **Work Study**

Students who are interested in working at the University should contact Stephanie Powell in the Law School Financial Aid Office. College work study hours are awarded based on financial need. Students must complete a FAFSA and a Mercer Application for Financial Aid to be considered eligible. Other employment opportunities may be available under the regular wage program.

### **Withdrawals/Refund**

A student who FORMALLY RESIGNS from school prior to the last day of the drop/add period for any term of enrollment will be entitled to a 100% credit of tuition and fees charged for the current term (the \$500.00 deposit for entering students is non-refundable). A student who FORMALLY RESIGNS from school after this date may be entitled to a prorated credit of the tuition and fee charges if certain criteria are met as described in this policy. The criteria for the Mercer Institutional Refund Policy are based upon federal mandates established by the Federal Return Policy which took effect at all of the Mercer campuses on August 15, 2000, replacing all existing refund policies throughout the University. Mercer University will maintain a fair and equitable refund policy by adherence to this Institutional Refund Policy in all programs, in all schools, and on all campuses. This policy is subject to change if there are future changes to the Federal Return Policy or other federal, state, accrediting agency, or institutional policies with which it may conflict.

TO FORMALLY RESIGN, a student must drop or withdraw from all courses for the term by obtaining and completing a withdrawal form from the Registrar and obtain permission to withdraw from the Assistant Dean of Students. The completed form must be received in the Registrar's Office before the resignation process can be finalized. Resignation calculations will be based upon the date the Term Withdrawal form is received in the Registrar's Office. Financial aid awards and disbursements for students who formally resign from the University after the last day of drop/add each term will be returned to the original source of funds in accordance with the Federal Return Policy. If a student ceases attendance without notifying the University, a federal statutory provision allows the University to use the midpoint of the payment period as the withdrawal date for calculating the Federal Return Policy. Otherwise, the University may use the student's last day of academically related activity if it can document the student's attendance. A calculation for the return of federal funds will be completed within 45 days of the school's determination that a student has ceased attendance without proper notification. Any financial aid disbursements, which must be returned to their original source of funding, will then become immediately due and payable by the student to the University and in some cases to the U.S. Department of Education. Any exception to the refund policy will require a written appeal by the student to the Dean.

The following resignation calculation will be used to determine the prorated amount of tuition and fees to be credited to the student's account and the amount of financial aid to be returned to their source programs:

$$\frac{\text{The total number of calendar days* attended by the student}}{\text{The total number of calendar days* in the term of enrollment}} = \text{Percentage to be retained}$$

\*The total number of calendar days includes all days beginning with the first day of classes and ending with the last day of exams for the student's official program of study, excluding scheduled breaks of at least five consecutive days or more and days that the student was on an approved leave of absence.

**When the percentage to be retained is equal to or greater than 60%, NO tuition credit or refund of Title IV funds is required by the Mercer Institutional Refund Policy or the Federal Return Policy.**

$$\begin{aligned} &\text{Total tuition and fees for the term of enrollment} \times (100 - \text{percentage to be retained}) = \text{Total} \\ &\text{tuition and fees to be credited to the student's account} \\ &\text{Total amount of Title IV financial aid disbursed} \times (100 - \text{percentage to be retained}) = \text{Total} \\ &\text{Title IV financial aid to be returned**} \end{aligned}$$

**\*\*In most cases the University is required to return only the portion of federal financial aid that has been paid towards institutional charges. Any funds refunded to the student prior to resignation could be repayable by the student to the University or the U.S. Dept. of Education. Should the University be required to return federal financial aid funds in excess of those retained for tuition and fees then the student would be immediately responsible for payment back to the University for the full amount of this excess refund.**

Total amount to be returned to Non-Title IV funds=Total tuition and fees to be credited to the student's account less the total Title IV financial aid to be returned.

Federal Title IV financial aid funds must be returned in the following order:

1. Loans: Federal Unsubsidized, Federal Subsidized, Federal Perkins, Federal PLUS
2. Grants (and other):
  - Federal Pell
  - Academic Competitiveness Grant
  - National SMART Grants
  - FSEOG
  - Other Title IV (excluding College Work Study earnings)

Non-Title IV financial aid funds will be returned in the following order:

1. Mercer institutionally-funded loans  
Mercer institutionally-funded grants/scholarships
2. Mercer endowment-funded loans  
Mercer endowment-funded grants/scholarships
3. State and other loans  
State and other grants/scholarships
4. Student/parent payments

**Sample Refund Calculations** (the calendar dates and charges are examples only)

First day of class: August 22  
Last day of class: December 18  
Holidays: Labor Day, September 3  
Fall Break, October 8,9  
Thanksgiving, November 21 - 23

Number of calendar days between August 22<sup>nd</sup> and December 18<sup>th</sup> = 119 days  
Number of breaks lasting five consecutive calendar days or longer = 5 days  
Total calendar days in term = 114 days

**Resignation Scenario 1:** A graduate student formally resigns in the Registrar's Office on September 17<sup>th</sup>.

Typical charges: \$1,959 graduate tuition  
Financial aid disbursed: \$3,000 Federal Subsidized Direct Loan of which \$1,041 has been refunded to the student.

Calculation: Number of calendar days between August 22<sup>nd</sup> (first day of class) and September 17<sup>th</sup> (the date of formal resignation)=27 days

Percentage of charges to be retained\*:  $\frac{27 \text{ days}}{114 \text{ days}} = .2368$  or 23.7%

**\*Note:** This is the same calculation used for the percentage of Title IV aid earned.

Amount of tuition earned by the University:  $\$1,959 \times 23.7\% = \$464.28$

Amount of tuition to be credited to the student's account:  $\$1,959 - \$464.28 = \$1,494.72$

Amount of Title IV funds earned by student:  $\$3,000 \times 23.7\% = \$711.00$

Amount of Title IV funds to be returned to the Direct Loan Program:  $\$3,000 - \$711 = \$2,289$

Amount of Title IV funds to be returned by the University:  $\$1,959 \times (100 - 23.7\%) = \$1,494.72$

Amount of Title IV funds to be returned by the student: Since the student received a Direct Loan, the student will be responsible for the repayment of the amount borrowed less the amount returned by the University in accordance with the promissory note signed by the student.

**Snapshot of Student Account:**

At time of resignation -  
Tuition \$1,959.00  
Direct Loan (3,000.00)  
Refund to Student 1,041.00  
Account Balance -0-

After resignation -	
Tuition Credit	(\$1,494.72)
Title IV funds to be returned by University	<u>1,494.72</u>
Account Balance	-0-

## **LEAVE OF ABSENCE**

### **Approved Leave of Absence**

A student who is on an approved leave of absence retains in-institution status for Title IV loan repayment purposes. However, if the student does not return from a leave of absence, the student's loan grace period starts at the date the leave began. Generally, only one leave of absence may be granted within a 12-month period. The University may grant one additional leave of up to 30 days for a reason not defined in regulation if it determines that the leave is necessary due to unforeseen circumstances. Jury duty, military service, and conditions covered by the Family and Medical Leave Act are acceptable reasons for granting an additional leave.

### **Unapproved Leave of Absence**

An unapproved leave of absence is a leave granted by the University for academic reasons that does not meet the conditions of the Title IV regulations for an "approved" leave of absence. However, this unapproved leave of absence must be treated as a withdrawal for Title IV purposes. For a student who takes a leave of absence that does not meet the requirements for approval, the withdrawal date is the date that the student began the leave of absence.

## **DEGREE REQUIREMENTS**

Students will be granted the Juris Doctor degree upon completion of not less than 91 semester hours of law work, with a cumulative average of 76 or higher. All students must take all required courses. All students must take one course each from the Administrative Block and Perspectives Block, a Seminar and an Advanced Skills Course. Lists of courses in each block may be obtained from the Registrar's web pages.

Mercer Law School requires that students register for a minimum of 12 semester hours unless permission for a lighter load is granted by the Assistant or Associate Dean. In the sixth semester of law study, a student must register for a minimum of 10 semester hours (Law Review, Moot Court, or independent researches do not count towards this 10 hour minimum). A student may not register for more than 15 hours in the sixth semester or more than 17 hours in any other semester without the permission of the Associate Dean. In no case may a student register for more than 18 hours in any semester.

The last two semesters of study before completing the requirements for a degree, in every case of a student transferring to Mercer from another law school, must be completed while in residence at this Law School.

### **Attendance**

Prompt and regular attendance at all class meetings is expected and is a primary obligation of the student. No other commitment should interfere with this obligation. The student's total progress and performance in a course, including class attendance and conference attendance, may be reflected in the grade evaluation in each course. When a professor finds that a student has been absent from an excessive number of classes or conferences, the student may be dropped from the course with or without a failing grade. A failing grade shall be recorded as a 65. A student dropped from a required course must repeat the course.

### **Full-time Study**

Under the regulations of the American Bar Association and of the Association of American Law Schools, a full-time student is one who devotes substantially all of his or her working hours to the study of law. The period required for adjustment to legal studies makes it particularly important that first-year students have no unnecessary distractions. Course requirements and the scheduling of classes are based upon the assumption of full-time devotion to studies.

Many students find that they are able to maintain part-time employment during their second and third years of law school, but regulations of the American Bar Association require students at accredited law schools to work no more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours to be considered full-time students. For specific residency and course requirements, contact the Assistant or Associate Dean.

### **Changes in Schedule**

No student shall be permitted a course change after the expiration of the drop/add period of any semester unless he or she receives the prior approval of the instructor and the Assistant or Associate Dean upon the determination of unusual circumstances. Withdrawal from a course after the drop/add period will result in a grade of "W" and will remain a part of the student's academic record. A student dropping a course without such approval shall receive a penalty F(65) in the course. All course changes must be officially requested and processed through the Registrar's Office.

### **Audit of Courses**

Regularly enrolled students in the Law School will be allowed to audit courses in the Law School upon approval of the professor involved and the Dean. There will be no additional

charge for auditing a course, no grade will be recorded, and an audited course will not be considered in computing minimum and maximum hours allowed for the semester.

### **Maximum Time for Completion of Degree**

Law students must complete their course of study for the J.D. degree no later than 84 months after commencing law study at Mercer Law School or at a law school from which Mercer Law School has accepted transfer credit.

### **Grading Scale**

The grading scale is as follows:

- A 90-99
- B 82-89
- C 76-81
- D 70-75
- F 65-69
- S Satisfactory - not computed in average**
- U Unsatisfactory (An “unsatisfactory” in a Satisfactory/Unsatisfactory course is recorded as a 65-F)**
- AUD Audit**
- W Withdrawal**
- IC Incomplete**
- DN Dropped**
- DP Dropped - Penalty (recorded as a 65-F)**
- IP Continuing Policy on Incomplete grades (Adopted March 2003)**  
**For reasons of emotional, medical or other problems affecting academic performance, a grade of Incomplete (IC) may be awarded if, prior to the applicable deadline for the submission of grades, a student has received approval from the professor and Associate Dean to complete course requirements after the end of the semester of enrollment. If a grade of Incomplete is entered for a fall semester course, required course work must be completed by the date set by the professor, but no later than the applicable grading deadline of the following spring semester. For an Incomplete entered for a spring semester course or a summer session course, work must be completed by the date set by the professor, but no later than the grading deadline of the following fall semester. For an Incomplete entered for a sixth semester course, work must be completed by the date set by the professor, but no later than the first day of class in the following fall semester. Upon completion of required course work, the professor will submit a numerical grade or S/U for the course according to the type of grade originally authorized for the course. Failure to satisfactorily complete required course work within**

**the time allotted by this policy will result in the Registrar converting the Incomplete to a final grade of 65(F).**

## **GRADING POLICY**

In 1989, the Mercer Law School faculty adopted a policy calling for more uniform grading. The policy was amended in Spring 2004. The faculty mandated that the average grade awarded in each course fall within a predetermined narrow range. The purpose of the policy is to ensure equity in grading, both in fact and in the perception of the students. The specific ranges adopted reflect the traditional overall grading patterns at Mercer.

1. All first year courses shall have an average grade of 84.5, plus or minus one-half point.
2. Except as otherwise authorized by the Dean under subsection (5), all sectionalized upper division courses shall have an average grade of 85.5, plus or minus one-half point.
3. Except as otherwise authorized by the Dean under subsection (5), all other courses not specifically exempt from this policy shall have an average grade ranging from 84.5 to 86.5.
4. Seminars, advanced skills courses, and all other courses in which 15 or fewer students are enrolled are specifically exempted from this policy.
5. Any instructor wishing to deviate from subsections (2) or (3) must obtain prior approval from the Dean. Factors that the Dean may be asked to consider as appropriate bases for deviation from the approved average or range include: an unusual average GPA of the students enrolled in the course; grading of the course on the basis of a paper rather than an examination; and a class that as a whole performs on the examination in a manner justifying deviation.

### **Degree Honors**

A student's scholastic standing is determined on the basis of only those grades received in this law school. A degree of Juris Doctor cum laude will be granted to students graduating in the top 25%, a degree of Juris Doctor magna cum laude to those graduating in the top 7.5%, a degree of Juris Doctor summa cum laude will be granted to students graduating with an average of 94.0 - 99.

### **Dean's List**

Dean's List honors for first- and second-year students are earned by achieving a semester average of 88 or above on at least twelve graded hours. Dean's List for third-year students is based on a semester average of 88 or above on all graded hours (no minimum).

### **Failures**

If a student's cumulative average falls below 76.00 at the end of the final semester of the first or second year, the student shall be dismissed from the law school. After receiving official notifications of academic failure, such students may wish to consult with the Assistant Dean.

A student who fails to pass a course is not permitted to take a second examination without repeating the course. A rare exception may be made in favor of a student who is a candidate for the J.D. degree and is in the last semester of law school, and whose failure was due to extraordinary circumstances beyond his or her control. This exception can apply only to a course failed in the semester in which the student would have completed all degree requirements. A special examination can be given only with the unanimous approval of the faculty.

