

Policy Manual for Mediation & Dispute Resolution Certificate Program

January 12, 2009

GENERAL INFORMATION

Welcome to the Mediation and Dispute Resolution Certificate Program (MDR) which is part of The Program on Advanced Dispute Resolution in Education Program (PADRE) at Capital University Law School. This policy manual is the official compilation of policies and procedures for MDR students at Capital University Law School

Operating Hours and Office Locations

The Admissions and Financial Aid offices for the Mediation and Dispute Resolution (MDR) Certificate Program are found on the third floor. Hours are Monday through Friday, 9:00 a.m. - 5:00 p.m. The Director of Admissions and Financial Aid, JD and MDR Programs is Annette Hoerath-McMurry. Her office is in Room 373, 614-236-6348, amcmurry@law.capital.edu

Student services for the MDR Certificate Program are provided by the Assistant Dean for Student Affairs, Jennifer DiSanza. Her office is Room 388, 614-236-6402, jdisanza@law.capital.edu She may be consulted for registration issues or general concerns.

The Office of Records and Retention is located on the third floor. Marty Hendren handles registration for the MDR Certificate Program and she can be contacted at 614-236-6440 or mhendren@law.capital.edu

Advising Services are provided by Adjunct Professors Scot E. Dewhirst and Terrence T. Wheeler. Professors Dewhirst and Wheeler may be consulted for all scheduling issues and for assistance with curriculum planning. They can be reached at 614-221-2396 or sdewhirst@law.capital.edu and twheeler@law.capital.edu

Directors of the MDR Program are Professors Roberta Mitchell, Dewhirst and Wheeler.

Bookstore

The bookstore is located on the first floor of the law school. Most texts for MDR programs may be purchased at the bookstore.

Hours of operation:

Academic Year: 10:00 a.m. -- 6:00 p.m. (Friday until 5:00)

(M – F) Summer: Noon – 6:00 p.m. (Friday until 5:00)

Parking

Parking is free to MDR Certificate Program students. Students may park in designated Capital University Law School lots. A parking lot map and a form to obtain a parking pass may be obtained on-line at <https://culsnet.law.capital.edu/StudentServices/Parking.asp>

Student Identification Cards

All MDR Certificate Program students must obtain a photo ID card. Please contact Donna Garrett (614-236-6441 or dgarrett@law.capital.edu) to schedule your photo session. You may also send a photograph to Donna Garrett if you are not able to make it to the law school to have your photograph taken.

Mailbox

Each MDR Certificate Program student will be assigned a mailbox in the Huntington Commons (People's Court Café area) on the first floor.

E-Mail Address / Account

Each MDR Certificate Program student will have a Capital University Law School e-mail address. Please check this account regularly as the law school and your professors will use this address to communicate with you. You should contact the technology help desk via the law school website (www.law.capital.edu) if you have problems with your e-mail account. **YOU WILL BE HELD RESPONSIBLE FOR HAVING KNOWLEDGE OF ALL INFORMATION SENT TO YOU AT YOUR CAPITAL E-MAIL ADDRESS.**

Library and Computer Lab

With a student identification card, MDR Certificate Program students have 24/7 access to the law library. You also have access to the computer lab on the 3rd floor of the library. Food, drink and smoking are prohibited in the law school, law library and computer lab. A pamphlet on library services and usage is available at the Circulation Desk of the law library on the 4th floor. Please note due to contractual restrictions required by service providers, some links to library services only work from a computer located within the law school building and some services are only available to registered law school students.

School Counselor

[Terry Thompson](#), a professional counselor, is available by appointment to all students at no cost. Her office is located on the 5th floor of the Law School, and her number is 614-236-6562.

Career Services

The [Career Services](#) office is located on the first floor of the law school in Room 171. You are encouraged to utilize these services. The Career Services webpage is <https://culsnet.law.capital.edu/CareerServices/>

Chapter 1

Admissions

1.1 General Admission Procedures

1.1.01 The Directors of the MDR Certificate Program have primary authority to admit students to the Mediation and Dispute Resolution Certificate Program.

1.1.02 The Directors of the MDR Certificate Program admit individuals on the basis of a complete application package, which includes:

- A. a completed application form, which can be downloaded as a PDF file,
- B. a non-refundable \$35.00 application fee,
- C. a brief statement of why you wish to enroll in the Certificate program, and
- D. two references from employers, professors, colleagues, or those familiar with your experience in Dispute Resolution and/or Mediation.

1.2 Admission Criteria

These standards are applicable for the Mediation and Dispute Resolution Certificate Program:

A. Period of Enrollment

1. The MDR Certificate Program has a rolling admissions policy for reviewing applications. Therefore, once students are accepted, they may immediately enter the Certificate Program.
2. The MDR Certificate Program requires that the student complete the 18 credit hours required within three years from the term in which the student is first enrolled. The MDR Certificate Program may easily be completed within three years, so there should not be a need to request a waiver. Waivers rarely are granted by the Law School, and then only on a case-by-case basis at the sole discretion of the MDR Certificate Program Directors.

B. The Program of Study

1. The MDR Certificate Program offers its courses at various times and in various formats during the year.

C. Capital Law School MDR Certificate Program Courses

(Courses listed below may change. Consequently, this list may not reflect courses currently being offered at the law school. Additionally, new courses may be added to the curriculum and not appear on this list. Students are advised to check the Course Descriptions appearing in the Manual of Policies and Procedures or contact the law school registrar.)

I. Required Courses for MDR

- 902 Dispute Resolution
- 904 Negotiation
- 9000 Intensive Mediation Training
- 941 Mediation Clinic
- 1944 Externship
- 9100 Writing Requirement

II. Elective MDR Courses

- 813 Labor Arbitration
- 903 Business Negotiations
- 905 General Arbitration
- 911 Divorce Mediation
- 913 Health Care & Dispute Resolution
- 907 Multi-Disciplinary Dispute Resolution
- 9000 Handling Workplace Conflicts

1.3 Auditors

Members of the bar, graduates from approved law schools, alumni of the Capital University Law School programs, and in limited circumstances other college graduates, may be admitted at the discretion of the dean to enroll as auditors. Normally an auditor is expected to prepare all assignments and to participate in classroom discussion, but takes no examinations and receives no academic credit. The *Request to Audit Courses* form is available from the Registrar.

1.4 Reinstatement

The student must achieve a 2.67 grade point average or better upon attempting 9 semester credit hours to continue to register for classes in the MDR Certificate Program. Any student whose grade point average is below that which is needed to continue in a program must petition the MDR Certificate Program Directors for permission to continue his or her studies. Any student below a 2.67 grade point average after attempting 9 hours who is permitted to continue his or her studies is on probation and is not in good academic standing.

1.4.01 Petitions for Reinstatement

A. When a student is dismissed for failing to attain or to maintain the required cumulative grade point average, he or she may file a petition for reinstatement.

B. The petitioner must convince the MDR Program Directors and the Law School Associate Dean that the grades received by the dismissed student are not an adequate measure of the student's learning or performance. In particular, the petitioner must prove:

1. that the academic deficiency was the result of causes other than an inability to study in a graduate level program;
2. that such causes were sufficiently substantial to cause poor academic performance;
3. that such causes were beyond the petitioner's control, or were justifiable;

4. that the causes for the academic deficiency have been fully or substantially resolved, and no longer exist; and
5. that, given one more semester of graduate study, there is a reasonable possibility that the student will be able to attain the required cumulative grade point average.

1.4.02 Procedure for Petitions for Reinstatement

A. When a student is dismissed, the student is sent a letter that officially notifies the student of his or her dismissal. The letter of dismissal will advise the dismissed student of the privilege to file a petition for reinstatement within 14 business days.

B. MDR Certificate Program Directors and Law School Associate Dean then meet to discuss each petition for reinstatement. Petitioners do not appear nor do they have representatives appear on their behalf; other subjects of petition may include a request for extension of the time limitation within which the student must complete his or her degree. The MDR Certificate Program Directors and Law School Associate Dean, in their deliberation, consider whether the student has a realistic chance of achieving academic success upon reinstatement. Factors to consider include, but are not limited to, the following:

1. The grade point average at the time the student petitions, including the level of performance a student must maintain to raise the grade point average to 2.67;
2. reasons given in the student's petition for poor performance and other matters presented in the student's petition;
3. the student's credentials, both current and those upon initial enrollment;
4. comments and recommendations from members of the faculty;
5. the student's level of motivation;
6. the number of hours a student has attempted at the time of the petition.

C. The Law School Associate Dean will promptly notify the petitioner in writing of the final decision.

1.4.03 Appeal Process

Academic decisions made by the MDR Certificate Program Directors and Law School Associate Dean, or any committee thereof, involving students are final, except that the decision may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the MDR Certificate Program Directors and Law School Associate Dean violated their own procedures or another Law School or University policy and the student was prejudiced by such violation. If the Law School Dean finds that the decision of the MDR Certificate Program Directors and Law School Associate Dean violated their own procedures or another Law School or University policy and finds the student was prejudiced by such violation, the Dean may, at the Dean's discretion, remand the decision to the MDR Certificate Program Directors and Law School Associate Dean for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The Dean may confine the review

to written materials submitted by the student and written materials submitted by the MDR Certificate Program Directors and Law School Associate Dean.

Chapter 2

Academic Regulations

2.1 Degrees, Degree Requirements, Time Limitations and Course Load

2.1.01 Degrees Offered

Capital University Law School's MDR Certificate Program offers two certificates: (1) Mediation and (2) Dispute Resolution. Each certificate requires the successful completion of 18 academic credits, which is comprised of both required and elective courses.

2.1.02 Course Load

Students have the option of attending the MDR Certificate Program as either part-time or full-time students. Part-time students may take up to six academic credit hours per semester; full-time students must take at least seven academic credit hours per semester. Approval of the Director is required before a student may take more than 12 academic credit hours in a semester.

2.1.03 Time Limitations

Students have three years in which to complete a Mediation Certificate or Dispute Resolution Certificate. Student may request up to one additional year to complete requirements by completing a *Student Request for Program Directors' Action*, which is available in the Office of Records and Registrations.

2.1.04 Transfer Credit Policies

Academic course work completed at another college or university prior to enrollment in the MDR Certificate Program may be used to satisfy the course work requirement for the Mediation Certificate or the Dispute Resolution Certificate only if the following conditions are met:

1. The course(s) is offered by an accredited college or university,
2. The individual is assigned a letter grade at the end of the course(s), and
3. The course(s) is approved for transfer credit by the MDR Certificate Program Directors.

Academic course work at another college or university after enrollment in the MDR Certificate Program may be used to satisfy the course work requirement for the Mediation Certificate or the Dispute Resolution Certificate only if the following conditions are met:

1. The course(s) is offered by an accredited college or university,
2. The course(s) must be pre-approved for transfer credit by the MDR Certificate Program Directors, and
3. The individual is assigned a letter grade of C or better at the end of the course(s).

Each student is limited to a maximum of eight transfer hours. Student may request a special exception to this policy by completing and submitting a *Student Request for Program Directors' Action*. An additional administrative fee will be assessed for approving and certifying courses taken at other accredited colleges or universities.

Training classes offered by a training organization other than the Center for Dispute Resolution at Capital University Law School prior to enrollment in the MDR Certificate Program may be used to satisfy the training requirement for the Mediation and Dispute Resolution Certificate Program only if the following conditions are met:

1. The student provides a copy of the training agenda, training materials, instructor's experience and any other relevant information to the MDR Certificate Program Directors,
2. The training program must have provide specific feedback to the individual regarding her/his skills, and
3. The training class(es) is approved by the MDR Certificate Program Directors.

Training classes offered by a training organization other than the Center for Dispute Resolution at Capital University Law School after enrollment in the MDR Certificate Program may be used to satisfy the training requirement for the Mediation and Dispute Resolution Certificate Program only if the following conditions are met:

1. The student provides a copy of the training agenda, training materials, instructor's experience and any other relevant information to the MDR Certificate Program Directors,
2. The training program must have provide specific feedback to the individual regarding her/his skills, and
3. The training class(es) is pre-approved by the MDR Certificate Program Directors.

All decisions regarding transfer credit for academic course and/or training complete prior to or after enrollment in the MDR Certificate Program are within the sole discretion of the MDR Certificate Program Directors.

2.1.05 Course Selection and Registration

A. The responsibility for the selection of courses to complete a certificate rests primarily with the student.

B. Students are responsible to see that they meet all requirements for graduation and are encouraged to seek counseling with their MDR Certificate Program Advisor if they have any questions concerning their program of study.

C. Certain courses cannot be taken until pre-requisite courses have been completed, or unless co-requisite courses have been completed or are being taken at the same time, unless the student obtains the prior written approval of the MDR Certificate Program Directors. Pre-requisites and co-requisites are specified in the course description for each course. Students are responsible for ensuring that pre-requisite and co-requisite requirements are met. Students who enroll in a course for which the pre- or co-requisites are not met will be administratively withdrawn no matter how late in the term the matter is discovered.

D. Unless otherwise notified by the Office of Records & Retention, assume your registration requests have been granted. If you do not receive an e-Bill one month prior to the start of classes,

please contact the Office of Records & Registration immediately. A copy of your schedule will be put in your mailbox (1st floor Commons area) one week prior to the start of the semester.

E. Students may obtain elective credit for independent study at the discretion of the Directors of the MDR Certificate Program. Students must complete a proposal for independent study form, which is available in the Office of Records & Registration. Students are responsible for formulating the proposal for their independent study, and for finding a professor to supervise their independent study. The professor, the MDR Certificate Program Directors and the student all must sign the proposal. Students must sign up for an independent study in the registrar's office and are assessed the usual tuition per credit hour. Students may not, except in extraordinary circumstances, take offered courses as independent study; such determination is made by the MDR Certificate Program Directors.

