SANDRA DAY O'CONNOR COLLEGE OF LAW

ARIZONA STATE UNIVERSITY

STATEMENT OF STUDENT POLICIES

ACADEMIC YEAR 2012-2013

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I. INTRODUCTORY STATEMENT

The Dean and faculty of the Sandra Day O'Connor College of Law are authorized to determine admission and retention standards, requirements for graduation, and academic policies for students at the College. This Statement contains academic policies of the College and University policies presently in effect. However, Arizona State University and the College of Law reserve the right to change the policies, procedures, requirements and any other contents of this document at any time. Policy changes that occur during the academic year will be updated in the Statement of Student Policies available on the College of Law website at www.law.asu.edu. It is the responsibility of each student to know and abide by the College and University policies.

Questions about academic policies or requirements of the College (including who the Dean's designee is) should be directed to Assistant Dean for Academic Affairs Tom Williams.

SECTION REVISED	DATE REVISED
Section II-Eligibility for JD Degree; D, 4	August 17, 2006
Section II-Eligibility for JD Degree; E	August 17, 2006
Section VI-Grading; E	September 27, 2006
Section II-Eligibility for JD Degree; A, B, C	November 27, 2006
Section VI-Grading, M	February 14, 2007
Section VI-Grading, B	May 16, 2007
Section II-Eligibility for JD Degree; D	August 9, 2007
Section XII-Student Opportunities, Rights, & Responsibilities, C	August 9, 2007
Section X–Journal and Jurimetrics Credits, F	August 5, 2008
Section IV-Academic Standards, A & B	August 5, 2008
Section II-Eligibility for JD Degree, D & E	August 5, 2008
Section II-Eligibility for JD Degree, E	
Section III-Attendance	
Section IV-Academic Standards, B & C	
Section VI-Grading, E & P	March 1, 2010
Section II-Eligibility for JD Degree, E, F	April, 2010
Section XII-Student Opportunities, Rights, & Responsibilities, G	September 7, 2011
Section VI-Grading, L & N	September 22, 2011

II. ELIGIBILITY FOR JURIS DOCTOR DEGREE

A. Graduation Requirements for Classes Entering Fall 2004 through Spring 2005

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. satisfaction of residency requirements for the College of Law, which means: Except in the case of transfer, a student must be in residence at the College as a full-time student for a minimum of six semesters or their equivalent. A semester in residence is earned when a student has enrolled in a schedule requiring a minimum of ten class hours a week and receives credit for at least nine class hours. Residence credit may be secured by attendance as a visiting student at another accredited law school if prior approval by the Dean's designee is received (see Section XI, B). A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree;

3. successful completion of a minimum of 87 hours of academic credit of which 64 (May 2005) must be numerically graded with a cumulative weighted average of 70 or better; however, students who wish to be eligible for membership in the Order of the Coif, an honor society open to the top 10% of each graduating class, must complete 75% (66 hours) of their law studies in graded classes;

4. no more than four credit hours (May 2005) of deficient grade work (65-69) after the first year can be applied toward the 87 hours;

5. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

6. satisfaction of the Graduation Writing Requirement (see Section II, E);

7. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 87 credits required for graduation;

8. all 87 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

9. completion of the degree requirements within five years of first enrollment at the College;

10. satisfactory completion of the Dean's Session on the Study and Practice of Law, a required first-year course;

11. satisfaction of the Seminar Writing Requirement (see Section II, F) (May 2004).

B. Graduation Requirements for Classes Entering Fall 2005 through Spring 2006

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. satisfaction of residency requirements for the College of Law, which means: Except in the case of transfer, a student must be in residence at the College as a full-time student for a minimum of six semesters or their equivalent. A semester in residence is earned when a student has enrolled in a schedule requiring a minimum of ten class hours a week and receives credit for at least nine class hours. Residence credit may be secured by attendance as a visiting student at another accredited law school if prior approval by the Dean's designee is received (see Section XI, B). A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree;

3. successful completion of a minimum of 88 hours of academic credit of which 64 (May 2005) must be numerically graded with a cumulative weighted average of 70 or better; however, students who wish to be eligible for membership in the Order of the Coif, an honor society open to the top 10% of each graduating class, must complete 75% (66 hours) of their law studies in graded classes;

4. no more than four credit hours (May 2005) of deficient grade work (65-69) after the first year can be applied toward the 88 hours;

5. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

6. satisfaction of the Graduation Writing Requirement (see Section II, E);

7. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 88 credits required for graduation;

8. all 88 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

9. completion of the degree requirements within five years of first enrollment at the College;

10. satisfactory completion of the Dean's Session on the Study and Practice of Law, a required first-year course;

11. satisfaction of the Seminar Writing Requirement (see Section II, F) (May 2004).

C. Graduation Requirements for Classes Entering Fall 2006 through Spring 2007

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. satisfaction of residency requirements for the College of Law, which means: Except in the case of transfer, a student must be in residence at the College as a full-time student for a minimum of six semesters or their equivalent. A semester in residence is earned when a student has enrolled in a schedule requiring a minimum of ten class hours a week and receives credit for at least nine class hours. Residence credit may be secured by attendance as a visiting student at another accredited law school if prior approval by the Dean's designee is received (see Section XI, B). A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree;

3. successful completion of a minimum of 88 hours of academic credit of which 64 (May 2005) must be numerically graded with a cumulative weighted average of 73 or better (May 2006); however, students who wish to be eligible for membership in the Order of the Coif, an honor society open to the top 10% of each graduating class, must complete 75% (66 hours) of their law studies in graded classes;

4. no more than four credit hours (May 2005) of deficient grade work (65-69) after the first year can be applied toward the 88 hours;

5. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

6. satisfaction of the Graduation Writing Requirement (see Section II, E);

7. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 88 credits required for graduation;

8. all 88 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

9. completion of the degree requirements within five years of first enrollment at the College;

10. satisfactory completion of the Dean's Session on the Study and Practice of Law, a required first-year course;

11. satisfaction of the Seminar Writing Requirement (see Section II, F) (May 2004).

D. Graduation Requirements for Classes Entering Fall 2007 through Spring 2009

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. satisfaction of residency requirements for the College of Law, which means: Except in the case of transfer, a student must be in residence at the College for a minimum of five semesters or their equivalent. A semester in residence is earned when a student has enrolled in a schedule requiring a minimum of six credits hours and receives credit for at least three credits hours. Residence credit may be secured by attendance as a visiting student at another accredited law school if prior approval by the Dean’s designee is received (see Section XI, B). A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree; (February 2009)

3. successful completion of a minimum of 88 hours of academic credit of which 64 (May 2005) must be numerically graded with a cumulative weighted average of 73 or better (May 2006); however, students who wish to be eligible for membership in the Order of the Coif, an honor society open to the top 10% of each graduating class, must complete 75% (66 hours) of their law studies in graded classes;

4. no more than four credit hours (May 2005) of deficient grade work (65-69) after the first year can be applied toward the 88 hours;

5. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

6. satisfaction of the Graduation Writing Requirement (see Section II, E);

7. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 88 credits required for graduation;

8. all 88 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

9. completion of the degree requirements no earlier than 24 months and no later than 84 months after commencing study at the law school or a law school from which the school has accepted transfer credit. (February 2009)

10. satisfactory completion of the Dean's Session on the Study and Practice of Law, a required first-year course;

11. satisfaction of the Seminar Writing Requirement (see Section II, F) (May 2004)

12. satisfaction of the Professional Skills Requirement (see Section II, G) (August 2008)

E. Graduation Requirements for Classes Entering Fall 2009 through Spring 2010

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. successful completion of a minimum of 88 hours of academic credit of which 72 must be graded with a cumulative weighted average of 2.0 or better (May 2009);

3. no more than four credit hours of "D" (deficient) grade work after the first year can be applied toward the 88 hours (May 2005);

4. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

5. satisfaction of the Graduation Writing Requirement (see Section II, E);

6. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 88 credits required for graduation;

7. all 88 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

8. completion of the degree requirements no earlier than 24 months and no later than 84 months after commencing study at the law school or a law school from which the school has accepted transfer credit. A transfer student must complete the work of at

least three semesters in the ASU College of Law immediately preceding the granting of a degree. (February 2009)

9. satisfaction of the Seminar Writing Requirement (see Section II, F) (May 2004)

10. satisfaction of the Professional Skills Requirement (see Section II, G) (August 2008)

F. Graduation Requirements for Classes Entering Fall 2010 through Spring 2011

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. successful completion of a minimum of 89 hours of academic credit of which 73 must be graded with a cumulative weighted average of 2.0 or better (March 2010);

3. no more than four credit hours of "D" (deficient) grade work after the first year can be applied toward the 89 hours (May 2005);

4. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

5. satisfaction of the Graduation Writing Requirement (see Section II, E);

6. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 89 credits required for graduation;

7. all 89 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

8. completion of the degree requirements no earlier than 24 months and no later than 84 months after commencing study at the law school or a law school from which the school has accepted transfer credit. A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree (February 2009);

9. satisfaction of the Flexible Writing Requirement (see Section II, H) (April 2011);

10. satisfaction of the Professional Skills Requirement (see Section II, G) (August 2008);

11. a maximum of 26 units from the following list can be counted toward the 89 units necessary for graduation (January 2011);
    - All Externships
    - Independent Studies
    - Courses taken outside the law school under section IX A
    - Credits received for working for a Journal under section X F
    - Credits received for Moot Court under section X G
    - Credits received for being a Teaching Assistant
    - Credits received from any clinic other than:
        a. Civil Justice Clinic
        b. Immigration Law and Policy Clinic
        c. Indian Legal Clinic
        d. Innovation Advancement Legal Clinic
        e. Mediation Clinic
        f. Post Conviction Clinic
    - Credit from courses without regularly scheduled meetings

12. A maximum of 38 transfer units can be counted toward the 89 units necessary for graduation. (July 2011)

G. Graduation Requirements for Classes Entering Fall 2011 and After

Satisfactory completion of the course of study offered by the College of Law leads to the Juris Doctor degree. To be eligible for the JD degree, a student must satisfy all the following:

1. admission to the College as a candidate for the degree and satisfaction of any conditions imposed at the time of admission or prior to graduation during the course of law study;

2. successful completion of a minimum of 88 hours of academic credit of which 72 must be graded with a cumulative weighted average of 2.0 or better (March 2010);

3. no more than four credit hours of "D" (deficient) grade work after the first year can be applied toward the 88 hours (May 2005);

4. completion of all required first-year courses, Professional Responsibility, and either Constitutional Law II or Criminal Procedure;

5. satisfaction of the Graduation Writing Requirement (see Section II, E);

6. a maximum of 12 credits of externship work and a maximum of seven credits of independent study can be counted towards the 88 credits required for graduation;

7. all 88 credits required for graduation must be earned at the ASU College of Law unless prior approval by the Dean's designee is granted (see Section IX, A and Section XI, B);

8. completion of the degree requirements no earlier than 24 months and no later than 84 months after commencing study at the law school or a law school from which the school has accepted transfer credit. A transfer student must complete the work of at least three semesters in the ASU College of Law immediately preceding the granting of a degree (February 2009);

9. satisfaction of the Flexible Writing Requirement (see Section II, H) (April 2011);

10. satisfaction of the Professional Skills Requirement (see Section II, G) (August 2008);

11. a minimum of 63 units must be obtained from courses that involve attendance at regularly scheduled class sessions. The following do not count toward these required 63 units: (December 2011);
    - All Externships
    - Independent Studies
    - Courses taken outside the law school under section IX A
    - Credits received for working for a Journal under section X F
    - Credits received for Moot Court under section X G
    - Credits received for being a Teaching Assistant
    - Credits received from any clinic other than:
      a. Civil Justice Clinic
      b. Immigration Law and Policy Clinic
      c. Indian Legal Clinic
      d. Mediation Clinic
      e. Post Conviction Clinic
    - Credit from courses without regularly scheduled meetings

12. A maximum of 38 transfer units can be counted toward the 88 units necessary for graduation. (July 2011)

H. <u>Graduation Writing Requirement</u>

Each student must satisfactorily complete at least one substantial writing project to qualify for graduation (the "Graduation Writing Requirement").

1. Procedure

   The Graduation Writing Requirement must be undertaken as part of a second-or third-year offering for which academic credit is available. To determine if a class will fulfill the Graduation Writing Requirement consult, for the semester of

enrollment, the course description associated with the class. Course descriptions are posted on the College of Law website. This paper may be produced through a designated writing seminar or may also be satisfied through an Independent Study or writing done for Law Journal or Jurimetrics, in which case the initial form shall specify the nature of the substantial faculty involvement and be subject to the approval of the Dean's designee. Moot Court briefs cannot be used to satisfy the Graduation Writing Requirement. In all cases, prior to undertaking the writing project, the student shall complete an initial "Graduation Writing Requirement Form" identifying the topic, the faculty editor, and dates for submission of a research outline and the first and final drafts. At the conclusion of the project, a member of the faculty must certify that the writing is of reasonable quality and satisfies the requirements set forth below. This certification must be filed with the Registrar no later than the last day of the term in which the student will graduate. The initial approval form titled "Graduation Writing Requirement Form" and the certification of completion form titled "Graduation Writing Requirement Certification Form" can be found on the College of Law website or in the Student Services office.

2. Dates.

   A student who has not completed the major writing requirement prior to the last semester before graduation, is subject to the following deadlines. The first draft of the paper must be submitted no later than two weeks prior to the end of classes for the semester or such earlier date set by the supervising faculty member. The supervising faculty member may grant an extension of this deadline in appropriate cases. The work necessary for completion of the writing requirement must be finally submitted and certified as completed by the faculty member by the final scheduled day of the examination period. Exceptions to this final deadline (Graduation Writing Requirement) can be granted by the Dean's designee.

3. Substantial Faculty Involvement.

   Satisfaction of the Graduation Writing Requirement requires substantial faculty involvement in the student writing project. Substantial faculty involvement means that the supervising faculty member should be involved in the selection of the topic and the editing process. The latter contemplates that a faculty member will (1) make detailed comments on both the outline and first draft of the paper, (2) meet with the student to go over the first draft, and (3) review the subsequent draft.

4. Other Requirements.

   a. <u>Format</u>. The final version of the paper must be at least 6,250 words, including footnotes, and there must be at least an initial and a final draft

   b. <u>Registration Priority</u>. Registration for writing requirement seminars shall be administered so as to give priority to third-year students who have not had an

opportunity to fulfill their writing requirement. In descending order of priority, registrants shall be classified as follows: (i) third-year law students who previously had not registered for academic credit which would satisfy the writing requirement (including third-year visiting students with a required substantial writing requirement for the degree-granting school); (ii) other third-year students; (iii) second-year students; and (iv) visiting students.

I. Flexible Writing Requirement (April 2011)

1. Each student must satisfactorily complete the Flexible Writing Requirement to qualify for graduation. The Flexible Writing Requirement may be satisfied in any upper-class law course, seminar, clinic, independent study, or other offering for which academic credit is awarded and is taught by Tenured, Tenure-Track, and Academic Professional faculty or Adjuncts. To determine if a seminar class will fulfill the Flexible Writing Requirement consult, for the semester of enrollment, the course description associated with the seminar. Course descriptions are posted on the College of Law website.

2. Writings that may satisfy this section include any legal work products that singly or together constitute substantial written legal work product. Writings that satisfy the Flexible Writing Requirement may, but need not, include the substantial faculty involvement as defined for and required by the Graduation Writing Requirement. Such substantial legal work product includes without limitation: (i) seminar papers; (ii) legal briefs or memoranda; (iii) drafting of other legal materials; and (iv) presentation papers or other multiple smaller assignments. In all cases, such writings must require substantial individual substantial intellectual effort involving, either singly or in combination, research, legal analysis, synthesis of cases or other legal materials, or original legal drafting or similar writing. Writing projects that do not include substantial intellectual effort in researching, analyzing or synthesizing legal materials, or originality do not qualify. Very short papers, impressionistic or opinion papers, and drafting that involve limited modification of preexisting forms or other written language are the types of projects that do not qualify.

3. "Substantial Written Legal Work Product" means written work product that is evaluated as a part of the grade for the offering that otherwise qualifies under this rule and that singly or in aggregate totals at least 15 double spaced pages or 3,750 words (at the faculty member's discretion) of legally-related original writing. If a faculty member makes an offering available for satisfaction of this requirement, any enrolled student shall be eligible to use the seminar or course paper to satisfy this requirement. No instructor, regardless of the method of selection, shall limit the number of eligible students.

III. ATTENDANCE (MAY 2005)

Attendance at classes, seminars, and other offerings is an essential element in successful academic performance and in determining whether a student is in residence for purposes of satisfying requirements for graduation and admission to the bar. An instructor in any law school course, seminar, or other offering may withdraw a student for excessive absence. Withdrawal for excessive absence in a first-year course may be recorded as a failing grade (E) or (64 prior to classes entering Fall 2009). Withdrawal for excessive absence in any upper-level course, seminar, or other offering may be recorded as a failing grade (E) or (64 prior to classes entering Fall 2009) or as a withdrawal (W), at the discretion of the instructor. Instructors may also adjust grades for unexcused absences or tardiness, pursuant to Section VI, E.