A student receiving a failing grade in a required course may repeat the course, but is not required to do so. Upon successful completion of a repeated course, the student will receive credit for it in meeting the credit hour requirement for graduation. A student may not repeat an elective course in which a failing grade has been received. The grade in a repeated course will not be included in the student's cumulative grade average, but will be recorded as a satisfactory in a repeated course. The original failing grade will in all cases continue to be included in the cumulative average.

### **Academic Dismissal And Readmission Policy**

I. FIRST-YEAR STUDENTS -- If a student's cumulative average falls below 76.00 at the end of the spring semester, first year, the student shall be dismissed from the Law School for academic ineligibility.

A. Before January 15 of the year following academic dismissal, the dismissed student may petition the Admissions Committee for readmission. The petition shall be addressed to the Assistant Dean for Student Affairs and may contain any supporting documents that the petitioning student deems appropriate.

B. Consistent with the Law School's obligations to the profession and the public, the Admissions Committee may grant a petition for readmission only if it determines that the student will successfully complete law school and will gain admission to the Bar. In making its determination, the committee shall consider the following factors:

1. The student's commitment to learning as demonstrated by the student's pattern of conduct.
2. The proximity of the student's cumulative average to the cumulative average required for graduation.
3. Any circumstances which affected the ability of the student to successfully complete the first year of law study.

C. A student may be readmitted only upon the following conditions:

1. The student must remain dismissed during the entire academic year immediately following academic dismissal and may recommence enrollment only in a fall semester after sitting out at least one full academic year.
2. The student must repeat all first-year courses. If a first-year course is offered by more than one professor, to the extent possible, the readmitted student shall not enroll in the section taught by the professor previously taken for that course.
3. The student must achieve a cumulative average of 78.00 or higher at the end of the second semester of the repeated first year of law study in order to continue to the second year of law study. Failure to achieve the required cumulative average of 78.00 will mean permanent academic dismissal.
4. All course grades from a readmitted student's unsuccessful first year shall remain on the student's transcript, but those course grades shall not be included for calculation of the cumulative average after readmission.

D. Under extraordinary circumstances and upon written request, the Admissions Committee may waive part I.C.1. above and allow readmission of the dismissed student beginning with the fall semester immediately following dismissal. Immediate readmission will be granted only when the written request demonstrates, by clear and convincing evidence, to the Admissions Committee that:

1. the preceding year's academic difficulty was caused by a discrete, severe and temporary personal, social or financial circumstance that will have been remedied or eliminated before the beginning of the fall semester; and
2. the prior year's academic performance indicates a high probability of achieving the required cumulative average of 78.00 in the first year of readmission. The Admissions Committee's denial of a request for immediate readmission is not appealable.

E. If the Admissions Committee denies the petition for readmission, a dismissed student may appeal the denial to the full faculty. Upon appeal, if the full faculty votes to readmit by a majority of those present and voting, the readmission shall be made under the limitations set forth in parts I.C. and D. above.

II. SECOND-YEAR STUDENTS: If a student's cumulative average falls below 76.00 at the end of the spring semester, second year, the student shall be dismissed from the Law School.

A. Before July 15 in the year of academic dismissal, the dismissed student may petition the Admissions Committee for readmission. The petition shall be addressed to the Assistant Dean for Student Affairs and may contain any supporting documents that the petitioning student deems appropriate.

B. Consistent with the Law School's obligations to the profession and the public, the Committee may grant a petition for readmission only if it determines that the student will successfully complete law school and will gain admission to the Bar.

C. A student may be readmitted only upon the following conditions:

1. The student must repeat all failed required courses. If a failed required course is offered by more than one professor, to the extent possible, the readmitted student may not enroll in the section taught by the professor from whom the failing grade was received.

2. If the readmitted student received a failing grade in any course taken to satisfy any block requirement, the student must receive a passing grade in another course from that block.

3. All course grades shall be included in any calculation of cumulative average.

D. If the Committee denies the petition, a dismissed student may appeal to the full faculty. If the full faculty votes to readmit by a majority of those present and voting, the readmission shall be made on the same conditions as those set forth in part II.C., above.

E. A readmitted student who fails to achieve a 76.00 cumulative average at the end of the second semester, third year, will be dismissed permanently.

## **GUIDELINES REGARDING TRANSIENT STATUS**

### **Transient Student Status for Students From Other Law Schools**

At the discretion of the Associate Dean, a student of another accredited law school may be admitted to this Law School as a transient student, provided that the other law school also approves the arrangement and is willing to grant a degree based upon credits received at Mercer.

### **Transient Student Status Elsewhere for Mercer Law Students**

A. Mercer law students who attend summer school programs of other fully accredited law schools will be given credit toward graduation at Mercer for the courses successfully completed at such schools upon approval of the Associate Dean.

B. At the discretion of the Associate Dean, a Mercer law student may be allowed to attend another fully accredited law school other than in a summer program as a transient student, for a period not to exceed one academic year, with the credits received being applied toward graduation at Mercer, under the following restrictions:

1. Approval shall be granted only in cases in which the student will suffer extraordinary hardship if not allowed to attend another law school as a transient student. "Extraordinary Hardship" shall include situations involving death or extreme illness in the student's immediate family which necessitates a move to another city in order to alleviate severe financial, medical, or other such stress; situations in which the spouse of a student is compulsorily transferred to another city by his or her employer; and other such situations. Situations already in existence when the student first enrolled at Mercer would ordinarily not be considered justification for approval of transient status.
2. The other law school must accept the Mercer student as a transient student.
3. Mercer will only accept credit earned from an ABA accredited law school. You will need to complete the required number of semester hours (91) for graduation. Furthermore, each grade received from the law school you will attend must equal or exceed the graduation average required by that school. For example, if the graduation average for the school visited is a "C", you must have a "C" or better in each course for those grades to transfer. It will be your responsibility to determine this average. Grades from another law school will not be computed in your average and will be recorded on your permanent record as "S" and added to the hours credited at Mercer.

### **Summer Courses**

The Law School annually offers summer classes in several popular courses. Summer classes run seven weeks from late May until mid-July and are taught in the evenings. Although Mercer does not allow early graduation through summer study, credit earned in summer classes at Mercer Law School or other accredited law schools allows students to take reduced course loads during the regular academic year and to enrich their legal educations. Please contact the financial aid office if you need aid for summer school.

### **Summer Study Abroad**

Mercer is a co-sponsor of several Summer Abroad Programs administered by the Stetson University College of Law in Florida. Programs are offered in China, Spain, Argentina, Germany, and the Netherlands. More information about the programs is available at <http://www.law.stetson.edu/international/summer/>. Please contact the financial aid office if you need aid for the summer abroad program.

### **Summer School at Other Schools**

If you wish to take summer school courses at another ABA accredited law school or through the Mercer Law School Summer Study Abroad Program, please follow these steps:

1. Obtain the appropriate form from the Registrar's Office and read carefully.
2. Bring the form and attach a copy of the course descriptions from the other school to the Associate Dean or the Assistant Dean. It is not necessary to attach the course descriptions if you will be taking classes through the Mercer Law School Summer Study Abroad Program. Mark in the appropriate space on the form if you want credit for a particular block requirement.
3. Remember, **you cannot take required courses at another school**.
4. If you need financial aid for a summer abroad program, please contact the financial aid office.

## **JOINT JD/MBA PROGRAM**

Mercer's School of Law and Mercer's School of Business and Economics offer a program leading to both the Juris Doctor and the Master of Business Administration degrees. Any applicant to the program must indicate on the Law School application his or her intent to also apply to the School of Business. Both schools will share the information in the application; however, the official GMAT scores must be sent directly to the School of Business. The applicant must be admitted separately by each school.

## **BUSINESS CERTIFICATE PROGRAM**

Students in good standing in the Walter F. George School of Law may choose to take up to three graduate courses in the Eugene Stetson School of Business and Economics without applying for admission to the MBA Program. Currently two specific combinations of courses can be taken for a Certificate in Practice Management or Certificate in Corporate Finance.

Additional tuition must be paid to the Business School for one of the three courses that are required for the Certificate. If students complete the requirements for a Certificate, six of the nine hours of Business School courses can be counted toward the 91 hours required for graduation from the Law School. If students do not complete the requirements for a Certificate, none of the nine hours of Business School courses can be counted toward the 91 hours required for graduation from the Law School. Grades for Business School courses will not be calculated in a law student's GPA.

To enroll in a certificate program, students should notify the Registrar in the Law School of their intention.

For detailed information on the joint JD/MBA Program, contact the Admissions Office of the Law School at 478-301-2605, the School of Business at 478-301-2835, or visit our website at [www.law.mercer.edu/admissions](http://www.law.mercer.edu/admissions).

## **EXAMINATIONS**

### **Illness and Emergency**

It is up to a student experiencing emotional, medical or other problems affecting academic performance to confer with the Assistant or Associate Dean before taking examinations. Upon evidence of cause, the Dean and faculty members concerned may allow the student to take examinations late or to withdraw from courses.

### **Summary of Rules Pertaining to Changes in Individual Examination Schedules**

1. Students having examinations on four consecutive days are entitled to change the date of one of the four examinations. It is the student's responsibility to initiate the rescheduling of one of the examinations and to secure the agreement of the faculty member whose exam will be rescheduled.
2. Students having two examinations in one day are entitled to change the date of one of them. It is the student's responsibility to initiate the rescheduling of one of the examinations and to secure the agreement of the faculty member whose exam will be rescheduled.
3. Examinations cannot be rescheduled, even with the agreement of the faculty member, solely because of the number and timing of scheduled exams for which the student is enrolled unless either Rule 1 or Rule 2 applies.
4. It is the responsibility of the student having emotional, medical or other problems affecting academic performance to confer with the Assistant or Associate Dean before the taking of examinations. The Dean and the faculty members concerned may allow a student with such problems to take examinations late, to withdraw from courses, or to propose other reasonable accommodations. Please note that agreement of the faculty members whose exams are affected is required.
5. A student requesting to take a final examination on a date other than the scheduled date must complete a form, have the professor and Assistant or Associate Dean approve and sign the form and return it to the Registrar's Office. Forms may be picked up in the Registrar's Office on the first floor.
6. Personal reasons for rescheduling examinations must be satisfactory to the professor whose exam will be rescheduled and to the Assistant Dean.

**EXAMINATIONS CANNOT BE RESCHEDULED, EVEN WITH THE PROFESSOR'S APPROVAL, IN CIRCUMSTANCES OTHER THAN THOSE LISTED ABOVE.**

### **Religious Observance Policy**

Mercer University is respectful of the religious practices of members of the student body. Students who will be absent from class for religious observances must confer with their instructor(s) regarding the date of the absence at the beginning of each semester or session, or at least two weeks prior to the dates of the absence. The disposition of missed assignments will be arranged between instructor and student. If a mutually satisfactory solution is not reached, the right to establish a reasonable alternative is reserved to the

instructor. Students who feel that their academic performance will be compromised by the alternative assignment/examination timetable may ask that the instructor's dean review the instructor's decision.

### **Students with Disabilities**

It is the policy of Mercer University Law School to provide reasonable accommodations for disabled students, including students with learning disabilities and those with health impairments, as well as those with other disabilities. Students whose disabilities may interfere with their performance of course work or examinations should consult with Assistant Dean Mary Donovan as soon as possible after matriculation. Course load modification, exam accommodation, or other appropriate action will be arranged on a case-by-case basis. A written request, accompanied by supporting documentation of physicians or other appropriate health-care professionals, is required for certain disabilities such as learning disabilities and health impairments. Requests are considered by the University Advisory Committee. It is suggested that requests be made no later than September 8, 2008 to ensure that there is sufficient time to evaluate and take action on the request. Later requests will be considered, but in no event will retroactive relief be given after a graded exercise or examination has been taken.

### **Student Handbook Website:**

Mercer Law School Student Handbook including Financial Aid information is located on the Web at <http://www.law.mercer.edu/life/studenthandbook.pdf>. If you would like a hard copy of the financial aid information, please make a written request to the Assistant Dean's office. The Mercer University Handbook can be located on the Web at [www.2.mercer.edu/Provost/StudentHandbook.htm](http://www.2.mercer.edu/Provost/StudentHandbook.htm).

**WALTER F. GEORGE SCHOOL OF LAW, MERCER UNIVERSITY**  
**STUDENT HONOR CODE**  
**APPROVED BY FACULTY JANUARY 25, 1995 APPROVED BY STUDENT BODY**  
**MARCH 7, 1995**

**PREAMBLE**

The School of Law expects students to deal ethically and honestly with all members of the law school community, including students, faculty, staff, and administrators. This Code describes, among other things, the obligations of students, faculty, and administrators; the composition and jurisdiction of the Honor Council; the procedures to be followed in determining whether a student has violated the Code; and the sanctions that may be imposed.

Although the failure to report one's own act or the act of another Student that may constitute a violation of this Code is not itself a violation of this Code, it is the sense of the Law School community that a Student should report conduct that he or she reasonably suspects does constitute a violation.