2.1.06 Change of Registration After Beginning of Semester or Summer Term

A. Withdrawal from a course (See section 2.3 -- Maximum Tenure and Withdrawals).

B. During the fall and spring semesters, a course cannot be added to a student's schedule after the first week of classes without the express written permission of the MDR Certificate Program Directors. During the summer term, a course cannot be added to a student's schedule later than 24 hours before the second class meeting without the express written permission of the MDR Certificate Program Directors. Drop/add forms are available in the Office of Records & Registration on the 3rd floor of the Law School.

2.2 Policy Concerning the Teaching of Spouses, Relatives, and Those With Similarly Close Relationships.

2.2.01 The faculty recognizes that the enrollment in a course of any student having a close personal relationship with the instructor creates a potential conflict of interest or appearance of favoritism. Therefore, it is the policy of the faculty that such enrollment should be avoided.

2.2.02 The relationships that are within the scope of this policy are spousal or similar close personal relationships that would create an appearance of favoritism, as well as close familial relationships such as those with siblings, parents, or children.

2.2.03 In the event that a student seeks to enroll in a course taught by a faculty member with whom the student has a close personal relationship, the following steps shall be taken:

A. When it is possible for the student to enroll in a section of the same class taught by another faculty member, the student shall be strongly encouraged to do so. In order to effectuate this policy, affected students will be permitted to register in another section or in the other division. When situations covered by this policy are brought to the attention of the administration, all reasonable efforts will be made to avoid such conflicts.

B. If the student is unable or unwilling to enroll in a course other than one taught by the faculty member with whom the student has a close personal relationship, then grading shall be on a "satisfactory-unsatisfactory" basis.

2.3 Maximum Tenure and Withdrawals

2.3.01 Maximum Tenure

All students must complete their degree requirements within three years of matriculation. Student may request up to one additional year to complete requirements by completing a *Student Request for Program Directors' Action*, which are available in the Office of Records and Registrations. Students should be aware of the impact of transfer credit upon this rule, which is addressed in sections 2.1.04 and 2.1.05, above.

2.3.02 Withdrawals

A. Official withdrawal from the Law School or from a course (after the first week of classes) requires the permission of the MDR Certificate Program Directors. No official withdrawal from the MDR Program will be approved for a student who is not current in his or her financial obligations to the University. Student may request permission to withdraw by completing a *Student Request for Program Directors' Action*, which are available in the Office of Records and Registrations.

B. The grade of "W" is entered on the student's transcript for an official withdrawal. Students who discontinue attendance without an official withdrawal from the Law School or from a course will receive a grade of "E" in all courses in which they are currently registered and in which they discontinue attendance.

C. Withdrawal from the Law School can be accomplished at any time prior to the end of classes in any semester. No withdrawals will be approved after the last day of classes.

D. Withdrawal from a course, other than complete withdrawal from the MDR Certificate Program, may be approved by the MDR Certificate Program Directors until two (2) weeks before the end of classes. Partial payment for the course will be assessed on a sliding scale if a student withdraws from a course after the first day of the semester.

E. After the first week of classes, withdrawal from a course will be permitted only upon a showing of good cause. This showing must be made by the student by completing a Director's Action form which may be obtained from the Office of Records & Registration and submitted to the MDR Certificate Program Directors for signature. Students are not permitted to withdraw from a class within two weeks prior to the conclusion of the course. In intensive format courses withdrawal will not be permitted after 40% of the course work has been completed.

F. Withdrawal by a student who is carrying only one course will be treated as withdrawal from that individual course, not as withdrawal from the MDR Certificate Program.

2.5 Class Meetings

2.5.01 Length of Classes

- A. Three-hour courses meet for 160 minutes per week, usually for one three-hour period (including 20 minutes of "break" time, given in two 10-minute breaks or one 20-minute break).
- B. Two-hour courses ordinarily meet once a week for two hours, including a 10-minute break.
- C. Instructors do not regularly end class early, or retain the class for more than a few minutes.
- D. The above does not apply to seminars, practicums, and clinics where the quality of individualized instruction is more important than the length of class meetings.

2.5.02 Class Cancellation by the Instructor

- A. Regularly scheduled classes are not cancelled or postponed except for very compelling reasons.
- B. If it is necessary for an instructor to cancel a class, he or she notifies the Office of Records & Registration, who ordinarily will notify the students in the course.
- C. Credit hours for courses depend on the number of hours a course meets. Thus cancelled classes are almost always made up, at a time when other classes are not meeting or at a time when no student in the cancelled class has another class.
- D. Because evening students usually work full days from Monday through Friday, canceled evening classes usually must be made up on a Saturday.
- E. If an instructor will miss more than one (1) week of classes, the instructor should notify the Associate Dean so that a substitute can be considered.

2.5.03 Class Attendance

- A. American Bar Association standards for accreditation require law schools ensure that students regularly attend class. Therefore, regular and punctual attendance is expected of all Capital Law School students and MDR Certificate Program students. Class instructors are expected to cooperate.
- B. Soon after the commencement of a semester or summer term, the Office of Records & Registration will provide the instructor with a class roll, containing an alphabetized list of enrolled students and "boxes" for each class meeting. The instructor circulates this class roster during every class or uses some other method of recording class attendance.
- C. The taking of attendance at every class is required. United States Department of Education regulations pertaining to financial aid require that the law school maintain accurate attendance records of all students receiving federally subsidized or guaranteed financial aid.

D. If an individual student is not regularly attending class, the instructor is to notify the Assistant Dean, who will communicate with the student. If the attendance problem continues, the MDR Certificate Program Directors will communicate with the student.

E. Faculty members have the authority to lower grades for failure to attend class or prepare course assignments.

F. Faculty members are required to submit class attendance records to the Office of Records & Registration at the end of the semester.

2.6 Examinations and Grades

2.6.01 Examinations, Quizzes, and Papers

A. The instructor of a regular class has the option to have a closed-book in-class exam, an open-book in-class exam, a closed-book take-home exam, an open-book take-home exam, a paper, or any combination of these. Timed, in-class final exams given at the termination of the course traditionally are the sole or primary basis for grades in required courses and heavy-demand electives.

B. Mid-term examinations and quizzes may be given in any course at the discretion of the instructor. Papers may be required in addition to or in lieu of examinations in certain courses.

C. Instructors of seminars, practicums, and clinics typically do not give final examinations. Seminars require MDR Certificate Program students to submit academic quality papers of substantial length, participation in several projects; e.g., simulations or planning papers.

2.6.02 Scheduling of Examinations

A. In-class examinations are scheduled during the examination period. Each instructor is responsible for administering his or her own exam.

B. Students in courses with in-class exams take the exam at the time scheduled, with two exceptions:

1. In case of an exam conflict, which is defined as two or more examinations with beginning times within a 24-hour period, the Associate Dean determines if such a conflict exists. A student cannot re-schedule an exam until the Associate Dean has provided the instructor with written notice that a conflict exists.

2. Illness, documented physical or learning disability, or a compelling and unforeseen reason.

C. Make-up examinations

1. Only the Dean or Associate Dean can give permission for a student to take an exam at a time other than at the time scheduled, and only the Dean or Associate Dean decides when the make-up exam will be administered. Individual faculty members do not make “side” arrangements with students.

2. The student completes a Dean’s Action form obtained from the Registrar’s Office, which is given to the Associate Dean. Once it is determined that a make-up exam is appropriate, the Dean or Associate Dean will schedule the make-up exam, giving due consideration to the reasons why a make-up is necessary. The goal is to administer the make-up exam as close as possible to the time that the exam is regularly scheduled. The law school is willing to make reasonable accommodations when necessary, but the time of the make-up is determined by the law school, not by the student. Therefore, to the extent possible, the make-up exam will be scheduled a few hours prior to the time that the exam is regularly scheduled. If this is not possible, the make-up exam will be scheduled at a time as soon as possible after the time that the exam is regularly scheduled. Students needing to sit for a make-up exam may have to take that exam on a Saturday or Sunday, or during hours during which the student normally is employed.

2.6.03 Administration of Examinations

A. Instructors cannot excuse students from taking exams at the regularly scheduled time for any reason. Only the associate dean can approve student requests to reschedule examinations.

B. If examinations are scheduled for a fixed period of time [three hours are typical], the instructor should not permit any students to have extra time, except in cases of disability as approved by the Associate Dean. To give any students extra time creates a perception of unfair advantage. Once a time limit is determined and announced, changes should not be made.

C. It is wise for faculty members, at the beginning of the exam, to orally notify students of the number of questions on the exam and the number of pages in the exam booklet. This will usually prevent situations where students later claim that they forgot to read the last question, or forgot to look at the last page. If the instructor permits students who claim to have missed a question subsequently to answer that question at another sitting, it creates an appearance of unfairness to students who read the entire exam, followed instructions, budgeted their time and finished the exam within the allotted time.

2.6.04 Course Grades

A. Regular courses, in which final examinations are given, are typically graded by examination only; i.e., the grade on the final examination is the grade for the course.

1. Any deviation from this typical practice is communicated to students by means of a written syllabus at the beginning of the course. For example, if the final grade is based 50% on a final exam, 25% on paper, and 25% on class participation, students should be notified of this in advance.

2. If grades are to be lowered for absences or lack of preparation, the notice to students should specifically indicate the maximum number of permitted instances of class absence or lack of preparation, and the precise consequences of the student's failure to comply. A statement such as "the instructor reserves the right to lower grades for excessive absence" is not sufficient notice. Permissible is a statement such as "the student's grade will be lowered by one grade (e.g., C+ to C) for each instance of unpreparedness or absence in excess of four."

B. Seminar grades typically are determined by assigning a grade to the single paper written by the student. Any deviation from this typical practice is communicated to the student by written syllabus at the beginning of the semester or Summer term.

C. Practicum grades typically are determined by assigning grades to each paper, project, activity, or simulation engaged in by the student, and then by "averaging" all grades thus assigned, on an equal basis. Any deviation from this typical practice is communicated to students by a written syllabus at the beginning of the semester or Summer term. In particular, if some projects or activities are to be weighted more heavily than others, the students will be notified of the weighing factors to be used.

D. Grades are to be submitted to the Office of Records & Registration, who will communicate them to the students. Instructors do not announce the grades before the Office of Records & Registration does so.

E. Grading on final examinations, mid-term examinations, and quizzes is done anonymously. The only academic activities not utilizing anonymous grading are those demanding close one-on-one interaction between professor and student, such as research papers, clinics, externships, etc.

2.6.05 Value of Grades; Calculation of Grade Point Average

A. The point value of grades is as follows:

Grade	Point Value
A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
E	0.00

The minimum required for credit is a C (2.0) in the MDR Certificate Program Program.

B. Good Standing/Graduation Requirements

To be eligible to graduate, the student must have achieved a 2.67 grade point average. The student must achieve a 2.67 grade point average or better upon attempting nine semester credit hours to continue to register for classes in the MDR Certificate Program. Any student whose grade point average is below that which is needed to continue in a program must petition for permission to continue his or her studies. Any student below a 2.67 grade point average after attempting nine hours who is permitted to continue his or her studies is on probation and is not in good academic standing.

C. Other Transcript Entries.

1. Students who transfer to Capital Law School credit for course work taken at (1) another school, (2) other Capital Law School programs taken elsewhere, (3) programs of Capital University academic units other than the law school, or (4) academic programs of other institutions, receive the designation of "K" on their transcript. Such credit will transfer to Capital and be counted towards graduation requirements only if the level of performance at the other program, unit, or institution earned the student a grade of C or higher.

2. A student's work may receive the temporary designation of "I" which means incomplete.

a) Incompletes are given in limited circumstances when good cause is shown to the instructor in advance of the final examination or due date of other required work, or when, in emergency circumstances MDR Certificate Program director approve this temporary designation.

b) An incomplete is not a grade and must be removed within a reasonable period of time. Except as noted in section 2.6.05(C)(2)(c) below, an incomplete shall in all instances be removed within four (4) weeks of the end of a semester or summer term during which course work is taken unless, in extraordinary circumstances, an extension is approved both by the instructor and by the Directors of MDR Certificate Program Programs.

D. Calculation of Grade Point Average.

1. The grade point average required to graduate is a 2.67.

2. In determining a student's cumulative grade point average, his or her total accumulative points shall be divided by the number of hours attempted, excluding authorized withdrawals and courses for which grades or transcript entries of S, U, or K are awarded.

3. A student receiving a grade of "E" (failed) in any course required for a mediation or dispute resolution certificate must repeat the course at the earliest possible opportunity. The original grade and the grade from the repeated course are both included in the student's cumulative grade point average.

2.6.06 Grade Changes by the Instructor

After an instructor has submitted final grades to the Office of Records & Registration, the instructor cannot change any grades except on the basis of mathematical or computational error. If such an error is discovered, the instructor should fill out a "change of grade" form, which is available from the Office of Records & Registration. The form includes space for the instructor to recite the precise reason for the grade change. The Dean must approve the change before it becomes effective.

2.6.07 Administrative and Faculty Review of Unreasonable Grades

A. Procedure:

1. When a student believes that he or she has received a grade that no reasonable faculty member could justify under any reasonable standard, that student may, within 30 days of receipt of the grade, file a petition to have the allegedly unreasonable grade reviewed. Students who are academically dismissed must file the petition within ten days after the date of mailing of his or her formal notice of dismissal. If, through no fault of the student, the student is prevented from meeting the deadline, the deadline shall be extended for a period of ten days after the reason for the inability to meet the deadline no longer exists.