> “Excessive absence" is defined as unexcused absence from more than 15% of class or other instructional time. This definition shall apply to all first-year courses and upper-level courses with an enrollment of 20 or more students. An instructor in an upper-level course or other offering with an enrollment of less than 20 may define "excessive absence" differently, with notice to students before the end of the first week of instruction.

IV. ACADEMIC STANDARDS: RETENTION, DISQUALIFICATION, PROBATION, ACADEMIC SUPPORT, AND READMISSION POLICIES (MAY 2006)

A. GPA Requirements/Retention/Disqualification for students entering before fall 2009

1. First Year.

   a. If a student's Fall 1L GPA is below 74, that student shall be placed on probation and must participate in the Spring Academic Support Program ("ASP").

   b. If a 1L student receives grades of 70 or below in two 1st year courses, that student shall be placed on probation and must participate in ASP. (March 2008)

   c. If a student's cumulative 1L GPA is below 75, that student shall be placed on probation and must participate in the ASP.

   d. If a student's cumulative 1L GPA is above 70 but below 73, that student shall be disqualified from the College of Law, but the student may apply for readmission.

   e. If a student's cumulative 1L GPA is below 70, that student shall be permanently disqualified from the College of Law. The student may not apply for readmission.

2. After the First Year.

   a. If an upper-class student's cumulative GPA is below 75, that student shall be placed on probation and must participate in the ASP until the student obtains a cumulative GPA above 75.

   b. If an upper-class student's GPA for a given semester is below 73, that student shall be placed on probation for the following semester (and summer if the GPA below 73 is in the spring semester) and must participate in the ASP.

   c. For students entering the College of Law in the 2004 – 2005 academic year or the 2005 – 2006 academic year, if an upper-class student's cumulative GPA is below 70 at the end of any semester after the first year or whose average for any two consecutive semesters after the first year (not including summer sessions) is below 70 (regardless of cumulative GPA) that student shall be disqualified. Upper-class students who are disqualified for academic deficiencies may apply for readmission for a subsequent semester.

   d. For students entering the College of Law in the Fall 2006 semester and later, if an upper-class student's cumulative GPA is below 73, that student shall be disqualified from the College of Law but the student may apply for readmission.

3. Graduation.

   a. For students entering the College of Law in the 2004 - 2005 academic year and the 2005 - 2006 academic year, a student's cumulative GPA must be 70 or higher to graduate.

   b. For students entering the College of Law in the Fall 2006 semester and later, a student's cumulative GPA must be 73 or higher to graduate.

4. Good Standing.

   Students are considered in "good standing" unless and until they are disqualified, even if on probation.

B. <u>GPA Requirements/Retention/Disqualification for students entering fall 2009 and after</u>

1. First Year.

   a. If a student's GPA places the student in the bottom 5% of the 1L class, that student shall be placed on probation and must participate in the Spring Academic Support Program ("ASP").

   b. If a 1L student receives grades of D or below in two 1st year courses, that student shall be placed on probation and must participate in ASP. (March 2008)

   c. If a student's cumulative 1L GPA is below 2.33, that student shall be placed on probation and must participate in the ASP.

   d. If a student's cumulative 1L GPA is above 1.7 but below 2.0, that student shall be disqualified from the College of Law, but the student may apply for readmission.

   e. If a student's cumulative 1L GPA is below 1.7, that student shall be permanently disqualified from the College of Law. The student may not apply for readmission.

2. After the First Year.

   a. If an upper-class student's cumulative GPA is below 2.33, that student shall be placed on probation and must participate in the ASP until the student obtains a cumulative GPA above 2.33.

   b. If an upper-class student's GPA for a given semester is below 2.0, that student shall be placed on probation for the following semester (and summer if the GPA below 2.0 is in the spring semester) and must participate in the ASP.

c. If an upper-class student's cumulative GPA is below 2.0, that student shall be disqualified from the College of Law but the student may apply for readmission.

3. Graduation.

   a. A student's cumulative GPA must be 2.0 or higher to graduate.

4. Good Standing.

   Students are considered in "good standing" unless and until they are disqualified, even if on probation.

C. Probation

1. First-Year Students on Probation:

   a. must participate in the ASP; and

   b. may only work or participate in extracurricular activities with the consent of the ASP Director.

   c. for students entering before fall 2009, the dean or the dean's designee has the discretion to require a student on probation to retake any class in which the student received a grade below 70. (March 2008)

   d. for students entering fall 2009 or later, the dean or the dean's designee has the discretion to require a student on probation to retake any class in which the student received a grade below a C. (March 2008)

2. After the First Year, Students on Probation:

   a. must participate in the ASP;

   b. may only work or participate in extracurricular activities with the consent of the ASP Director;

   c. shall take no course for pass/fail credit;

   d shall take no more than 14 credits in a semester;

   e. shall not enroll or participate in externships or study abroad; and

   f. shall not enroll or participate in independent study (see section X, E); and

   g. shall not register without prior approval of the proposed course selection by the ASP Director (or a delegate).

h. for students entering before fall 2009, the dean or the dean's designee has the discretion to require a student on probation to retake any class in which the student received a grade below 70. (March 2008)

i. for students entering fall 2009 or later, the dean or the dean's designee has the discretion to require a student on probation to retake any class in which the student received a grade below a C. (March 2008)

3. Timing of Probation Discovery.

A student who signed up for courses while not on probation, but who finds himself on probation at the end of a given semester or after a summer, must obtain the approval of the ASP Director to take the following summer or semester courses for which the student previously registered. The student must comply with all other requirements for probation.

D. Academic Support Program

1. Basic Requirements.

The ASP Director will determine for each student what work is required.

2. First-Year ASP.

In the second semester of the first year, one component of the ASP will be a graded course that replaces one of the Spring 1L doctrinal courses. This course is exempt from the normal first-year curve. The ASP Director will determine for each student what additional work is required.

3. When ASP is Mandatory:

a. full participation is expected; and

b. absent extraordinary circumstances, participation in less than 75% of a semester's ASP meetings shall result in dismissal without refund for either the semester involved, or the semester when discovered.

4. Other ASP Participants.

In addition to the students who are required to participate in ASP, the ASP Director may invite other students to participate in ASP at his/her discretion.

E. Readmission

1. Basic Provisions.

   The Committee on Readmission, in its discretion, may readmit students on such terms and conditions as the Committee may impose. Every offer of readmission to a student previously disqualified shall be made on the express condition of mandatory participation in the ASP.

2. Readmissions Standards for Students Disqualified Based on First-Year Performance, for students entering before fall 2009:

   a. If a student's cumulative 1L GPA is below 70, the student is permanently disqualified from continuing enrollment at the College of Law. The student may not apply for readmission.

   b. A student disqualified on the basis of a first-year cumulative GPA between 70 and 73 may apply for readmission. The Committee shall deny the application unless it believes, on the basis of the student's prior performance and any other relevant evidence, that the student has the basic qualifications to complete law school. Evidence of such basic qualifications may be that the deficiency can be explained by convincing evidence of extenuating circumstances, or that, for students disqualified one or more years prior to the application, the nature of interim work, activity, or studies indicates a stronger potential for law study. The Committee may deny an application but permit the student to reapply at a later time after engaging in interim work, activity, or studies designed to improve the student's potential for law study.

      If the student is readmitted, the student must repeat the entire first-year curriculum (including courses in which the student previously received grades of 73 or higher) as a new first-year student. A student readmitted to repeat the first year will not receive credit for any prior courses, and grades received in the prior year will not be included in computing the student's grade point average; however, the previous courses and grades will appear on the student's transcript. In addition, the following conditions apply to the repeat year:

      1) The student must have a cumulative grade point average at the end of the year of 73 or higher. A student who fails to achieve a cumulative grade point average of at least 73 is permanently disqualified from continuing enrollment at the College of Law and may not apply for readmission.

2) The student must receive a grade of 70 or higher in all of the student's graded first-year courses and must comply with such other conditions the Committee on Readmission establishes. A student whose cumulative grade point average at the end of the year is 73 or higher but who fails to satisfy any condition of this paragraph is disqualified from continuing enrollment but may apply for readmission. The Committee on Readmission in its discretion may readmit the student and establish such conditions as it deems appropriate, including retaking any course in which the student received a grade below 70.

3. Readmissions Standards for Students Disqualified Based on First-Year Performance, for students entering fall 2009 or after:

   a. If a student's cumulative 1L GPA is below 1.7, the student is permanently disqualified from continuing enrollment at the College of Law. The student may not apply for readmission.

   b. A student disqualified on the basis of a first-year cumulative GPA between 1.7 and 2.0 may apply for readmission. The Committee shall deny the application unless it believes, on the basis of the student's prior performance and any other relevant evidence, that the student has the basic qualifications to complete law school. Evidence of such basic qualifications may be that the deficiency can be explained by convincing evidence of extenuating circumstances, or that, for students disqualified one or more years prior to the application, the nature of interim work, activity, or studies indicates a stronger potential for law study. The Committee may deny an application but permit the student to reapply at a later time after engaging in interim work, activity, or studies designed to improve the student's potential for law study.

      If the student is readmitted, the student must repeat the entire first-year curriculum (including courses in which the student previously received grades of C or higher) as a new first-year student. A student readmitted to repeat the first year will not receive credit for any prior courses, and grades received in the prior year will not be included in computing the student's grade point average; however, the previous courses and grades will appear on the student's transcript. In addition, the following conditions apply to the repeat year:

      1) The student must have a cumulative grade point average at the end of the year of 2.0 or higher. A student who fails to achieve a cumulative grade point average of at least 2.0 is permanently disqualified from continuing enrollment at the College of Law and may not apply for readmission.

      2) The student must comply with such conditions the Committee on Readmission establishes. A student whose cumulative grade point average at the end of the year is 2.0 or higher but who fails to satisfy any condition of this paragraph is disqualified from continuing enrollment but may apply for readmission. The Committee on Readmission in its discretion may readmit the student and

establish such conditions as it deems appropriate, including retaking any course in which the student received a grade below a C.

4. Readmissions Standards for Students Disqualified Based on Upper-Class Performance for Students Entering the College of Law in the 2006-2007 academic year, the 2007-2008 academic year and the 2008-2009 academic year:

   Upper-class students who are disqualified because their cumulative GPA is below 73 may apply for readmission. Where the Committee believes that the deficiency is slight and evidence of extenuating circumstances is convincing, readmission may be granted on a probationary status, after a review of the reasons contributing to unsatisfactory performance and a finding that there is substantial prospect for acceptable academic performance. Continuation in school thereafter may be conditioned on such terms as the Committee deems appropriate, such as class attendance and its certification.

5. Readmission of Upper-Class Students Disqualified Based on Upper-Class Performance for Students Entering the College of Law in the 2004-2005 Academic Year and the 2005-2006 Academic Year:

   Upper-class students who are disqualified for academic deficiencies may apply for readmission for a subsequent semester. Where the Readmission Committee believes that the deficiency is slight and evidence of extenuating circumstances is convincing, readmission may be granted on a probationary status, after a review of the reasons contributing to unsatisfactory performance and a finding that there is substantial prospect for acceptable academic performance. Continuation in school thereafter may be conditioned on such terms as the Committee deems appropriate, such as class attendance and its certification. Students readmitted on probation will be permitted to enroll in graded courses only, unless otherwise noted by the Committee.

6. Readmission of Upper-class Students after a Second Disqualification for a Less-than-Satisfactory Cumulative Grade Point Average for Students Entering the College of Law in fall 2009 and later:

   Upper-class students who are disqualified because their cumulative GPA is below 2.0 may apply for readmission. Where the Committee believes that the deficiency is slight and evidence of extenuating circumstances is convincing, readmission may be granted on a probationary status, after a review of the reasons contributing to unsatisfactory performance and a finding that there is substantial prospect for acceptable academic performance. Continuation in school thereafter may be conditioned on such terms as the Committee deems appropriate, such as class attendance and its certification.

7. Readmission Applications:

   If a disqualified student seeks readmission to a semester that begins four years or less after the end of the semester of disqualification, the Office of the Dean shall refer the application to the faculty Committee on Readmission. The readmission policies of the College of Law shall be implemented solely by the Committee on Readmission, and its decision shall be final. If the applicant seeks readmission to a semester that begins more than four years after the end of the semester of disqualification, the Committee on Readmission may exercise discretion to require the applicant to reapply to the College through the normal admissions process.

V. SCHEDULING OF CLASSES

A. Schedules

Faculty may not change class and examination schedules. All changes in these schedules must have the prior approval of the Dean's designee or the Dean. Classes are generally scheduled throughout the day Monday through Friday.

B. Makeup Classes

From time to time, professors schedule makeup classes to replace class sessions which have been cancelled. Such classes may be offered during any period in the day except the 12:00 - 1:30 time period, and the regular attendance policy applies to these sessions.

C. Conflicts in Schedules

1. Under no circumstances will a student be permitted to enroll in courses which have conflicting meeting times.

2. Ordinarily, students may not register for both an externship and a clinic course during the same semester.

3. Ordinarily, students may not register for Criminal Practice Clinic and Trial Advocacy in the same semester.

D. Required Course Load

The program of legal education of the College of Law is planned for the full-time student. Courses in the first-year curriculum are required and administratively assigned. Generally, the required course load for the first year is 15 assigned credits in the Fall semester and 15 assigned credits in the Spring semester. Exceptions to assigned first-year courses may be made by the Dean's designee. If a first-year course is not successfully completed during the first year of study, the course must be successfully completed during the second year. Ordinarily, and where possible, the course should be repeated with the same faculty member. Both the original and later grades will be entered on the student's transcript and used in calculating the cumulative grade point average.

E. Overload

Generally, registration is not permitted for more than 16 credits for a semester or 6 credits for a summer session. An overload by approval of the Dean's designee may be permitted in unusual cases. Auditing a course does not constitute an overload.

F. Auditing Classes

Under University regulations, auditors must register and pay regular fees. Audited courses carry no credit. Once registered for audit, a student is not permitted to change to credit after the close of the add period. Non-law students must secure the approval of the Dean's designee before registering for the audit of a law course. In addition, the audit of the course requires the approval of the instructor.

G. Limited Enrollment Course Preferences

1. Students who are eligible to obtain a JD degree from the College of Law are given preference for enrolling in clinical and other limited enrollment courses over students who are not eligible to receive a JD degree from the College of Law. Third-year students have an enrollment preference or priority for limited enrollment classes. Students who apply for visiting status shall be notified of the College of Law's policy on class enrollment.

2. When demand for a limited enrollment class exceeds the enrollment limit, placement of students is accomplished through a lottery. In descending order of priority, registrants are classified as follows:

   a. Third-year students;

   b. Second-year students;

   c. Visiting students.

3. Third-year students who wish to take a particular limited enrollment class should fill out a seminar lottery form and return it to the Registrar by the posted deadline. The Registrar will post the results of any necessary lottery before the first day of pre-registration.

   Third-year students who do not participate in the lottery may enroll in limited enrollment classes only to the extent that openings are not filled through the initial lottery. The Registrar will compile a list of such third-year students during regular pre-registration. Openings will be filled from the list by lottery.

   Second-year students may enroll in limited enrollment classes to the extent that openings are not filled by third-year students during the pre-registration process. The Registrar will compile a list of such second-year students during regular pre-registration. Lists of selected second-year students will be posted during the drop/add period. Openings will be filled from the list by lottery.

   Generally, total enrollment in limited enrollment classes is 15.

VI. GRADING

A. Grading Scale

Effective for classes entering in Fall 2001 through Spring 2006

90-99	Distinguished
85-89	Excellent
80-84	Very Good
75-79	Good
70-74	Satisfactory
65-69	Deficient
64	Failing (no credit earned)
NR	Not Yet Reported
P	Pass
X	Audit
W	Withdraw
I	Incomplete
H	Honors
HH	High Honors

Effective for classes entering in Fall 2006 through Spring 2009

90-99	Distinguished
85-89	Excellent
80-84	Very Good
75-79	Good
73-74	Satisfactory
70-72	Unsatisfactory
65-69	Seriously deficient
64	Failing (no credit earned)
NR	Not Yet Reported
P	Pass
X	Audit
W	Withdraw
I	Incomplete
H	Honors
NR	Not Yet Reported

Effective for classes entering in Fall 2009 and after

A+	
A	Excellent
A-	
B+	
B	Good
B-	
C+	Average
C	
D	Deficient
E	Failure
P	Pass
X	Audit
W	Withdraw
I	Incomplete
XE	Academic Dishonesty

B. Policies on Graded Courses and Pass/Fail Grading for classes entering before Fall 2009 (Effective beginning Summer 2007)

All courses are to be graded on the numerical scale shown above except for (a) offerings in which the primary instructor is not a resident, visiting, or adjunct faculty member; (b) seminars in which the faculty/instructor's posted course description states that pass-fail or non-numeric grading will be employed; and (c) independent research where faculty/instructor's independent study approval form states that pass-fail or non-numeric grading will be employed. Offerings that are not numerically graded will be graded "pass-fail," within the meaning of the last paragraph of this section.