**Section I. Definitions**

- A. Academic Year - a term beginning immediately after the Law School graduation date and ending on the Law School graduation date of the following year.
- B. Assistant Dean - the Assistant Dean for Student Affairs, or that person to whom the Dean has delegated the functions of that office.
- C. Chief Justice - the Student Justice serving as the Chair of the Honor Council. (See SECTION VI.A.3.)
- D. Code - the Walter F. George School of Law Student Honor Code.
- E. Complaint - the formal charging document submitted to the Council by the Investigating Committee when it finds probable cause to bring a reported violation to a hearing. (See SECTION VII.G.3.)
- F. Council - the Honor Council. (See SECTION VI.)
- G. Days - calendar days.
- H. Dean - the Dean of the School of Law.
- I. Defense Counsel - the individual who, by a Student's selection, shall represent the Student during an investigation, hearing, or appeal. (See SECTION IV.A.2., SECTION VII.G.5.e., SECTION VIII.A., and SECTION X.D.)
- J. Investigating Committee - the committee consisting of one (1) Faculty Member (appointed by the Dean) and the Student Prosecutor who are charged with the duty to investigate possible violations of the Code. (See SECTION

- VII.E. and G.)
- K. Knowingly - A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to the circumstances surrounding such conduct when he or she is aware of the nature of such conduct or that such circumstances exist. A person also acts knowingly, or with knowledge, with respect to a result of his or her conduct when that person is aware that the conduct is reasonably certain to cause that result.
  - L. Law School-The Walter F. George School of Law.
  - M. Magistrates-The Chief Justice of the Honor Council and the Designated Faculty Justice who, together, decide initially whether the Council shall exercise, decline, or postpone asserting jurisdiction. (See SECTION VII.B.-F.)
  - N. Prosecutor -The Student member of the Investigating Committee chosen by the Student body to prosecute the Accused Student. (See SECTIONS VII.E. and G.7.)
  - O. Purposefully-A person acts purposefully, or with purpose with respect to an act or to a result, when it is his or her intention, conscious object, or desire to engage in the act or to cause the result.
  - P. Recklessly-A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of that conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur.
  - Q. Report of an Alleged Violation-a report to the Assistant Dean for Student Affairs of a possible violation of the Honor Code. (See SECTION VII.)
  - R. Student-any person who is, or has been, enrolled at the Walter F. George School of Law.
  - S. University-Mercer University.

## **Section II. Standards of Conduct**

- A. Prohibited Conduct in General  
The following Student conduct shall constitute a violation of the Code:
  1. Any conduct pertaining to Law School or other University matters, including but not limited to academic matters, that evidences fraud, deceit, dishonesty, or an intent to obtain unfair advantage over other Students; and
  2. Failure to comply with duties imposed by this Code; and
  3. Any act that demonstrates dishonesty, lack of integrity, or lack of fitness to practice law.
- B. Before a Student may be found to have violated this Code, there must be clear and convincing evidence that the Accused Student committed the act or acts constituting the violation and that the Accused Student did so purposefully, knowingly, or recklessly.

- C. Extenuating circumstances or good motives (such as, by way of example, pressure from school or outside work, family obligations, or to help a friend) are no defense to a violation of the Code but may be relevant to the determination of sanction. This section is not intended to disallow the defense that the required mental state was not present.
- D. It is not a defense to charges of violating this Code for a Student to claim he or she has not received, read, or understood this Code, or is otherwise ignorant of its provisions. A Student is held to have notice of this Code by enrolling in the Law School. (See the Law School Bulletin.) A copy of the Code will be distributed to each entering first-year Student, placed on file in the Law School Library, and made available from the Dean's Office.

### **Section III. Limitations**

- A. Student's conduct is not subject to this Code unless it has occurred while the Student is enrolled at or was seeking admission to the Law School. The Council may not exercise jurisdiction over Student conduct unless a complaint is filed within one year of graduation, withdrawal, or dismissal of the Student from the Law School; however, this limitation shall not apply to conduct involving either serious academic misconduct, such as plagiarism or cheating, or serious misrepresentation with respect to the Student's application for enrollment in the Law School.

### **Section IV. Rights of an Alleged Violator or an Accused Student**

- A. The following enumerated Rights of an Alleged Violator or an Accused Student consist of some of those rights which exist as a result of this Honor Code. Students may have additional rights, arising under other sections of this Honor Code or extrinsic authority, which this section of the Honor Code does not abridge.
  1. An Alleged Violator or Accused Student shall not be required to testify. (See SECTION VIII.F.)
  2. Before and during the investigation, hearing, and through any appeals, an Alleged Violator or Accused Student shall be entitled to representation by or assistance from a retained attorney or anyone else of the Student's choice who will represent or assist the Student as his or her lawyer. (See SECTION VII.G.5.e., SECTION VIII.A., and SECTION X.D.)
  3. A Justice of the Honor Council, the Prosecutor, and any Investigator may be voluntarily or involuntarily recused from a pending case due to failure or inability to satisfy the duties of his or her respective position in regard to an alleged violation. Recusal extends only to the Investigator's, Prosecutor's or

Honor Council Justice's duties with respect to the pending case. A vote of four present and voting Justices is required for involuntary recusal. The Chief Justice shall at the same time notify the Accused Student and the President of the Student Bar Association or the Dean of the Law School. When a Student Honor Council Justice or the Prosecutor is removed, the President of the Student Bar Association shall, within three calendar days of receiving notice of such removal, appoint a replacement. When a Faculty Honor Council Justice or Faculty Investigator is removed, the Dean of the Law School shall, within three calendar days of receiving notice of such removal, appoint a replacement.

4. Upon request, any Accused Student has the right to a copy of the recordation of the hearing. (See SECTION VIII.B.3.)

### **Section V. Adopted Policies of the Faculty and Administration**

- A. Each Instructor shall identify with precision the materials (if any) Students may use during the Instructor's examination, and shall describe the condition (for example, annotated or unannotated) in which those materials may be used prior to the last regular meeting of the class; provided, however, that if an Instructor does not identify the materials usable during the final examination and their condition, Students must assume the examination in that course is "closed book," that is, that no materials will be permitted to be used by Students during the final examination. In order to eliminate ambiguity or uncertainty, the Instructor shall answer any Student question concerning those materials and shall communicate that same information to all Students in the course.
- B. Each Instructor shall include the instructions described in Paragraph A, above, in the written instructions accompanying the examination.
- C. Each Instructor shall exercise caution in preparing, administering, and discussing an examination to ensure that no Student receives an unfair advantage.
- D. Each Instructor and member of the Law School staff shall report to the Assistant Dean for Student Affairs any Student conduct that is reasonably believed to constitute a violation of this Code.
- E. It is the responsibility of the Dean, or his or her delegate, to supervise the imposition of any sanction directed by the Council or modified by any appeal.
- F. Failure on the part of an Administrator or an Instructor to comply with the adopted policies of the Faculty and Administration as outlined in this section shall not operate as a procedural defense. Such non-compliance, however, may operate as a substantive defense.

## **Section VI. The Honor Council**

- A. The Honor Council shall consist of six Justices.
1. Three of the Justices shall be Students. Under procedural rules promulgated by the Student Bar Association, the Student body shall elect three Student Justices, one from each class. Student Justices shall serve a term of one academic year.
  2. Three of the Justices shall be Law School Faculty Members appointed by the Dean of the Law School with the advice of the Faculty Policy Committee. The Dean shall designate one of the appointed Faculty Justices to serve as a Magistrate. The Dean shall not appoint an associate or assistant dean or him/herself to the Council. Faculty Members shall be appointed to a one academic year term.
  3. The third-year Student Justice shall be the Chief Justice. If, at any time, the Chief Justice is unavailable to perform Chair duties, the elected second-year Justice shall serve as the Chief Justice.
- B. The Council shall have jurisdiction over any conduct by a Student which is prohibited by this Code. At any time, for good cause, the Council may decline or postpone asserting jurisdiction over the conduct of a Student. For example, any of the following may constitute good cause for declining or postponing jurisdiction: (1) the fact that such conduct is being, or has been handled by federal, state, or local authorities; (2) assuming the allegation to be true, the conduct does not evidence a lack of honesty, integrity, or trustworthiness on the part of the Student; or (3) the alleged conduct is insufficiently connected with the affairs of the Law School or its Students.

## **Section VII. Report and Investigation of an Alleged Violation**

- A. If a person wishes to initiate a disciplinary proceeding against a Student for violating this Code, the person must report the matter to the Assistant Dean for Student Affairs. The report of the suspected Code violation may be either written or oral. Such report may not be made anonymously; however, confidentiality relating to the identity of the reporter of an alleged violation shall be maintained, subject to the provisions of SECTION VII.B., E., F., and SECTION VIII.L. and M.
- B. Upon receipt of a report of a suspected Code violation, the Assistant Dean for Student Affairs shall promptly notify the Chief Justice of the Honor Council of the bare allegations contained in the report, omitting the names of the Alleged Violator and the person(s) making the allegation. Upon receiving this summary, the Chief Justice shall promptly inform the Faculty Magistrate of the substance of the report.
- C. A meeting to determine whether to decline or postpone asserting jurisdiction shall be held by the Chief Justice of the Honor Court and the designated Faculty Member, who serve as the Magistrates. For good cause, jurisdiction may be declined or postponed at this stage if both Magistrates vote to do so. For example, any of the following may constitute good cause for declining or postponing jurisdiction: (1) the fact that such conduct is being, or has been handled by federal, state, or local authorities; (2) assuming the allegation to be true, the conduct does not evidence a lack of honesty, integrity, or trustworthiness on the part of the Student; or (3) the alleged conduct is insufficiently connected with the affairs of the Law School or its Students. None but the Magistrates are permitted to attend this meeting.
- D. The Chief Justice shall promptly notify the Assistant Dean for Student Affairs of the decision of the Magistrates. Upon receipt of notice that the Magistrates have not declined or postponed asserting jurisdiction, the Assistant Dean for Student Affairs shall promptly notify the Alleged Violator of the allegation and that an investigation will begin. The Assistant Dean shall furnish the Student with an additional copy of this Code. The Assistant Dean shall notify the Prosecutor of the action of the Magistrates and furnish him or her with all documentary evidence collected to date.
- E. Upon receiving notification from the Chief Justice of the Council that the Magistrates have not declined or postponed jurisdiction, the Assistant Dean shall notify the Dean that an investigation is to be initiated. The Dean shall promptly appoint one Faculty Member to assist the Prosecutor. The Prosecutor and the appointed Faculty Member comprise the Investigating Committee. Unless recused, the appointed Faculty Member shall serve on the Investigating Committee for the duration of the investigation and probable cause determination of the allegation(s) for which appointed. The

Dean, Associate and Assistant Deans and Justices of the Council shall not be appointed to the Investigating Committee.

- F. Upon receiving notice that the Magistrates either postpone or decline asserting jurisdiction, the Assistant Dean shall inform the reporter of an alleged violation. The Assistant Dean shall not notify the Alleged Violator of the Magistrate's action if jurisdiction is postponed or declined.
- G. Duties of the Investigating Committee.
  - 1. Except for good cause shown, the Investigating Committee shall complete its investigation of the alleged violation within fourteen (14) days of its formation.
  - 2. The Committee shall have the power to question persons having pertinent information, examine any pertinent material, and question an Alleged Violator if he or she is willing to speak. If the Committee questions a Student whom the Committee reasonably believes has committed a Code violation, it shall advise the Student: (a) of the Student's right not to speak, (b) that what the Student says can be used against the Student, (c) that the Student has the right to consult an attorney or other representative before answering any questions, (d) that the Student has the right to have that representative present during the questioning, and (e) of the consequences for lying to the Committee or the Honor Council. At the request of the Investigating Committee, the Chief Justice of the Honor Council shall have the authority to subpoena Students to appear as witnesses before the Investigating Committee or the Council. Students who have been subpoenaed as witnesses have an obligation to appear and testify.
  - 3. Upon completion of its investigation, the Investigating Committee shall meet in camera and determine whether probable cause exists to believe that a Student has violated this Code. No other person is permitted to attend this meeting. A finding of probable cause must be supported by both members of the Committee. The Prosecutor shall promptly report the determination of the Investigating Committee, whether affirmative or negative, to the Chief Justice of the Honor Council, to the Assistant Dean for Student Affairs, to the Alleged Violator, and to the person(s) who reported the alleged violation of the Code. Upon a finding that sufficient probable cause exists, a complaint issued by the Committee shall be sent to the Chief Justice of the Honor Council.
  - 4. If the Investigating Committee determines that sufficient probable cause does not exist, the matter shall be dismissed immediately, without prejudice, and the Alleged Violator will not have been considered accused of a violation or the subject of any Honor Court proceeding. If the Investigating Committee issues a complaint, the Alleged Violator is formally accused of violating the Honor Code and is the subject of an Honor Court proceeding.
  - 5. If the Investigating Committee determines that a complaint shall be

issued, the Prosecutor shall also give to the Accused Student the following information in writing:

- a. A copy of the complaint, which shall be a plain, concise, and definite written statement of the essential facts of the violation(s) charged, citing the specific provision(s) of this Code that the Accused Student is alleged to have violated;
- b. the identity of known witnesses, a general description of what each is expected to testify about, their written statements, if any, and either copies or a description of any physical evidence that may be used at the hearing;
- c. all written reports concerning the alleged violation, if any, submitted to any Administrator, Instructor, or member of the staff;
- d. the names of the Honor Council Justices;
- e. a statement that the Student may be assisted by an attorney or other advisor of the Student's choice (See SECTION VIII.A.);
- f. a statement that the Student has a right to review any information gathered by the Investigating Committee during the investigation, other than the work product of the Investigating Committee.

6. The Investigating Committee shall not enter into any agreement with the Accused Student whereby the Committee agrees not to bring before the Honor Council any violations for which probable cause has been found, or which commits the Honor Council to any finding or sanction. The Committee must present all such violations to the Council for a hearing by filing a complaint as provided by this Code. The Accused Student may make an admission of a violation by testifying on the record before the Council that he or she committed the alleged act(s), and by waiving a hearing before the Council on the question of a violation. Upon receiving such an admission of a violation, the Council shall proceed by hearing to determine the appropriate sanction(s).

7. The Prosecutor shall present the evidence against the Accused Student during the hearing and any appeal.

8. Notwithstanding that the Investigating Committee has issued a complaint, it shall be the duty of the Prosecutor to continue to gather other evidence relevant to the determination of the commission of a violation or innocence of the Accused Student and to present it to the Council at the hearing on the complaint. Any such evidence shall be disclosed to the Accused Student as soon as possible after it has been obtained.