2. The petition should be submitted to the Associate Dean. If the petition concerns a grade given by the Dean or the Associate Dean, the petition should be submitted to the chair of the Faculty Grade Review Committee. The person to whom the petition is properly submitted will determine, after investigation, whether the petition states sufficient grounds to believe that a grade change may be warranted and to convene the Faculty Grade Review Committee. A decision by the appropriate person that the petition does not set forth sufficient grounds to review the allegedly unreasonable grade is final and may not be appealed in any fashion. If the person to whom the petition is properly submitted determines that there are sufficient grounds to convene the Faculty Grade Review Committee, that committee will review the grade.

3. The Faculty Grade Review Committee shall be composed of three tenured full professors who shall serve on a rotating and staggered basis for three grade reviews, with one member being replaced after each review. The member hearing his or her third review shall chair the committee for that review.

B. Standards: There are two principal grounds for review of a grade:

1. Mathematical or computational error. This is a rare basis since the faculty member already has the authority to change a grade based on mathematical or computational error. Mathematical or computational error does not include an allegation of an error in evaluation; see (2) below.

2. Arbitrary grade. If in the reviewer's judgment there has been a grade assignment that a reasonable faculty member could not justify under any reasonable standard, the grade is deemed to be arbitrary. There is an extremely strong presumption of validity of the assigned grade, and a grade is not arbitrary merely because different persons might evaluate the work differently. "Arbitrary" does include allegations that the grade bears no demonstrable relation to the quality of the work, that the grade was computed in a manner substantially different from that

announced in the syllabus, or that the grade was maliciously motivated by impermissible or illegal factors such as racism or sexism. In the case of a finding of departure from the manner of computation described in the syllabus, the normal disposition is to return the matter to the professor for grading in accordance with the standard promulgated.

C. Review of grades does not mean re-grading. Grades will not be reviewed merely because a student believes that his or her work should have been given a higher grade than it in fact was given. No two professors ever grade exactly alike, and differences in grading styles and results are not per se arbitrary.

2.6.08 Mediation & Dispute Resolution Certificate Program Course Requirements

The MDR Certificate Program offers two Certificates: (1) Mediation Certificate and (2) Dispute Resolution Certificate; each certificate program requires the student to complete 18 academic credit hours within the appropriate time limitation. The requirements for these certificate programs are set forth below.

A. Mediation Certificate

Individuals enrolled in the Mediation Certificate Program must successfully complete a minimum of 18 semester hours to achieve a certificate. An Advisor will work with each student to design their individual certificate program. The Mediation Certificate has the following requirements:

- **Core Curriculum Component:** The core curriculum, consisting of the Dispute Resolution course, Negotiation course and Mediation Training class, must be completed at Capital University Law School.
[7 semester hours]
- **Practice & Scholarship Component:** The practice and scholarship consists of mediation clinic, externship and an academic paper. These requirements are coordinated and evaluated by Capital University Law School. [View the Planning Workbook for Mediation and Dispute Resolution Candidates \(PDF\)](#).
[7 semester hours]
- **Specialization Component:** The specialization component allows individuals to focus on mediation practice areas of interest of them. Specialization academic courses and/or training classes may be completed at Capital University Law School or other pre-approved education institutions and/or training providers.
[4 semester hours]

Academic Courses & Training Classes	Semester Hours
Dispute Resolution (Law 902)	2

Negotiation (Law 904)	2
Intensive Mediation Training	3
Mediation Clinic	3
Externship	2
Writing Requirement	2
Academic Course and/or Training Class Electives	4
	18

Courses are not offered every semester and many have prerequisites; students are responsible for determining whether they have met the prerequisite for whatever course they select.

B. Dispute Resolution Certificate

Individuals enrolled in the Dispute Resolution Certificate Program must successfully complete a minimum of 18 semester hours to achieve a certificate. An Advisor will work with each student to design their individual certificate program. The Dispute Resolution Certificate has the following requirements:

- **Core Curriculum Component:** The core curriculum, consisting of the Dispute Resolution course, Negotiation course and Mediation Training class, must be completed at Capital University Law School.
[7 semester hours]
- **Practice & Scholarship Component:** The practice and scholarship consists of dispute resolution clinic, externship and an academic paper. These requirements are coordinated and evaluated by Capital University Law School. [View the Planning Workbook for Mediation and Dispute Resolution Candidates \(PDF\)](#).
[7 semester hours]
- **Specialization Component:** The specialization component allows individuals to focus on dispute resolution areas of interest of them. Specialization academic courses and/or training classes may be completed at Capital University Law School or other pre-approved education institutions and/or training providers.
[4 semester hours]

Academic Courses & Training Classes	Semester Hours
Dispute Resolution (Law 902)	2
Negotiation (Law 904)	2
Intensive Mediation Training	3
Dispute Resolution Clinic	3
Externship	2
Writing Requirement	2
Academic Course and/or Training Class Electives	4
	18

2.6.09 Changes in Required or Elective Courses

The MDR Certificate Program Directors reserve the right and do periodically change course requirements as well as add and delete courses. Students are required to meet the requirements in effect at the time they begin the MDR Certificate Program, unless otherwise provided by the MDR Certificate Program Directors.

2.7 MDR Certificate Program Course Descriptions

The following are the required and elective courses within the MDR Program. Descriptions for all courses offered by the law school may be found at <https://cullsnet.law.capital.edu/Registrar/CourseDescriptions/>

- 902 Dispute Resolution
- 904 Negotiation
- 9000 Intensive Mediation Training
- 941 Mediation Clinic
- 1944 Externship
- 9100 Writing Requirement
- 813 Labor Arbitration
- 903 Business Negotiations
- 905 General Arbitration
- 911 Divorce Mediation

- 913 Health Care & Dispute Resolution
- 907 Multi-Disciplinary Dispute Resolution
- 9000 Handling Workplace Conflicts

Note: these course descriptions are subject to change at the discretion of the Law School and/or MDR Certificate Program Directors.

Chapter 3.0

Financial Regulations

3.1 Tuition and Fees

3.1.01 Tuition and fees listed below are in effect for the 2008-09 academic year.

A. Application Fee--This is a non-refundable fee submitted with an application to Capital University Law School:

\$35

B. Bad Check or Credit Card Charge--

\$15

C. Deferred Payment Fee--A deferred payment plan is available to both full-time and part-time students. Typically, this option is utilized by graduate law program students in the case of tuition reimbursement by an employer whose policy requires it to see the grades prior to reimbursement. Utilizing this option permits the student to register for the next semester's classes although they have not yet paid for the current semester. Deferred payment forms are available in the Registrar's office. Students utilizing this option must provide written notice of this fact to the Finance Office on main campus. All one-time fees must be paid in the first installment:

\$25

D. Delinquent Payment Fee--This fee is assessed when a student is delinquent in making tuition payments:

\$75

E. Late Registration Fee--A student may register for a class up to one week following the commencement of a semester:

\$50

F. Transcripts--Transcripts of work undertaken at Capital Law School may be obtained by writing to the Office of Records & Registration of the Law School. Each student receives one (1) free copy of his or her transcript at graduation. A charge is made for each additional transcript:

\$5

G. Tuition Per Semester Hour-- Tuition increases, if they occur, occur in May of each year. In view of the economic situation and the increasing costs of education, an increase of approximately 3%-6% can be anticipated for each year in the foreseeable future. The current rate per semester hour for MDR Certificate Program students is:

\$546.00

H. Audit Fee-- This fee is charged to all individuals who have been approved to audit courses at Capital University Law School pursuant to the Audit provisions of the Law School: Members of the bar, graduates from approved law schools, and in limited circumstances other college

graduates, may be admitted at the discretion of the Director to enroll as auditors. Normally, an auditor is expected to prepare all assignments and to participate in classroom discussion, but takes no examinations and receives no academic credit.

Alumni or current students: ½ Tuition of Law Student rate

Non-Alumni: Full Tuition

N. Late Registration Fee—Students will be assessed a late fee if they register for classes after the final deadline which will be set forth in each semester’s registration packet. The late fee is: \$50.00

3.2 Delinquency in the Payment of Tuition and Fees

3.2.01 Registration must be completed and full payments of tuition and fees must be made on the billing due date, which typically is three weeks before the beginning of a semester or on the first day of classes of a summer session. Students on a deferred payment plan approved by the University comply with this section if they make the initial payment by the billing due date and make all subsequent payments at the time prescribed by the University. Students making deferred tuition payments who are late paying an installment are required to pay tuition fees in full, upon demand by the University.

3.2.02 Students who fail to pay accounts when due are delinquent in their obligations to the University and are subject to involuntary administrative withdrawal from the MDR Certificate Program.

A. Students so withdrawn will not be readmitted to classes until the semester or Summer session after the withdrawal, and must be current with financial obligations at that time.

B. In no case will a student who is not fully current with financial obligations be permitted to register for a subsequent semester or Summer session, receive copies of transcripts, or complete requirements for a degree.

3.02.03 A student who is delinquent in returning books and paying fines to the law library will have his or her certificate withheld until the books have been returned to the library and any outstanding fines or charges have been paid.

3.3 Tuition Refund Schedule

3.3.01 To withdraw from an individual course or to withdraw completely from the MDR Certificate Program, the student must complete and submit the appropriate form to the Office of the Registrar. No refund will be made without such official written notification.

For a student who officially withdraws from the MDR Certificate or from a Law School course or courses during a semester or term, the amount of tuition due to the Law School is determined by the student’s official withdrawal date as set by the Office Records & Registration. The amount of the refund is calculated based upon the withdrawal date as follows:

For the Fall and Spring terms

-drop or withdrawal through the 2 nd week of the semester	100%
-drop or withdrawal through the 3 rd or 4 th week of the semester	75%
-drop or withdrawal through the 5 th or 6 th week of the semester	50%
-drop or withdrawal after the 6 th week of the semester	0%

For the Summer term

-drop or withdrawal through the 1st week of the semester	100%
-drop or withdrawal through the 2nd week of the semester	75%
-drop or withdrawal through the 3rd week of the semester	50%
-drop or withdrawal after the 4 th week of the semester	0%

- For purposes here, “week” refers to a seven (7) calendar-day period.

Refund details for courses taken in the “intensive format” will be given in each semester’s registration materials on the Financial Information page.

Any payments or credits that exceed the amount of charges and tuition due will be refunded by the University within 30 days of the student’s official withdrawal date. Refunds must be requested from the Finance Office. Otherwise, a credit will be issued toward the next semester’s fees.

No tuition may be refunded for a withdrawal that is made without the permission of the Dean.

Students who withdraw from one or more, but not all, courses receive refunds based on the percentage listed above for each course for which a withdrawal has been approved.

Any payments or credits that exceed the amount of charges and tuition due will be refunded by the University within 30 days of the student's official withdrawal date. Refunds must be requested from the Finance Office. Otherwise, a credit is issued toward the next semester's fees.

No tuition may be refunded for a withdrawal that is made without the permission of the MDR Program Certificate Directors. Students who withdraw from one or more, but not all, courses receive refunds based on the percentage listed above for each course for which a withdrawal has been approved.

Chapter 4

Student Affairs

4.1 Rules of Discipline

4.1.01 Capital University and the Law School expect of its students, regardless of program, loyal cooperation in the development and maintenance of the high standards of ethics and conduct, as well as those of scholarship.

4.1.02 Ethical obligations of MDR Certificate Program students begin when the application for admissions is submitted. Students are asked several questions that may be relevant to ethical character, including:

A. Have you ever been apprehended, arrested, cited, or given a ticket for, charged with, or convicted of any crime or offense, including civil or criminal contempt? Answer this question irrespective of whether the incident was a felony or misdemeanor. You need not disclose minor traffic offenses that were not connected with the use, abuse or possession of alcohol, drugs, or other chemicals, or incidents that, in fact, have been officially expunged. Have you ever been court-martialed or charged with fraud? If you answered yes, please provide a written explanation even if the arrest, charge, apprehension, citation, ticket, or conviction was later dismissed, withdrawn, reduced, dropped, or diverted. You need not disclose incidents that occurred prior to the age of 18.

B. Have you ever been suspended, expelled, discharged, or asked to resign from any school, employment, professional organization, or public office?

C. Have you ever been in bankruptcy, had a license denied, suspended, or revoked, had a bond canceled, or been declared incompetent by any court?

Applicants for admission are required to answer these questions truthfully and fully. Applicants and MDR Certificate students have a continuing duty to inform the law school of any and all changes to the answers to these questions. The failure of a student to make such a disclosure may result in revocation of admission or disciplinary action by the Law School.

4.1.03 Because of the ethical obligations imposed on students, the Law School reserves the power to compel the withdrawal of any student whose conduct at any time is not deemed to be satisfactory. Entrance by the student is deemed to be acknowledgment of this power.

4.1.04 These expectations are implemented in part by the Honor Code of Capital University Law School. All students, including MDR Certificate students, are expected to know the Honor Code and are bound by it.

4.1.05 However, the Honor Code does not exhaust the Law School's expectations and requirements as to ethical conduct of its students. Students are expected to know relevant codes

of conduct, and infringement of these codes may subject students to administrative discipline apart from Honor Code proceedings.