Students may, for other than first-year courses, exercise an option to convert a grade of 73 or above in a maximum of one course into a Pass (P). However, such an option may only be exercised in a course in which the instructor's posted course description indicates that such option may be exercised. The option is exercised for a particular course when the student submits a "Selection of Pass/Fail Option" form to the Registrar. The Registrar must receive the request within ten calendar days after the last set of second and third-year grades is posted for that semester. Upon receipt of such a request, and the completion of the course, the Registrar will convert the numerical grade of 73 or above into a "P" on all College records, and the actual grade will not be used in calculating the student's GPA. Once a request for any course is filed with the Registrar, it may not be withdrawn.

In those courses that are graded pass-fail or in which a student exercises a pass-fail option, a grade of the equivalent of 73 or above will be recorded as a pass. Any grade below 73 will be recorded as the numerical grade which the student earned.

C. Policies on Graded Courses and Pass/Fail Grading for classes entering Fall 2009 and after (Effective beginning Fall 2009)

All courses are to be graded on letter grade scale shown above except for (a) offerings in which the primary instructor is not a resident, visiting, or adjunct faculty member; (b) seminars in which the faculty/instructor's posted course description states that pass-fail or non-numeric grading will be employed; and (c) independent research where faculty/instructor's independent study approval form states that pass-fail or non-numeric grading will be employed. Offerings that are not numerically graded will be graded "pass-fail," within the meaning of the last paragraph of this section.

In those courses that are graded pass-fail, a grade of the equivalent of C or above will be recorded as a pass. Any grade below C will be recorded as the grade which the student earned.

D. Grade Normalization for classes entering before Fall 2009 (Spring 2001)

1. In courses with enrollment of 20 or more the median will be 82, 83 or 84 with 83 the suggested median. In courses with less than 20 students, 83 is the suggested median.

2. The percentage of grades below 70 in each first-year section must be between 3% and 6%. The percentage of grades above 89 in each first-year section must be between 10% and 20%, (Effective Spring 2002). Faculty may request a waiver of this policy from the Dean.

3. The lowest grade in any course is 64, which constitutes a failing grade.

E. Grade Normalization for classes entering Fall 2009 and after (Spring 2009)

1. In all 1L courses and upper level courses with enrollment of 20 or more the following distribution requirements will be followed:

Grade	Subgroup % Distribution	Group % Distribution
A+(*)	0 – 4%	Combined A's must constitute 25% of the grades awarded (plus or minus 2%)
A	10 – 15%	
A-	10 – 15%	
B+	25 – 35%	Combined B's must constitute 60% of the grades awarded (plus or minus 2%)
B	20 – 30%	
B-	5 – 15%	
C+ and Below	15% (plus or minus 4%)	
D and E(**)	0 – 4%	

(*) Note: A+ should be awarded only when exceptional work is clearly demonstrated.
(**) Note: D and E should be given only when deficient performance is clearly demonstrated.

2. In any 1L class of fewer than 20 students, faculty must use the following grading system: (1) no more than 25% A's (+/-2%) and no more than 1 A+; (2) no more than 60% B's (+/-2%); (3) no more than 15% C+'s (+/- 4%) and below.(Effective March 2010)

3. In upper level classes of fewer than 20 students, faculty are to use the grade distribution system for upper level courses with 20 or more students as a guide, but are not held to that distribution. In these classes, however, faculty are to award no more than 50% A's and no more than 1 A+.

4. The lowest grade in any course is E, which constitutes a failing grade.

F. Grades for MLS students (Spring 2013)

1. In any class, faculty must use the following grading system for MLS students: (1) A+,* A, A-, B+, B, B-, C+, C, D,** and E.**

2. The lowest grade in any course is E,** which constitutes a failing grade.

3. When assigning MLS grades, faculty should not require MLS students to achieve the same performance as J.D. students earning the same grade. MLS students should be graded with the recognition that they have not completed the first year of law school.

(*) Note: A+ should be awarded only when exceptional work is clearly demonstrated.
(**) Note: D and E should be given only when deficient performance is clearly demonstrated.

G. Instructor's Assessment and Grading of Students on Bases Other Than or in Addition To Final Exams (Oct 2011)

1. Assessment on bases other than a final exam. Each instructor may assess student performance on some bases other than, or in addition to, a final examination. Such assessments may include written assignments, mid-term or other examination, papers, projects, or other assessments of performance by students in the role of lawyers. When an instructor chooses to assess students on such bases, a description of the instructor's grading criteria shall be included in the course description or on the course syllabus. Examinations, written assignments, or a combination of the two, should be the most important basis of assessment in numerically graded non-clinical courses, and an important basis of assessment in numerically graded clinical courses, but the Curriculum Committee may approve a departure from this rule where justified by an important pedagogical purpose.

2. Attendance, preparation, and class participation. Students are expected to prepare for and attend all classes in their entirety, without tardiness. In all courses, instructors may consider unexcused absence, tardiness, and contributions to class discussion in assigning grades. In first-year courses, an instructor may notify the Registrar to raise a student's final grade one step (for example, from a "B" to a "B+," from a "C+" to a "B-," etc.) for outstanding classroom participation, or lower a student's final grade one step for unexcused absence, tardiness, inadequate preparation, or poor class performance. The lowest grade that can be raised is a C. The lowest grade that can be lowered is a C+. This policy statement shall constitute notice of all such grade adjustments. Instructors in upper-level courses may give such weight as they believe is appropriate to such matters as outstanding classroom participation, unexcused absence, tardiness, inadequate preparation, or poor class performance, subject to the provisions of Section VI E. 1. Instructors in upper-level offerings shall provide notice of attendance and participation grading policies to students before the end of the first week of instruction. In the absence of such notice, the instructor, in assessing grades, may give no weight to

attendance or performance. As set forth in Section III, an instructor may withdraw a student from a first-year class for excessive absence and may withdraw a student from an upper-level class for excessive absence.

H. Incomplete Grades

A grade of incomplete may be given whenever a student does not complete a course because of failure to meet academic requirements according to the schedule announced by the faculty member. An instructor may assign a grade of incomplete in a first-year course with the approval of the Dean's designee for rare and unusual cases with compelling reasons.

If an incomplete is not removed by the instructor within one calendar year from issuance, it becomes part of the student's record. Students receiving incomplete grades will be notified in writing of the effect of a failure to remove an incomplete grade within the specified time period, with a copy to the professor. The initial notice will be followed by a reminder to the student prior to the expiration of the one-year period. No credit is recorded for a course until an incomplete has been removed, and an incomplete may not be changed to a withdrawal. For graduating students incomplete coursework must be submitted and certified as completed by the final scheduled day of the examination period in the semester in which they plan to graduate. Exceptions to this deadline can only be granted by the Dean's designee.

I. Anonymous Grading

An instructor is not permitted access to student names on examination blue books at any time before grades are final and recorded. Supplementary credit for assignments other than final examinations or for classroom performance is permissible but must be determined and calculated in the final grade before student identification is known to the faculty member.

If mid-term scores, grades on problems or papers, classroom performance bonuses (or demerits), or other factors are to be a part of the final grade of any course, a list of these items and student recipients should be submitted to the Registrar. When raw scores on the final examination papers have been entered, the papers should be delivered to the Registrar. The Registrar will add the assessment factors, and enter a final grade for the course on the official grade list. Only after this process is completed, may the instructor see the student names.

An instructor may not alter the final grade except for clerical error. A written statement by the instructor explaining the reason for the change must be submitted to the Dean's designee for approval prior to changes.

J. Submission of Grades

Faculty shall submit their final grades to the Registrar of the College no later than a date set by the Dean of the College for each examination period. At the discretion of the Dean, faculty members who do not submit the grades for their classes by the date shall be fined $200 a day for each day the grades are late, payable to the Scholarship Fund of the College of Law. Faculty will comply with requests of the Administration for assessment of whether particular examinations warrant a C (70 for classes entering prior to Fall 2009) at a date earlier than the date set for the submission of final grades when the administration of the College determines the existence of a legitimate need for such information.

K. Posting of Grades

Grades will be posted as appropriate by the Registrar; faculty members shall not post grades independently.

L. Publication of Exams and Model or Best Exam Answers

After grades are posted, instructors shall furnish the Library a copy of any examination or portion of an examination that the faculty member has designated as releasable, and the best student answer or a model answer for each. These will be kept on file in the Library and made available to students. Faculty members who furnish best student answers to final examination questions may do so either by photocopying the actual examination answer or having it retyped.

M. Disclosure of Grades

A transcript of a student's grades is supplied to persons outside the College of Law only upon the authorization of the student. Absolutely no information regarding grades, class ranks and grade point averages will be discussed on the telephone. Students must appear in person at the College Registrar's office, or submit written requests to the College Registrar in order to obtain information regarding grades, class ranks, and transcripts.

N. Class Ranking (August 2011)

A student will be ranked at the end of each semester if the student's grades are in the top one-third of the class and the student has completed all the required first semester coursework (after 1 semester), all the required first and second semester coursework (after 2 semesters), 42 credits (after 3 semesters), 54 credits (after 4 semesters), 66 credits (after 5 semesters), or 87 credits (after 6 semesters). Class rank information shall be released only upon authorization of the student concerned.

O. Grading Teaching Assistants for Legal Research and Writing

Teaching Assistants for Legal Research and Writing will be graded Pass/Fail only.

P. Honors (Effective with graduating class of May 2011)

At or after graduation, students may be awarded the designations cum laude, magna cum laude, and summa cum laude by the faculty. A student graduating among the top 5 students in the graduating class graduates summa cum laude. The remainder of the top 10% of the student body graduates magna cum laude. The next 15% of the class graduates cum laude. The cumulative grade point average for these designations is based on only ASU resident course work. In addition, Order of the Coif (a national honor society) is awarded to those students who rank in the upper 10% after six semesters of course work with a minimum of 66 graded credit hours.

Q. Ranking and Honors for Transfer Students (Effective beginning for transfer students entering Fall 2005)

Students who transfer to the College of Law are not eligible to be ranked and are not eligible for Order of the Coif. Transfer students who earn a minimum of 40 graded credits at the ASU College of Law are eligible to earn academic honors (cum laude, magna cum laude, or summa cum laude) based on their final cumulative grade point average at the ASU College of Law.

R. Pedrick Scholar Honors

A student who, in any single semester in which he or she has taken at least 10 graded credits, achieves a GPA of 3.5 or higher shall be deemed a Pedrick Scholar for that semester.

S. Graduate Students (Effective for students beginning Fall 2009)

Graduate students from the University who enroll in law classes will be graded on the same basis as law students. However, a "credit" designation is limited to performance of C or above.

T. Grading and Honor Code Violations

Only the Dean, on the recommendation of an Honor Code Hearing Board or Sanctions Committee, can impose a sanction for violation of the honor code. When assigning a grade, however, an instructor may deduct points for an academic defect that the instructor recognizes may also amount to an honor code violation. When the instructor does so, he or she must give notice to the student and the Dean's designee of the reason for the deduction of points from the grade.

U. Student Appeals from Grades

A student may appeal a grade to the Dean's designee only on the following grounds:

The grade reflects an error in computation or recording.

The grade is based at least partly on an erroneous finding by the instructor that the student engaged in plagiarism, fabrication, or other academic dishonesty in the academic exercise being graded. Students should refer to Section XIV, University Student Code of Conduct and Section XIII, ASU College of Law Honor Code for definitions of plagiarism and academic dishonesty.

Lack of good faith under Section XII, F, 4 of the Statement of Student Policies

VII. EXAMINATION PROCEDURES

A. Examination Numbers

Students will be issued a separate examination number for each examination taken. An examination should be identified only by the number given for that examination.

B. Commencement of the Examination

An examination begins when the person administering the examination gives the direction to begin. No student shall read the examination questions or commence writing until the direction is given.

C. Conduct During Examinations

1. All students shall observe the Honor Code during examinations. The Honor Code of the College of Law is reproduced in Section XIV. It should be read by all students.

2. No outside materials in electronic form may be used during the examination or brought to the examination room. Other outside materials are allowed only when specifically authorized by prior notice from the instructor. (A list of materials permitted should also be included on the instruction sheet for the examination). The prohibition includes notes, library materials, and any printed or written matter other than the examination questions, the bluebooks, or other answer sheets.

3. There is to be absolutely no conversation about the examination between students until after all examination papers have been collected. Students are free to leave the examination room for short periods of time, but discussion of the examination must be deferred until the testing period has ended.

4. Examinations are to be written or typed in assigned rooms only. Students may not type examination answers on typewriters that have electronic memory exceeding one line. Personal computers may not be used unless the following procedures have been followed:

   a. At least eight weeks before the examination, the instructor notifies the Dean's designee that personal computers may be used. The Dean's designee then determines that suitable facilities are available for this purpose, and, at least six weeks before the examination, the instructor informs the class that personal computers may be used.

   b. The student submits a written request to the Dean's designee, at least four weeks prior to the examination, for permission to use a personal computer, and the student receives a decision from the Dean's designee.

c. The student uses a disk purchased through the College that contains software allowing the student's word processing program, but no other programs, to run. The student must purchase a separate disk for each examination.

d. Students may not delay the starting or finishing times of an examination due to computer problems. If a computer malfunctions, the student shall submit the disk and a written answer.

e. An attempt to disable or tamper with the security features of the examination software is a violation of the Honor Code. Computers and disks are subject to inspection before and after the examination.

5. Notwithstanding Sections C, 2 and C, 4, faculty members may permit students to use any computer or typewriter on take-home examinations.

D. Termination of the Examination

A five-minute notice will be announced to students alerting them that only a short time remains to complete the examination. At the expiration of the scheduled time for the examination, an announcement will be made that the examination has ended, and all students must stop writing or typing. Answer sheets from students who fail to comply will be marked "late" and the instructor may take the lateness into account in grading the examination.

E. Return of Examination Questions

All copies of all examination questions must be returned to the exam administrator at the end of the examination.

F. Students Late for Examination

Students who arrive late for an examination are expected to complete the examination by the announced termination. No extension of time may be granted except by the instructor whose examination is being taken or by the Dean's designee.

G. Faculty Presence at Examinations

Under normal circumstances, faculty members should not enter examination rooms during the course of the examination. However, special instructions may be given in the main room prior to the commencement of the examination.

H. Rescheduled Examinations

A student may reschedule an examination only for compelling reasons. A request to reschedule must, if possible, be communicated in advance of the examination to the Dean's designee, who ordinarily will consult with the instructor before ruling on the

request. The student with an approved request may, with instructor's permission, take the exam on the next available date as determined by the Dean's designee.

I. Unexcused Failure to Take Examination

Failure to take an examination without prior approval as instructed in Section H results in a failing grade.

J. Examination Deferrals

If a student has more than one examination scheduled at the same hour, more than one examination in a 24 hour period, or three or more examinations on successive days, he or she may arrange a change in the schedule. To qualify, the student must complete a deferment form and submit it to the Registrar, for approval by the Dean's designee, no later than the last regular day of the semester. Deferred examinations will be moved to the next open date, but no later, in the student's final examination schedule.

K. Illegible Examination

If the handwriting in any examination is illegible, the instructor may have a copy xeroxed, retain the original, and send the copy to the Dean's designee. The Dean's designee will arrange for the student to have the examination typed. The reproduction of the answers must be identical to the original, and no editing, alteration, or addition shall be permitted.

L. Questions

Any questions regarding examination procedures and administrative responsibilities shall be referred for decision to the Dean's designee.

M. Take-Home Examinations

Take-home examinations will be administered under the directions specified by the instructor, but they must be completed within the scheduled examination period. The instructor shall furnish the Dean's designee a copy of the take-home examination instructions before the exam is commenced.

N. Examination Schedule

The final examination schedule cannot be changed without the approval of the Dean's designee.

VIII.WITHDRAWAL AND ADDING

A. Withdrawal from Courses

A student may withdraw from a first-year course only with the approval of the instructor and the Dean's designee for rare and unusual cases with compelling reasons. For instructional offerings after the first year, subject to the exceptions that follow, the general rule is that a student may withdraw until a) the final examination is administered, b) a take-home final examination is made available to students, or c) the last meeting of the class, if no examination is administered.

For instructional offerings where in the judgment of the instructor, withdrawal after the drop-add period would impact adversely on the instruction of other students, withdrawal may be conditioned on instructor approval. The instructional offering must be identified prior to the pre-registration date as one subject to this conditioned withdrawal rule. No student pre-registered for a clinical offering shall be allowed to drop the clinic later than two weeks preceding the first day of classes, or to add the clinic, unless instructor approval is first obtained.

B. Adding Courses

No student may add a course after the sixth hour of any of its sessions. In seminars, instructor approval is necessary for a student to add a class after the first seminar session. Intersession courses may be added after the first class session only with the permission of the instructor.

C. Withdrawal from the College

A student may withdraw from the College at any time before the beginning of the examination period of the semester for which he or she is registered. Before withdrawal, the student must arrange for an interview with the Dean's designee.