### **Section VIII. Hearing**

- A. Upon receiving a complaint from the Investigating Committee, the Chief Justice of the Council shall convene a hearing before the Honor Council. Before and during the investigation, hearing, and through any appeals, the

Accused Student shall be entitled to representation by or assistance from a retained attorney or anyone else of the Student's choice who will represent or assist the Student as his or her lawyer.

- B. The hearing shall be open to all participants and members of the law school community. Witnesses may also attend unless exclusion is requested by any party. This section is subject to the following provisions:
  - 1. The Council may proceed with no fewer than two faculty and two Student Justices present.
  - 2. No later than one day before the hearing, the Accused Student may request that the Council close the meeting generally or for a limited duration. The Council, upon 2/3 vote of those present and voting, may elect to limit attendance at the hearing to participants.
  - 3. The Council shall record the hearing and may do so by stenographic means, or audio or video tape. Upon request, any Accused Student has the right to a copy of the recordation of the hearing.
- C. The Chief Justice shall rule on all motions and objections and may be overruled only by a majority of the Council present and voting.
- D. The Council may consider only evidence made part of the record at the hearing. It shall not be bound by rules of evidence. The only objections to the proposed admission of evidence which will be entertained by the Honor Council shall be those made on the grounds of repetitiveness or irrelevance as defined in the Federal Rules of Evidence. Hearsay evidence may be admissible, but it shall be accorded only such weight as it is entitled under the circumstances. Proof of conviction of a crime shall be prima facie evidence that the person committed the offense of which he or she was convicted and of any facts necessary for that finding of guilt. At the request of the Prosecutor or the Accused Student, the Chief Justice shall subpoena any Student to appear as a witness before the Council. A Student who has been subpoenaed as a witness has an obligation to appear and testify.
- E. Normally, the Council shall hear evidence regarding the question of the commission of a violation before hearing evidence regarding sanctions. The Prosecutor shall initiate the presentation of evidence. The Accused Student (or his or her Defense Counsel) may then offer evidence relevant to the charge(s).
- F. The Council, the Prosecutor, and the Accused Student (or his or her Defense Counsel) may question any witness. However, the Accused Student shall not be required to testify, and no adverse inferences shall be drawn from the Accused Student's decision not to testify.

- G. The Prosecutor and the Accused Student (or Defense Counsel) may make opening and concluding statements. However, an Accused Student who has chosen not to testify may not make a statement to the Council unless the Student allows questions from Council Justices and the Prosecutor.
- H. After the presentation of evidence regarding the commission of a violation, the Council shall meet in camera to decide the question of whether a violation has occurred. Upon reaching a decision, it shall reconvene before the parties and announce its decision. If it finds the behavior of the Accused Student is in violation of this code, the Council shall set a date to give the parties the opportunity to present evidence, if any, relevant to sanctions. At that time, the Student shall have the option either to proceed first or to follow the Prosecutor. The Prosecutor shall have the obligation to present all aggravating and mitigating evidence in his or her possession and may recommend particular sanctions. After hearing this evidence, the Council shall again meet in camera to decide what, if any, sanction(s) shall be imposed. Upon reaching a decision, the Council shall reconvene before the parties and impose sanctions, if any.
- I. The Council may not find the Accused Student to be in violation of any Code provision not charged in the complaint. After the hearing begins, the complaint may be amended over the Accused Student's objection, provided the Accused Student is not thereby prejudiced in his or her defense. A continuance of the hearing may be granted to avoid such prejudice. The Prosecutor shall bear the burden of proving the alleged violation(s) by clear and convincing evidence. A two-thirds (2/3) vote of the Council Justices present and voting shall be necessary for a finding of a violation and the imposition of any sanction, except that expulsion or a recommendation that an awarded degree be withdrawn shall each require unanimity.
- J. After the hearing is concluded and within seven (7) days, the Chief Justice or the Council shall prepare a written report detailing the evidence considered, the reasons for its decision, and any sanction(s) imposed. Concurring and dissenting Justices may prepare opinions explaining their positions. Copies of the report and opinions shall be given to the Accused Student, the Prosecutor, and the Dean.
- K. At the conclusion of a case, including an appeal, if any, the Council shall publish the results of its decision (as amended by any appeal). Beginning with the effective date of this Code, all published decisions shall be maintained on reserve in the library.
- L. Regardless of the decision on the merits, the Council shall keep a permanent record of the evidence presented at the hearing, the report(s) and the opinion(s) of the Council, if any, and any other information it decides should be retained. Such record may be referred to later by the Council for whatever purpose it considers relevant. Subject to paragraph K above, neither the

contents nor the existence of any record referred to in this paragraph may be disclosed except (1) when required by law or order of court, (2) when required by the Dean, or (3) when the concerned Student has signed a written waiver of confidentiality.

- M. At the end of his or her tenure, the Chief Justice shall transfer all case files to the Dean's Office, and the Dean shall transfer them to the next Chief Justice. Such transfers shall be made without breach of the confidentiality of the files.

## **Section IX. Sanctions**

- A. Sanctions for violations of this Code may include but are not limited to one or more of the following:
1. public or private admonition, warning, reprimand, or censure;
  2. counseling;
  3. additional academic work;
  4. a requirement that a Student take extra credit hours;
  5. public or University service;
  6. suspension or loss of specific Law School benefits, privileges, memberships, and/or honors including Law School scholarships;
  7. fines;
  8. compensation for or replacement of any damaged or destroyed property;
  9. recordation of findings and sanction(s) in the Student's Law School file for any length of time;
  10. probation, with or without conditions;
  11. removal from elective or appointed office;
  12. suspension for a period not longer than two (2) years;
  13. expulsion; or
  14. recommendation to the Board of Trustees that an awarded degree be withdrawn.
- B. The Honor Council has no authority to determine or change a Student's grade. Nothing in this Code modifies a faculty member's discretion to base a grading decision upon student conduct that might violate the standards established by this Code, regardless of the pendency or outcome of any Honor Proceeding.
- C. Notwithstanding the provisions of this Section regarding the sanctioning ability of the Honor Council, any official Student organization may suspend, expel (with or without retroactive effect), or terminate any membership or honors accorded a member of such organization if found to have violated this Code.

## Section X. Appeal of Adjudications

- A. A Student who is adjudged by the Honor Council to be in violation of this Code may appeal such finding or any sanction imposed to the Dean or the Dean's designee. Where the decision maker (the Dean or the Dean's designee) determines that he is unable to be impartial, or where the Student adjudged to be in violation of the Code demonstrates to the Honor Council that the decision maker was the victim of the violation, that the decision maker reported the violation, or that other specific facts exist that suggest a substantial likelihood that the decision maker will not be impartial, then the Dean must appoint a designee to decide the appeal. A Student who admits the truth of the complaint may challenge the Council's jurisdiction and the sanction on appeal. Normally, the filing of a notice of appeal shall automatically stay the execution of all sanctions imposed by the Council on the Student filing the notice; however, the decision maker shall have authority to order that some or all of the sanction(s) be executed during the pendency of the appeal. All unexecuted sanctions upheld by the decision maker shall be executed following the decision maker's determination of the appeal.
- B. Notice of intent to appeal must be given to the Dean and the Chief Justice of the Council. The notice of appeal shall be in writing and shall contain the reasons for the appeal. Upon receipt of the notice of appeal, the Chief Justice shall transmit the Council's report(s) and the record of the hearing to the Dean.
- C. If, following the Council's decision, the Student discovers new information relevant to the merits or the sanction, the Student may ask the Council to reconsider its decision or may ask the Dean to consider such new information along with the record of the hearing. The Dean may remand to the Council for consideration of the new information. If the Student discovers new information after the Dean has decided the appeal, the Student may ask the Dean to reconsider his or her decision. If the Dean decides not to change that decision, he or she shall give the reason(s) for not doing so to the Student in writing.
- D. Normally, the Dean's appellate review will be based on the record of the hearing and any written submissions. However, the Dean may choose to hear oral argument by the Student or by the Defense Counsel, and by the Prosecutor.
- E. The Dean may affirm, reverse, remand, or modify the decision of the Council, or the Dean may dismiss the complaint. If the Dean concludes that the decision of the Council is factually correct and that its sanctions are appropriate, the Dean shall affirm. The Dean may dismiss the complaint only if he or she concludes that the Council lacked jurisdiction or that its

determination was not supported by clear and convincing evidence. The Dean may reduce the sanction if he or she believes the sanction is inappropriate but may not increase the sanction. If the matter is remanded, the Council shall reconvene to reconsider the case.

- F. The Dean shall prepare an opinion explaining the reasons for the decision. A copy of that opinion shall be given to the Student, the Prosecutor, and the Council. The Council shall keep a copy as part of its permanent record in accordance with SECTION VIII.L. and M. of this Honor Code.

## **Section XI. Notification**

Whenever this Code requires notification and does not otherwise specify the manner by which such notification shall be accomplished, the following methods are proper:

- A. Verbal notification, either in person or by telephone, followed by appropriate written notification; or
- B. Written notification sent by registered or certified mail to the last local address provided to the Law School by the recipient, or if the Law School is not in session, to the last home address provided to the Law School by the recipient.

## **Section XII. Timeliness of Proceedings**

- A. All actions taken pursuant to duties imposed by this Code shall be accomplished in a timely manner. The specific time guidelines are the following:
  1. The Assistant Dean for Student Affairs shall bring a report of a suspected Code violation to the attention of the Chief Justice of the Council within two (2) days of receiving it. (See SECTION VII.B.)
  2. The Chief Justice of the Council shall bring the substance of a report of a suspected violation to the attention of the Faculty Magistrate within two (2) days of receiving notice from the Assistant Dean. (See SECTION VII.B.)
  3. The Magistrates shall determine whether to assert, decline, or postpone taking jurisdiction of a reported matter within three (3) days of the receipt by the Faculty Magistrate of the summary. See (SECTION VII.C.)
  4. The Magistrates' determination to assert, decline or postpone asserting jurisdiction shall be reported to the Assistant Dean for Student Affairs in writing within one (1) day of the determination. (See SECTION VII.D.)
  5. If jurisdiction is asserted, the Assistant Dean for Student Affairs shall notify the Alleged Violator as soon as possible. (See SECTION VII.D.)
  6. The Dean of the Law School shall appoint one Faculty Member to serve on the Investigating Committee within two (2) days of the receipt by the Assistant Dean for Student Affairs of a report from the Chief Justice that

jurisdiction of the Council has not been declined or postponed. (See SECTION VII.E.)

7. The Investigating Committee shall complete its investigation regarding the reported Code violation within fourteen (14) days of its appointment. (See SECTION VII.G.1.)

8. The Investigating Committee shall report its determination of whether to file a complaint to the Chief Justice of the Honor Council, the Assistant Dean for Student Affairs, to the Alleged Violator, and to the person or persons initiating the report of the suspected violation within one (1) day of reaching its determination. (See SECTION VII.G.3.)

9. The Prosecutor shall give to the Accused Student the information specified in SECTION VII.G.5.a.-f. within one (1) day of the notification to the Student that a complaint will issue.

10. The Honor Council shall convene to hear a complaint within seven (7) days of receipt of the complaint by the Chief Justice. (See SECTION VIII.A.)

11. The Chief Justice's written report of the Council's determination(s) and its summary of the evidence shall be submitted to the Dean, the Prosecutor, and the Accused Student within seven (7) days of the termination of the hearing. (See SECTION VIII.J.)

12. A Student's written notice of an intent to appeal an Honor Council determination must be received by the Dean's office within seven (7) days of receipt by the Student of the written report of the Council's determination(s) and the Council's summary of the evidence. (See SECTION VIII.J. and SECTION X.B.)

13. Except for the notice of an intent to appeal, deadlines for written submissions to the Dean from any party relating to a matter on appeal will be set by the Dean. (See SECTION X.D.)

14. The Dean shall decide the appeal within thirty (30) days of the date the Dean's office receives the notification of an intent to appeal. (See SECTION X.E.)

- B. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. Days are computed as calendar days.
- C. The Accused Student may waive time periods imposed by this Code on others. The Honor Council, by majority vote of the Justices present and voting, and the Dean shall have the authority to extend time limits. The Dean shall have such authority regarding appeals.

- D. Failure by Law School personnel to abide by the time requirements of this Code without the Accused Student's consent may be grounds for dismissal of the complaint or mitigation of sanctions only if a substantial delay has been caused and the Accused Student has suffered prejudice thereby.

### **Section XIII. Exclusive Jurisdiction**

All Student conduct subject to this Code shall not be subject to any other honor code of the University.

### **Section XIV. Interpreting the Code**

The Honor Council shall interpret this Code and may exercise its powers of interpretation as to the intent or meaning of any provision in the Code.

### **Section XV. Amending the Honor Code**

- A. Any Student, Instructor, Staff Member, or Administrator may propose an amendment to the Honor Code.
- B. All proposals for amending the Honor Code must be submitted to the Honor Council in writing for preliminary review. The Honor Council will decide by majority vote whether to endorse and present the proposed amendment.
- C. If the Council endorses the proposal, the Chair and the Faculty Magistrate will present the proposal along with any written comments of the proponent and the Justices of the Honor Council to the appropriate Faculty committee and to the Students in a manner appropriate to provide sufficient notice of the contents and purpose of the proposal. If the Faculty approves the proposed amendment, the Chief Justice shall inform the Student Bar Association President of the need to include the proposed amendment on the next election ballot. To be adopted, the proposed amendment must be ratified by a majority of the Students voting in the election.
- D. If the Honor Council does not endorse the proposal, a proposed amendment shall be adopted as an amendment upon successful petition of the Faculty by any proponent and the vote of 2/3's of those present and voting at a duly constituted meeting of the Legislative Assembly. See The Student Bar Association Constitution "ARTICLE VII. LEGISLATIVE ASSEMBLY" and corresponding SBA bylaws.