4.2 Capital University Law School Academic Honor Code

4.2.1 Preamble

4.2.2 Jurisdiction

4.2.3 Honor Committee

4.2.4 Students' Rights and Responsibilities

4.2.5 Violations

4.2.6 Procedure in Case of Alleged Violation

4.2.7 Appeals

4.2.8 Other Post Hearing Procedures

4.2.9 Conclusion

This Honor Code should be read in its entirety and its provisions taken seriously. Penalties for violation of the Honor Code can be severe, up to and including expulsion. Students are advised to pay particular attention to Section 4.2.4, Students' Rights and Responsibilities, including the right to retain counsel.

4.2.1 Preamble

4.2.1.01 We, the faculty and students of Capital University Law School, in recognition of our obligations as members of a profession that is responsible for the administration of justice in our society, affirm our belief in the following precepts:

- A. It is essential to the welfare of the legal profession and people whom it serves that the integrity of all of its members be beyond reproach at all times;
- B. There is, beyond purely professional considerations, an overriding moral obligation to conduct the learning process in an ethical fashion;
- C. The success or failure of an Honor Code is dependent on the willingness of those governed by it to enforce it. If the Honor Code is to be effective, each student must make a personal commitment to comply individually with its provisions and must accept the responsibility of assuring compliance by other students. A student's sense of justice and integrity should obligate him or her to report violations of the Honor Code in order to preserve the academic integrity of the Law School.

Relying upon the above precepts, we hereby adopt the following rules and procedures as the Academic Honor Code of Capital University Law School.

4.2.2 Jurisdiction

4.2.2.01 The Honor Code

A. The Code shall serve as the basis for determining whether a Code violation has occurred and shall govern alleged violations of the Code. The Code applies to all students enrolled at Capital University Law School, all graduate programs, and those students enrolled in the Certified Legal Assistant Program and MDR Certificate Program.

B. THE HONOR CODE ALSO APPLIES TO A FALSE STATEMENT ON ANY APPLICATION SUBMITTED TO CAPITAL LAW SCHOOL.

4.2.2.02 Withdrawal/ Dismissal

A. The withdrawal of a student from the Law School, including the MDR Certificate Program, or the dismissal of the student for reasons of academic deficiency OR for other reasons, does not prevent Honor Code proceedings from continuing.

B. A STUDENT WHO HAS WITHDRAWN OR BEEN DISMISSED WITH HONOR CODE PROCEEDINGS PENDING IS ENTITLED TO HAVE THE ALLEGATIONS OR CHARGES ADJUDICATED. UPON TIMELY REQUEST, THE HONOR CODE COMMITTEE MUST ADJUDICATE THE ALLEGATIONS OR CHARGES OR DISMISS THE CASE.

4.2.2.03 Scope

A. This Honor Code does not limit the power of the University, the Law School, the Faculty, the MDR Certificate Program Directors, or the Dean to take action that any of them has the power or the duty to take. Specifically this includes but is not limited to:

1. the decision regarding the certification of good moral character of a candidate for the Bar;
2. sanctions imposed on students who are determined to have violated the Code of Professional Responsibility or University or Law School rules, regulations, and policies.

4.2.3 The Honor Committee

4.2.3.01 The Honor Committee is composed of three (3) full-time faculty members chosen by the Law School Faculty or by the Dean; the Day Vice-President of the Student Bar Association (hereinafter SBA); the Night Vice-President of the SBA; and two (2) other students selected by the SBA.

4.2.3.02 If a member of the Committee is unable to serve, the faculty replacements maybe selected by the Dean, and student replacements may be selected by the SBA.

4.2.3.03 One of the three faculty members, chosen by the Dean, shall serve as the faculty co-chairperson of the Honor Committee. The SBA Day Vice-President shall serve as the student co-chairperson of the Honor Committee. The faculty member shall preside over the hearings. The SBA Day Vice-President shall preside at all other times.

4.2.3.04 The Honor Committee shall designate two members (one faculty member and one student member) as investigators. Neither of the co-chairpersons shall be designated as investigators.

4.2.4 Students' Rights and Responsibilities

4.2.4.01 Student Right to a Statement of the Charges

An accused student has the right to a clear, concise statement in writing of the charges THAT INCLUDES THE SPECIFIC PROVISIONS AND SECTION NUMBERS OF THE HONOR CODE THAT ARE ALLEGED TO HAVE BEEN VIOLATED.

4.2.4.02 Student Right to Counsel

An accused student has the right to be represented by counsel or a representative of the student's choice retained by the student at the student's expense. The accused student may be accompanied by an attorney or other representative at the hearing. (The attorney or other representative must not be employed by Capital University.) The attorney or other representative may participate at the hearing subject to the rulings of the panel chair.

4.2.4.03 Student Rights and Responsibilities in the Event of a Hearing.

In the event of a hearing before the committee, an accused student has the right to:

- A. Adequate notice to prepare any defense for the Honor Committee hearing the student wishes to offer;
- B. A personal appearance before the Honor Committee;
- C. Present oral, documentary, or other evidence in the student's behalf;
- D. Make an opening and closing statement to the committee;
- E. Examine and cross examine witnesses;
- F. Seek the assistance of the committee in requesting the presence of witnesses and the production of documents or other evidence;
- G. Make sworn or affirmed statements before the committee;
- H. A presumption of the student's innocence until a majority of the committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of this code; and
- I. A copy of the committee's decision in writing, timely upon rendition.

4.2.4.04 The student may waive any right conferred by giving notice of such waiver in writing to the committee. The student WAIVES the rights in IN 4.2.4.03(B),(C),(D),(E) AND (G) if the student fails to appear at the hearing without good cause after being duly served.

4.2.5 Violations

4.2.5.01 Cheating on Exams

A. No student shall give or receive aid during any examination.

B. No student shall attempt to give or receive aid during any examination.

C. Definition:

1. "Aid" means information from any source or help of any nature not specifically permitted by the instructor.

2. "Give or receive" means voluntary transmission or receipt of aid in any manner, and includes (but is not limited to) receipt or aid from persons, notes, books, or objects.

4.2.5.02 Improper Cooperation on Outside Work

A. No student shall cooperate with another student, or solicit cooperation from or offer cooperation to another student, in the preparation of outside work assigned to both, unless cooperation on that specific assignment has been expressly permitted by the instructor.

B. No student assigned outside work shall solicit or receive cooperation or assistance in the preparation from persons, sources, or objects (including but not limited to computers), where such cooperation or assistance on the specific assignment has been expressly forbidden by the instructor.

C. Definitions and Explanations:

1. "Preparation of outside work," as used in this section means work involved in or leading to either:

a. The production of any written material required to be produced by the student outside of class, as part of a course, and which is to be submitted to and graded by the instructor; or

b. Preparation for any moot court, mock trial, or oral presentation, which is to be conducted as an assigned and graded portion of a course.

2. Preparation includes, but is not limited to the discussion, analysis, or identification of legal issues, format, concepts, sources, and theories pertaining to outside work assigned.

3. “Assigned to both” means that both are required to simultaneously work on the same or opposite sides of the same case or question, or on the same or opposite sides of different but highly similar cases or questions.

D. This section does not apply to:

1. Preparation of ordinary assignments, no matter what research they may require. An assignment is “ordinary” within the meaning of this subsection if it involves neither preparation of a special written project nor preparation for a moot court or mock trial.

2. Such exchange or information as may occur through the observation of the titles of books being read by a student.

3. Such cooperation or attempted cooperation as may occur by the giving, receiving, or soliciting of information as to the location of particular books, sets of books, or types of books.

4.2.5.03 Plagiarism

A. No student shall submit any of the following for credit:

1. work in which a significant portion was prepared by another person,

2. work copied, in whole or in part, whether word for word or in substance, from the work of another person without clearly identifying it as the work of another with appropriate quotation marks and footnotes or with an appropriate written explanation and attribution.

B. A student may not offer for credit any work the student has previously or contemporaneously prepared for compensation, offered for credit, or prepared for any other purpose unless the student secures the instructor’s written permission in advance of submission.

4.2.5.04 Fraudulent or Deceitful Conduct

No student IN HIS OR HER CAPACITY AS A LAW SCHOOL STUDENT, including MDR Certificate Program student, shall engage in an act, practice or course of conduct, which acts as a fraud or deceit or attempted fraud or deceit on the Law School or any of its faculty members or students.

4.2.5.05 Misappropriation or Destruction of Property

A. No student shall misappropriate or destroy, or attempt to misappropriate or destroy, the property of the school, the property of another student, or the property of a faculty or staff member.

B. “Misappropriate” includes the intentional and unauthorized use, taking, keeping, or concealing of property for any period of time. This offense does not include unintentional failure to return properly checked out library materials within the authorized time period.

4.2.5.06 Improper Knowledge of Contents of Examination

A. No student shall voluntarily acquire any knowledge of the content of a forthcoming examination without authorization from the instructor.

B. No student who has voluntarily or involuntarily acquired knowledge of the contents of any forthcoming examination without authorization from the instructor shall fail to report this fact to the instructor immediately.

C. No student who has taken an examination, and who knows that one or more other students are to take the same examination at a later time, shall disclose the contents of said examination, until after all students in the course have taken the examination.

4.2.5.07 Non-Disclosure

No student shall fail to report any violation of the Honor Code, which he or she knows or reasonably believes has occurred. A report to any member of the Honor Committee shall be sufficient compliance with this subsection. See Section 4.2.6.02. Initial Report.

4.2.5.08 Violation of Secrecy

A. No student who is a member of the Honor Committee or who makes a report to the Honor Committee under section 4.2.6.02 of the Honor Code, or who is called upon to give information to or testify before the Honor Committee shall divulge any information as to any proceedings of either, except as expressly authorized in the Honor Code. This subsection shall be read at the start of every meeting of the Honor Committee.

B. The secrecy requirement applies to all stages of the proceedings and continues where there is no finding of guilt. After a final finding of guilt and judgment of penalty, the secrecy requirement shall terminate in all causes.

4.2.5.09 Perjury

A. No student shall intentionally give false information in any investigation or hearing under the Honor Code.

B. No student shall make a report under 4.2.6.02 unless the student reasonably believes a violation of the Honor Code may have occurred.

4.2.5.10 Unauthorized Alterations

No student shall make any changes, without authorization from the instructor, in any writing submitted for a grade after the student has turned in the writing.

6.2.5.11 Noncompliance with Examination Time Limits

A. NO STUDENT SHALL WRITE ANYTHING OTHER THAN IDENTIFYING INFORMATION ON AN IN-CLASS EXAMINATION UNTIL THE INSTRUCTOR OR PROCTOR HAS INDICATED THAT IT IS APPROPRIATE TO DO SO. THIS PROHIBITION INCLUDES ACRONYMS, MNEMONIC DEVICES AND LISTS.

B. No student shall continue to write on an in-class examination after the instructor or proctor has indicated that the time for completion has expired.

4.2.5.12 Request to Provide Information

No student, without authorization from the instructor or proctor, shall fail to respond to a request from the Dean or the Associate Dean or the Honor Committee or its Co-Chairpersons to provide information relevant to Honor Code proceedings.

4.2.6 Procedure in Case of Alleged Violation

4.2.6.01 In General

Honor Code proceedings are neither criminal nor quasi-criminal in nature. The committee is not bound by rules of evidence or procedure except as provided in this Code. The goal of the proceedings is to arrive at the truth through a fair and prompt resolution of reported violations.

4.2.6.02 Initial Report

A. A student, faculty member, administrator, or other person who has reason to believe that a violation has occurred reports such to any member of the Honor Code Committee. A faculty member or administrator should make his or her report in writing. Students may make an initial report in either of two (2) ways:

1. Submission of a written report to an Honor Committee member. The Honor Committee may provide a form on which the report can be submitted.
2. Give an oral report to a member of the Honor Committee. The Honor Committee member to whom an oral report is made should memorialize the report in writing as soon as possible after the report and request that the reporting student sign the report.

4.2.6.03 Initial Review

A. The Committee investigators shall review the matter and conduct a preliminary investigation. They may consult with the alleged violator, any faculty member or administrator in whose course or activity a violation may have occurred, and any other person who might have relevant information to provide.

B. After the preliminary inquiry, the investigators conclude whether or not it is likely that a violation occurred. If the investigators do not conclude that it is likely that a violation occurred, the matter is terminated. If the investigators conclude that it is likely that a violation occurred, the committee investigators have two (2) options (option A or option B):

1. OPTION A: In case of less serious violations (those unlikely to be punishable by expulsion or suspension), they may refer the matter to the Dean who then conducts an informal hearing to determine the guilt or innocence of the student(s) accused of the violation(s). In deciding whether to pursue this alternative, the investigators primarily shall consider whether the offense is punishable by expulsion or suspension. Other factors to consider are:

- a. the need for a quick resolution of the problem;
- b. the need for quietly resolving a matter;
- c. the potential for unbiased resolution by the Dean;
- d. the inherent complications of a particular alleged violation;
- e. the difficulties in any given case of the Dean needing inordinate amounts of time to resolve a matter;
- f. the desires of the alleged violator(s); and
- g. any prevailing exigent circumstances, which normally are limited to the instances such as the pending graduation of the alleged violator(s) or witness(es) and the pendency of examinations or vacation periods.

2. OPTION B: In the case of more serious violations (possibly punishable by expulsion or suspension), the matter ordinarily shall be referred to the Honor Committee. It will conduct an informal hearing to determine the guilt or innocence of the student(s) accused of the violations.

C. In determining which option to pursue, the Committee investigators ordinarily shall consult with the Dean.

D. The investigators promptly shall write a concise summary of the statement of the charges which promptly shall be delivered to the student, along with a copy of the Honor Code.

E. A student may submit six (6) copies of a “statement of position” to the Honor CODE Committee. The statement will become part of the record. The statement of position MAY include:

1. the student’s signed response to the statement of charges;
2. tangible and documentary evidence;
3. names of witnesses, the substance of their testimony or their substantially verbatim statements;
4. any other relevant evidence or statements the student wishes the Honor Committee to consider.