D. Readmission to the College

A student withdrawing from the College leaves with no assurance of readmittance and must, if he or she wishes to attend at a later date, reapply for admission into the College. If a withdrawing student seeks readmission to a semester that begins four years or less after the date of withdrawal, he or she must apply for readmission to the Dean's designee at least two weeks prior to the last day of classes of the semester preceding that for which the readmission is requested. The Dean's designee shall refer the application to a faculty committee on readmissions. The decision of the committee shall be final. If the applicant seeks readmission to a semester that begins more than four years after the date of withdrawal, the Readmissions Committee may exercise discretion to require the applicant to reapply to the College through the normal admissions process.

IX. NON-TRADITIONAL CURRICULUM

A. University Courses Outside The Law School

For ASU College of Law students, course work and independent study outside the College of Law may satisfy a special need to supplement skills in a chosen field. This credit does not constitute graded credit for purposes of the graded credit graduation requirement. (Section II A, B, C, D – 3)

The College will recognize a maximum of six credits of non-law course work in partial fulfillment of the JD degree under the following conditions:

1. The non-law work must be related to advanced work in law; the student who petitions for such credit bears the burden of establishing a significant relationship.

2. Approval must be secured in advance by petition to the Dean's designee. Normally, a grade of "B" or better must be earned for the credit to be recognized for the law degree.

3. Though special cases may justify credit for course work at the undergraduate level, graduate course work is normally required.

B. Externships

1. Goals and Objectives.

   The College of Law's externship program is intended to enhance and supplement the College's educational program by providing students an opportunity to refine their professional skills through approved field placements.

2. General Requirements.

   a. Students may only enroll in externships approved by the Associate Dean of Clinical Affairs and the Profession ("the Associate Dean") in consultation with the Director of Clinical and Externship Programs ("the Director" or "the Externship Director").

   b. All externships shall provide an educational experience of high quality and shall include instruction in professional lawyering skills.

   c. Each extern shall be under the general supervision of the Director.

   d. All externships shall involve legal or policy assignments and typically shall include substantial written work. Students shall be adequately supervised and shall work under the direct supervision of an attorney.

e. Externships are placements at governmental entities or non-profit organizations. Work in the nature of clerking with a private firm does not qualify as an approved externship. In cases where a private firm has contracted with a municipality to be that entity's prosecutor or indigent defense agency, a proposed externship may be approved if it (1) entails work solely in the prosecution or defense of criminal cases under the municipal contract and (2) meets the other requirements of an approved externship

f. All externships shall include an academic component. For first-time externships that award three hours or less of academic credit, the minimum academic component shall generally be the classroom component provided by the Externship Director. In some instances, the academic component may be provided by a faculty member. Periodic journals and reflective writings may be required.

g. The academic component for first-time externships that award academic credit in excess of three credit hours per semester shall, consistent with ABA standard 305(e)(7), include both the classroom component provided by the Externship Director (or the academic component provided by a faculty member) and an opportunity for contemporaneous guided reflection on the student's experience with the externship. Non-exclusive examples of the opportunity for contemporaneous guided reflection may include a requirement that the student: (i) keep a periodic journal concerning the student's externship experience which shall furnish the basis for discussions between the student and the Externship Director from time to time during the course of the externship, and (ii) prepare a paper or papers on selected substantive aspects of the student's externship work which shall furnish the basis for discussions between the student and the Externship Director from time to time during the course of the externship.

h. A student at the College of Law may not earn more than 12 credits of externship work in partial fulfillment of the 87/88 hour academic credit requirement for the JD degree.

i. Rule 38 certification should be generally limited but may be provided when the Associate Dean decides it is necessary and appropriate to the externship placement.

j. Students may not receive monetary compensation for fieldwork for which they are also receiving academic credit. Students may receive stipends to cover educational expenses, meals, travel, and special living expenses.

k. A student is expected to complete an externship in one semester unless the student has received an extension from the Externship Director for good cause. An externship with an academic component consisting of a research paper may be extended by one semester, with faculty supervisor's approval, to complete the paper.

3. Specific Requirements and Responsibilities.

a. The Externship Director

The Externship Director shall design the academic component for the externship, which may include a classroom component.

The Externship Director may, if appropriate, review the student's fieldwork. The Externship Director shall consider the time devoted by the student to the field placement, the tasks assigned to the student, the student work product, and the agency supervisor's performance. The Externship Director or other College representative shall periodically visit and inspect an externship placement site, interview supervisors, and follow through on recommended changes, and shall submit a report on the site visit to the Associate Dean.

The Externship Director shall periodically provide reports on the externship program to the Associate Dean. The Externship Director shall inform the Associate Dean of any placement that does not meet the law school's expectations. The Associate Dean shall terminate an unsatisfactory placement unless there is satisfactory assurance of correction by the agency concerned.

The Externship Director shall know the identity of the site supervisors who will have the responsibility of supervising the extern's field work and shall request the agency supervisor to report any failure on the part of the extern to meet his or her obligations. The Externship Director shall provide instruction to supervisors on working effectively with our students. The agency supervisor shall also be advised of the need to report on the student's performance at midterm and at the conclusion of the externship.

The Externship Director shall be the point person at the College of Law for interaction with both externship students and supervisors and shall review student and supervisor evaluations and reflections.

The Externship Director shall assign pass / fail grades to a students and a failing grade will factor into a student's grade point average.

b. Students.

A student shall have completed one year of law school and be in good standing to participate in an externship program. Participation in an externship shall be governed by the "Limited Enrollment Course Preferences" rules in Section V, G.

As set forth in Section IV, B (2), a student on academic probation shall not be eligible to enroll in an externship.

The student normally will receive one academic credit for every 60 hours spent on fieldwork.

The student shall successfully complete an academic component to the satisfaction of the Externship Director.

The College of Law Externship Program is designed to enhance the educational experience of students by giving them an opportunity to do legal or policy work that generally is not available through the College of Law curriculum. In keeping with these objectives, students are expected to treat the commitment to the agency with the same importance they would give a paid legal position. Students must not accept an externship offer they do not intend to keep. The Associate Dean may impose consequences for breaking a commitment to do an externship, including, but not limited to prohibition from future externships.

Ordinarily, students who wish to undertake an externship, clinic, or legislative internship may register for only one of them during the same semester.

c. Agencies

Agencies shall apply to the Associate Dean for an externship. Such an agency shall submit a proposal that meets the requirements of these rules and explains how the agency will meet its responsibilities. For externship placements beginning in the spring semester, proposals must be submitted by September 1st. For externship placements beginning in the summer session or the fall semester, proposals must be submitted by January 10th.

Agencies in which students are placed shall provide adequate supervision of student externs. The supervision shall include detailed review, evaluation, and criticism of student extern work product and performance.

The agency shall designate a lawyer to be the agency supervisor, who will directly supervise the student extern, and shall submit the qualifications of the agency supervisor. The supervision may not be delegated to another individual. The College may disqualify any agency supervisor who fails to meet the applicable requirements from further participation in the externship program.

The agency shall submit a report at midterm and at the conclusion of the externship, describing the work performed by the extern and the quality of the extern's work product.

The assignments given to student externs shall consist primarily of legal or public policy work.

Student assignments shall include the opportunity to observe and participate in actual legal or public policy matters.

Insofar as legally and ethically permissible, agencies shall assign work to student externs consistent with that assigned to agency lawyers.

C. Study Abroad Program (Spring 2004)

The primary goal and objective of the College of Law's Study Abroad Program, whether through an official College of Law Exchange Program, an accredited program established by another ABA approved law school, or an international exchange program through ASU's International Programs Office, is to enhance and supplement the College's educational mission. Students may receive credit for study completed through the Study Abroad Program ("Study Abroad Credits").

The College of Law will only recognize Study Abroad Credits if the following conditions have been met prior to departure:

1. The Student has petitioned the Dean's designee for approval to participate in the Study Abroad Program in accord with procedures and policies as announced by the College of Law, including application materials and dates;

2. The Student has been approved by the Dean's designee to participate in a Study Abroad Program;

3. The Student has consulted with the Dean's designee on a proposed schedule of course work;

4. The Dean's designee has approved such course work; and

5. The Student complies with all other rules and conditions as set forth in these Policies.

The College of Law will only recognize Study Abroad Credits where the student has obtained a grade of "C" or better (or its equivalent as defined by the granting institution) for a given course. Finally, the College of Law will recognize a maximum of fifteen

Study Abroad Credits in partial fulfillment of the JD Degree. This maximum may be waived in special, if rare, circumstances.

At any time, the Dean's designee may consult with the International Studies Committee on questions of student eligibility, course work approval, and requests to exceed the maximum of fifteen Study Abroad Credits.

D. Distance Education* Policy (November 2004)

1. The ASU College of Law will not grant a student more than 4 credit hours in any semester or summer, nor more than a total of 8 credit hours, toward the JD degree for Distance Education courses.

2. No student shall enroll in Distance Education courses qualifying for JD credit until that student has successfully completed the first-year curriculum.

3. No credit otherwise may be given toward the JD degree for any Distance Education course.

*Distance Education as defined by ABA Standard 306.

X. SPECIAL CURRICULUM POLICIES

A. Certificate Program in Indian Law

The Indian Law Certificate Program is designed for students who plan to practice Indian law, particularly for those students who may be representing tribal communities directly after graduation. This upper-division law program can be completed within the final two years of the JD program. Applicants must be enrolled at the Sandra Day O'Connor College of Law at Arizona State University and in good standing. Transfer applicants may be admitted into the Program if they otherwise meet the standards of the College of Law.

1. Program Requirements:

The Certificate requires a minimum of 21 hours of substantive work in Indian law and related fields. Application forms and requirements for the Indian Law Certificate Program can be found at:

http://www.law.asu.edu/Programs/Indian/Certificate/default.aspx

a. Substantive Courses:

The only classes that will count towards the Indian Law Certificate are the classes listed below. All other classes must receive prior approval by the Executive Director of the Indian Legal Program.

Mandatory Courses: Federal Indian Law I and Federal Indian Law II (6 units).

Advanced Indian Law: Participants must complete Advanced Legal Research and Writing – Indian Law Seminar, and at least one other course approved by the Executive Director as a course that primarily addresses core Indian law issues. Examples include Cultural Resources, Indian Gaming, Tribal Law and Government, Economic Development in Indian Country, International Indigenous Rights, Indian Taxation, American Indian Health Policy, or a directed independent study on an approved topic in Indian law.

Electives in Law: Participants must complete four (4) courses in the College of Law curriculum that have been approved by the Executive Director as related to Indian law issues. Approved courses include Critical Race Theory, Civil Rights Legislation, Environmental Law, Natural Resources Law, Water Law, Timber and Range, Administrative Law, Employment Law, International Law, Federal Courts, Business Associations I and II, Conflict of Laws, Commercial Law, Creditor/Debtor, Constitutional Law II, Arizona Constitutional Law, Advanced Legal Writing, Intensive Legal Writing, and Corporate Taxation. Approved seminars include International Human Rights, Governmental Protections, and Current Topics in Arizona Water Law.

Non-Law Electives**:** Students may apply up to three (3) units of non-law graduate work (such as Anthropology, Political Science, or Justice Studies) toward the courses that satisfy the Electives in Law category if the Executive Director finds that such a course is appropriate to the student's course of study and that no comparable class is offered at the law school. Pre-approval of the Executive Director is required for all non-law courses.

Students must receive a C+ (75 for student who started their JD before fall 2009) or above or a "pass" in each class that they list on the Indian Law Certificate application.

A copy of your transcript must be attached to your application.

b. Practice Experience in Indian Law:

During law school, each student must successfully complete the Indian Legal Clinic. If a student is unable to enroll in the Clinic, they may obtain practice experience in Indian law through an approved ILP clerkship or externship with prior approval from the Executive Director.

c. Senior Thesis Requirement:

Each student must complete a substantial paper written on an Indian law topic in connection with a law school course, seminar, or directed independent study. The paper must be at least 25 pages in length, double-spaced, and must go through faculty review of at least one draft and rewrite. A paper that is used to satisfy the College of Law graduation writing requirement or a Law Review requirement may also fulfill this requirement of the Certificate Program. The writing requirement for the Indian Law Certificate must be supervised by a faculty member with expertise in the substantive area of law. A copy of your paper must be attached to your application.

B. Law, Science & Technology Certificate Program

The Center offers a Law, Science, and Technology Certificate Program for students with science and technology interests. The Certificate Program is limited to students enrolled at the College of Law. The Program involves substantive course work, a minimum average grade for that course work, a substantive paper, extracurricular activities, and regular advising. Its requirements are described below:

Program Requirements

1. Substantive Course Work in Law, Science, and Technology subjects, which shall involve a minimum of seven (7) courses (earning at least sixteen credit hours), offered at the College of Law.

a. Two (2) courses shall be chosen from a list of Core Courses (except as provided for in subsection (d) for students pursuing a specialization). The Core Courses are: Law, Science, and Technology; Scientific Evidence; Law, Science and Litigation; and Applied Research Seminar in Law, Science, and Technology.

b. Five (5) courses may be chosen from a list of Elective Courses. (Core Courses may be taken as Elective Courses.) The list of Elective Courses is subject to revision by the Director or Executive Director with the advice of the Center Fellows. The list of current Elective Courses can be found at:

   http://www.law.asu.edu/Programs/Sci-Tech/About/CertificateProgram.aspx

c. Graduate Seminars (500 level or higher) in other Departments and/or Independent Study with Center Fellows on the College of Law faculty, as approved by the Director or Executive Director and the Dean's designee, may serve as Elective Courses. Participation in the Technology Transfer Clinic also counts for Elective Course credit (or as a qualifying course for the Intellectual Property specialization; see http://www.azte.com/venture_clinic.html for a detailed description of the clinic.) (N.B. When taken for six credits, the Technology Transfer Clinic shall count as two courses.)

d. Students shall have the option of pursuing a specialization within the Graduate Certificate Program. The four specializations are Intellectual Property, Health Care Law, Environmental Law, and Genomics and Biotechnology Law. Four courses within the area of specialization are required to satisfy the specialization option. In addition, the Core Course requirement is reduced from two courses to one course for students pursuing a specialization option. (An additional two courses from the list of Elective Courses or courses described in subsection (c) are required to satisfy the seven (7) course minimum requirement.)

   i. For the Intellectual Property specialization, members of the Class of 2006 shall complete Copyright Law and Patent Law and at least two other qualifying courses. Members of the Class of 2007 and thereafter shall complete three of the following four classes (plus a fourth qualifying course): (Introduction to) Intellectual Property, Copyright Law, Patent Law, and Trademark and Unfair Competition. The qualifying courses are Advanced Topics in Copyright Law; Advanced Topics in Patent Law; Controversies in Biotechnology, Health & Developing Countries; Copyright Practice; High Tech Licensing; (Introduction to) Intellectual Property; IP Portfolio Management; International Intellectual Property; Licensing Intangible Property; Patent Litigation; Patent Prosecution; Technology Transfer Clinic; Trademark and Unfair Competition; and Intellectual Property Commercialization; and Technology Transfer.

ii. For the Health Care Law specialization, the student shall complete Health Law and at least three other qualifying courses. The qualifying courses are Administrative Law; American Indian Health Policy; Bioethics; Disabilities Law; Elder Law; Family Law; FDA Regulation; Gender and Family Policy; Gender, Sexuality and the Law; Genetics and the Law; Medical Malpractice; Mental Health Law; Public Health Law; and Research Ethics and Law.

iii. For the Environmental Law specialization, the student shall complete Environmental Law and Natural Resources/Public Land Law and at least two other qualifying courses. The qualifying courses are Administrative Law; Environmental Justice; Environmental Litigation; International Environmental Law; Land Use Planning and Regulation; Natural Resources Policy Clinic; Natural Resources Field Seminar; Timber and Range; Toxic Tort Litigation; Water Law; and Wildlife Law.

iv. For the Genomics and Biotechnology Law specialization, the student shall complete Genetics and the Law and Biotechnology: Law, Science & Policy and at least two other qualifying courses. The qualifying courses are Bioethics; Bioethics and Ethics in Intercultural Context; Controversies in Biotechnology, Health & Developing Countries; FDA Regulation; Genes, Stem Cells, and Justice; Patent Law; Privacy; Public Health Law in Developing Countries; and Research Ethics and Law.

e. Service as an Editor for Jurimetrics: The Journal of Law, Science, and Technology shall count as substantive course work. Two semesters of service count as one course (and thus four semesters count as two courses).

2. Grade Requirement

Each student must earn a cumulative average grade of at least 3.1 (83 for classes entering prior to Fall 2009) for those courses that are offered to satisfy the substantive course work requirements of the Graduate Certificate Program. A student must earn a minimum grade of "B" for courses taken outside of the College of Law, pursuant to 1.c. above, where letter grades are assigned. Letter grades earned outside of the College of Law will not be used to compute the student's cumulative average grade. A student may take one elective course on a Pass/Fail basis. Courses used to satisfy the core or specialization requirements may not be taken pass/Fail. (N.B. Any course in which the teacher opts to grade all enrolled students on a Pass/Fail basis is an exception to this limitation and may be used to satisfy a core or specialization or elective requirement as though it were a graded course.)