## **Section XVI. Effective Date and Repeal**

- A. This Honor Code shall be effective on the day following ratification by the Faculty and the Student Body.
- B. Upon being effective, this Honor Code repeals the former Student Honor Code and the Procedures Governing Faculty Consideration of Alleged Honor Code Violations, except that any conduct occurring before the effective date of this Code shall be governed by the former Student Honor Code and the Procedures Governing Faculty Consideration of Alleged Honor Code Violations. With the consent of the Prosecutor and the Faculty Magistrate, an Alleged Violator or Accused Student may elect to proceed as if the conduct had occurred after the effective date of this Honor Code.

### **Higher Education Opportunity Act Missing Persons as amended 2009**

#### Missing Student Policy

If a member of the University community (faculty, staff, student, parent, alumni) has reason to believe that a student is missing, that community member will refer the case immediately to the Mercer Police Department. For Regional Academic Center students (Douglas County, Eastman, and Henry County) the community member may contact Mercer Police directly or the Center Coordinator who, in turn, must report the missing student to Mercer Police and the Regional Academic Center Director of Operations.

Mercer Police will work collaboratively with others to contact and locate the student. All reasonable efforts will be made to locate the student and determine his or her state of health and well-being. The efforts include, but are not limited to:

- Phone call to student
- Email to student through Mercer email account (or other known e-mail addresses)
- Messages through social networking web sites if possible
- Contact with all professors to determine last day of attendance in each class
- Contact with Housing staff (Resident Advisor or Residence Life Coordinator) and roommate(s) if student is residential (Housing and/or Mercer Police will make a welfare entry into the student's room)

If the student is located through these attempts, a determination will be made regarding his or her health and well-being. If necessary, a referral to the Counseling Center, Health Services and other appropriate office may be made at that time. The Dean of Students Office or Mercer Police will also encourage the student to contact the community member who initiated the search or follow up with that person directly.

If the student is not located through these measures and has been reported missing for more than 24 hours, then the following actions will be taken within the next 24 hours by Mercer Police (or the Director of Operations for RAC):

- (1) Notification will be made (where and when applicable and appropriate) to the appropriate Dean of Students for the particular college/campus in which the student is enrolled, the students' academic advisor, the counseling staff, and health center staff.
- (2) The Police and/or Dean of students will make contact with the students emergency contact\* and, for students under 18 years of age, a custodial parent or guardian.

The parent/guardian emergency contact person may need to submit an official missing person report with the appropriate police agency prior to any further action taking place.

*\*Students are asked to register and continually update emergency contact information on Bear Port. In addition, students who reside in on-campus housing are provided an opportunity to identify an emergency contact individual during check-in. This person(s) will be contact within 24 hours after the student is determined to be missing unless the student is under 18 years of age, in which case a custodial parent or guardian will be notified as a mandated by law.*

Higher Education Opportunity Act, Pub.L.110-315,§493(a)(1)(A)(i)(II), 20 U.S.C. §1094(a)(26).

Higher Education Opportunity Act, Pub.L.110-315, §488(g),20 U.S.C. §1092(j).

## **Hate-based Campus Incidences: Recommendations**

Campus climate embraces the culture, habits, decisions, practices, and policies that make up campus life. It is the sum total of the daily environment, and central to the “Comfort factor” that minority students, faculty, staff, and administrators experience on campus. Students and other members of the campus community who feel unwelcome or alienated from the mainstream of campus life are unlikely to remain. If they do remain, they are unlikely to be successful.

(Green, 1989)

Colleges and universities are experiencing an ever increasing number of disturbing incidences across their campuses based solely on differences in race, ethnicity, gender, and sexual orientation. Some incidences move beyond uncomfortable and unfriendly and can be categorized as hostile.

Hate-based incidences are, indeed, hostile acts. They occur when a “perpetrator targets a victim because of his or her membership in a certain group. They are different from other acts of violence because they are not simply directed at an individual. Hate activities are meant to evoke terror and intimidation in an entire group of people. Hate takes many forms such as hate speech, vandalism, assault, discrimination and harassment” (Graham, 2008).

Mercer University is not immune to hate activities. A focus group of 16 Macon Campus students reported both overt and subtle hate activities at Mercer. Some resources are in place that could help students deal with hate-based situations, but these are disjointed and there is a clear need to improve how we communicate their availability. A process to help students plug into them is needed. In order to address the concerns of the students and make Mercer a true “Community of Respect where everyone is held in mutual high regard” the following recommendations are presented (The Lair, 2008-2009).

### Add explicit language to The Lair prohibiting hate activities

According to The Lair, hate-based activities violate the values of the Community of Respect. Currently, this student handbook lists 30 violations that would be judged as offenses and violate the values of the Mercer community. At a minimum, “hate-based language and activities” should be listed among the examples of “Conduct Unbecoming”. A stronger statement of Mercer’s position regarding these types of activities can be made by listing “Hate-based Language and Activities” as a separate violation.

## Support from the top

The President plays a critical role in establishing campus climate. The President must continue to support all facets of the Mercer student population and periodically have direct contact with specific populations to get a better understanding of how the Mercer experience translates to them.

In the event of a major, highly visible hate-based event on the campus, the President must be prepared to explicitly convey the message that racist (or sexist, anti-gay) acts will not be tolerated by the institution. The President can then mobilize the campus community in ways to counter the horrific act.

## Mechanisms for reporting incidences and supporting students

This procedure for reporting hate-based incidences and providing resources to students must be made known throughout the University. It can be tailored to fit our various student populations. For example, this procedure can be established individually for the Macon Campus, Atlanta Campus, Law School, etc.

### 1. Points of Contact

Hate-based incidences are reported through a contact point. The points of contact are numerous and varied. They can be students, faculty, staff, or administrative. For example, an RA, PA, Minority Mentor, and Dean's Office can be a point of contact. The sole purpose of this contact is to put the student who has experienced a hate-based act in touch with an Advocate.

A list of all Advocates is given to each contact person. The contact will share the listing with the student and allow the student to select an Advocate.

### 2. Advocates

Advocates should be of different races, genders, religions, sexual orientations, etc. They can be staff, faculty, administrators, or mature students. The list of Advocates is broad and consists of individuals who have chosen to serve in this capacity. Once selected by the student, the Advocate will provide to the student information regarding options and resources (see #3 and #4). The Advocate provides support, makes referrals, and serves as the liaison between the student

and the referral source.

A brief training or information session will be required of those serving as Advocates to ensure that they clearly understand their role. It is recommended that the following individuals be listed among the Advocates for the Macon Campus: Diane Baca, Michelle Currie, Dr. Mary Ann Drake, Dr. Chester Fontenot, Jenni Greer (Assistant Athletic Director for Compliance & Internal Affairs), Dr. Kedrick Hartfield, Dr. Janell Johnson, and Dr. Jay Pendleton.

## LAW LIBRARY, COMPUTER LAB, AND MEDIA SERVICES

### A. LAW LIBRARY

#### **Carrels and Tables**

Carrels and tables are available for study on a first-come, first-served basis. **Carrels may not be reserved for exclusive use.** Personal items left in carrels are subject to removal. Items of value, including laptops, should never be left unattended. There are network drops and wireless access points throughout the library, providing student laptop access to the network. Additionally, there are a number of carrels with networked desktop computers.

#### **Circulation**

The law library collection is available to law students 24 hours a day by means of building access cards (Bear Cards) issued to students. Circulation desk service is available fall and spring semesters during the hours listed below. Summer and holiday hours are abbreviated and are posted in the library and on the law school web site.

Monday - Thursday:	8 a.m. to 8 p.m.
Friday:	8 a.m. to 5 p.m.
Saturday:	1 p.m. to 5 p.m.
Sunday:	1 p.m. to 8 p.m.

#### **Employment Opportunities for Law Students**

The library hires second- and third-year law students to work in the library, media services, and computer lab. The hiring process is competitive. Working in the library is an excellent opportunity to work with a variety of legal resources on a daily basis. If you are interested in working in the library, see Susan Myers at the circulation desk. If you are interested in working in the computer lab and media services, see Frederick Leary or Chris Bombardo, in the computer lab.

### **Interlibrary Loan**

If the library does not own an item you need, we might be able to borrow it from another library. Interlibrary loan request forms are available at the circulation desk. The item usually will arrive from another library within two weeks. See Michelle Byrd, Library Associate, Interlibrary Loan and Circulation, for details.

### **LawCat**

Mercer Law Library maintains its own online catalog of library holdings, known as LawCat. LawCat designated computers are located throughout the library. LawCat is also available on any internet accessible computer, at [www.law.mercer.edu/library/](http://www.law.mercer.edu/library/). The law library collection may be searched by keyword, author, title and subject. For assistance in the use of LawCat, inquire at the reference desk.

### **Library Guides**

Library guides to information resources are designed to provide an introduction to a legal topic or area of law, directing the user to a variety of primary sources both in print and electronic format, and are not intended to be exhaustive. Library guides are available at the Reference Desk or from the reference librarians. Selected guides are available on the law library web site. Please inquire at the Reference Desk. Suggestions for additional guides may be directed to Denise Gibson (Room 219).

### **Library Web Site**

The law library web site ([www.law.mercer.edu/library](http://www.law.mercer.edu/library)) is a gateway to specialized subscription legal research databases, including online full text sources and journal indexes. In addition, students will find a variety of legal research guides as well as links to specialty Internet resources, including an extensive list of Georgia online resources. Links to LawCat and other library catalogs are also available on the library homepage.

### **Miscellaneous**

**FOOD:** Food is not allowed in the law library. Beverages are allowed, but only in covered, non-disposable or recyclable containers. No styrofoam cups, cans, or other open containers of any kind are permitted.

**TOBACCO:** No tobacco of any kind may be used in the library.

**PHONES:** Phones in the library are for library business only. Students may use the phones in the snack bar area.

**NO CELL PHONES:** Be considerate and do not use cell phones in the law library. Ringers should be off at all times.

### **Photocopying**

The library has three copiers located on the main floor of the library. All can reduce, enlarge, and make double-sided copies. The copy machines do not accept coins. The student Bear Card serves as a copy card. Students may add value to their Bear Cards using the value transfer station located next to the circulation desk in the library or online at the Bear Card office website <http://www.bearcardoffice.com>.

### **Public Access Workstations**

Two public access workstations are located behind the Reference Desk. These workstations, which are available to attorneys and the general public as well as to the Mercer community, provide access to a number of electronic resources, including Georgia and federal primary law, and Shepard's Citations. Unlike LexisNexis and Westlaw, student access to the resources at these workstations is not restricted to academic use.

### **Reference**

Reference services are provided by professional law librarians who assist users in locating information, developing effective research strategies and identifying the appropriate online and print resources to use in conducting legal research. Reference service is available fall and spring semesters during the hours listed below. Summer and holiday hours are abbreviated and are posted in advance at the reference desk and on the law library website.

Monday - Thursday:	8:30 a.m. to 7:00 p.m.
Friday:	8:30 a.m. to 5:00 p.m.
Saturday:	No Reference
Sunday:	1:00 p.m. to 7:00 p.m.

### **Reserve Materials**

Reserve materials, consisting of items placed on reserve for current classes as well as other high-use items, are located behind the circulation desk. Reserve items may be checked out for two hours use in the library. Reserve items also may be checked out for overnight use two hours before closing, and are due to be returned within one hour of opening on the following day. Lists of course reserve materials are available on LawCat, the online catalog, and may be retrieved by either the course name or the professor's name. The fine for late return of overdue reserve items is 25 cents per hour.

### **Study Rooms and Smart Suites**

Eight study rooms are available for **group study**. Study groups have priority. Two are located in the Walnut Wing – Rooms 225 and 226. Room 225 has a television with a dvd/vcr. Rooms 215 and 216 are in the Mulberry Wing. On the third floor, Rooms 345, 346, 347 and 348 are Smart Suites. Designed for collaborative work, two of these rooms have interactive SmartBoards and LCD projectors, enabling students to project from a laptop to the SmartBoard. Two of these rooms have LCD televisions with integrated DVD players. These rooms can be used for practicing oral arguments and presentations and for reviewing the practice sessions.

Law students may check out study room and smart suite keys at the circulation desk for two hour periods. Personal belongings may not be left in these rooms while the student goes to class. During peak times waiting lists for these rooms are maintained at the circulation desk. Study rooms and smart suites are left open after normal library hours. The Lawyers' Reading Room is not a study room. It is reserved for use by members of the bar.

## **B. COMPUTER LAB**

### **Computer Lab General Statement**

The computer lab is a shared community resource in which students must respect the rights of others to use the computer lab to complete their academic work. Students are expected to use the computers, keyboards, printers, scanner and other lab equipment in their proper and ordinary use.

### **Access to the Lab**

The computer lab is available 24 hours a day with the Bear Card access system. During the academic year, the lab may be unavailable occasionally, when large training classes are being held. Notice will be given, and the small Computer Training Lab will be open for students during these times.

### **Account Responsibility**

All students receive a network account with which to access the network and to store personal data files (up to 500 megabytes) on the F:/ drive. Account holders are fully responsible for their accounts. The contents of a personal folder/directory are the responsibility of the account holder as is the security of that person's password. On lab and law school computers, account holders should log in using their username and password and remember to log out when they are finished with their sessions. While students and student groups are encouraged to store their files in the network directories, storage is subject to

available hard drive space. **Do not store files on the hard drives of lab and law school computers, as those files are unprotected and are periodically erased.**

### **Food, Beverage and Tobacco Products**

The computer lab follows the library policy as to food, beverages and tobacco products. While food and tobacco products are not permitted, beverages brought in covered, non-disposable containers are permitted in the computer lab.

### **Laptop Access to Network**

In addition to wireless access, there are hard wired stations for students to use to access the Internet and network resources using their laptops. Also, there are a number of workstations with networked computers in both the main lab and the training lab. Additional wired workstations and wired carrels for laptop access to the Internet are available in the law library.