4.2.6.04 Hearing

A. The hearing, conducted pursuant to either Option A or Option B, is to be held as promptly as the circumstances allow. The hearing is more analogous to a fact-finding administrative hearing than to a judicial trial.

1. The Dean or the Honor Committee conducting the hearing may consult with the alleged violator(s), the investigators, the faculty member or administrator in whose class or activity the alleged violation occurred, and any other person who might have relevant information to provide.

2. The decision of the Dean or of the Honor Committee conducting the hearing is based on the rules of the Law School and the evidence adduced at the hearing.

3. The Law School Administration must make every reasonable effort to secure the presence at the hearing of any witness whose attendance is desired by the Dean or Honor Committee conducting the hearing, or by the accused student.

4. See Section 4.2.4 for a list of student rights and responsibilities.

5. The investigators may not participate in the Honor Committee's deliberations, and they may not vote.

6. A record shall be kept of the hearing.

4.2.6.05 Sanctions

A. If the Dean or a majority of the Honor Committee conducting the hearing determines, by clear and convincing evidence, that a violation has occurred, and that the accused student committed the violation, then the Dean or the Honor Committee decides upon the appropriate sanctions to be imposed by the Dean.

1. On occasion, the consequences imposed on an accused student may be limited to the context of the course or activity in which the violation occurred.

2. On other occasions, there may be other or additional consequences such as a requirement to make restitution, reprimand, disciplinary probation for a fixed or indefinite period of time, suspension for a fixed or indefinite period of time, or expulsion.

3. If a student is found to have violated the Honor Code, the Dean or the Honor Committee conducting the hearing may recommend that this fact and the sanction imposed be entered or not be entered on the student's official transcript.

4.2.6.06 Written report of the hearing

A. After a hearing, the Dean or the Honor Committee conducting the hearing writes a report that states the decision, the reasons for the decision, and the sanctions to be imposed, if any. The report, together with any records of the hearing, is given to the Dean. The Dean decides whether and in what form the decision shall be made public, and whether or not to enter on the student's transcript the fact that the student was found to have violated the Honor Code and the sanction imposed.

B. The dean shall deliver a copy of the Honor Committee's report to the student.

C. Sanctions of suspension and expulsion are always entered on the student's transcript; other sanctions may or may not be so entered. The Dean also makes provision for the retention, return, or destruction of records of the hearing.

4.2.6.07 Loss of Privileges

A. Students who are found to have violated the Honor Code and who have received a sanction of probation, suspension, or expulsion are not permitted to receive financial aid from Capital University, and are not permitted to engage in extracurricular activities during the period of the probation.

B. Violators who receive a less severe sanction may be prohibited from receiving financial aid from Capital University and may be prohibited from engaging in extracurricular activities for a fixed or indefinite period of time.

C. Any courses taken at other universities during the period of suspension or expulsion will not be credited toward obtaining a certificate from the MDR Certificate Program.

4.2.7 Appeals

4.2.7.01 In General

A. The Appeals Committee shall be composed of two faculty members and one student member.

B. The Dean annually shall appoint the two faculty members, including a chair. The SBA annually shall appoint the one student members. Preferably, at least one member of the Appeals Committee shall have served on the committee in the preceding year.

C. The student shall have one appeal as of right from any decision of the Honor committee to the Appeals Committee. The Appeals Committee shall make any decision by a majority vote.

4.2.7.02 Grounds for Appeal

The grounds for appeals are:

- A. The failure to substantially comply with procedural provisions of the Honor Code, thereby resulting in prejudicial error; or
- B. A clearly erroneous interpretation of the code, thereby resulting in prejudicial error; or
- C. A recommended penalty that is too severe in light of the circumstances.
- D. The Honor Committee's findings of fact are clearly erroneous.

4.2.7.03 Procedure for Appeals and New Hearing

- A. The student shall file a timely notice of appeal, and within a short time thereafter shall file a memorandum setting forth all of his or her arguments. The co-chairs of the Honor Committee shall establish reasonable deadlines for the filings of the notice of appeal and memorandum and notify the student thereof.
- B. The Appeals Committee shall meet as soon as possible to determine whether to grant or deny the appeal. At this meeting, the Appeals Committee shall review the record and report of the Honor Committee hearing and the student's memorandum. The Appeals Committee shall invite the student (and his or her lawyer) and the members of the Honor Committee to appear before the Appeals Committee to give further explanation of their positions and respond to questions of the Appeals Committee members. The Appeals Committee shall determine the procedures to be used at the hearing including, for example, time limitations and the receipt of responsive memoranda.
- C. If the Appeals Committee sustains the appeal, it shall memorialize the reasons for doing so. The Appeals Committee shall then either make a final decision or remand the case to the Honor Committee for further proceedings that are consistent with the decision of the Appeals Committee, which may include a new hearing. Upon remand, the Honor Committee shall meet and comply with the instructions of the Appeals Committee.

4.2.8 Other Post-Hearing Procedures

- 4.2.8.01 After all appeals to the Appeals Committee are final, the Appeals Committee shall transmit all records to the Dean. The student may request that the President of the University or the President's delegate review the Appeals Committee decision. The only basis for this review is the failure to substantially comply with the procedural provisions of the Honor Code, resulting in prejudicial error.
- 4.2.8.02 A hearing that results in a finding of a violation can be reviewed by the Dean or by the Honor Committee upon the discovery of new evidence that casts doubt on the earlier finding. The new hearing can be conducted under either Option A or Option B.
- 4.2.8.03 A former student who has been expelled or indefinitely suspended after having been found to have violated the Honor Code may apply for readmission as a new student. Such readmission is uncommon, and can be granted only by a majority vote of the law school council.

The burden is on the former student to prove that circumstances since the Honor Code violation indicate that the former student is now of good moral character and is highly unlikely to commit another ethical lapse. Because of this burden, several years typically elapse before the faculty entertains a petition for readmission.

4.2.9 Conclusion

This document was the product of collaboration between students and faculty, and was composed in the spirit of cooperation.

4.3 Rules of Professional Conduct

The Rules of Professional Conduct, the Model Standards of Conduct for Mediators, and the Ohio Uniform Mediation Act are expressly incorporated by reference into this Manual, as if all of its provisions were specifically set forth herein.

4.4 Nondiscrimination Policy

It is the policy of Capital University to admit students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the University. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other university administered programs.

4.5 Procedure to Implement the University's Sexual Harassment Policy in Cases of Complaints Against Law Students

Scope

The procedure is intended to clarify the investigation and enforcement provision set out in the University's Policy on Sexual Harassment when the alleged violator of the policy is a law student. These procedures apply if the complainant is a student, staff member, administrative personnel, or faculty member.

Privilege

Communications with members of the faculty and staff are not privileged. Communications with the Law School Counselor are privileged to the extent permitted by law.

4.10.01 Commencing a Complaint

A. A complaint that a law student has violated the University's Policy on Sexual Harassment should be reported to the appropriate authority. For this purpose the appropriate authority is the Dean or the Dean's designee.

B. The Dean or Dean's designee should provide a copy of the Policy and these procedures to any student, staff member, or faculty member who believes that he/she has experienced a violation of the Policy. While the Dean or Dean's designee should not advise the complainant on the validity of the complaint or act as the complainant's adviser or counselor, the Dean or Dean's designee should render assistance necessary to enable the complainant to proceed with either an informal or formal complaint.

C. The Dean or Dean's designee should inform the complainant of the following options:

1. Commencing informal investigation and negotiations to resolve the complaint (see 4.10.02);
2. Filing a formal complaint with the Dean (see 4.10.03);
3. Making a police report, filing an action outside the University (e.g., with the EEOC, Ohio Civil Rights Commission, Department of Education, or court of law), or both.

D. The Dean or Dean's designee should inform the complainant that:

1. A decision to proceed informally does not preclude the filing of a formal complaint at some later time.
2. The filing of an informal complaint is not a prerequisite to a formal complaint.
3. Internal University actions do not extend filing deadlines (e.g., statutes of limitations) relating to actions outside the University.
4. The alleged harasser normally does not have to be informed of the complainant's identity if the complainant chooses the informal complaint process (see 4.10.02 B), but the alleged harasser must be informed of the complainant's identity if the complainant chooses the formal complaint process (see 4.10.03 C); and
5. Action by the Law School on the complaint may be necessary, even if not requested by the complainant. Such actions normally will not be taken without informing the complainant in advance of such action.

E. Once the Dean or the Dean's designee has discussed with the complainant the nature of the complaint and the options set out above, the complainant shall elect what process to follow.

If the complainant elects to pursue an informal resolution of the complaint, the procedures set out in 4.10.02 shall be implemented.

If the complainant elects to file a formal complaint, the procedures set out in 4.10.03 shall be implemented.

If the Dean determines that, taking the facts alleged as true, those facts reveal a substantial violation of the Policy, or a repeat violation of the Policy such that the Dean may be obligated to report the matter to the Bar, the Dean may proceed with an investigation over the complainant's objections.

4.10.02. Informal Resolution

A. If the complainant wishes to pursue informal resolution of the complaint, the Dean shall appoint a member of the faculty or administration to pursue an informal resolution (the “negotiator”). The goal of the informal resolution is to gather basic facts about the alleged conduct and negotiate a mutually agreeable resolution to the complaint.

B. Upon receiving an informal complaint, the negotiator will discuss with the complainant the behavior that prompted the complaint; the issues involved in the complaint; the need for investigation of the complaint; and possible resolutions of the complaint. The negotiator should obtain the complainant’s consent for informing the alleged harasser of the complaint. The complainant should be informed that the Law School’s ability to take any action is severely limited in situations where the alleged harasser is not apprised of the complaint (see F, below).

C. The scope of the investigation should be at the negotiator’s discretion. Normally, the negotiator should meet with the complainant, the alleged harasser, and any other witnesses the negotiator deems helpful. Normally, the negotiator will propose a resolution of the dispute and discuss this proposal with the parties. The investigation and negotiation of informal complaints should normally be concluded within twenty-one (21) calendar days after they are made. When this is not possible, the negotiator processing the complaint should notify the parties of the delay and the reasons for such delay.

D. Normally, within ten (10) business days of concluding the investigation and negotiation, the negotiator will notify the Dean, the complainant, and the alleged harasser (except in instances of where confidentiality has been promised), in writing that the investigation has been concluded and if a resolution has been reached. When this is not possible, the report should be made as soon as possible thereafter.

E. Where an informal resolution is reached, it must be approved by the Dean. If an informal resolution is not reached, or if the complainant is not satisfied with the informal resolution, she/he again should be advised of the option of filing a formal complaint with the Dean and of the existence of options outside the University.

F. In the exceptional case where the alleged harasser is not notified of the complaint, the investigator may still investigate and report to the Dean, but may recommend only corrective action that is not a sanction against the alleged harasser (e.g., that the complainant’s class schedule be changed).

4.10.03 Process for Filing Formal Complaints

A. Normally, the formal complaint process is initiated by the filing of a formal written complaint by the complainant with the Dean. In exceptional circumstances, the Dean or the Dean’s designee can initiate the formal complaint process.

B. The Dean shall appoint a faculty member or administrator to be primarily responsible for the investigation of the complaint (the “investigator”).

C. The Dean or the investigator shall inform the alleged harasser of the allegations and identity of the complainant at the commencement of the process, and give her/him a copy of the policy and these procedures. The alleged harasser should be informed that retaliation against the complainant is unlawful and that the school will take steps to prevent and punish any retaliation that occurs.

D. The purpose of the investigation is to determine whether reasonable grounds exist to believe a violation(s) of the sexual harassment policy has occurred. The investigator will interview the complainant, the alleged harasser, and other persons with relevant information. The alleged harasser will be afforded full opportunity to respond to the allegations. Throughout the investigation, steps to preserve the confidentiality of all persons involved will be taken by the investigator.

E. Matters to be investigated include:

1. Whether the specific conduct alleged constitutes sexual harassment, including the type(s) of conduct; frequency of occurrence; date(s) or time period over which the conduct occurred; location of alleged occurrence(s); whether similar complaints have been made by others; and all factual circumstances upon which the complaint is based.

2. The specific relationship of the alleged harasser to the complainant (e.g., peer-adviser/advisee).

3. The effect of the alleged harasser's conduct on the complainant, including any consequences that may be attributed to the conduct.

4. Whether the alleged harasser was aware of the complainant's concern regarding the behavior.

5. Whether any prior steps were taken to resolve the complaint.

F. The possible outcomes of the investigation are:

1. A finding that a violation of the Policy occurred; or

2. A finding that no violation of the Policy occurred; or

3. A negotiated settlement of the complaint. A negotiated settlement of the complaint may be entered at any time during this process. A negotiated settlement must be approved by both parties and by the Dean.

G. Investigations of formal complaints should be concluded within thirty (30) calendar days after they are made. When it is not reasonably possible to conclude the investigation within that amount of time, the investigator will notify the complainant and the alleged harasser in writing of the delay and reasons for the delay.

H. Upon conclusion of the investigation of a formal complaint, the investigator will prepare a written report describing his/her (1) findings of fact; (2) finding as to whether a violation of the Policy occurred; and (3) recommendations as to appropriate sanctions (if a violation occurred). The investigator's recommendations as to appropriate sanctions must be approved by the Dean. The investigator will provide a copy of this report to both the complainant and the alleged harasser.