3. Law, Science, and Technology Activity

Each student is encouraged to actively participate in the events, e.g., speakers, conferences, symposia, etc., sponsored by the Center and to participate in at least

one approved activity for two semesters. Editorial positions with Jurimetrics, approved externships, active participation in the Law and Science Student Association (LASSA), the Intellectual Property Student Association (IPSA), the Environmental Law Society (ELS), and the Health Law Society (HLS) are approved activities.

4. Writing Requirement

   Each student must complete a substantial paper on a topic related to Law, Science, and Technology. The paper must be at least 25 pages in length and written under the guidance of a Center Fellow on the College of Law faculty. A paper written to satisfy the College of Law's graduation writing requirement may fulfill this writing requirement, including a paper written as part of a seminar course included in the list of courses above. The Certificate Program writing requirement shall be monitored in the same manner as the College of Law's graduation writing requirement, with written evidence of completion provided by the Center Fellow who supervises the writing to the Assistant Registrar of the College of Law. A paper that satisfies a Law Journal writing requirement may also be used to satisfy this writing requirement.

5. Advisors

   Each student shall be assigned an advisor from the Center Fellows by the Director or Executive Director shortly after the student applies to the Certificate Program. The Director or Executive Director can revise this assignment at a later time at the request of the student or the advisor. Revisions will occur after consultations with the student, the original advisor, and the proposed successor advisor.

6. Unforeseen/Exigent Circumstances

   The Executive Director and Director shall have joint authority to modify, waive, or reconfigure the Program Requirements where necessary to promote equity and fairness in the event of unforeseen complications or exigent circumstances.

C. Clinical Programs

All students at the College of Law are invited to participate in the clinical program after the first semester of their second year of law school.

A student may not enroll in the Criminal Practice Clinic in the same semester in which the student enrolls in either Trial Advocacy or Applied Evidence in Trial Advocacy. (Some Clinical courses require certification under Arizona Supreme Court Rule 38.) Ordinarily a student may enroll in only one clinic. However, this requirement may be waived. Applications for waiver shall be made to the Dean’s designee who shall act in accordance with the following guidelines.

1. If a student completes one 6-credit clinical course, he or she will be allowed to enroll in another 6-credit course if there is space available and the supervising attorney informs the Dean's designee that the student's work in the completed program has been performed at an acceptable level.

2. If a student completes a 6-credit clinical course and requests to continue in that program for an additional semester, the approval of the Dean's designee will be given for one, two, or three additional credits if the student has completed the prior semester's work successfully, there is space available in the program, and the supervising attorney agrees that the student's continued participation in the program will be beneficial both to the student and the program.

3. Ordinarily, the maximum number of credits which students may earn in clinical courses is six (6). In no case will a student be allowed to enroll in courses which will result in his or her receiving more than 12 credits in the clinical area.

D. Student Practice Under Rule 38

Under the terms of Rule 38, third-year students may be certified for limited practice of law under the direction of a supervising attorney. Certification by the Dean is granted only in connection with a program of instruction administered primarily by and through the College of Law, i.e., the Law School Clinic Programs and selected externship programs.

E. Independent Study

A student wishing to pursue independent study or fieldwork for credit must obtain approval of the Dean's designee and the consent of a faculty member to supervise a proposed project. The faculty member assigns the amount of credit that the proposal justifies. In awarding credit to a student for an independent study paper, a faculty member should require a quantum of work from the student which approximates the amount of work expected from students enrolled in a regular course taken for the same number of credits. Faculty members should set minimum lengths for independent study papers based upon the complexity of the subject, the existing volume of literature on the topic, the number of redrafts required to complete the assignment, and the originality of the student's work product. Although exact guidelines cannot be formulated in awarding credit, past practices indicate that generally a paper of approximately 12,500 – 18,750 words, including footnotes, which has been redrafted one or more times after review by the faculty member, will be required for three credits. Generally, a paper of roughly 8,750 – 12,500 words, including footnotes (with one redraft) should be required for two credits, and normally a minimum of 6,250 words, including footnotes (with one redraft), should be required for one credit..

Juris Doctor students may apply a total of seven credits of independent study credit under supervision of faculty members of the College of Law towards the credit hour requirements for graduation, subject to all other graduation requirements. Master of

Legal Studies students may apply a total of three one-credit independent studies towards the credit hour requirements for graduation. Adjuncts and Faculty Associates may not supervise independent studies. Each independent study proposal must include: (1) a statement of the area of law to be examined in the independent study, and (2) an explanation of the differences between the topic covered in the independent study and any other independent study the student has undertaken at the College of Law. Faculty and students will exercise care to ensure that independent studies are undertaken under the supervision of College faculty with requisite expertise in the subject area. Students who are on academic probation may not register for independent study hours. The Dean's designee shall maintain records for each student on the number of independent study hours for which the student registered, the number completed, the topics covered by the independent study, and the faculty who supervise the independent study credits. Faculty are advised to exercise care in supervising more than three credits of independent study for one student during the course of the student's academic career. Faculty are further advised to pay particular care to the assignment of grades to independent studies to ensure the integrity of the numerical grading process at the College.

Approval of the Dean's designee is required prior to registration for any independent study. Prior to approval, the Dean's designee shall review the prior independent study credits for any student in a semester. The Dean's designee shall not approve more than four independent study credits for any student in a semester. The Dean's designee shall not approve, without consultation with the faculty member and the Dean, any independent study which will result in the students receiving more than four units of independent study credit from any faculty member over the course of the student's academic career.

F. Journal and Jurimetrics Credit (April 2008)

Students on Law Journal and Jurimetrics obtain credit for writing their note or comment, but only if they first have the support of a supervising faculty member and agree to the College of Law's existing Independent Study policy for their paper. (Section X. E.) Consistent with existing Independent Study policy, this credit can be graded or pass/fail at the discretion of the supervising faculty member.

Students will receive one credit per semester for participating on Law Journal or Jurimetrics in their third year.

The EIC of the Law Journal and the three senior editors will receive an additional credit per semester (for a total of 2/semester). The six senior managers of Jurimetrics will receive 2 credits per semester for their third year of journal work.

All third year Jurimetrics and Law Journal credits will be awarded pass/fail credits.

G. External Moot Court Participation (April 2006)

Students may participate in external Moot Court activities, for academic credit or not, with the prior approval of the Moot Court Committee. For those external competitions that have existing faculty support, the faculty member (or his/her designee) may organize an internal ASU competition to determine which students represent the College of Law at that competition's regional or national round. In a competition that does not have prior faculty support, but has students who wish to represent ASU in the regional or national rounds, those students must first find a faculty member who is willing to act as the supervisor for that external competition. Ideally, the faculty member should have expertise in the subject matter of the competition.

Any student who wishes to represent the ASU College of Law in an external competition must receive approval from the Moot Court Committee prior to registering for the external competition. Any student who registers for or participates in an external moot court competition without receiving prior approval from the Moot Court Committee is subject to sanctions, including, but not limited to, the following: a failing grade for Moot Court, dismissal from the moot court team, a prohibition from participating in future moot court competitions, and, in cases of dishonest or deceitful conduct, an honor code complaint.

Students who are involved in external Moot Court competitions must indicate whether they wish to earn academic credit for competing. Students may earn one Moot Court credit for external Moot Court participation if approved by the Moot Court Committee. Moot Court credit can be granted if:

1. the student writes a minimum of 3,750 words of a brief (if multiple team members, each team member must be responsible for a minimum of 3,750 words);

2. the student participates in a minimum of five (5) practice oral arguments; and

3. the student rewrites the brief (or his/her portion of the brief) under the supervision of the faculty supervisor, following the competition.

XI. SPECIAL ADMISSIONS AND ENROLLMENT POLICIES

A. Transfer Students

A student in good standing at a law school accredited by the American Bar Association may be permitted to transfer into the College of Law with advanced standing upon completing not less than one year and not more than three semesters of law school. Among the factors that will be considered in evaluating such transfer applications are class standing and performance in law school, quality of the law school attended, the number of vacancies in the relevant class, residency, and any unusual personal circumstances. In general, a student who does not rank in the upper ten percent of his class in law school should not expect to be permitted to transfer, even if vacancies are available.

No transfer credit is granted for courses with less than "C" grades or for work completed in an unaccredited law school. Ordinarily a student receives credit for courses in which he or she receives a "C" or better. However, the College reserves the right to deny or reduce credit for particular courses. Grades received at another law school are not counted in determining a student's cumulative grade-point average at ASU.

B. Visiting Students

ASU College of Law students wishing to visit at and receive credit from another ABA accredited law school must receive prior approval from the Dean's designee. Interested students must submit a statement regarding the goal or purpose of the study they wish to pursue, a law school transcript, relevant law school information (including the grading scale) and course descriptions for their intended study to the Dean's designee. Students granted visiting status at another law school must achieve a grade of (C) or the equivalent or better to receive credit toward graduation.

C. Non-Law Students

Ordinarily, only law students and graduate students at Arizona State University shall be permitted to enroll in law courses. Graduate students shall be permitted to enroll in a law course only after one full semester in residence in their current course of study and with express approval: (i) of their graduate advisor, (ii) of the instructor of the law course, and (iii) of the Dean's designee. Before granting such approval, the Dean's designee shall require a demonstration of relevance of the law course to the graduate student's regular program, or shall require a showing of genuine intellectual interest by the graduate student in the subject matter of the law course. Such permission to enroll in law courses does not in any way constitute admission to the College, and performance in law courses by graduate students shall not be considered by the Admissions Committee for law school admission purposes.

XII. STUDENT OPPORTUNITIES, RIGHTS, AND RESPONSIBILITIES

A. Faculty-Student Committees

Law students serve as members of some College committees. Any interested student is eligible to apply. Selection is made by the Dean early in the Fall Semester for all committees on which students serve.

B. Physical Facilities

Food and beverages are not permitted in classrooms, seminar rooms, Rotunda and Library. University regulations prohibit smoking in buildings except in private offices with the door closed.

C. Anti-Discrimination

The Arizona State University College of Law provides and will continue to provide equality of opportunity in legal education for all persons, including faculty and employees, with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students, and graduates, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, age, handicap or disability, sexual orientation, gender identity, or gender expression.

The College will not make its Placement facility available to firms and agencies who discriminate on the basis of race, religion, national origin, gender, sexual orientation, age, or physical disability, except for employment criteria adopted by a governmental agency pursuant to a lawful policy.

D. Access to Student Records

In compliance with the Family Educational Rights and Privacy Act (FERPA) of 1974, the College of Law provides access to educational records at the law school by students and former students.

Application files and transcripts of grades are maintained in the Dean's office under the supervision of the Director of Admissions and the Registrar. Students may review their own records during regular office hours and may secure copies of the records without charge by filing a signed request with the Registrar.

If a student believes that information contained in the records is inaccurate, misleading, or in violation of privacy, he or she may request a correction. The law school shall decide whether to accept the proposed amendment; if it refuses to do so, the school shall inform the student and advise him/her of the right to a hearing. If, as a result of a hearing, the law school decides to accept the amendment, it shall correct the record and inform the student in writing. However, if the school decides the information is not inaccurate, misleading, or otherwise in violation of privacy, it shall inform the student of

his/her right to place a statement in the record setting forth any reasons for disagreeing with the decision of the law school.

A FERPA hearing is not available to challenge a grade or to alter College policy and procedures.

A hearing shall be held within two weeks of receipt of a written request, with written notice furnished in advance of the hearing indicating date, place and time. The hearing shall be conducted by a law faculty member appointed by the Dean. The student shall be afforded a full opportunity to present relevant evidence and may be assisted by an individual of his or her choice. The law school shall make a decision in writing within two weeks after the hearing; the decision shall be based solely on evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

E. Disclosure of Information

The following information is designated as "Directory Information" and may be released without the written consent of a student by the law school under the provisions of section 99.37 of the Health, Education and Welfare Regulations relating to the Family Rights and Privacy Act in 1974:

Name, address, telephone number, date and place of birth, college, major field of study, participation in officially recognized activities, date of attendance, degrees and awards received and dates of receipts, the most recent previous education agency or institution attended by the student, employment record and name of person to contact in emergency.

A student may challenge the designation of any of these categories as "Directory Information" with respect to that student. Written notice of the challenge must be received by the law school no later than two weeks after the beginning of the first semester of enrollment.

Under the provisions of Section 99.31 of the H.E.W. Regulations, personally identifiable information concerning a student also may be disclosed without written consent to (a) other school officials within the educational institution who have legitimate educational interests; (b) officials of schools to which the student seeks to transfer; (c) the Comptroller General of the United States, the H.E.W. Secretary, the administrative head of an education agency, or State educational authorities; (d) in connection with a student's application for, or receipt of, financial aid; (e) state and local officials or authorities to which such information is specifically required to be reported under State statute adopted prior to November 19, 1974; (f) organizations or educational agencies conducting legitimate research, provided no personally identifiable information about the student is made public; (g) accrediting organizations; and (h) parents of a dependent student upon proof of dependency. School officials who may receive this information under Section 99.31 (a) (1) include law faculty and administrators,

University administrators and Registrar's office staff whose responsibilities with respect to teaching, advising and record-keeping create a legitimate educational interest in the information. In addition, information may be disclosed in an emergency if necessary to protect the health or safety of the student or other individuals.

Disclosure of personally identifiable information from the educational records of the law school to other persons or agencies shall only be made with the written consent of the student. The law school shall maintain a record, kept with the education record of each student, which will indicate all individuals, agencies, or organizations (other than those specified) as having access to the student's record. The record of disclosures may be inspected by the student.

F. Academic Grievance Procedure

1. Upon complaint submitted by a student of the College of Law in writing, the Dean's designee shall determine whether the complaint makes a prima facie case for existence of an "academic grievance."

2. If the Dean's designee determines that a prima facie case exists, he/she shall recommend that a hearing panel be appointed by the Dean. Upon receipt of that recommendation, the Dean shall appoint a three-person panel composed of two faculty members and one student who shall hear the matter in accordance with the procedures outlined in the Law School Honor Code.

3. The findings and recommendation of the hearing panel shall be submitted to the Dean. If the Dean concurs in the findings and recommendation, they shall be adopted. If the Dean does not concur in the recommendation of the hearing panel, he/she may reduce the scope of the recommendation. The decision of the Dean shall be final.

4. The assignment of a grade by a faculty member (or in the case of the clinics, an assignment or evaluation by a staff attorney) to a student is reviewable under this grievance procedure solely on the ground that the assignment was not made in good faith.

5. Any student complaint asserting the existence of an academic grievance pertaining to a grade must be received by the Dean's designee within 30 days after the beginning class in the next semester.

G. Procedure for Student Complaints Concerning the Program of Legal Education (August 2011)

1. The College of Law is accredited by the American Bar Association. The ABA Standards for the Approval of Law Schools can be accessed on the American Bar Association's webpage, located at this link: http://www.americanbar.org/groups/legal_education/resources/standards.html.

2. Any student who alleges that a significant problem directly implicates the College of Law's program of legal education and compliance with the ABA's Accreditation Standards should file a written complaint with the Dean's designee. The written complaint must identify the problem in sufficient detail to permit the Dean's designee to investigate the matter, including the specific Accreditation Standard(s) at issue, and must be signed by the student. The signed written statement must also include the student's contact information, including name, home and email addresses, and phone number.

3. Within fifteen business days after a signed written statement is received by the Dean's designee, the Dean's designee shall assess the complaint and advise the student of any action the College of Law is taking to address the matter or of any further investigation into the matter.

4. Within ten business days of being advised of any action the College of Law is taking to address the matter, the student may appeal that decision in writing to the Dean of the College of Law. The decision of the Dean shall be final.

H. Law Library Rules

Law Library Rules are posted in the John J. Ross-William C. Blakley Law Library.

I. Waiver of Policies

The Dean or the Dean's designee is authorized to approve in rare and unusual cases for compelling reasons, exception to the general policies of the College. (September 2008)

J. Employment Policy

1. Law school is a full time job, and the initial adjustment is especially demanding. Consequently, students are not permitted to work for pay in any capacity during their first semester of law school.