### **Printing**

Networked laser printers are provided in the computer lab and the law library. Students are charged for print jobs sent to the networked laser printers. At the beginning of the academic year, each student's account is credited with 800 pages. Additional pages may be purchased at \$.05 per page from Information Technology staff members or a student computer lab assistant. A color laser printer is available in the computer lab, and color pages are charged at \$.25 per page. Print jobs sent to LexisNexis and Westlaw printers are not charged against student accounts at the present time, but are included in the law library's subscriptions for these services.

The printers are a shared resource. Please respect the needs of others who are trying to print their documents in a timely fashion. For multiple copies of a document, use the copy machines in the law library. The copy machines are equipped with automatic sheet feeders and photocopies are \$.05 per page.

### **Priority Use Workstations**

Two computers in the computer lab are designed to accommodate the special needs of the law school community. These computers include a workstation for disabled persons and a workstation for full page color scanning and desktop publishing. Persons needing to utilize these workstations' special features have priority use on these computers.

### **Software Applications**

Mercer provides applications that enable law students to complete course work and other law school assignments. Applications include word processors, web browsers, spreadsheets,

research programs, and utilities, among others. Users may not install or change any programs on the lab or law school computers. Students who need access to an application that is not currently available should contact Frederick Leary or Chris Bombardo. It may be a violation of federal and state laws to upload or download files to or from the network, any lab computer, the Internet or any other information provider. Applications on CDs or floppy disks may not be run on law school computers without the prior approval of the Director of Information Technology.

### **Student Assistants**

Student assistants are available in the computer lab throughout the day and into the evening. Their schedule is posted in the lab. For computer lab questions and concerns, or to report a problem when a student assistant is not available, see Frederick Leary in Room 300D.

### **Training**

Classes may be held in the lab for email, web, word processing and other programs. If you would like to receive training in a particular application, please contact Chris Bombardo. If you would like assistance with LexisNexis or Westlaw, please contact Denise Gibson (Room 219) or one of our reference librarians.

### **Training Lab/Quiet Computer Lab**

Additional lab computers are located in the small training lab adjacent to the main computer lab. Although professional law librarians teach Westlaw and LexisNexis in the Introduction to Legal Research course during the first year, supplemental LexisNexis and Westlaw training sessions are also offered in the lab. When not in use for training, it is designated as a quiet computer lab available for general student use, and provides access to the same applications that are available in the main lab. Questions regarding LexisNexis, Westlaw, and other electronic resources should be directed to a reference librarian.

### **Use of Email, the Internet and Other Electronic Information Systems**

Mercer University provides an email account for each student. This account is to be used to facilitate communication to further the community, academic and intellectual pursuits of the law school. Persons who use email for inappropriate or offensive communication may be in violation of the honor code as well as federal or state laws.

Mercer University also provides each student with on-campus access to the Internet. Some material on the Internet may be offensive to other community members. All members of the law school community are required to respect the rights of others while using the Internet.

## C. MEDIA SERVICES AND EQUIPMENT

### Services Offered

Media services consist primarily of delivery, setup, removal, maintenance, and training in the use of classroom technology and audio visual equipment in the law school. Classroom equipment requests can be made at <http://www.law.mercer.edu/administrative/technology/equipmentrequest.cfm>. Requesters are responsible for room reservations and furniture arrangement. Classroom assignments and room reservations are handled by dean's office staff (301-2606).

**Generally, requesters are asked to provide their own operators, especially for evening or weekend events. Instructional Technology staff will instruct the designated students in use of the equipment.**

## REGISTRAR'S SERVICES

Registrar's Office Services  
Address/Telephone Number Changes  
Bar and Fitness Certifications  
Blind Grading Numbers  
Drop/Add  
Enrollment Certifications  
Exam Repository  
Faculty Course Evaluations  
Grades/Grade Reports/Class Rank  
Graduation  
Loan Deferments  
Name Changes  
Registration  
Schedule Confirmations  
Student Records  
Transcripts  
Veterans Administration Certifications

Transcripts: A complete copy of the student's academic record (transcript) may be obtained by the student presenting a written request to the Office of the Registrar. Telephone or e-mail requests will not be honored. If requested, we will provide Mercer University undergraduate transcripts for law students. Unofficial law school transcripts may be printed by the student via Bearport.

#### Fee Structure:

1. No charge for up to (3) twenty-four hour transcript service.
2. \$10.00 immediate service per transcript
3. \$5.00 fax fee per transcript
4. \$25.00 overnight service fee per address

#### **Education Records**

(Family Education Rights and Privacy Act of 1974)

In accordance with the Family Education Rights and Privacy Act of 1974, Mercer University School of Law (1) permits students to inspect their education records, (2) limits disclosure to others of personally identifiable information from education records without the student's prior written consent to such disclosure, and (3) provides students the opportunity to seek correction of their education records where appropriate.

#### **Section I. Definitions**

A. **Student** means an individual who is or who has been in attendance at Mercer University. It does not include individuals who were applicants for admission to the University but did not matriculate.

B. **Education records** include those records which contain information directly related to a student and which are maintained as official working files by the University. The following are not education records:

1. Records about students made by professors and administrators for their own use and not shown to others;
2. Campus police records maintained solely for law enforcement purposes and kept separated from the education records described above;
3. Employment records, except where currently enrolled students are employed as a result of their status as students;
4. Records of physicians, psychologists, or other recognized professionals or paraprofessionals made are used only for treatment purposes and available only to persons providing treatment (however, these records may be reviewed by an appropriate professional of the student's choice); and
5. Records which contain only information relating to a person's activities after graduation or withdrawal from the University.

## **Section II. Mercer University permits students to inspect their education records.**

A. **Right of Access.** Students have the right of access to their education records, except financial records of parents and confidential letters of recommendation received prior to January 1, 1975.

### **B. Types and Locations of Education Records.**

1. **Registrar.** Undergraduate (Macon Main Campus Registrar's Office) and Law School (Law School Registrar's Office). Academic records, computer files (biographical data, course information).
2. **Colleges, schools, and academic departments.** Records kept vary with departments but may include results of certain examinations and other advisory information.
3. **Financial Aid.** Financial Aid applications, needs analysis statements, awards made.
4. **Bursar's Office.** Records of financial payments.
5. **Office of Student Loans.** Promissory notes and copies of correspondence.

C. **Procedure to be Followed.** Requests for access specifying the records to be inspected should be made in writing to the Registrar. The Law School will comply with requests within a reasonable time, at most within 45 days. Arrangements normally are made for students to read their records in the presence of a staff member. Students may also obtain copies of their records by paying reproduction costs of \$.25 per page. However, the University may refuse to release copies of records of students who have not settled their accounts with the University. *The Law School does not provide copies of transcripts from other schools.*

**Section III. Mercer University limits disclosure of personally identifiable information from education records without the student's prior written consent to such disclosure.**

**A. Directory Information.**

1. The following categories of information have been designated as directory information:

*name*

*addresses*

*email address*

*telephone number*

*date and place of birth*

*photograph and/or video images*

*major field of study/academic program*

*participation in officially recognized activities and sports*

*dates of attendance*

*degrees and awards received*

*the most recent previous education institution attended*

2. The Law School gives annual public notice to students of the categories of information designated as directory information, and allows a reasonable period of time after such notice for the student to inform the University that the information should not be considered directory information.

3. Directory information may appear in public documents and may otherwise be disclosed without the student's consent unless the student objects as provided above.

**B. Prior Consent Not Required.** Prior consent is not required for disclosure of education records to the following parties.

1. **School officials** of Mercer University who have been determined to have legitimate educational interests

*a. School officials* include instructional personnel, administrative personnel, and members of duly constituted University committees and boards, who are or may be in a position to use the information in furtherance of a legitimate objective.

*b. Legitimate educational interests* include those interests reasonably related to the academic environment.

2. **FERPA** Another exception which permits disclosure without student consent is disclosure to officials of another school, school system, or institution of postsecondary education where a student seeks or intends to enroll. Upon the request of an institution in which a student seeks or intends

to enroll, the University will forward the student's education records to the requesting institution. Upon request, the student may obtain a copy of the record that was disclosed and have an opportunity for a hearing as provided above.

3. Authorized representatives of federal and state educational authorities, but only in connection with the audit or evaluation of federally or state supported educational programs, or in connection with the enforcement of or compliance with federal legal requirements relating to these programs. These officials will protect information received so as not to permit personal identification of students to outsiders, and the data shall be destroyed when no longer needed for the purposes above.

4. In connection with a student's application for or receipt of financial aid, but only to the extent necessary for such purposes as determining eligibility, amount, conditions, and enforcement of terms or conditions.

5. State and local officials to whom such information is specifically required to be reported by effective state law adopted prior to November 19, 1974.

6. Organizations conducting educational studies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. The studies shall be conducted so as not to permit personal identification of students to outsiders, and the information will be destroyed when no longer needed for these purposes.

7. Accrediting organizations for purposes necessary to carry out their functions.

8. Appropriate parties in connection with an emergency, where knowledge of the information is necessary to protect the health or safety of students or other individuals.

9. In response to a court order or subpoena. The University will make reasonable efforts to notify students before complying with the court order.

10. The results of a disciplinary proceeding conducted by the University in connection with an alleged crime of violence may be disclosed to the alleged victim of the crime.

11. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Mercer University to comply with the requirements of FERPA. The name and address of the office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

A. **Prior Consent Required.** In no other cases will the University release personally identifiable information in education records or allow access to

those records without the prior written consent of the student. **The consent must be written, signed, and dated, and must specify the records to be disclosed and the identity of the recipient.** A copy of the record disclosed will be provided to the student upon request and at the student's expense.

**B. Record of Disclosures.** The Law School maintains with the student's education records a record of each request and each disclosure, except disclosures:

1. To the student;
2. Pursuant to the written consent of the student;
3. To instructional or administrative officials of Mercer University; or
4. Of directory information.

The record of disclosures may be inspected by the student, the official custodian of the records, and other University and governmental officials.

#### **Section IV. Mercer University provides students with the opportunity to seek correction of their education records.**

**A. Request to Amend Records.** Students who believe that information contained in their education records is inaccurate, misleading, or otherwise in violation of their privacy or other rights may submit a written request to the Office of the Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the responsible person at the origin of the record in question. Within a reasonable time of receipt of the request, the Law School will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and may submit a request for a hearing.

**B. Right to a Hearing.** Upon request by a student, the Law School will provide an opportunity for a hearing to challenge the content of the student's records. A request for a hearing should be submitted in writing to the Office of the Registrar. Within a reasonable time, the student will be notified in writing of the date, place, and time reasonably in advance of the hearing.

*1. Conduct of the Hearing.* The hearing will be conducted by a Law School official who does not have a direct interest in the outcome. The student will have a fair and full opportunity to present evidence relevant to the issues raised, and may be assisted or represented by individuals of the student's choice, including an attorney, at the student's own expense. The Law School official conducting the hearing will, after considering all relevant information, make a recommendation to the Registrar.

2. *Decision.* Within a reasonable period of time after the conclusion of the hearing, the Law School will notify the student in writing of its decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the Law School decides that the information in the student's record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the Law School will amend the records accordingly.

C. **Right to Place an Explanation in the Records.** If, as a result of the hearing, the Law School decides that the information is not accurate, misleading, or otherwise in violation of the student's rights, it will inform the student of the right to place in the record a statement commenting on the information and/or explaining any reasons for disagreeing with the Law School's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept, and will be disclosed whenever the contested portion of the record is disclosed.

## **CAREER SERVICES**

The primary purpose of the Walter F. George School of Law Career Services Office is to provide students with information, educational programming and resources on legal and alternative careers, application processes, networking, specific jobs, contacts in the legal community, and to reach out to employers on behalf of our students.

### **Procedures**

I. Anyone using the Career Services Office must:  
Participate in their assigned Symplicity Training Session.  
Create a student profile in Symplicity  
Upload a resume and enter class schedule in Symplicity

Students cannot apply for jobs through Career Services until all of the above have been done.

II. Career Services has an extensive collection of books and materials pertaining to interviewing, jobs, types of practice, etc. These are housed both in Room 108 of the Career Services Office and in the Main Library. Students may use the on-line catalogue, LawCat, to access the collection, and a bibliography is available in the Career Services Office.

III. First-Year Students: Each first-year student will attend an orientation session explaining the operations of the Career Services Office after November 1st. At the orientation session, students will meet the staff of the Career Services Office and receive information designed to assist in the job search.

#### IV. Interview “No Shows.”

Students bidding on employers should attend the interview with that employer, if chosen, or should immediately decline the interview upon receipt of the email notification. Not showing up for an assigned interview is completely unacceptable! It is a poor reflection on the student, and on Mercer Law School. Students who have submitted resumes should check their Mercer email account frequently for notification of interview status. We understand that emergencies do occasionally arise. If a student misses an interview, he or she should contact the Career Services Office as soon as possible, and must ALSO write a letter of apology to the interviewer to explain what emergency kept him or her from the interview. A copy of this letter must be given to the Career Services Office. This same policy applies to Job Fairs and other off-campus Interview Programs. **If a student misses an interview, his or her sympathy account will be locked until he or she writes a letter of apology to the employer, and a copy has been submitted to the Career Services Office. The Career Services Office reserves the right to deny services to any student who repeatedly misses interviews. The continued use of the Career Services Office is contingent upon you following these rules.**

After the orientation session, each student will have the opportunity to schedule an appointment to meet individually with a member of the Career Services staff to discuss job options and develop a strategy for the job search. Career Services staff members are also available (by appointment) to review resumes and cover letters.

Further, Career Services will be available only to those students who attend the orientation session and the individual staff appointment. Mercer Law School is a member of the National Association for Law Placement. Guidelines of that organization require that first-year students from member schools be counseled to refrain from contacting summer employers prior to December 1 and that employers not contact first-year students prior to December 1. The purpose of this guideline is to eliminate pressure on first-year students to begin a job search early in the important academic session of the first semester of law school. First-year students are invited to attend all seminars offered by Career Services during the first semester of school.