I. The parties will then be given the option to resolve the matter in accordance with the investigator's findings and recommendations. The parties will also be given the option to proceed to a formal hearing. If either party chooses to proceed to a formal hearing, that party must so notify the Dean in writing within 10 business days of receiving the investigator's report.

J. If either party notifies the Dean that he/she wants to proceed to a formal hearing, the Dean will appoint a panel of 5 persons. This panel shall be composed of three faculty members (one of whom shall be designated as the chair) and two students. All panel members shall have full voting rights. No person involved in the case (e.g., as a witness, investigator, or negotiator) shall be a member of the panel. The Dean will notify the parties in advance of who has been appointed to the panel, and the Dean will consider any objections that the parties may raise.

K. The panel shall conduct a hearing as promptly as circumstances will allow. The hearing shall be informal and not adversarial in nature, and will be more analogous to an administrative hearing than to a judicial trial.

1. Prior to the hearing, the panel may review the files and reports prepared by the investigator and negotiator.

2. The alleged harasser has the right to be present during the hearing, the right to question all witnesses, and the right to be present during the complainant's own witnesses and evidence.

3. The complainant and/or the alleged harasser may be accompanied by an attorney at the hearing. (The attorney must not be employed by Capital University.) The attorney may participate at the hearing, subject to the control of the panel chair.

4. The parties will be responsible for bringing their own witnesses and other evidence. The panel may also call witnesses, or provide assistance to the parties in obtaining witnesses.

5. The decision of the panel shall be by majority vote and shall be based on the policy and rules of the Law School and the evidence of the hearing.

L. The panel shall present its views in writing to the Dean on whether a violation of the Policy occurred. If a majority of the panel has found that a violation occurred, then it shall also recommend appropriate sanction[s]. The panel shall also provide the Dean with all files and records from the investigation and hearing. The panel's decision and recommendation are not binding on the Dean.

M. The Dean shall make the final decision on whether the alleged harasser violated the Sexual Harassment Policy. If the Dean decides that the alleged harasser did violate the policy, the Dean shall impose appropriate sanctions. These sanctions may take the form of counseling, verbal or written reprimands, notations in the student's file, notification of the appropriate Bar or Bars, suspensions, or other action, up to and including dismissal. The Dean's decision shall be provided to the parties in writing.

N. Within 10 business days of receiving the Dean's final decision, either party may request that the President of the University review this decision for either (1) material and prejudicial departure from established procedures; and/or (2) abuse of discretion.

4.10.04 Presence of Support Persons and Confidentiality

A. The complainant and/or alleged harasser may be accompanied at the initial complaint and subsequently as appropriate) by a friend, family member, attorney, or other individual whose presence is necessary to provide support.

B. To the extent possible, the Dean, Dean's Designee, the negotiator, the investigator and any hearing panel will treat as confidential all information received in connection with the filing, investigation, and resolution of complaints, except as necessary to conduct the investigation.

C. Anonymous complaints will only be permitted to trigger the informal complaint process. See Sections 4.10.01(D), 4.10.02(B), and 4.10.03(C).

4.10.05 Records

Any person conducting an investigation, whether formal or informal, shall maintain a record of the investigations and hearings, consent provided, evidence gathered, and the outcome of the investigation and hearings. Records of such investigation will not be maintained in personnel files or student files unless part of a corrective action approved by the Dean. Upon filing of a complaint outside the University, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

4.11 Procedure to Implement the University's Sexual Harassment Policy in Case of Complaints Against Faculty Scope

The procedure is intended to clarify the investigation and enforcement provisions set out in the University's Policy on Sexual Harassment when the alleged violator of the policy is a tenured faculty (including the Dean and Associate Dean) or tenure track faculty member. These procedures apply if the complainant is a student, staff member, administrative personnel or faculty member.

Nothing in this policy should be construed to limit or take away faculty rights as set out in the University Handbook. Rather these provisions should be construed to work in congruence with the Handbook.

4.11.01 Publicity

A. The Dean shall request that the Sexual Harassment Policy be published annually in Res Ipsa Loquitur.

B. Posters shall be created and displayed around the School highlighting the School's commitment to the policy. Additionally, a brochure shall be created and distributed explaining the Policy including distribution in the orientation materials given to first year students.

4.11.02 Appointment of Designated Contact Person and their Role

A. In addition to the Dean, three faculty members (selected with diversity concerns in mind) shall be designated as contact persons.

B. The Contact Person shall provide information on the policy to any student, staff member of faculty member who believes that he or she has experienced a violation of the Policy. In particular, the Contact Person should inform the complainant of the following options:

1. **FILING A FORMAL COMPLAINT:** the Contact Person shall distribute copies of the Policy, explain how and where a formal complaint can be filed, and the process (as set out in the University Handbook, Section 4.149--hereinafter Handbook) which a formal complaint would follow. While the Contact Person shall not advise the complainant on the validity of the complaint, the Contact Person shall render assistance sufficient to enable the complainant to file a complaint. The Contact Person shall also advise the complainant of his or her right to an adviser or counselor as set out in the formal policy (Handbook, Section 4.149 E6), however, the Contact Person may not serve in that role; and

2. **MAKING AN INFORMAL COMPLAINT TO THE DEAN:** the Contact Person shall explain that the complainant could report the matter to the Dean who could then take whatever steps the Dean felt were appropriate within his or her administrative authority.

The Contact Person shall also make clear the distinctions between the two processes. The Contact Person should make clear that the complainant's decision to proceed with an informal complaint does not preclude his or her right to file a formal complaint.

4.11.03 Reporting Responsibilities, Anonymity and Confidentiality [Contact Person]

A. If the complainant elects to file a formal complaint, the provisions of the formal complaint process (Handbook, Section 4.149 et seq.) shall control the degree of confidentiality accorded to such a complaint.

B. In all cases the Contact Person must report all alleged violations of the Policy to the Dean. The Contact Person shall explain this reporting responsibility to the complainant.

C. If the complainant so desire, the Contact Person can guarantee that the Contact Person will keep the complainant's identity anonymous for the purposes of the initial report and any initial investigation by the Dean. The Contact Person should inform the complainant that retaliation is prohibited and that if he or she fears reprisal, the Law School will take strong steps to prevent retaliation and will take strong responsive measures if retaliation occurs. The Contact Person shall explain that an anonymous allegation would carry less weight and be less likely to result in any administrative action. Further, the Contact Person shall inform the complainant that after the initial investigation, if there is probable cause to believe that the accused faculty member violated the Sexual Harassment Policy, the complainant's identity will be revealed and the accused faculty member will be given an additional opportunity to respond to the allegations.

D. The Contact Person shall also make clear to the complainant that the Contact Person cannot serve as the complainant's counselor or adviser. Additionally, the Contact Person shall inform the complainant that if the Contact Person is called to testify in an internal process, he or she will have to reveal the content of their conversations and perhaps the identity of the complainant even if anonymity had been requested.¹

¹The Contact Person would not have an evidentiary privilege in Court and should not make any statements that would lead the complainant to conclude otherwise.

4.11.04 The Process to be followed when a Report is made to the Dean against a Faculty Member

A. When the Contact Person, or any member of the faculty, administration or staff² receives a complaint of a violation of the sexual harassment policy he or she must report the complaint to the Dean. [The reporting obligations of Contact Persons and members of the faculty are discussed in more detail in 4.11.03 and 4.11.05, respectively.]³

²The report recommends that not only the Contact Person and faculty, but also administrators and staff be required to report complaints to the Dean.

³If the Complaint is against the Dean, the complaint should be made to the provost or vice president. The process for grievances against the Dean is as set out in this Handbook.

B. On receiving a complaint from any source, the Dean must promptly investigate and vigorously pursue the complaint unless the Dean determines that the complaint does not fall within the definition of sexual harassment as set out in the Policy. If the Dean makes such a determination the complainant must be notified.

C. As part of this investigation, the Dean must ask the accused faculty member for comments on the complaint and shall provide the faculty member with basic information concerning the complaint. Basic information consists of the fact that a complaint has been made and a general description of the alleged behavior (e.g. persistently ridiculing male students in class; making sexually suggestive remarks to students at a student function); but will NOT include the complainant's name or identifying information unless the complainant has agreed to such disclosure.

D. At the conclusion of the Deans investigation, the Dean has three options:

1. To dismiss the charges as unfounded. If the Dean chooses this option, he or she will notify all parties of this decision. Once the statute of limitations for the filing of a sexual harassment law suit has expired, the Dean will destroy the record of the complaint and any investigation undertaken.

2. To seek the imposition of severe sanctions against the accused faculty member. If the Dean wishes to impose severe sanctions (i.e. dismissal for cause, suspension from service, reduction in rank, or reduction in salary for a stated period) the Dean must file a complaint under section 12.0 et seq. of the University Handbook and follow the process set out therein.

3. To impose non-severe sanctions on the faculty member (e.g. to place a reprimand in the faculty members file, to issue a warning, to change the faculty members class assignment, to require a colleague to observe the class for a stated period). If the faculty member is aggrieved or disagrees with the Dean's imposition of a non-severe sanction the faculty member may file a grievance against the Dean as provided for in the University Handbook Section 6.123 (allowing for grievances against an administrator for "a violation of university policy...that is damaging to the grievant" or for "a malicious, arbitrary or capricious action by the [administrator] that is employment related and damaging to the grievant.")

E. The Dean may pursue options B and C simultaneously (e.g. file a complaint seeking dismissal and in the interim change the teaching assignment of the faculty member).

F. After the Dean has completed the investigation, but before the Dean takes either step B and or C, the Dean must first inform the faculty member of the details of the alleged policy violation including the name of the complainant (this disclosure will occur even if the complainant requested initial anonymity). The Dean must also give the faculty member an additional opportunity (either in writing or orally) to respond to the complaint.

G. The complainant may at any time file a formal complaint under University Handbook, Section 4.149. If such a filing occurs the Dean may elect to continue the investigation, or delay it pending the outcome of the University's formal complaint process.

4.11.05 Reporting Responsibilities, Anonymity and Confidentiality [Faculty Members]

A. Any faculty member who receives a complaint that the Policy has been violated must report the complaint to the Dean. The faculty member shall explain this reporting responsibility to the complainant.

B. If the complainant so desires, the faculty member shall guarantee that he or she will keep the complainant's identity anonymous for the purpose of an initial report and any initial investigation by the Dean. The faculty member should inform the complainant that retaliation is prohibited and that if he or she fears reprisal, the Law School will take strong steps to prevent retaliation and will take strong responsive measures if retaliation occurs. The faculty member

shall explain that an anonymous allegation would carry less weight and be less likely to result in any administrative action. Further, the faculty member should inform the complainant that after the initial investigation, if there is probable cause to believe that the accused faculty member violated the Sexual Harassment Policy, the complainant's identity will be revealed and the accused faculty member will be given an additional opportunity to respond to the allegations.

C. The faculty member shall also make clear to a complainant that he or she cannot serve as the complainant's counselor or advisor. Additionally, the faculty member shall inform the complainant that the faculty member is called to testify in an internal process, he or she will have to reveal the content of their conversations and perhaps the identity of the complainant even if anonymity had been requested.⁴

⁴The Faculty Member would not have an evidentiary privilege in Court and should not make any statements, which would lead the complainant to conclude otherwise.

4.12 Student Records

Consistent with the federal Family Education Rights and Privacy Act (FERPA), as amended, Capital University recognizes certain rights of eligible students and parents of dependent students' educational records, as provided in this policy.

4.12.01 Definitions

A. An Educational Record means any record maintained by the University which is directly related to an enrolled student, except:

1. a personal record made by a University employee or agent which was made as a personal memory aid and is in the sole possession of the person who made it;
2. a record relating solely to an individual as an alumnus/a after the individual no longer attends or participates in an education activity for which the University awards a grade or credit;
3. medical and counseling records used solely for treatment, provided such records may be reviewed by a physician or other appropriate professional of the student's choice;
4. financial records of parents;
5. confidential letters and statements of recommendation for admission, employment or other recognition for which students have voluntarily waived their right of access.

B. Eligible Student means an individual who is or was enrolled as a student of the Law School and regarding whom the University maintains educational records. Applicants who are not admitted as students are not eligible students.

C. Parent means the natural and adoptive parents of students who are "dependents" under the Internal Revenue Code. When the parents of a dependent student are separated or divorced, the

University will accord the rights under this policy to each parent unless provided with a court order or legally binding document revoking such rights.

D. Legitimate Educational Interest means the demonstrated need to know by those officials of the University who act in the student's educational interest, including faculty, administrators, clerical and professional employees, and other persons who manage student record information.

E. Directory Information means information so designated by the Law School which reasonably would not be considered harmful or an invasion of privacy if disclosed, including a student's name, address (local and home), telephone number (local and home), date and place of birth, participation in officially recognized activities programs of study, dates of attendance, and degrees, certificates, awards and academic recognitions.

4.12.02 Rights of Eligible Students and Parents

Eligible students and parents have a right:

A. to inspect and review the student's educational records maintained by the University. The University is not required to furnish copies of such records unless they are unreasonably difficult to inspect personally, in which case the University reserves the right to charge a reasonable fee for such copies.

B. to request in writing that the University correct educational records believed to be inaccurate or misleading. If the records custodian refuses, the student or parent may request a student or parent may request a review by the provost or appropriate vice president after which, if University still refuses, the student or parent has a right to place a statement in the student's record commenting on the contested information. The right to challenge grades does not apply under this policy unless the assigned grade was inaccurately recorded.