2. The law school discourages working for pay while enrolled, even when it is allowable. However, the following policies and procedures govern all students, some of whom may wish to work for pay.

   a. Each enrolled student must sign, prior to commencement of first-year classes, a form that acknowledges receipt of the school's policies on working for pay while enrolled.

   b. Before commencing employment, each enrolled student must sign a form that reports both any employer for whom the student anticipates working and the number of hours per week the student anticipates working. Students are under a

continuing obligation to update the form, should their employment circumstances change.

c. Continuing students with a GPA below 2.33 (75 for classes entering prior to Fall 2009) are prohibited from working for pay during fall or spring semesters until such time as they earn a cumulative GPA of 2.33 (75 for classes entering prior to Fall 2009) or higher.

d. Second semester first-year students who earned a GPA of 2.33 (75 for classes entering prior to Fall 2009) or higher in their first semester may work for pay no more than 10 hours per week during their second semester. However, all such work is subordinate to class obligations - including, for example, make-up classes. Outside work - paid or otherwise - is never an excuse for failing to meet class obligations.

e. Second and third-year students with a GPA of 2.33 (75 for classes entering prior to Fall 2009) or higher may work for pay no more than 20 hours per week during fall or spring semesters (Twenty hours per week is the maximum currently allowed by the American Bar Association to students enrolled in 12 or more credit hours). However, all such work is subordinate to class obligations - including, for example, make-up classes. Outside work - paid or otherwise - is never an excuse for failing to meet class obligations.

f. A violation of sections a, b, c, or d above will be treated as a violation of the Honor Code. The penalty for such violation may include, among other things, withdrawal for the semester in which the violation occurs or is found, without refund. (May 2004)

K. Email Policy

Electronic messaging services at ASU are provided to support education, research, scholarly communication, administration and other official ASU business. As is the case with other technology resources, electronic messaging services are shared among the entire University community. Everyone using electronic messaging services should be considerate of the needs of others, and be certain that nothing is done to impede anyone else's ability to use this service. In addition, all electronic messages must contain the name and electronic mail address of the person making the information available, no anonymous information may be sent.

The following uses are guidelines for email use. For the official full policy see: http://www.asu.edu/aad/manuals/acd/acd125.html

Acceptable Uses:

1. Communication with local and foreign educators, students, researchers and colleagues in connection with instruction or research.

2. Communication and exchange for scholarly development, to maintain currency, or to debate issues in a field or sub-field of knowledge.

3. Use in applying for or administering grants or contracts for research or instruction, but not for other fund raising or public relations activities.

4. Announcements of new products or services for use in research or instruction, but not advertising of any kind.

5. Vendor communication relevant to official ASU business.

6. Communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable use.

Unacceptable Uses:

1. Use for for-profit activities (sales, consulting for pay, and so on) or use by for-profit institutions unless covered by the General Principle, or as one of the Specifically Acceptable Uses.

2. Use for private or personal business in violation of University policies.

3. Chain letters, or any illegal schemes or activities.

4. Mailings to large numbers of people that contain unwanted solicitations or information. These mailings are often referred to as "spams."

5. Communication that constitutes illegal harassment.

6. Anonymous mailings or mailings which impersonate another individual.

7. Allowing anyone else to use your account.

8. Any communication which adversely impacts the communications of the University by over-loading the network.

Enforcement of Policy:

Engaging in any activity that violates this policy can result in the loss of access privileges. Information Technology consults with Student Life, Legal Counsel, and/or management to define the procedures for handling, and consequences of policy violations.

L. Alcohol Policy

1. Events at Which Alcohol Is Available. Recognized student organizations that sponsor events at which alcohol is made available must ensure that they encourage responsible consumption of alcohol in the publicity, promotion, and execution of their events. Before making alcohol available at an event, the student leader(s) of the recognized student organizations are urged to consider that doing so will likely exclude a significant number of students who choose not to attend any events at which alcohol is made available. If alcohol is made available at an event sponsored by a recognized student organization:

   a. Consumption of alcoholic beverages shall not be the primary focus of the event.
   b. The promotion of the event shall not be done in a manner that emphasizes or promotes the consumption of alcohol.
   c. The sponsoring recognized student organization shall act responsibly in determining the amount of alcohol to be made available.
   d. Prior to the event, a member of the sponsoring recognized student organization shall email the Dean to provide notification that alcohol will be made available at the event.
   e. The sponsoring recognized student organization shall take appropriate measures to prevent the abuse of alcohol at the event, including not serving or selling or permitting the service or sale of alcoholic beverages at the event to any person who is intoxicated or disorderly.
   f. No alcohol shall be sold or served to anyone under the age of 21, and no one under the age of 21 may consume alcoholic beverages at the event. Any person authorized to serve alcoholic beverages who has reason to question whether the person ordering or attempting to order alcoholic beverages is under the age of 21 shall require that person to show an identification card that includes a photograph, proving that the individual is at least 21 years of age.
   g. Food and non-alcoholic beverages shall be made available at the event.

   If an event sponsored by a recognized student organization does not meet one or more of the preceding standards, any member of the law school community who is aware of the shortcoming is encouraged to report it to the Dean. The student leader(s) of the recognized student organization will then be asked to meet with the Dean, and together the parties will take the necessary steps to ensure these standards will be met at future events.

2. Consequences. If any recognized student organization violates the preceding standards, the Dean may elect to dissolve the recognized student organization.

XIII. ASU COLLEGE OF LAW HONOR CODE

A. Preamble

The legal profession, a self-regulating association, depends on the integrity, honor, and personal morality of each member. Similarly, the integrity and value of an Arizona State College of Law degree depends on a reputation for fair competition. This Honor Code is intended as a measure to preserve the integrity of this school's diploma and to create an arena in which students can compete fairly and confidently. However, the execution of the Honor Code depends on student participation. Students should actively discourage other students from committing an ethical or academic violation. Any student who has personal knowledge of a violation should report that violation to the Dean's designee. Any student with questions about possible violations may in confidence contact the Dean's designee, in person or in writing.

B. Scope of Coverage

This Honor Code covers dishonesty concerning the educational programs of, requirements for admissions to, and graduation from the College of Law.

C. Honor Code Norms

Any act or omission occurring on or off campus which is dishonest or deceitful concerning the educational programs of, requirements for admission to, and graduation from the College of Law is a violation of the Honor Code. Unless otherwise specified, a negligent act or omission constitutes a violation of the Honor Code. Prohibited acts include but are not limited to:

1. Providing or accepting assistance that is not authorized by the instructor on examinations, papers, or other course work.

   Example: Student A takes an exam on Wednesday. Student B has the exam deferred until Thursday. A calls B on Wednesday night and they discuss the exam. Both A and B have violated this provision.

2. Violating rules governing the taking of examinations. Notes, outlines or other references may not be consulted during an examination, unless prior authorization to do so is given by the instructor.

   Examples: An instructor allows outlines at an examination only if solely prepared by the individual. Student A copies another student's outline and brings it into the exam. A has violated this provision.

   Student X distributes an old examination to Student Y. The exam is not available through official law school sources. Both X and Y have violated this provision.

3. Plagiarism. Plagiarism is representing the words or ideas of another as one's own. Quoting or paraphrasing another's writing without acknowledging the author's identity is a form of plagiarism. Ignorance, as to the meaning of plagiarism, is not a defense.

   Example: Student A, writing a paper for a seminar, rephrases a passage from a law review article and fails to cite the source. A has violated this provision.

4. Submitting the same or substantially the same work for credit in more than one course.

   Examples: Student T submits a paper previously submitted in an undergraduate course to fulfill the writing requirement for a law class. T has violated this provision.

   Student P submits a paper that contains substantially the same research as used for a graduate course to fulfill the writing requirement for a law class. P has violated this provision.

   Student H submits a paper for a seminar. Student H reuses portions of the seminar paper for an independent study. H has violated this provision.

5. Intentionally misusing library materials. Removing any part of a book, periodical, or pamphlet, or misshelving, concealing, or otherwise depriving other students of any library material is a form of such misuse.

   Examples: Student A locates a Federal Supplement containing the leading case for her moot court assignment. Planning to return to make notes on the case, A intentionally misshelves the book on a shelf in Government Documents. A has violated this provision.

   Student E takes a page out of a California Reporter instead of photocopying the page. E has violated this provision.

   Student B underlines a portion of a case printed in a Federal Supplement. B has not violated this provision, but defacement of library materials may violate Law Library policies and subject Student B to other sanctions.

6. Giving information that is known to be false or that is intended to deceive to the faculty, staff or administration of the University, including tampering with evidence, or inducing another to testify falsely or to withhold testimony.

   Examples: Student T falsifies T's race on T's law school application. T has violated this provision.

Student L changes the grade on an undergraduate transcript before submitting an application to the law school. L has violated this provision.

Student M requests a deferral for his contracts test, claiming serious illness in the family when there is no such illness. M has violated this provision.

Student U, who is accused of an Honor Code violation, convinces a friend, W, to claim W doesn't remember anything when called upon to testify at U's hearing. W and U have violated this provision.

Student D submits a resume to the Placement Office. The resume misstates D's GPA. D has violated this provision.

Student N asks for a test deferral, claiming that N has three tests on the same day. N actually has two tests on the same day but incorrectly recorded the date of his third test and honestly believed that three tests were scheduled. Because of the lack of intent and knowledge, there is no violation.

7. Knowingly falsely accusing a student of committing acts that may be a violation of the Honor Code.

   Examples: Student S submits a written accusation of an Honor Code violation alleging that Student P cheated on the torts exam. Student S has no knowledge of this occurrence, but believes it may be likely because Student P has been bragging about his score on the test. S has violated this provision.

   Student J submits a written accusation of an Honor Code violation alleging that Student P cheated on the torts exam because J saw P take a piece of paper from her purse. P actually took an allergy pill from her purse because she was suffering from an attack. There is no violation because J did not know that what P took was a pill.

D. <u>Procedures</u>

1. Honor Code Inquiries

   a. The faculty member in charge of an assignment has the primary responsibility for adequately informing students in writing of the rules under which the assignment should be completed. Any questions about ambiguity in the rules should be raised initially with the faculty member.

   b. Any student who has a question about the interpretation of the Honor Code as it applies to a particular assignment should raise the question with the faculty member who is in charge of the assignment. If the faculty member is unable to assist the student in the application of the Honor Code, the student should seek the advice of the Dean’s designee.

c. Any student who has a question about the application of the Honor Code in general should seek the advice of the Dean's designee.

2. Initial Reporting to the Dean's designee

Any individual who believes that a violation of the Honor Code may have occurred should report the matter to the Dean's designee. While the Dean's designee may urge the individual to move forward with a written complaint, the Dean's designee cannot require an individual to do so. The Dean's designee may not proceed with an Honor Code complaint solely on the basis of conversations with students, faculty, or staff if no written complaint or admission is filed with the Dean's designee.

3. Formal Institution of the Honor Code Process

a. Any person who wishes to institute the Honor Code process must submit a signed written statement alleging a violation of the Honor Code in sufficient detail to permit the Dean's designee to proceed with the preliminary investigation and to provide the accused adequate notice of the nature of the alleged violation. If the signed written statement is insufficiently detailed to permit the investigation to proceed, the Dean's designee shall contact the individual who submitted the signed statement and ask for supplemental information in writing.

b. After a signed written statement alleging a violation of the Honor Code as described in Section 4C(1) is received by the Dean's designee, the Dean's designee shall engage in a preliminary investigation to determine whether there is probable cause to believe that a violation of the Honor Code has occurred. This investigation may include interviewing the complainant, the person accused, and any other person who may have knowledge or information which will assist the Dean's designee in the probable cause determination.

c. After a signed written statement alleging a violation of the Honor Code as described by Section 4C(1) is received by the Dean's designee, the Dean's designee will inform the Dean of the nature and circumstances of the complaint, including the name of the charged party.

d. If the Dean's designee determines that no probable cause exists that a violation of the Honor Code has occurred, the Dean's designee shall meet with the accused and inform the accused of the Dean's designee's determination and the basis of the determination. The Dean's designee shall also meet with the person who submitted the written complaint and inform the complaining party of the Dean's designee's determination and the basis of the determination. The Dean's designee will send a copy of the no probable cause

determination to both the accused and to the complainant. The Dean's designee will also inform the Dean, and any person whom the Dean's designee contacted during the probable cause investigation of the no probable cause determination. If the Dean's designee determines that no probable cause exists, no reference to the Honor Code complaint shall be placed in the student's permanent record unless requested by the accused student.

e. If the Dean's designee determines that probable cause exists that a violation of the Honor Code has occurred, the Dean's designee will meet with the accused and inform the accused of the basis of the probable cause determination. The Dean's designee will, at or in advance of that meeting, provide the accused with a copy of the written report which summarizes the basis for the probable cause determination.

f. At the meeting between the accused and the Dean's designee, the Dean's designee will inform the accused that he or she may choose to have some person present for any further discussion between the Dean's designee and the accused. If the accused chooses to exercise this option, any further discussion between the Dean's designee and the accused will be postponed for a reasonable time, but in any event no longer than seven days, until the accused has found such a person.

g. The Dean's designee will explain the options available to the accused.

    1. In appropriate cases where institutional interests and the accused's position suggest that informal resolution of the complaint may be consistent with the policies of the Honor Code, the Dean's designee may suggest informal resolution of the complaint.

    2. In cases where informal resolution is either inappropriate or is not acceptable to the accused, the accused will be informed that a hearing on the probable cause determination will be held before the Honor Code Hearing Board (hereinafter "Board").

h. If the Dean's designee suggests and the accused is interested in pursuing informal resolution, the Dean's designee shall propose a resolution consistent with the purpose of the Honor Code, the nature of the violation, and the circumstances of the student. The accused may reject the proposed resolution without forgoing any of the rights provided under this code to a hearing. If the accused rejects the proposed resolution and a hearing on the alleged violation is held before the Board, the attempt at informal resolution shall not be disclosed to the Board.

i. If the Dean's designee and the accused reach an informal resolution of the complaint, the Dean's designee shall present the informal resolution of the complaint to the Dean in writing with a copy of the probable cause

determination. If the Dean agrees to the informal resolution, the Dean will send a letter to the student which sets forth the terms of the informal resolution. If the Dean does not agree to the informal resolution, the Dean's designee shall inform the accused in writing that a hearing on the alleged violation will be held before the Board. Neither the existence of a proposed informal resolution nor its rejection by the Dean shall be disclosed to the Board.

j. If informal resolution is not appropriate or is unsuccessful, the Dean's designee will forward a copy of the written complaint and the probable cause determination to the Chair of the Board. The Dean's designee will also inform the Dean in writing that the Dean's designee has referred the matter to the Board.

k. The Board shall be a Standing Committee of the College. The Board shall consist of three faculty and three students. The Dean shall select the student members of the Board in April of each year. The Dean shall appoint a faculty member to chair the Board with due consideration of the quasi judicial function of the Board and the fact that the accused may be represented by counsel. The Dean also shall select one student alternate and one faculty alternate.

l. During the course of the Honor Code hearing, it is the responsibility of the Dean's designee to present the case in support of the determination of probable cause. The Board is not limited to the evidence presented by the Dean's designee, but may independently investigate the alleged violation. The Dean's designee should be available to respond to any questions which the Board has about the nature of the investigation or the basis upon which the Dean's designee determined the existence of probable cause.

4. Board Procedures

a. Pre-hearing Procedures

1. Once a matter is submitted to the Board, the Chair of the Board shall schedule a hearing within fourteen (14) days. The fourteen day period may be extended by agreement of the Dean's designee and the accused or by the Chair for good cause.

2. The Chair shall provide notice to the accused at least seven (7) days prior to the hearing date. The notice shall be delivered personally or by mail to the accused and Dean's designee and shall include the following:

a. A statement of the date, time, and location of the hearing;

b. A statement of the alleged violation of the Honor Code;

c. Notice of a right to representation by an attorney or other adviser;

d. A copy of the Honor Code;

e. A list of the members of the Board.

3. No later than three (3) days before the hearing, the Dean's designee and the accused shall exchange and submit a list to the Chair of witnesses who may be called to testify at the hearing.

4. The accused may challenge the participation of any member of the Board on the grounds of bias by submitting a written statement setting forth the grounds of the challenge to the Chair at least three (3) days before the hearing. The Chair shall rule on the challenge unless the challenge is to the Chair, in which case the Chair shall designate a Board member to rule on the challenge.

5. At the request of the Dean's designee or the accused, the Chair may require the attendance of any witness if that witness is a student or employee of the College of Law or the University.

B. Hearing Procedures

1. The purpose of the hearing is to formulate a recommendation to the Dean as to (1) whether a violation of the Honor Code has occurred if the violation is not admitted by the accused, and (2) if a violation has occurred, the appropriate sanction.

2. The hearing shall be closed and recorded electronically or otherwise.

3. The Chair shall preside at the hearing and shall rule on all procedural matters. The Board may accept any evidence that reasonably prudent people would consider in making important decisions in their lives. Irrelevant or repetitious evidence may be excluded.

4. The accused may be represented by an attorney or other advisor.

5. The Dean's designee and the accused may make a brief opening statement at the beginning of the hearing.

6. After any opening statements, the Dean's designee shall present the evidence which supports the charges. The Dean's designee shall bear the burden of showing by clear and convincing evidence that a violation of the Code has been committed. The accused may cross-examine any witnesses presented by the Dean's designee. Following presentation of evidence by

the Dean's designee, the accused may present evidence. The Dean's designee may cross-examine any witnesses offered by the accused. With the permission of the Chair, rebuttal witnesses may be called and the Chair may alter the order of the presentation of evidence.

7. Board members may question any witness.

8. At the conclusion of the presentation of the evidence, the Dean's designee and the accused may make a closing statement.