## STUDENT PARKING

The Walter F. George School of Law has two parking lots. The lower parking lot is reserved year-round, 8:30 a.m. to 5:30 p.m., Monday through Friday, for faculty, staff, and visitors of the Law School. Students may park in the lower parking lot after 5:30 p.m., Monday through Friday, and any time on weekends. Due to traffic congestion, students should not park in the lower lot earlier than 5:30 p.m. Students who park in the lower parking lot from 8:30 a.m. to 5:30 p.m. will be ticketed. **Repeat violators will be towed.**

Students may park in the upper parking lot. However, parking spaces marked “reserved” in the upper parking lot are designated for staff of both the Walter F. George School of Law and the Medical School, which inhabits a small lab in the building. Students should not park in these spaces during the hours of 8:30 a.m. to 5:30 p.m., Monday through Friday. Students who park in reserved spaces will be ticketed. **Repeat violators will be towed.**

Students who use the upper parking lot must register their vehicles. Registration cards are available in the Deans’ Suite (2<sup>nd</sup> floor). Students will receive a Mercer University parking decal identifying them as students of the Walter F. George School of Law. This decal must be displayed on the bottom left corner of the front window of the student’s vehicle.

The upper parking lot may be accessed from Georgia Avenue by entering the alley which is adjacent to the lower parking lot driveway. Students exiting the alley must make a right onto Bond Street, a one-way street. Students should drive slowly and be mindful of children who walk and play in the neighborhood.

Parking tickets are not excused by the Law School. However, appeal forms are available in the Deans’ Suite. Parking ticket appeal forms must be returned to the Mercer Police Department on the main campus. The police department has appointed a committee to hear appeals.

Please note that students will be required to pay all parking tickets at the beginning of each semester prior to registration. Parking tickets must be paid or students will not be allowed to register for the next semester. Frequent offenders run the risk of having their vehicles towed at the owner's expense.

## **CARD ACCESS SYSTEM**

Students have 24-hour access to the building and the law library with their Walter F. George School of Law one-card, the Bearcard. The Bearcard may also be used as an ATM card through Wachovia Bank. Additionally, students may add monetary value to the card and use it for vending machine, bookstore, and food service purchases. In the library, the card may be used for photocopies and to check out books. The Bearcard, designed for the safety and convenience of students, imposes certain responsibilities on each student. Students should not compromise the Bearcard system and endanger the security of those in the building by loaning their cards to others. Students may not allow others to enter the building. People not affiliated with the law school have building access when the library is open.

It is the responsibility of each student to report any lost or stolen Bearcard to Marsha Griffin in the Registrar's Office. The lost Bearcard can be deactivated to prevent unauthorized access to the building. A replacement Bearcard can be issued for a charge of \$25.

## **LAW SCHOOL MAIL BOXES**

Student mailboxes available for Law School correspondence are located in the hallway outside of Classroom A on the first floor. Mailboxes are for internal use only and should be checked daily. Students should not use the Law School address to receive mail.

## **LOCKERS**

Personal lockers are available to all Law School students. Locker reservation is held during the first few weeks of each school year and is required before placing a lock on a locker. Students wishing to retain their locker reservation for the subsequent academic year must notify the Student Bar Association prior to the end of the spring semester. During the summer, lockers that have not been retained will be opened and the contents discarded.

**If you have a problem with your locker, you should contact the Student Bar Association.**

## MAIN CAMPUS INFORMATION

See Mercer Website at [www.mercer.edu](http://www.mercer.edu)

### **Bursar's Office**

Bursar: Tanya Barton  
Location: Roberts Hall  
Phone: 301-2660

### **Mercer Police**

Director/Chief: Gary Collins  
Location: 1765 Winship Street  
Phone: 301-2970

Along with 24 hour safety patrol and building security responsibilities, the Mercer Police provides escort services around campus. For personal safety, students may request the accompaniment of an officer by calling the Mercer Police main number at 478-301-2970.

The following rules should be followed when an accident, injury, or other related emergency occurs:

1. Notify the Mercer Police Office immediately at 301-2911. Give the location of the injured person and briefly describe the apparent injury. The Mercer Police will then notify the appropriate emergency service, dispatch officers to the scene, and guide the emergency vehicle to the proper location on campus.
2. Remember that any attempt to render first aid or other treatment by an untrained party should be limited to only those steps necessary to sustain life and make the injured person as comfortable as possible.

## STUDENT HEALTH SERVICES

### **STUDENT HEALTH CENTER**

**Location:** Medical School Building, First Floor, off the main lobby opposite the Medical Library

**Telephone:** 478-301-2696 **Fax:** 478-301-2116

**Hours:** Monday - Friday, 8:00 a.m. - 12:00 p.m.; 1:00 p.m. - 5:00 p.m.

**Website:** <http://www.mercer.edu/shc>

The Student Health Center is the primary provider of health services for all Mercer students.

It is staffed by two full-time Registered Nurses, and a physician who sees patients during scheduled clinics. Available services include treatment for acute illnesses and injuries, allergy injections, immunizations, supplies (crutches, heating pads, etc.), and health education. Students are first seen by the nurses at the Student Health Center, and then are either treated, or scheduled to see the doctor, or referred to another provider in the community.

**IF YOU ARE SICK/INJURED AND THE STUDENT HEALTH CENTER IS OPEN:**

Visit or call as early in the day as possible, so that you can be treated as efficiently as possible, either by the nurse, or during the next scheduled clinic, or referred as needed.

**IF YOU ARE SICK/INJURED AFTER HOURS:**

1. Call 2911 for life-threatening emergencies on campus.
2. If treatment cannot be delayed until the Student Health Center is open, you should go to the Emergency Room specified by your primary insurance, with your insurance information.

**EXCUSES:** Class attendance is an issue between the professor and student. Therefore, NO medical excuses for class absence will be issued, except if deemed necessary by the physician.

**CONFIDENTIALITY:** All visits to the Student Health Center are confidential. No information will be released to anyone, including University officials, professors, or parents, without the written consent of the student.

**TO OBTAIN CARE OUTSIDE THE STUDENT HEALTH CENTER:**

Law students who have insurance through the school do NOT need a referral from the Student Health Center to obtain outside care (i.e., OB/Gyn, ER, Urgent Care, etc.). To obtain outside care, students need to do the following:

1. Choose a provider from the insurance list (found at [www.studentinsurance.com](http://www.studentinsurance.com))
2. If needed, print out a temporary insurance card to use until the actual card is sent by Pearce and Pearce. (cards may be printed by logging into your account at <https://www.pearceandpearce.com>)
3. Take the insurance card to the appointment, ER, or Urgent Care.

**More information about Student Health Services and Student Insurance will be provided during the Orientation Session for first year students.**

**Directions to the Student Health Center (from the Law School).** Go down College Street toward Main Campus. Cross Coleman Avenue and enter the Main Campus through

the North Entrance. Take a left at the stop sign onto Elm Street. The next right, which is College Drive. Parking is available on the right. The Student Health Center is located on the second floor of the Patterson Building.

**Student Health Center**

**478-301-2696**

**Mercer Health Systems**

**478-301-4111**

## **DRUG-FREE WORKPLACE AND CAMPUS**

### ***Introduction and Purpose***

Mercer University shares the widespread national concern with the serious threat to health, safety, and welfare posed by the unlawful use of drugs and the abuse of alcohol, especially in the workplace and on college campuses. As a matter of University policy, growing out of the University's historic mission and character, and in keeping with applicable Federal and State laws, the University has adopted and is implementing the following program to provide a drug-free workplace and campus for all its students and employees and to prevent the illicit use of drugs and abuse of alcohol.

### ***Relationship to Other Policies***

This program sets forth the minimum standards of conduct and requirements with respect to drug and alcohol abuse for all students and employees of the University. Other policies and standards of conduct concerning drugs and alcohol are included in other student handbooks, the Personnel Manual, and other University documents. These remain in full force and effect. Additional policies in this area may also be developed, subject to University approval, provided they are either consistent with this Program or impose higher standards of additional requirements in furtherance of the purposes of this Program. In the case of faculty members, violation of the standards of conduct in this Program shall be considered "adequate cause" for termination of a faculty appointment. All actions taken and sanctions imposed under this program and related drug and alcohol policies shall be reviewed periodically to ensure consistent enforcement.

Nothing in this program shall be interpreted to require the University to violate its obligations under other laws, including laws prohibiting discrimination against qualified handicapped individuals.

### ***Standard of Conduct***

The unlawful possession, use, distribution, dispensing or manufacture of illicit drugs or alcohol at any time on any University property or as part of any University-sponsored activity is absolutely prohibited.

### ***University Sanctions and Procedures***

As a condition of employment or enrollment at Mercer, all employees and students must abide by these standards of conduct, and disciplinary sanctions will be imposed for violations. Among the sanctions that may be imposed, are: reprimand, probation, suspension, expulsion or termination of employment, and referral for prosecution. Ordinarily the sanctions for drug-related violations will be suspension or termination of employment or enrollment. However, in the University's sole discretion, an employee or student may be permitted to continue in employment or enrollment if he or she satisfactorily participated in an approved rehabilitation program.

Nothing in this policy is intended to affect the procedural rights of students or employees (including faculty members) under existing judicial board, grievance, or review procedures. However, once the University has determined, after reasonable inquiry, that a violation of this policy has occurred, the employee or student may be subject to immediate suspension (without pay, in the case of an employee) pending the conclusion of such procedures. If no existing procedures are in place for an alleged violation by a particular student or employee, the University will adapt other review procedures so as to ensure the individual the opportunity for a fair review, including the right to be heard.

Additional information may be found in your school's handbook.

#### **State and Federal Legal Sanctions**

Under Georgia and federal law, it is a crime to possess, manufacture, sell, or distribute illegal drugs.

## GEORGIA DRUG LAW SUMMARY

<b>Drug</b>	<b>Conditions/Quantity</b>	<b>Jail Term</b>	<b>Fine</b>	
Marijuana	Possess: 1oz. or less	up to 1 year	up to \$1,000	
	Possess, manufacture, distribute, or purchase greater than 1 oz. but less than 50 lbs	1-10 years		
	Trafficking: 50-1,999 lbs.	5 years	\$100,000	
	2,000-9,999 lbs 10,000 lbs or more	7 years 15 years	\$250,000 \$1,000,000	
Schedule I Controlled Substances	Purchase or possess: first offense	2-15 years		
	Second or subsequent offense	5-30 years		
	Manufacture, distribute, or possess with intent to distribute: first offense	5-30 years 10-40 years or life		
	Second or subsequent offense	life		
Methaqualone	Trafficking: 200-399 g. 400 g. or more	5 years 15 years	\$50,000 \$250,000	
	Schedule II Controlled Substances	Purchase or possess: first offense	2-15 years	
Second or subsequent offense		5-30 years		
Manufacture, distribute, or possess with intent to distribute: first offense		5-30 years 10-40 years or life		
Second or subsequent offense		life		
Cocaine	Trafficking: 28-199 g. 200-399 g. 400 g. or more	10 years 15 years 25 years	\$200,000 \$300,000 \$1,000,000	
	Morphine, Opium and Heroin	Trafficking: 4-13 g. 14-27 g. 28 g. or more	5 years 10 years 25 years	\$50,000 \$100,000 \$500,000
		Methamphetamine	Trafficking: 28-199 g. 200-399 g. 400 g. or more	10 years 15 years 25 years
Schedule III, IV and V Controlled Substances			Possess: first offense	1-5 years
	Second or subsequent offense		1-10 years	
	Manufacture, distribute, or possess with intent to distribute	1-10 years		
Any	Manufacture, distribute, or possess with intent to distribute within 1,000 feet of elementary or secondary school, park, playground, recreation center, housing project, or drug-free commercial zone: first offense	up to 20 years	up to \$20,000	
	Second or subsequent offense	5-40 years	up to \$40,000	

Georgia law prohibits the purchase or possession of alcohol by a person under the age of 21, or the furnishing of alcohol to such a person. Driving under the influence of alcohol or other drugs also is illegal. It is against Georgia law, under certain circumstances, to walk or be upon a roadway while under the influence of alcohol or other drugs. The punishment for these offenses may include imprisonment, payment of a fine, mandatory treatment and education programs, community service, and mandatory loss of one's driver's license.

### Federal Trafficking Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual  <b>2 or More Prior Offenses:</b> Life imprisonment	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture		100 gm or more pure or 1 kg or more mixture	

<b>PENALTIES</b>			
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<p><b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual</p>	
Flunitrazepam (Schedule IV)	1 gm or more		
Other Schedule III drugs	Any amount	<p><b>First Offense:</b> Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p>	
Flunitrazepam (Schedule IV)	30 to 999 mgs	<p><b>Second Offense:</b> Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual</p>	
All other Schedule IV drugs	Any amount	<p><b>First Offense:</b> Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p><b>Second Offense:</b> Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>	
Flunitrazepam (Schedule IV)	Less than 30 mgs		
All Schedule V drugs	Any amount	<p><b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p><b>Second Offense:</b> Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>	
DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<p>Not less than 10 years, not more than life</p> <p style="text-align: center;">If</p> <p>death or serious injury, not less than 20 years, not more than life</p> <p>Fine not more than \$4 million if an individual, \$10 million if other than an individual</p>	<p>Not less than 20 years, not more than life</p> <p>If death or serious injury, mandatory life</p> <p>Fine not more than \$8 million if an individual, \$20 million if other than an individual</p>

Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million if an Individual, \$5 million if other than an individual	Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million if an individual, \$5 million if other than an individual	Not more than 30 years If death or serious injury, mandatory life Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	Not more than 5 years Fine not more than \$250,000, \$1 million other than individual	Not more than 10 years Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		

Special Federal sentencing provisions for possession of crack cocaine include a mandatory prison term of at least 5 years and up to 20 years, fine of up to \$250,000, or both, for a first conviction if amount of crack exceeds 5 grams, for a second conviction if the amount exceeds 3 grams, and for a third or subsequent conviction if the amount exceeds 1 gram.