4.12.03 General Rules of Non-Disclosure; Exceptions

A. Generally the University must have written permission from an eligible student or parent before releasing personally identifiable information from a student's educational record. However, the University may disclose without prior consent:

1. relevant information to University employees having a legitimate educational interest;
2. educational records of a student who is a dependent as defined in the Internal Revenue Code;
3. relevant information to appropriate parties in connection with determining eligibility, amount, conditions or enforcement of financial aid to students;
4. relevant information to accrediting organizations to carry out accrediting functions;
5. relevant information as required to comply with a judicial order or lawfully issued subpoena;

- 6. relevant information to persons with a need to know in health or safety emergencies;
- 7. results of disciplinary proceedings to victims of the charged offense;
- 8. directory information

B. A student may request that the University not release directory information by completing and signing the appropriate form provided by the Office of the Registrar, Capital University Law School.

4.12.04 Custodians of Educational Records

MDR Certificate Program Student records are maintained by the following University or Law School offices, which are subject to the terms of this policy, including record-keeping requirements. Each custodial office is restricted to providing only the information over which it has primary responsibility. Information properly provided may be accompanied by explanatory material whenever its meaning or interpretation is not readily apparent to potential users.

Type of Record	Location	Custodian
Admissions/Financial Aid	Law School	Assistant Dean of Admission/Financial Aid
Career Services	Law School	Director
Academic	Law School	Office of Records & Registration
Disciplinary	Law School	Dean & Office of Records & Registration
Financial	Yochum Hall	Director, Finance Office
Non-Disclosure Requests	Law School	Office of Records & Registration

4.12.05 Record of Disclosures

When personally identifiable information other than directory information is disclosed without the student’s prior consent, the appropriate records custodian will keep a record of the disclosure, including the name and legitimate interest of the parties requesting and obtaining the information.

4.12.06 Policy Implementation

The Dean or his designate, in consultation with the provost and with university counsel, serves as the FERPA coordinator responsible for resolution of questions arising under this policy. Copies of this policy are available upon request to students and parents from the offices of the

University Registrar, Assistant Dean of Student and Multicultural Affairs, in the Manual of Policies and Procedures and in the Capital University Law School web page. Annual notice of this policy shall be provided to current students and parents, including a statement of how a copy of the policy may be obtained. Students having questions or concerns regarding this policy may contact the Law School Assistant Dean of Student and Multicultural Affairs, Associate Dean or Registrar. A complaint alleging a violation of FERPA may be filed with the U.S. Department of Education.

Chapter 5 – Building & Parking

Regulations

5.1 Facilities

5.1.01 Animals

Due to health, and safety considerations, animals are not allowed in the building. The only exceptions, granted by the Director of Business Operations, are for trained guide dogs for the visually impaired.

5.1.02 Decorations

Any group desiring to decorate for a special function must obtain special permission from the Director of Business Operations. Safety and fire regulations must be followed.

5.1.03 Display Cases

There are a variety of display cases used for students, and for academic and administrative departments. All cases are marked for use. Violations in posting may result in loss of privileges. The Law School is not responsible for items placed in any of the display cases. See the Director of Business Operations for questions related to the posting of items.

5.1.04 Food

Eating is restricted to designated areas, i.e. dining areas and special activity areas. Items from vending machines must be kept in the immediate areas and all refuse should be placed in appropriate containers. During class sessions, food is not allowed in the classrooms, except that snack food may be permitted at the discretion of the professor. Nonalcoholic beverages are allowed in closed containers. Food is not allowed in the law library. Drinks are allowed in the law library in authorized, spill-proof containers. No one using University facilities may contract or provide their own food service without the express written approval of the Director of Business Operations.

Guidelines on Closed Containers For Use in Classrooms

The Law Council approved the consumption of non-alcoholic beverages in classrooms during class time subject to the following approved guidelines. Special events for which beverage is to be served must be approved as with all special events. In approving the following guidelines, it is with the view to permitting beverage consumption during class while minimizing the chance for damage to the property of the law school or of others, or an increased amount of work for the housekeeping staff. Although the notion of a “spill-proof” container is in most respects a misnomer, some containers are more spill-proof than others. A container with a broad base and screw-on or snap-on lid is generally preferred over other types of containers. However, it is recognized that many forms of beverage containers are now commercially available and are used by students. To be effective, the student should keep the lid or cap closed when the container is not in actual use.

A. Acceptable Containers

1. Water or pop/soda in bottles that contain a screw-on cap (e.g. bottled water, pop or soda in

plastic bottles, etc.)

2. A beverage container with a screw-on or snap-on lid (e.g. coffee cups similar to those purchased

in coffee shops, those distributed by the law school during orientation, etc.)

B. Unacceptable Containers

1. Pop/Soda in a can

2. Cups made of paper, waxed-paper, or Styrofoam (those received at most fast food establishments), whether or not they contain a plastic or paper lid.

5.1.05 Lobby Tables

To assist in communicating organizations' purposes, services, and events, lobby tables are placed in appropriate areas. Reservations for a table should be made at least 24 hours in advance with the Director of Business Operations, with the proper reservation form filled out. The use of audio equipment, and the selling of food, services, or goods must be approved by the Director of Business Operations. Independent entrepreneurs will be charged a rental fee.

5.1.06 Lost and Found

The Law School maintains a "Lost and Found" at the security desk. All unclaimed items will be disposed of at the end of each semester.

5.1.07 Sales and Solicitation

No sales or solicitations are permitted in lobby areas, meeting rooms, lounges, dining rooms, or outside areas, without written permission of the Assistant Dean. All fund raising events of student organizations must be approved by the Director of Business Operations. Sales and/or solicitation on public sidewalks or on non-University areas must comply with city regulations.

5.1.08 Law School Solicitation Policy for Solicitors Representing Groups or Companies Which Are Not Connected with Capital University:

A. Solicitation will be allowed with approval from the Director of Business Operations. The only exception shall be if an organization specifically requests a solicitor to be present at one of its meetings.

B. Appropriate rental fees may be assessed to approved solicitors.

C. All publicity shall be subject to existing regulations. There shall be no advertising distributed in student, student organization, or other law school mailboxes.

D. In order to use the facilities, a vendor shall be required to register with Security at the time of his/her arrival. At the time of registration the vendor shall state with whom he/she has an appointment, the company or group he/she represents, and the length of time he/she shall be in the building. All solicitation shall be by reservation only. When the appointment is finished, the vendor shall sign out at the Security desk.

5.1.09 Bar Review Courses

Capital Law School realizes the value of bar review courses. However, because they are not sponsored by Capital University Law School and because they are profit-making, they are

considered solicitors.

A. Approved bar review course solicitation will be permitted one (1) week a semester per course. A rental fee will be assessed for approved additional days.

B. Courses materials or incentives given away or sold will be approved by the Associate Dean.

5.1.10 Regulations on Library Access After Closing Time

All members of the Law School community are eligible to use the library after normal operation hours upon the conditions noted below. Any violation of the rules will result in loss of privileges.

A. A valid Capital University Law School ID must be used to gain access to the building. A guard will verify this at the door.

B. Food is not allowed in the law library. Drinks are allowed in the law library in authorized, spillproof containers.

C. Patrons of the library cannot utilize other parts of the building.

5.1.11 Use of Facilities

All reservations for space in the Law School, including meeting rooms, dining room, lounges, and patio, will be made through the Director of Business Operations or such other designated person. These facilities may be used by any registered student organization, academic and administrative department of the Law School, individual members of the Law School community, and the general public. The appropriate form can be picked up from the Director of Business Operations.

A. Recognized student organizations may reserve the Law School facilities for their activities. There is no charge for space except when special equipment or labor is needed.

B. The Law School space is reserved by calling the office of Business Operations. The date, time, and room needed must be specified. Extra time before the event begins for set-up, rehearsal, etc. may also be requested. Any need for equipment not normally in the room, (blackboard, PA system, projector, TV/VCR, room arrangement, lobby signs, tables, etc.) should be included as part of the room reservation so appropriate arrangements can be made. Final set-up arrangements must be made **at least one week prior to the event**. If the scheduled activity is canceled, the Director of Business Operations or designated person should be notified as soon as possible. This allows time for another group to schedule the room and also for the notification of Law School personnel.

C. Any arrangements for food are also approved by the Director of Business Operations, and should be made when the room reservation is made. Food arrangements should be made as early as possible, and at least three (3) working days before the event. **IF BEER/WINE IS TO BE SOLD AT AN ON-SITE EVENT ACCORDING TO STATE LAW A PERMIT MUST BE OBTAINED AT LEAST FIFTEEN (15) WORKING DAYS BEFORE THE EVENT**. It is the responsibility of the sponsoring organization to secure the permit. Information about beer/wine permits is available from the Assistant Dean of Student Affairs or the Director of Business Operations. For more information see the Policy on Alcoholic Beverages.

D. Some events will require the presence of security personnel. These include events that are all-school or open to the public; require the organization to be in a building after the regular hours when the building is open; or at the request of the security office. A list of those attending may sometimes be needed by the security office.

E. Sponsoring organizations are responsible for equipment and facilities, proper clean-up and return of all equipment and supplies. Individuals and organizations **WILL BE CHARGED** for the repair and replacement of facilities and equipment, and are also responsible for any and all expenditures.

F. Capital University Law School assumes no liability for the loss of, or damage to, personal or organizational property that occurs during the rental or use of the facilities.

5.2 Capital University Law School Traffic And Parking Regulations

Students and employees are subject to all parking/vehicle regulations as stated in this parking regulations document (additional copies available in the Business Operations Office), official notifications posted on law school bulletin boards and/or notification from administrative offices sent via e-mail or placed in mailboxes.

5.2.01 Vehicle Registration

A. All vehicles operating or parked on Law School property must be registered annually. Registration is normally on an academic year basis, with the registration year beginning the first day of the fall semester. Parking permit applications are submitted online through the Capital Law School website (See “Law School Resources” and “Facilities”) or at: <https://secure.law.capital.edu/facilities/parking>. **Note: Parking permits and fees provide authorization to park in designated areas as space is available, but do not guarantee a place to park.**

B. Parking Permit hangtags are to be affixed to the REARVIEW MIRROR of the vehicle when parked on Law School property. **Registration is not complete until the permit is properly placed on the vehicle.**

C. There is no fee for the parking permits issued in an academic year to a student or employee. Registration for additional vehicles should be for vehicle(s) owned by the student/employee requesting the permit or by a member of their family and is to be used at Capital University only by the student/employee requesting the permit.

D. Temporary permits can be obtained on a daily and weekly basis by students or employees who need to park a car on Law School lots on a temporary basis (such as when a registered vehicle is temporarily inoperative) or who need temporary use of handicapped parking (due to injury, operation, etc.). Temporary permits should hang on the inside of the rearview mirror of the vehicle so that it is easily visible from outside the vehicle. Individuals requesting a temporary permit must provide license plate and other pertinent information (including, upon request, a doctor’s statement for handicapped parking) to the Business Operations office to obtain a temporary permit. Students and employees parking an unregistered vehicle must advise security immediately after parking the vehicle and should obtain and post a temporary pass within two hours. A student may phone or e-mail the Business Operations Offices (6441) to request that a temporary pass be left at the security desk for the student. The student must show an ID to receive the pass from security.

E. Information provided for vehicle registration is to be complete and accurate. If information given is not true or is misrepresented, all parking permits issued may be revoked and charges may be brought by the University (including honor code charges for students).

5.2.02 Parking Areas

A. Shuttle Service

Shuttle Service is available to transport students to and from the Auxiliary Lots listed below. During Fall and Spring Semesters, the shuttle service will run continuously Monday – Friday from 8am – 6p (service is not available during the lunch hours as posted on the student bulletin board). Escort and/or shuttle service is available after 6pm upon request to the on-duty security officer(s). In the event that the van is unavailable, Capital University Law School reserves the right to temporarily discontinue shuttle service and will make every effort to notify students in advance. On-going shuttle service is not available during the summer.

B. Student Parking Areas

Lots owned by Capital University:

Lot 1: Directly south of the Law School on Capital Street. Students may park in spaces that are not reserved.

Lot 2: East of the Law School at Broad and Grant Streets. Limited spaces are available for students at the direction of the on-duty Security Officer.

Lot 3: East of Grant between Oak Street and Capital Street - 24 hour parking.

Auxiliary lots leased by Capital University:

Lot B: 7:00 a.m. - 5:00 p.m. Monday through Friday

At the southeast corner of S. Washington and Franklin Avenues. Park only in the section marked for Capital Law School students.

Lot C: 7:00 a.m. – 8:00 p.m. Monday through Friday

Located south of Oak Street, second parking lot east of Washington Street.

Lot D: 7:00 a.m. – 5:00 p.m. Monday through Friday

Located North of Franklin Avenue east of Washington Avenue in the east side of the lot only.

Franklin University 'B' Lot: 7:00am – 5:30pm Monday-Friday.

Located south of Walnut St. between Grant Street and Washington Street (second parking lot east of Grant).

State Auto: Available 24 hours a day.

Located east of Washington St. between Capital Street and Oak Street.

STRS: Evening use only. STRS permits a limited number of Capital Law Students to park in the parking garage. Parking in the STRS garage requires a card which may be obtained from the Business Operations Office, Capital University Law School. A \$20.00 deposit is required.

C. Faculty/Staff Parking Areas are:

Lot 1: Designated Reserved spaces only

Lot 2: East of the Law School at Broad and Grant Streets. Limited spaces are available to students at the direction of the on-duty Security Officer.

D. Handicapped Parking spaces are located in Lot 1 on Capital Street, directly south of the Law School. Vehicles should have either a state handicapped parking permit or a temporary handicapped parking permit from the Business Operations office properly displayed.