C Post-Hearing Procedures

1. At the conclusion of the Hearing, the Board shall meet and decide whether a violation of the Honor Code has occurred. If the Board determines that such a violation occurred, it shall recommend an appropriate sanction. The Board shall make a written report explaining the basis for its determination and any recommended sanction. Any member of the Board who dissents either from the determination of the existence or non-existence of a violation or on the appropriateness of any sanction will reduce the dissent to writing. The decision, and any dissent, shall be signed by the members of the Board and shall comprise the Report of the Board. A copy of the Report shall be given to the accused within two days of its issuance. If the accused wishes to respond to the Report the accused shall do so in writing within fourteen days of the issuance of the Report. The response must be signed and submitted to the Chair of the Board.

2. The Chair of the Board shall give the Dean of the College the Report of the Board and of any response to the Report by the accused. After the Dean has reviewed the Report and any response to the Report made by the accused, the Dean may meet with members of the Board and the Dean's designee. The Dean shall allow the accused an opportunity to meet with the Dean. The Dean shall make the final decision in any case brought before the Board.

3. The Dean shall inform the student in writing of the final determination of the Honor Code violation and any sanction.

4. A copy of the Dean's written communication to the student shall be placed in the student's permanent file at the College of Law.

5. The Dean shall inform the student body, the faculty and the College staff in writing of the nature of the alleged violation and his/her final decision in the case, including the sanction if one is imposed.

6. When the sanction imposed is suspension or expulsion from the College, the student who is subject to expulsion or suspension may appeal the

Dean's decision to the University Hearing Board pursuant to the University Student Code of Conduct.

XIV. UNIVERSITY STUDENT CODE OF CONDUCT

A. Jurisdiction and Authority

Under Arizona law, the Arizona Board of Regents is responsible for the control and supervision of the state universities and their properties and activities. The Board is authorized to enact ordinances for the governance of the universities and the maintenance of public order upon all property under its jurisdiction. The Board has promulgated this Student Code of Conduct in order to meet its responsibilities under Arizona law.

The Presidents are authorized to enforce the Student Code of Conduct.

Violators may be accountable to both civil and criminal authorities and to the university for acts of misconduct that constitute violations of the Student Code of Conduct. At the discretion of university officials, disciplinary action at the university may proceed during the pendency of other proceedings. Sanctions may be imposed for acts of misconduct that occur on university property or at any university sponsored activity. As further prescribed in these rules, off-campus conduct may also be subject to discipline. With respect to student organizations, and their members, university jurisdiction extends to premises used or controlled by the organization.

B. Philosophy

The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. Self discipline and a respect for the rights of others in the university community are necessary for the fulfillment of such goals. This Student Code of Conduct is designed to promote this environment at each of the state universities.

The Student Code of Conduct sets forth the standards of conduct expected of students who choose to join the university community.

Students who violate these standards will be subject to disciplinary sanctions in order to promote their own personal development, to protect the university community, and to maintain order and stability on campus.

C. Scope

The adoption of this Code does not prohibit any university or the Board of Regents from adopting or maintaining additional rules to govern the conduct of students. Allegations of misconduct brought under the Student Code of Conduct may be combined with allegations arising under other university or Board rules.

The Student Code of Conduct applies to individual students and to student organizations.

Students and student organizations are also subject to the following rules:

- Rules adopted by each university to govern the control of vehicles and other modes of transportation on university property;
- Rules relating to student classroom conduct, academic dishonesty, academic eligibility, performance and evaluation;
- Rules governing student housing;
- Rules governing the maintenance of public order;
- Rules governing the conduct of student athletes;
- Rules governing the use of university communication and computing resources; and
- Such other rules as may be adopted by the Board or universities in furtherance of university and educational goals.

D. Student Organizations

Student organizations may be charged with violations of the Student Code of Conduct.

Student organizations, as well as their members, may be held collectively and/or individually responsible for violations if the misconduct occurs: (a) on university property; (b) on premises used or controlled by the organizations; or (c) at university-sponsored activities.

The officers or leaders of a student organization may be held collectively and/or individually responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization's officers or leaders or if those officers or leaders knew that such violations were being or would be committed.

The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Code of Conduct, both by the officers or leaders of the organization and by the organization.

E. Definitions

Definitions provided elsewhere in this chapter are applicable to this Student Code of Conduct. Terms not expressly defined in the Student Code of Conduct will be interpreted in accordance with state and federal law. In the Student Code of Conduct, unless the context otherwise provides or requires:

- "Board" means the Arizona Board of Regents.

- "Controlled substance" means a drug or substance whose use, possession, or distribution is controlled under state or federal law.
- "Dean of Students" means the administrative officer bearing this or similar title and includes his/her designee.
- "Distribution" means sale, exchange, transfer, delivery, or gift.
- "Endanger" means to bring into danger or peril.
- "Fabrication" means falsification or invention of any information or citation.
- "Gambling" means any illegal betting, including but not limited to: wagering on or selling pools on any athletic or other event; possessing on one's person or premises (e.g., room, residence unit, car), or in a computer account or electronic format, any card, book or other device for registering bets; knowingly using or permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel or electronic or telephonic communication related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to sporting events.
- "Hazing" means any activity undertaken or situation created, by any individual, group of individuals or organization, in which individuals are voluntarily or involuntarily subjected to activities that have the potential to harass, intimidate, impart pain, humiliate, invite ridicule or cause undue mental or physical fatigue or distress, or to cause mutilation, laceration, or bodily injury. Hazing includes but is not limited to, paddling in any form, physical or psychological shocks, late work sessions that interfere with scholastic activities, advocating or promoting alcohol or substance abuse, tests of endurance, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a foreseeable potential for resulting in personal injury, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.
- "Illegal drug" means any drug whose use, possession or distribution is prohibited or restricted by state or federal law.
- "Plagiarism" means representing the words or ideas of another as one's own.
- "President" means the president of the university or his/her designee.
- "Stalking" means engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member or close acquaintance, and that person in fact fears for their safety or the safety of that person's immediate family member or close acquaintance.
- "Student" means any person who is currently registered or enrolled in one or more classes at the university or in any university sponsored program or who was enrolled the previous term or who is or was registered for a future term, including a faculty member or other employee so registered or enrolled.
- "Student organization" means an organization composed primarily of students which has been registered or has received recognition according to university policies and procedures or is affiliated with a university department.

- "University" means either the University of Arizona, Arizona State University, Northern Arizona University, or any other university campus or division governed by the Arizona Board of Regents.
- "University community" means all university students, employees, and guests.
- "University property" means all resources, including but not limited to real and personal property, money, and intellectual property owned, operated, controlled or in the possession of the university or the Arizona Board of Regents.
- "University-sponsored activity" means any activity on or off campus initiated, approved, or supervised by the university.

F. Prohibited Conduct

- All forms of student academic dishonesty, including but not limited to, cheating, fabrication, facilitating academic dishonesty and plagiarism.
- Endangering, threatening, or causing physical harm to any member of the university community or to oneself or causing reasonable apprehension of such harm.
- Violating the terms of any disciplinary sanction imposed for an earlier violation of the Student Code of Conduct or other Board of university rules.
- Violation of, or attempt to violate, other published rules that may be adopted by the Board or by the university.
- Furnishing false information, including false identification, or failure to provide information to the university or to any university employee or agent, including campus law enforcement or security officers or other agents, acting in good faith.
- Initiating, causing or contributing to any false report, warning or threat of fire, explosion or other emergency.
- Failure to comply with the directions of university officials or agents, including law enforcement or security officers, acting in good faith and in the performance of their duties.
- Forgery, falsification, unauthorized alteration, or misuse of campus documents, records, or identification, including, but not limited to, electronic software and records.
- Unauthorized presence in or unauthorized use of university property, resources, or facilities.
- Unauthorized access to, disclosure of, or use of any university document, record, or identification, including but not limited to, electronic software, data, and records.
- Interfering with university or university-sponsored activities, including but not limited to classroom related activities, studying, teaching, research, intellectual or creative endeavor, administration, service or the provision of communication, computing or emergency services.
- Misrepresenting oneself or an organization as an agent of a university.
- Possession of property the student knows or has reason to believe may be stolen or misappropriated.
- Misuse, theft, misappropriation, destruction, damage, or unauthorized use, access, or reproduction of property, data, records, equipment or services belonging to the university or belonging to another person or entity.

- Violation of Board or university rules governing alcohol, including consumption, distribution, unauthorized sale or possession of alcoholic beverages.
- Unauthorized use, sale, possession or distribution of any controlled substance or illegal drug or possession of drug paraphernalia that would violate the law.
- Off-campus conduct involving sale or distribution of illegal drugs or controlled substances, or violence which may present a danger to the safety of the university community.
- Off-campus conduct related to gambling associated with any university event or activity.
- Gambling as prohibited by law or applicable policy.
- Engaging in, supporting, promoting, or sponsoring hazing or violating university rules governing hazing.
- Engaging in harassment or repeated unwanted contact, including, but not limited to, stalking.
- Engaging in discriminatory activities, whether unlawful or whether prohibited by university policy, on the basis of age, ethnicity, gender, disability, color, national origin, race, religion, sexual orientation, or veteran status.
- Interfering with any university disciplinary process, including but not limited to tampering with physical evidence or inducing a witness to provide false information or to withhold information.
- Engaging in any sexual offense, including but not limited to, sexual assault, public sexual indecency or indecent exposure.
- Use, possession, display or storage of any weapon, dangerous instrument, explosive, device, fireworks, or dangerous chemical unless specifically authorized by university officials.
- Commission of any offense prohibited by state or federal law.
- Any attempt to commit or conceal an act of misconduct prohibited by these rules is subject to sanctions to the same extent as completed acts.

G. Sanctions

The Dean of Students may impose one or more of the following sanctions for any violation of the Student Code of Conduct:

- Expulsion: Permanent separation of the student from the university. An indication of expulsion may appear on the student's transcript. The expelled student will not participate in any university-sponsored activity and will be barred from university property.
- Suspension: Temporary separation of the student from the university for a specified period of time or until specific conditions, if imposed, have been met. An indication of suspension may appear on the student's transcript. Except where prior approval has been granted by the Dean of Students, a suspended student will not participate in any university-sponsored activity and will be barred from the university campus.
- Probation: Removal of the student from good disciplinary standing. Additional restrictions or conditions may also be imposed. Probation will last for a stated period of time and until specific conditions, if imposed, have been met. Any violation of

these rules, the conditions of probation or other university rules committed during the probationary period will subject the student to further discipline, including suspension or expulsion.

- Warning: A written statement advising the student that a violation of the Student Code of Conduct has been committed and that further misconduct may result in more severe disciplinary action.
- Administrative hold: A status documented in the registrar's official file which precludes the student from registering, from receiving transcripts, or from graduating until clearance has been received from the Dean's designee in accordance with university rules.
- Restricted access to university property: A student's access to university property, including but not limited to research, communication and computing resources, may be restricted for a specified period of time or until certain conditions are met.
- Organizational sanctions: Sanctions for organizational misconduct may include revocation of the use of university property or privileges for a definite period of time, revocation or denial of recognition or registration, or suspension of social or intramural activities or events, as well as other appropriate sanctions permitted under the Student Code of Conduct or other rules of the university.
- Program/support: A student may be required to complete an educational program.
- Interim action: Suspension of a student for an interim period prior to resolution of the disciplinary proceeding.
- Classroom conduct: Each university may adopt procedures regarding student conduct that takes place while participating in academic activities. These procedures may outline sanctions including, but not limited to, lower-level warnings, administrative drop from a particular class, or other sanctions as appropriate.
- Other sanctions permissible under existing university rules.

A student who has been suspended or expelled from one university will be ineligible for re-enrollment or re-admission to any university except as follows:

- A student who has been suspended at one university will not generally be eligible for admission or re-enrollment at another university until the student has met the conditions for reinstatement at the university which imposed the suspension. The conditions for reinstatement may be waived in whole or in part at the discretion of the Vice-President for Student Affairs at the admitting university.
- Each university may adopt rules and procedures to consider a request for readmission from a student who has been previously expelled, which shall include criteria to be used in evaluating a request for readmission, and shall provide that a decision to readmit must be approved by the Vice-President for Student Affairs at the admitting university.

H. Determining What Sanction to Impose

Mitigating and aggravating factors may be considered. Factors to be considered in mitigation or aggravation may include the individual's prior disciplinary record, the nature of the offense, the severity of any damage, injury or harm resulting from the

violation, the payment of restitution to the university or to any victims, or any other factors deemed appropriate under the circumstances, including but not limited to the individual's participation in an approved counseling program.

Repeated violations of the Student Code of Conduct may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.

I. Enforcement

Student sanctions shall be enforced through use of the student disciplinary procedures adopted by the Board (ABOR Policy 5-401 et seq.).

Sanctions for organizational misconduct shall be enforced through the use of the Student Disciplinary Procedures adopted by the Board (ABOR Policy 5-401 et seq.) or through other procedures established by each university.

J. Miscellaneous Provisions

The description of prohibited conduct shall be interpreted as broadly as consistent with applicable law.

The Presidents are authorized by the Board to take other actions or to adopt other rules to protect university property and the safety and well-being of members of the university community and the public.

The prior Student Code of Conduct no longer governs conduct by students, except that any pending action or proceeding shall not be affected by this Code and will be subject to the code provisions in effect at the time the action or proceeding was brought.

The Code of Conduct (5-301 though 5-307), remains in effect with regards to students to the extent it is not inconsistent with this policy. If both the Code of Conduct and the Student Code of conduct address an issue regarding a student, the Student Code of Conduct will govern that issue.

XV. UNIVERSITY POLICY ON SEXUAL HARRASSMENT

A. Purpose

To establish the university's policy on sexual harassment

B. Sources

20 *United States Code* §§ 1681-83 (1980)
42 *United States Code* § 2000e (1980)
Student Code of Conduct

C. Policy

The university prohibits sexual harassment by employees and students and will not tolerate sexual harassment that unlawfully interferes with an individual's work or educational performance or unlawfully creates an intimidating, hostile, or offensive working, learning, or residential environment.

Violations of this policy may result in disciplinary action up to and including termination for employees, and in sanctions including suspension or expulsion for students. Violations of this policy by persons who are not employees or students of the university are subject to sanction under the Student Code of Conduct or the Rules for the Maintenance of Public Order as they may be adopted and amended by the Arizona Board of Regents.

This policy is subject to constitutionally protected speech rights and principles of academic freedom. This policy shall be implemented and interpreted in accordance with the First Amendment Guidelines attached to the university's Campus Environment Team policy (available in the University General Counsel's Office and in the Office of Equal Opportunity/Affirmative Action [EO/AA]). Questions about this policy may be directed to the Office of EO/AA and the Student Life offices at ASU Main and ASU West.

D. Violations of Policy

The following conduct constitutes violation of this policy:

1. making sexual advances or requesting sexual favors if submission to or rejection of such conduct is the implicit or explicit basis for imposing or granting terms and conditions of employment or education at the university;

2. making sexual advances, requesting sexual favors, or otherwise discriminating on the basis of gender in a manner that unlawfully creates an intimidating, hostile, or offensive working, residential, or educational environment at the university or that

otherwise unlawfully interferes with an individual's work or educational performance;

3. engaging in any sexual contact against a person who has not given consent or committing any act of sexual assault, public sexual indecency, or sexual abuse against a person who has not given consent, if the act is committed on university property or in connection with any university-sponsored event or activity;

4. acting, recommending action, or refusing to take action in a supervisory position in return for sexual favors, or as reprisal against a person who has rejected, reported, filed a complaint regarding, or been the object of sexual harassment; or

5. disregarding, failing to investigate, or delaying investigation of allegations of sexual harassment to the extent that action, reporting, or investigation is appropriate or required by one's supervisory position.

E. Confidentiality

The university shall protect the confidentiality of the identities of and statements made by parties and witnesses involved in a sexual harassment report or complaint to the extent permitted by law and to the extent that continued protection does not interfere with the university's ability to investigate allegations of misconduct brought to its attention and to take corrective action.

F. Amorous Relationships

In recognition of interests in privacy and free association, university policy does not prohibit fully consensual amorous relationships. Even an apparently consensual amorous relationship, however, may lead to sexual harassment or other breaches of professional obligations, particularly if one of the individuals in the relationship has a professional responsibility toward or is in a position of authority with respect to the other, such as in the context of instruction, advisement, or supervision. Due to the power difference, it may be difficult to avoid the appearance of favoritism or to assure a truly consensual relationship. Amorous relationships may result in conduct that amounts to sexual harassment or that violates the professional duties of even-handed treatment and maintenance of an atmosphere conducive to learning or working.

In light of these serous risks, every individual in a position of authority should take great care not to abuse that power in personal relationships. Specifically, if involved in an amorous relationship with someone over whom he or she has supervisory authority, the individual must remove himself or herself from any participation in recommendations or decisions affecting evaluation, employment conditions, instruction, or the academic status of the other person in the relationship, and must inform his or her immediate supervisor of the action taken.

G. Violations of Law

Employees and students may be accountable for sexual harassment under applicable local, state, and federal law as well as under university and Arizona Board of Regents' policies. Disciplinary action by the university may proceed while criminal proceedings are pending and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

H. Procedures

An employee or student alleging sexual harassment may report the harassment or officially file a complaint. Allegations of sexual harassment must be made in good faith. The complainant shall determine which procedure(s) shall be used to address the allegation. Time frames identified in the following procedures may be extended for good reason, such as when classes are not in session or upon mutual agreement by the parties to the report or complaint.