Other Federal sanctions include forfeiture of property used to facilitate illegal possession if offense is punishable by more than one year in prison, forfeiture of vehicles and other conveyances used to transport or conceal controlled substances, civil fines, denial of Federal benefits including student loans, grants and contracts, ineligibility to receive or purchase firearms, and denial or revocation of certain Federal licenses and benefits (e.g. pilot licenses, public housing, etc.).

## ***Convictions for Drug-Related Offenses***

Any student or employee convicted of any drug-related criminal statute must notify the appropriate official, the senior student affairs officer (for students) or the Director of Human Resources (for employees), in writing, no later than 5 days after such conviction regardless of where the offense occurred. This is because under Federal and State laws, any student convicted of a drug-related felony offense must be denied all Federal and State assistance, including Pell grants and Georgia Tuition Equalization Grants; and because the University must notify Federal agencies of drug-related convictions of employees involved in work under a grant or contract. However, a criminal conviction shall not be necessary to find that a student or employee has violated these standards of conduct, and the University need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

## **HEALTH RISKS ASSOCIATED WITH DRUG OR ALCOHOL USE**

### **Drugs**

Narcotics such as opium, morphine, and heroin can cause euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Heroin causes the body's pain reactions to be weakened and can result in coma due to the reduction in pulse rate. The symptoms of an overdose of narcotics are slow and shallow breathing, clammy skin, convulsions, coma, and possible death. A person experiencing withdrawal from addiction to narcotics can experience watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.

Depressants such as barbiturates and quaaludes can cause disorientation, slurred speech, and senseless behavior. Depressant overdose results in: shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, and possible coma or death. Withdrawal symptoms include anxiety, insomnia, tremors, delirium, convulsions, and possible death.

Stimulants such as cocaine and crack cause increased alertness or euphoria, and increased heart rate, blood pressure, and respiratory rate. Immediate effects of use also include dilated pupils, insomnia, and loss of appetite followed by depression. Stimulant overdose results in agitation, increase in body temperature, hallucinations, convulsions, and possible death. Withdrawal symptoms include irritability, long periods of sleep, depression, and/or disorientation.

Hallucinogens such as Lysergic acid (LSD), amphetamines, mescaline, and phencyclidine (PCP) cause illusions, hallucinations and poor perception of time and distance. Users may experience anxiety, loss of control, confusion, and panic. Flashbacks can occur even when use has stopped. Amphetamines can cause rapid, irregular heartbeat, tremors, and collapse. Heavy users may act out irrationally. The effects of an overdose include psychosis and possible death.

Cannabis (Marijuana, Hashish) can cause euphoria, increased appetite, lowered inhibitions, and disorientation. Marijuana use can alter sense of time, reduce energy level and coordination, and impair short-term memory. The effects of an overdose include fatigue, paranoia, and possible psychosis. Withdrawal symptoms include insomnia, hyperactivity, and decreased appetite. Long-term users may have a lowered immune system and increased risk of lung cancer.

### **Alcohol**

Alcohol is a central nervous system depressant. Consumption of alcohol causes a number of changes in behavior that can result in dangerous and high-risk activities. Low doses of alcohol significantly impair judgment, mental function, and coordination, and alter decision-making skills.

Alcohol consumption decreases the alertness and coordination needed to drive a car safely, increasing the likelihood of the driver causing an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, such as spouse or child abuse. Research demonstrates that the majority of violent behaviors and incidents on college campuses, such as date rape, fights, and vandalism, involve the use of alcohol. Moderate to high doses of alcohol cause drastic impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the heart, liver, and brain. Studies have also linked an increase risk for various types of cancer, such as esophageal and breast, to heavy, long-term alcohol use.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome, resulting in mental retardation and/or irreversible physical abnormalities.

### ***Counseling, Treatment, and Rehabilitation***

Employees and students who wish information about counseling and treatment programs, either for personal substance abuse or for family members or other, may contact the Human Resources office (for employees) or the appropriate senior student affairs officer (for students).

Human Resources (Atlanta campus)	(678) 547-6155
Human Resources (Macon campus)	(478) 301-2786
Student Affairs office (Atlanta campus)	(678) 547-6821
Student Affairs office (Macon campus)	(478) 301-2685

Information and help is also available from:

- I. Counseling and Psychological Services (Macon campus): (478) 301-2862
- II. Counseling Center (Atlanta campus): (678) 547-6060
- III. AA Alcohol and Drug Abuse Hotline: 1-800-851-3291
- IV. Drug Helpline: 1-800-622-4357
- V. Drug Hotline: (478) 751-7600
- VI. Georgia Drug Abuse Helpline: 1-800-338-6745

<b>MACON</b>	
Coliseum Psychiatric Center 340 Hospital Drive Macon, Georgia 31217 (478) 741-1355	Medical Center of Central Georgia The Psychiatric Pavilion 777 Hemlock Street Macon, Georgia 31201 Inpatient: Psychiatry and Detox (478) 633-1392 Emergency Line (478) 633-HOPE
River Edge Behavioral Health Center 175 Emery Highway Macon, Georgia 31217 (478) 751-4519 Substance Abuse Outpatient & Day-Patient (478) 751-4559 Methadone Clinic (478) 751-4559	River Edge Recovery Center 3575 Fulton Mill Road Macon, Georgia 31206 Front Desk (478) 471-5702 Admission Nurse (478) 471-5390 Detox Program In-Patient (478) 471-5388
<b>ATLANTA</b>	
Anchor Hospital 5454 Yorktowne Drive Atlanta, Georgia 30349 (770) 991-6044	Atlanta Center for Medical Research 811 Juniper St., NE Atlanta, GA 30308 (404) 881-5800
DeKalb Community Service Board 445 Winn Way Decatur, GA 30031 (404) 892-4646	Northside Hospital Behavioral Health Services 1140 Hammond Drive, Building J Atlanta, GA 30328 (404) 851-8961
Metro Atlanta Recovery Residences 2801 Clearview Place Doraville, GA 30340 (770) 457-1222	Peachford Behavioral Health Systems 2151 Peachford Road Atlanta, Georgia 30338 (770) 455-3200
Ridgeview Institute 3995 South Cobb Dr., SE	RiverWoods, Southern Regional Psychiatric Center

Smyrna, Georgia 30080 (770) 434-4567	11 Upper Riverdale Road Riverdale, GA 30274 (770) 991-8500
SummitRidge Center for Psychiatry and Addiction Medicine 250 Scenic Highway Lawrenceville, GA 30045 (678) 442-5858	Talbott Recovery Campus 5448 Yorktowne Drive Atlanta, GA 30349 (770) 994-0185

### ***Review of Program***

In keeping with Federal Law, this Program shall be reviewed at least biannually to determine its effectiveness, to make changes where necessary, and to ensure that sanctions are consistently enforced.

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\* Including the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, the Drug-Free Postsecondary Education Act of 1990 (Georgia), and related laws and regulations.

*Information for this policy was obtained from the following sources:*

\* Information on Federal Trafficking Penalties downloaded from

[www.dea.gov/agency/penalties.htm](http://www.dea.gov/agency/penalties.htm)

U.S. Department of Health and Human Services and SAMHSA's National Clearinghouse for Alcohol and Drug Information: <http://ncadi.samhsa.gov>

National Institute on Drug Abuse: <http://www.nida.nih.gov>

National Institute on Alcohol Abuse and Alcoholism: [www.niaaa.nih.gov](http://www.niaaa.nih.gov) and [www.collegedrinkingprevention.gov](http://www.collegedrinkingprevention.gov).

## **STUDENT GRIEVANCE PROCEDURES FOR DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINTS**

### **Establishment of Grievance Boards**

1. The President will appoint two standing Grievance Boards to receive complaints in violation of the University's equal opportunity policy and policy prohibiting sexual harassment, one for the Macon schools and one for the Atlanta schools. The Boards will emphasize mediation and conciliation and will attempt to resolve complaints informally whenever possible. All members of the University community are expected to cooperate fully with the Boards.
2. Each Board will be composed of at least five members, including at least two faculty members, two administrators, and one student. In making appointments to the Board, the President will be guided by considerations of continuity, experience and sensitivity to the concerns of students and faculty. After the initial appointments the President will seek the advice of the existing Board on new appointments.
3. The President will appoint a chairperson of the Board who will convene the Board, preside over meetings and hearings, assign duties to members, and assume other responsibilities usually undertaken by a committee chair.

### **Counseling, Advice and Informal Resolution**

In many instances, informal discussion and mediation can be useful in resolving perceived instances of discrimination or sexual harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

#### **1. Whom to Contact**

Problems, questions and grievances may be discussed with the Equal Opportunity/Affirmative Action Officer, the Dean of Student Affairs, the Dean of the student's college or school, or any member of the Grievance Board. Members of the Grievance Board are particularly well-informed and well-placed to help. They may be especially useful in advising and aiding a student's own efforts to resolve a problem. Such help may involve coaching the individual in preparation for a conversation with the person causing the problem, or assisting the student in writing a letter to the person describing the offending behavior and requesting that it stop. Alternatively, the student may ask the Board member to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in section assignment or for a re-evaluation of work submitted for a grade.

## **2. Confidentiality**

Throughout the advising and informal resolution process, the information provided by the student will ordinarily be held in confidence unless and until the student agrees that another party or parties must be informed to facilitate a solution. The student's identity will not be revealed to the person against whom the complaint is made without the consent of the student.

## **FORMAL GRIEVANCE PROCEDURES**

### **1. Filing a Formal Complaint**

Any student who believes he or she has been subjected to discrimination or sexual harassment in violation of the University's policies may file a formal complaint with any member of the Grievance Board, either initially or after having sought informal resolution as described above, with the possible outcome of disciplinary action against the accused. The complaint must be in writing, signed by the complainant, and must describe the specific action(s) complained of. A complainant who wishes to pursue a formal complaint must be willing to be identified to the accused.

### **2. Investigation**

- a. Within two weeks after receiving the written complaint, the Board will convene. The Board member who initially receives the complaint will describe the incident to the full Board without disclosing the identity of the individuals involved. The Board will decide whether the complaint falls within its purview. If it concludes that the complaint should be considered by the board, the persons involved will be identified to the Board members. Any Board member with a conflict of interest will be required to withdraw from consideration of the complaint. The appropriate Dean\_or University officer will be notified that the complaint has been received and will be investigated.
- b. One or more faculty or administration members of the Board will meet as soon as possible with the persons directly involved in the complaint in order to ascertain the facts and views of both parties. The accused will be informed of the name of the complainant and the substance of the complaint and will be given a full opportunity to respond to the allegations. The Board will then determine whether further investigation is warranted.
- c. The Board shall have broad power, in its discretion, to ask for additional evidence, to conduct personal interviews with the parties and with additional persons, and/or to hold a hearing on the matter. The parties shall be advised before any discussions are held with additional persons. Any hearing shall be conducted in private under informal procedures as determined by the Board.

### **3. Resolution of Complaints**

After completion of its investigation, the Board will determine whether a violation of the University's equal opportunity policy or policy prohibiting sexual harassment has occurred, and if so, will recommend remedial action. The Board may:

- a. find that no violation occurred and convey that decision to the parties involved; or
- b. mediate a resolution of the complaint that is agreeable to both parties; or
- c. find that a violation occurred and refer the matter, with written findings, recommendations and any supporting documentation, to the Executive Vice President and Provost. The Executive Vice President and Provost will review the board's findings, recommendations and documentation and will meet with both parties prior to rendering a decision. The decision of the Executive Vice President and Provost may be appealed by either party to the President. Remedial actions will depend on the nature and severity of the offense. If the remedial action involves a dismissal, the accused may be entitled to further procedural rights (e.g. under the termination provisions of the University Faculty Handbook.)

### **4. Protection of Complainant and Others**

- a. Investigations of complaints will be initiated only with the complainant's consent. The complainant will be fully informed of steps taken during the investigation.
- b. Every effort will be made to protect the complainant and others testifying on behalf of the complainant or otherwise supporting the complainant from retaliation as a result of their participation in the grievance process.
- c. In extraordinary circumstances, the Executive Vice President and Provost may, at any time during or after an investigation of a complaint, suspend an accused faculty member from teaching or other responsibilities pending a final decision on the complaint, if serious and immediate harm is threatened if the faculty member continues.

### **5. Protection of the Accused**

- a. At the time the investigation commences, the accused will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations.
- b. In the event the allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the accused if it was damaged by the proceeding.
- c. A complainant found to have been intentionally dishonest or malicious in making allegations shall be subject to University discipline.

### **6. Protection of Both Parties**

- a. To the extent possible, every effort will be made to carry out the procedures confidentially and to protect the privacy of the individuals involved.
- b. The parties will be kept informed of the status of the complaint, the facts found in the course of the investigation, and the outcome of the proceedings.

*The University will be required, upon written request, to disclose to the alleged victim of a crime of violence or a non-forcible sexual offense, the final results of any institutional disciplinary proceeding dealing with that crime or offense.*

## **RECORDS**

No records will be kept of informal discussions between the complainant and Board members. When a complaint can be resolved by mediation, a confidential record of the agreement reached by the parties will be kept on file in the General Counsel's office. Records and documentation of formal complaints in the Board's or Executive Vice President and Provost's possession will be kept separate from personnel and academic records, although the decision in a particular case may involve placing a written warning reprimand in a personnel file. When it is determined that no violation has occurred, all records of the complaint shall be destroyed except a confidential file in the General Counsel's office.

An annual report will be prepared by the Board for the Executive Vice President and Provost of the number and type of complaints considered during the year and their disposition.

**In the Law School, complaints about sexual harassment are addressed to Assistant Dean Mary Donovan.**