E. Visitors may park in predetermined spaces with a temporary permit obtained from the Business

Operations office. Visitors should check with security after parking or if space is not available.

Security may assign one-day guest passes as needed. NOTE: Students are NOT to use guest passes. A student vehicle with a guest pass will not be considered a properly registered vehicle.

5.2.03 Parking Regulations

A. All persons parking on Law School property are expected to follow the regulations listed below.

Failure to follow regulations may result in fines, towing, or revocation of parking privileges.

1. Parking permits are non-transferable. The hang tag must be (properly) affixed only to the vehicles for which they are registered. Only students may use student permits. Students may not allow permits to be used by any other person.
2. Regardless of how many vehicles are registered in any one name, only one at a time is allowed to park in Law School lots.
3. Monday through Friday 8:00 a.m. - 9:00 p.m. students are allowed to park in law school lots only when involved in law school activities. Parking in a CULS parking lot and walking to employment outside CULS is a violation of the parking policy and will be strictly enforced.
4. Students may not park in parking lots and spaces restricted to faculty/staff.
5. Hangtags must be removed from the vehicle upon change of vehicle ownership, termination of association with the Law School, revocation of parking privileges, or receipt of a hangtag which supersedes a prior hangtag.
6. Motor vehicles may not be driven or parked on sidewalks or grassed areas.
7. Parked vehicles must be located entirely within the boundaries of the parking space.
8. Vehicles may not be stored on Law School lots without the written permission of the Assistant Dean of Administration & Finance. Any vehicle remaining stationary for more than two (2) days will be considered a stored vehicle and will be subject to towing at the owner's expense. Students who live in housing adjacent to Lot 3 may request a separate for overnight parking.
9. Removal of or tampering with any Law School parking or traffic signs will result in the issuance of a fine and other appropriate penalties.
10. Operators of vehicles emitting excessive noise or being operated in a reckless manner are subject to fine.
11. University Bexley Campus Parking: Law students with a current law school parking permit appropriately affixed may park at University Bexley campus in any S lot. Employees with a parking permit appropriately affixed to the vehicle may park in FS lot. Employees and students are NOT to park in visitor spaces.
12. The person in whose name the vehicle is registered shall be responsible for all violations, except when the vehicle is being driven by another whose identity can be determined.
13. A student who has a card permitting him or her to park in the STRS garage may not park in other student lots after 5 p.m. Monday – Friday. If a student with an STRS pass parks in the CULS lot before 5 p.m. Monday – Friday and will remain on campus after 5 p.m., that student must move his or her car to the STRS lot at 5 p.m.

5.2.04 Enforcement

A. Citations for violations of regulations, signs, and markings may be issued at the scene of the violation or by mail. Fines are as follows.

1. Unregistered vehicle \$25 and/or Tow
2. Parking Permit not displayed or not properly displayed \$10
3. Unauthorized use, reproduction, altering or tampering with permits..... \$15
4. Removal of or tampering with University parking or traffic signs \$100
5. Reckless vehicle operation(including driving outside permitted areas); excessive noise \$20

- 6. Parking other than in designated parking space (including parking outside lines)\$10
- 7. Parking other than in designated parking space that blocks other vehicle(s) or entrance/exit \$20
- 8. Failure to obey posted signs or markings..... \$20
- 9. Overtime parking.....\$10/day and/or tow

B. Capital University Law School reserves the right to have any vehicle towed and impounded which is not authorized to park on Center property, is parked illegally, constitutes a hazard, blocks loading zones, or impedes vehicular or pedestrian traffic. The costs of towing and impoundment will be the responsibility of the owner of the vehicle. The Law School disclaims any responsibility for damage or losses, which may result from towing or impoundment.

C. Payment of fees should be made in the Business Operations office within seven (7) days of the date the ticket was issued.

For Students: A late fee of \$10.00 and the unpaid ticket fee will be charged to the students account after 7 days. All unpaid ticket fees and late payment fees will be included with future university billings to the student. Graduating students must pay all outstanding fees prior to receiving a diploma or official transcripts.

For Employees: After 7 days a late fee of \$10.00 is added and the total unpaid fee will be deducted from the employee’s pay check as indicated on the parking permit request form.

D. Citations may be appealed by filing a written appeal within 7 days from the date the citation was issued. Written appeals from students and employees are to be submitted to the office of the Assistant Dean of Administration & Finance.

E. The parking privileges of any motor vehicle registrant who receives five (5) or more valid citations or who has three (3) or more unpaid valid citations during the academic year will be revoked for the remainder of that academic year, and the vehicle will be placed on tow away notice . Parking privileges may be reinstated when a person with 3 unpaid tickets pays for all unpaid tickets (provided the person does not already have a total of five tickets). Unlike other citations, this tow away notice is final and non-appealable.

F. THIS PARKING POLICY WILL BE STRICTLY ENFORCED.

5.2.05 General Guidelines

A. A parking permit does not guarantee a place to park. It only gives the right to park in Law School parking lots in designated areas as space is available.

B. The Law School assumes no responsibility for vehicles or their contents while on School property.

C. In case of unavoidable circumstances, which might result in a citation (such as illegal parking due to a flat tire or engine trouble), Security or the Assistant Dean of Administration and Finance should be notified immediately.

D. Persons involved in a motor vehicle accident or persons whose vehicle has been vandalized on School property should contact Security or the Assistant Dean of Administration and Finance. Security may contact the Columbus Police if requested by the person whose vehicle was involved in the incident.

5.2.06 Safety Suggestions

A. Parking lot safety/security:

If attending classes at night, park in well lit areas. Try to walk in pairs if possible. Have your keys readily accessible as you approach your vehicle. Security is always available and willing to

walk you to your car if you desire. Ask for an escort at the main security desk located inside the Capital Street entrance. The security officer can walk you to your car, call for the shuttle or pair you up with someone walking your way. Make sure to always roll up your windows and lock your doors. Report any broken windows or locks to security upon entry so that special attention can be afforded your vehicle until repairs are made (Security cannot watch every vehicle, but if they are alerted to problems they will try to make extra checks as they pass the various parking areas). It's best to take your valuables with you. If you cannot take your items with you it is suggested that you keep anything of value in your car out of sight. Locking items of value in your trunk (while no more secure) at least helps conceal these items and is better than leaving them in full view.

If you see someone who looks suspicious or out of place, please notify Security A.S.A.P. Capital University Law School is located in the Discovery Special Improvement District (SID), and as such has access to other safety and security resources. The Discovery SID employs special duty police officers, uniformed safety bike ambassadors, and a uniformed homeless outreach specialist. For assistance with non-emergency situations, contact the SID's dispatch office at 228-5718 during the SID's hours of operation (9:30 a.m. – 2:00 a.m. Monday-Saturday)

5.3 Policy on Alcoholic Beverages

Capital University Law School recognizes that social opportunities for students and faculty are an important part of the law school experience. Further, the Law School recognizes that students are responsible adults, capable of making appropriate decisions. Nevertheless, in view of the concerns about substance abuse in the legal profession, and the specific importance of promoting and encouraging responsible use of alcohol in the Law School setting, the following policy has been adopted.

5.3.01 On-Campus Events

Student organizations may serve alcoholic beverages at officially scheduled events under special conditions and subject to the approval of the University administration.

- A. Permission to serve alcoholic beverages must be obtained from the Assistant Dean of Student Administration, who will provide a written form for the request.
- B. The locations at which an alcoholic beverage may be served and consumed are restricted and require the approval of the Assistant Dean of Student Administration.
- C. At all events where alcohol is served:
 1. Non-alcoholic beverages must be available at the same location as the alcoholic beverages and sold at the same price or for a lower or no charge.
 2. Substantial food items must be available. When the food runs out, the serving of alcohol must cease.
 3. Beer and wine are the only alcoholic beverages that may be served.
 4. Organizations may serve only two alcoholic beverages to each individual. Each glass of beer served must be 12 oz. or less; each glass of wine served must be 5 oz. or less. Appropriately sized cups must be used. Organizations must provide a system for distribution of alcoholic beverages, such as tickets or stamping of hands.
 5. The Assistant Dean of Student Administration must approve the amount of alcohol purchased for each event.
 6. Two non-drinking representatives of the organization must be present where the alcohol is being

served at all times.

D. Attendance at events is limited to Capital Law School students, faculty, staff and their escorted

guests with proper identification.

E. By the day before the event, the President(s) of the sponsoring organization(s) must submit a signed and dated copy of this alcohol policy to the Assistant Dean of Student Administration, who will keep it on file, along with a list of the names of officers of the sponsoring organization. These individuals will be responsible for upholding State and campus laws. The sponsoring group should have its advisor at the function.

F. If alcoholic beverages are sold, the sponsoring group must apply for an Ohio liquor Control Board Beer Permit through the Office of the Assistant Dean of Student Administration twenty (20) days in advance of the date of the event.

G. Appropriate steps must be taken for proper publicity. All publicity posted in public areas of the Law School must be approved by the Assistant Dean of Student Administration. Advertising for events where beer or wine is available may not include any reference to alcoholic beverages, price or price advantage.

H. Beer and wine may be sold or given only to individuals who are 21 or more years old.

I. The sponsoring group is responsible for cleaning up the area.

J. Sponsoring organizations and officers will be held responsible for damages to physical facilities incurred as a result of the event.

K. The sponsoring group or organization has the responsibility to prevent participants from taking alcoholic beverages to or from the event.

L. Violation of any of the above stipulations may result in the loss of privileges to the sponsoring group or organization.

5.3.02 Beer Permits

As stated in the alcohol policy, beer and wine permits are required by State Law at public events where beer will be sold. Permit applications are available through the Assistant Dean of Student Administration.

CAVEAT: If city or state law should be revised or amended, this policy will be changed to ensure compliance with the new law.

5.3.03 Off-Campus Events

Student organizations may not purchase, sell, or otherwise provide alcohol at events at off campus locations or establishments, and they may not arrange to have alcohol available for purchase at discounted prices. Student organizations may purchase food for such events, but students who wish to consume alcohol must purchase their own drinks directly from the offcampus establishment. Student organizations may publicize the event at the Law School, but if alcohol will be available at the event, any publicity must conspicuously state that Capital University Law School is not sponsoring the event.

5.4 Fire Evacuation Procedures and Fire Safety Guidelines

The fire alarm system at the Law School (303 E. Broad Street) provides for the automatic detection of smoke in areas throughout the building. Building occupants are notified of fire alarm conditions by audio (horns and pre-recorded emergency message) and visual (strobe

lights) located throughout the building. When the fire alarm sounds our fire system vendor (Simplex) and security will notify the fire department. Security and assigned administrative and maintenance staff will investigate the alarm situation and follow procedures for determining appropriate action. A complete Security Fire Alarm Procedure document is available in the Business Operations office.

Fires grow at an extremely fast rate.

Do NOT take chances during a fire emergency.

Your personal safety must take precedence.

If you observe any fire hazard or have a fire safety concern, please notify security at 236-6161.

5.4.01 Basic Fire Safety Guidelines

A. If you smell smoke or observe a fire, activate the Fire Alarm System using the closest Fire Alarm Pull Stations and/or call **Security 6161**. Pull stations are located at each exit and at the entrance to each stairwell.

B. When the fire alarm sounds, ALL occupants should immediately leave the building using the nearest, safe exit route.

C. Faculty and Administrators check their respective areas (classroom/department) to make sure students and staff evacuate.

D. Close all doors as you evacuate the building. Limiting the spread of smoke and fire saves lives. If you must open a door to leave your classroom or office, feel the door first. If the door or handle is hot, do NOT open the door. Use another exit if possible.

E. Heat and smoke rise. If you encounter smoke while exiting, use another exit if available or stay very low in order to breath the coolest, safest air.

F. Use the stairs. Do not use elevators.

5.4.02 If you unable to use stairwells and need assistance for evacuation

Evacuate to an area of refuge and wait for *professional* assistance to exit the building. Go to either the 6th Street stairwell or the Capital street stairwell and remain on the landing inside the stairwell. These are fire stairwells and will provide refuge until professional fire fighters can assist you. Security will advise firefighters to check the stairwells for people needing evacuation assistance. If you are unable to reach a stairwell, enter a room with a window, shut all doors to the room and make yourself as visible as possible in a window (turn lights on and off, wave colored or white material or paper by the window). Ask another evacuee to inform security of your location. If a phone is available in the room, dial (9) 911 to report your location. The front lobby on the second floor and the area outside the southeast (Capital Street) bank of elevators on the second floor are equipped with sprinklers.

5.4.03 After exiting

After exiting the building in response to a fire alarm, move away from doors and stay off the street in order to permit the fire department free access. The student parking lot behind the building and the faculty/staff parking lot are designated gathering sites.

5.5 Student Printing in Computer Lab

Students may use the printers in the computer lab under the following conditions:

5.5.01 Students are permitted to print up to 1000 pages without charge. All printed pages above 1000 will be charged to the student at the rate of fifteen (15) cents per page.

5.5.02 Except as provided herein, all students will be billed at the end of the summer session.

1. Students with charges in excess of \$100 may have printing privileges terminated pending payment of the charge.
2. Students graduating in May will be billed on April 15 and again at the end of the spring term.
3. Students graduating in December, will be billed on November 15 and again at the end of fall term.
4. Any graduating student with outstanding printing charges will not receive his or her diploma.
5. Each year's printing allocation commences at the beginning of the academic year, except that any student with an unpaid printing charge will not commence for the academic year until such charges have been paid.

5.5.03 The Information Technology Department is responsible for billing.

5.5.04 All questions regarding a students' printing charges should be directed to the Information Technology Department.