I. Filing a Report of Sexual Harrassment

An individual who believes that he or she is or has been the victim of sexual harassment as prohibited by this policy may report the conduct to any or all of the following:

1. the academic or administrative official(s) responsible for the unit(s) involved;

2. the immediate supervisor of the alleged harasser if the alleged harasser is an employee;

3. the Student Life Office (ASU Main, 965-6547 or ASU West, 543-8130), if the individual making the report of the alleged harasser is a student; or

4. the Office of EO/AA (ASU Main, ASB 171, 965-6547). (The university Title IX coordinator is the director, EO/AA.)

The recipient of the report will have a meeting with the alleged harasser or may request the director/designee, EO/AA to conduct the meeting. The meeting shall include: alerting the alleged harasser to the perception of the impact of his or her behavior, providing the individual with a copy of the ASU sexual harassment policy, encouraging attendance at one of ASU's sexual harassment workshops, and encouraging greater awareness of behaviors which may lead to perceptions of sexual harassment.

Before having this meeting, all administrative officials must consult with the director, EO/AA or his or her designee. The meeting must be conducted within 15 days of the receipt of the report.

J. Filing a Complaint of Sexual Harassment

Employees and students may officially file an informal or formal complaint with the Office of EO/AA. The complainant may decide whether the complaint will be handled under the informal or formal resolution process. The complainant may also change an informal complaint to a formal complaint at any time. If the alleged harasser or the complainant is a student or student organization and the alleged conduct occurs on university property, a complaint may be filed with the Student Life Office (ASU Main or ASU West). The initial complaint must be filed within 120 days after the individual knows or has reason to know of the alleged harassment or the failure to take appropriate action.

K. Office of EO/AA Complaint Procedures

1. Informal Complaint - This process does not require the complainant to file a written complaint and involves reaching a voluntary resolution of the complaint within 60 days of the receipt of the complaint. This process requires identification of the complainant and the allegation(s) to the respondent within seven days of the receipt of the complaint. It may involve an investigation, interviewing witnesses, and review of materials provided by one or both parties to the complaint. With the consent of the complainant, it may also involve resolution by a settlement agreement developed in lieu of or as a result of an investigation.

2. Formal Complaint - This process requires submission of the EO/AA Complaint Form (available from the Office of EO/AA, ASB 171). The complaint will be shared with the respondent within seven days of receipt, and a written response is required from the respondent within 15 days of his or her receipt of the complaint. This process may involve an investigation, interviewing witnesses, and review of material provided by one or both parties to the complaint. The formal complaint process will result in a report with resolution recommendations submitted to the provost/vice president over the respondent within 90 days of receipt of the complaint by the Office of EO/AA. The provost/vice president will accept, reject, or modify the recommendations and will provide written notification to the parties within 15 days of the report.

3. Complete complaint procedures are identified in the "Procedures for Resolving Complaints of Unlawful Discrimination." A copy of these procedures is available in the Office of EO/AA.

L. Board on Equal Opportunity Complaint Procedures

If the complaint is not resolved to the complainant's satisfaction through the Office of EO/AA processes, the complainant may request review by the ASU Board on Equal Opportunity (BEO). The complainant must complete and file a Request for Hearing form (which is available in the Office of EO/AA) with the chair of the BEO within 15 days after receipt of notification from the Office of EO/AA that the resolution process is

completed. Faculty may file a complaint directly with the BEO by submitting the Request for Hearing form to the chair of the Clearinghouse Committee within 30 days of the occurrence of the actions that form the basis of the complaint. If the BEO determines that the grievance falls within its jurisdiction, the hearing process will be initiated and completed within 90 days after the complaint was received by the BEO. Summer, vacation, holiday, and other academic leave periods are excluded from the 90 day period. The BEO will submit a written report to the president who will provide a written decision to accept, reject, or modify the recommendations to the parties within 15 days of receipt of the report. The BEO will proceed under the procedures of university policy. "Board on Equal Opportunity" which is available in the Office of EO/AA.

M. Student Code of Conduct and Student Disciplinary Procedures

When the sexual harassment complaint involves a student or student organization, a complainant may file a complaint by submitting a written referral stating the facts of the alleged harassment to the Student Life Office (ASU Main or ASU West). The Student Life Office may investigate, review documents, and/or interview witnesses as part of the resolution process. The Student Life Office shall determine whether a policy violation has occurred and determine any sanctions to be imposed within 60 days of the receipt of the referral.

N. Filing External Complaints

In addition to or as an alternative to the procedures set forth above, employees and students may file a complaint with an appropriate external investigatory agency, such as the Arizona Attorney General's Office, the Equal Employment Opportunity Commission, or the Office of Civil Rights of the Department of Education. Many agencies require that the complaint be filed within 180 calendar days of the last act of harassment or discrimination; the Equal Employment Opportunity Commission requires that the complaint be filed within 300 calendar days of the last act of harassment or discrimination.

O. Cross References

For appropriate grievance procedures for students, see:

1. STA 103-04, "Procedures for Resolving Complaints or Unlawful Discrimination,"
2. STA 103-05, "Board on Equal Opportunity," and
3. STA 104-01, "Student Code of Conduct and Student Disciplinary Procedures."

XVI. ASU STATEMENT ON DRUG-FREE SCHOOLS AND CAMPUSES

A. Purpose

To provide the university community with guidelines for the use of alcohol and prohibitions for the use of other drugs on campus

B. Sources

Arizona Revised Statutes §§ 4-101 to -312
Arizona Administrative Code Title 19

C. Policy

ASU (ASU Main, ASU West and ASU East, unless otherwise specified) prohibits the unlawful use, possession, production, manufacture, and distribution of alcohol and other drugs and controlled substances. Students, faculty, staff, and visitors on campus are required to obey the Arizona law regarding alcohol and other drugs and controlled substances and to act reasonably to reduce the risks associated with use and abuse of these substances. This policy governs all service of alcohol on ASU property, including fraternity housing leased from ASU Main.

D. Philosophy

ASU is concerned with the welfare of the university community and with the academic and personal development of each member of that community. Thus, ASU strives to create a healthy environment in which the illegal or improper use of alcohol and other drugs and controlled substances does not interfere with learning, performance, employment, residential living, or development. In particular, the present policy is intended to accomplish the following:

1. to promote a healthy and safe learning, work, and residential environment;

2. to demonstrate the commitment of the university to the provision of:

   a. education and prevention services designed to help prevent illegal and improper use of alcohol and other drugs and
   b. early intervention and referral services related to the illegal and improper use of alcohol and other drugs;

3. to encourage and facilitate the use of treatment and support services by those students and employees who seek or are in need of assistance;

4. to define expectations for conduct with respect to the illegal and improper use of alcohol and other drugs; and

5. to identify appropriate disciplinary procedures for those who engage in illegal use or improper conduct associated with the use of alcohol and other drugs.

E. Confidentiality

This policy is not intended to create obligations or restrictions that may interfere with the confidential nature of counseling, clinical, or therapeutic relationships. Confidentiality will be maintained in accordance with state and federal laws, including the Arizonans with Disabilities Act and the Americans with Disabilities Act.

F. Federal and State Law Sanctions

Anyone who violates federal, state, or local law regarding alcohol or other drugs, including the illegal possession of drug paraphernalia, or who otherwise engages in illegal conduct is subject to prosecution and punishment by criminal and civil authorities in addition to disciplinary or administrative sanctions issued by the university. Sanctions under federal and state law for the unlawful possession or distribution of illicit drugs and alcohol are reprinted in the Schedule of Classes.

G. Alcohol-State Laws and Regulations

All use and distribution of alcohol is subject to state laws and regulations, which include the following duties and prohibitions:

1. No person or organization may sell, furnish, or give alcoholic beverages to any person under the age of 21, except as otherwise permitted by law.

2. No person under the age of 21 is allowed to consume or possess alcoholic beverages, except as otherwise permitted by law.

3. No person authorized to sell or serve alcoholic beverages may consume such beverages while they are so engaged or employed.

4. No person or organization may serve or sell alcoholic beverages to any intoxicated or disorderly person, and such intoxicated persons shall not be allowed to remain on or about premises in which alcoholic beverages are furnished for more than 30 minutes after the state of intoxication is known or should be known to a person selling or serving alcoholic beverages.

5. Any person or organization authorized to serve alcoholic beverages who has reason to question whether the person ordering or attempting to order alcoholic beverages is under the age of 21 shall require that person to show an identification card which includes a photograph proving that the individual is at least 21 years of age.

6. No person under the legal drinking age may misrepresent his or her age with the intent to induce another to sell or serve alcohol contrary to law.

7. No person may solicit another person to purchase, sell, or serve alcohol contrary to law.

H. Alcohol-University Policy

No alcohol may be served on the ASU campuses, at the Kerr Cultural Center, or at the Sundome Center for the Performing Arts unless it is served at a designated special event pursuant to the Arizona Board of Regents' policy 5-108 with approval by the president. If a completed permit to serve alcohol is not on file with ASU DPS prior to the event, alcohol service will not be permitted. All research activities requiring the dosing of subjects with alcohol or other drugs are subject to the ASU Human Subjects Institutional Review Board.

I. Alcohol-Leased Fraternity Housing

This policy applies to all service of alcohol at fraternity housing leased from the university. Resident students who are of the legal drinking age of 21 or older, however, may possess and consume alcohol in the privacy of their house. Social functions may be subject to additional regulation through the Greek Alcohol Risk Reduction Program (GARRP).

J. Alcohol-Residence Hall Policy

Programming involving the service of alcohol is prohibited in public areas of university residence halls. Students who are under the age of 21 may not possess or consume alcohol in residence halls. Resident students who are of the legal drinking age of 21 years or older may possess and consume alcohol in the privacy of their residence hall rooms. Resident students who are 21 years or older may have guests who are also of legal drinking age in their rooms when alcohol is present and consumed. No party in a private room may be so large or noisy as to be disruptive to other resident students or staff. If, in the opinion of university residence hall staff or an authorized representative of the ASU Main Department of Public Safety (ASU Main DPS), a party is disruptive or if the staff or ASU Main DPS representative becomes aware that minors are present and are drinking, the party will be stopped and the party participants will be required to leave. Student Code of Conduct and Residence Hall Code violation charges may be filed against the student(s) involved with the party.

K. Alcohol-Designated Events and Locations

Alcohol may be served only at the events and locations designated in the Department of Public Safety Policies and Procedures Manual-DPS 202-03, "Sales and Service of Alcoholic Beverages on Campus."

L. Alcohol-Tailgate Authorization

Arizona Board of Regents policy 5-108 (A)(8) authorizes the president to permit the consumption of alcohol at designated times and in designated areas of the university on days when football games are played at ASU Main. Unless otherwise designated by the president, consumption of alcohol at authorized tailgate parties is limited to beer and does not include spirituous liquor, wine, or other alcoholic beverages.

M. Alcohol-Sale or Service

Requirements for the sale or service of alcohol on campus and the procedures for obtaining the necessary permit are outlined in the Department of Public Safety Policies and Procedures Manual-DPS 202-03, "Sales and Service of Alcoholic Beverages on Campus."

N. Alcohol-Advertising, Sponsorship and Promotion

1. Retail licensees, wholesalers, and suppliers may not advertise, provide sponsorship, or promote events or activities on university property unless a primary campus sponsor is identified. The primary campus sponsor must be a university employee (not a student employee) and must require that all advertising, sponsorship, and promotional activities adhere to these regulations.

2. Advertising, sponsorship, and promotion activities and materials may not promote the excessive use of alcohol and shall make reasonable efforts to avoid demeaning, sexual, and discriminatory portrayal of individuals or groups.

3. All advertisements for an event at which alcohol is being served or consumed shall be restricted to the residence of the guests or members who are invited to the event. No general posting of limited invitation events is permitted. Exceptions may include sharing of philanthropic information with the general campus community. These advertisements must not, however, imply that the general public may attend an event that is a limited invitation event.

4. Student organizations, individual and organizational sponsors, and campus units shall not allow, promote, or cooperate with retail licensees, wholesalers, or suppliers in the promotion of the following on university property:

   a. activities that are not in compliance with state laws, this policy, and other university policies
   b. activities that promote use of alcohol as a solution to personal or academic problems or as necessary for social or academic success
   c. activities that promote large quantities or excessive frequency of alcohol use and

d. activities that promote the performance of tasks requiring skilled reactions, such as the operation of motor vehicles, and the use of alcohol. (Exceptions would include monitored educational or research programs.)

5. The primary purpose of any sponsorship on university property shall not be the promotion of the retail licensee's, wholesaler's, or supplier's product or organization. The intent must be to endorse and support alcohol education programs that provide for informed and responsible decision-making on the part of the individual to consume or not to consume spirituous liquor. The primary campus sponsor must identify and assure that educational reasons for the activity or event receive prominent display on any material or announcements. Pictures of spirituous liquor products shall not be permitted; however, nonspecific artistic graphics may be used and the retail licensee's, wholesaler's, or supplier's logo or trademark is acceptable for use in print material.

6. The use of pneumatic or air-inflated replicas of cans, bottles, blimps, or balloons shall not be permitted. Exceptions would include balloons with an educational purpose identified by the university event sponsor. Posters and banners shall meet with approval of the university event sponsor and be within all stated regulations.

O. Illegal Drugs and Controlled Substances-Drug-Free Workplace

The federal Drug-Free Workplace Act of 1988 prohibits the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs in the workplace and provides for sanctions against faculty, staff, and student employees, permanent or temporary, who violate this policy. Grant or contract employees must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction. Any employee who violates the Drug-Free Workplace policy is subject to prosecution and punishment by the civil authorities as well as to disciplinary procedures by the university which may result in termination of employment.

P. Illegal Drugs and Controlled Substances-Drug-Free Schools and Campuses

ASU is committed to providing a drug-free environment for all university students and employees. To achieve this goal and to comply with federal law, ASU prohibits the unlawful sale, manufacture, distribution, dispensation, possession, and use of controlled substances on its property or as part of any of its activities.

Sanctions are imposed on a student who violates a Board of Regents' or university drug or alcohol policy; those sanctions may include suspension or expulsion and may also include the requirement that the student participate in a drug rehabilitation program. Sanctions are imposed on an employee who violates this policy; those sanctions may include progressive discipline, termination of employment, and the requirement that the employee participate in a drug rehabilitation program.

Q. Alcohol and Other Drugs-Health Risks

1. Alcohol. Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

   Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

   Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

2. Illegal Drugs**.** A description of health risks associated with the use of illegal drugs is reprinted in the Schedule of Classes.

R. Alcohol and Other Drugs-Education and Treatment Programs

1. Education is the primary focus of the university and substance abuse prevention is a goal of this policy. The university provides honest and factual information through organized educational programs in an effort to assist individuals to make decisions regarding the use of alcohol and other drugs. The university provides information about illegal substances and their effects, and about the establishment of responsible drinking behavior for those individuals of legal age who choose to use alcoholic beverages. Information regarding the health risks associated with the use of alcohol and other drugs, drug awareness programs, and drug rehabilitation programs is available to employees and students through the Student Health and Wellness Center, the Employee Assistance Program, Counseling and Consultation, and the Arizona Prevention Resource Center. Classes on drug abuse are offered in the School of Social Work, the Department of Psychology, the Counseling and Counseling Psychology programs in the Division of Psychology in Education, the College of Nursing, and Human Resources.

2. Counseling and assistance programs have been established to assist students, faculty, and staff who may have alcohol and other substance use problems. These programs may provide education, counseling, consultation, and referral to a rehabilitation resource.

3. Physical care is available at the Student Health and Wellness Center and counseling is available through the substance abuse counselor or peer counselors through Counseling and Consultation. Students may be referred to outside agencies or physicians for on-going treatment.

4. Information and assistance are provided by student peer advisors in ASU Main residence halls.

5. Academic courses are available regarding health related issues and substance abuse and addiction.

S. Definitions

Definitions of terms and phrases in this policy, unless the context provides otherwise, are as follows:

- Alcohol or Alcoholic Beverages means brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, malt liquor, absinthe, or a compound or mixture of any of the above and any liquor mixture or preparation that produces intoxication and includes all beverages that contain more than one-half of one percent alcohol by volume.
- Distribution means sale, exchange, transfer, delivery, or gift.
- President means the president of the university or his or her designee.
- Primary Campus Sponsor or Event Sponsor means a university employee (but not including a student employee) who has agreed to sponsor an event or activity in his or her capacity as a university employee.
- Student means any person registered or enrolled in one or more classes at the university, including a faculty member or employee so registered or enrolled. Graduate students who serve as assistants, associates or otherwise, and all other students employed part-time by the university are classified as students for purposes of this policy.
- Student Organization means an organization composed primarily of students that has received recognition according to university policies and procedures.
- University means Arizona State University (all campuses unless otherwise specified).
- University Community means all university employees and students.
- University Property means all land, buildings, and other facilities owned, operated, or controlled by the university.
- University-Sponsored Activity means any activity on or off campus that is initiated, approved, or supervised by the university.

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