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North Carolina Central University School of Law

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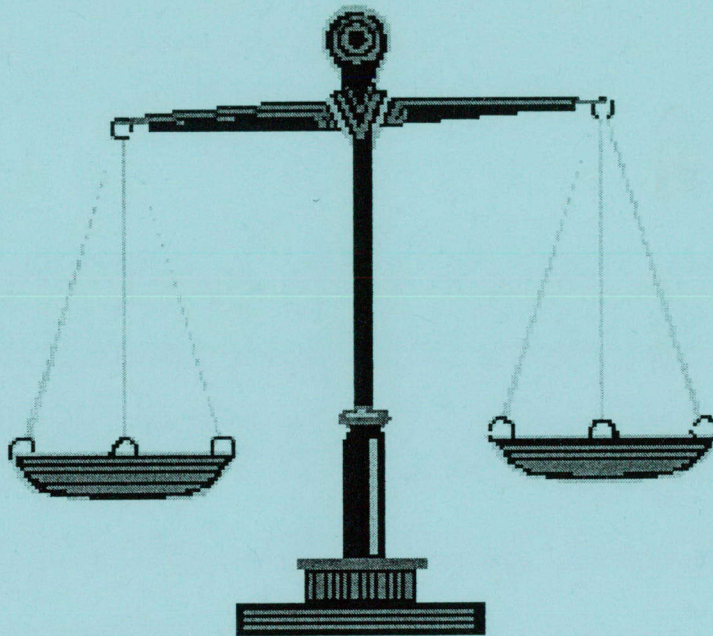
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North Carolina Central University

School of Law



**2005-2006
Student Handbook**

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1.00 GENERAL RULES

1.01 REGISTRATION

The courses for first-year students are prescribed, and all are required. Courses for upper-level students include elective and required courses. Schedules must be approved by faculty advisors and, when appropriate, by the Office of the Dean.

Each student has a faculty advisor. Students must meet with their faculty advisor regularly, especially during the pre-registration period of each semester.

1.02 REQUIRED COURSES

1. Matriculation Prior to Spring of 2004

Day first-year students are required to take Civil Procedure I & II, Contracts I & II, Criminal Law, Property I & II, Torts I & II, Legal Bibliography, and Legal Reasoning and Analysis I & II. Evening first-year students are required to take the two substantive courses in their rotation along with Professional Responsibility, Legal Bibliography, and Legal Reasoning and Analysis I & II. Upper-level required courses for all students are Constitutional Law I & II, Decedents' Estates I, Appellate Advocacy, Evidence, Fundamental Taxation, Professional Responsibility (Day, first-year Evening), Sales and Secured Transactions, and Statutory Interpretation. Day students are required to take Legal Letters, Business Associations and a Writing Seminar. Evening students are required to take Senior Writing and Corporations. The Faculty strongly recommends that students take Commercial Paper, Criminal Procedure, Family Law, Decedents' Estates II, Real Estate Finance, Remedies, and Trial Practice. It also encourages students to take Alternative Dispute Resolution.

2. Matriculation After Spring of 2004

Day first-year students are required to take Civil Procedure I & II, Contracts I & II, Criminal Law, Property I & II, Torts I & II, Legal Reasoning and Analysis I and Legal Research and Persuasion. Evening first-year students are required to take the two substantive courses in their rotation along with Professional Responsibility, Legal Reasoning and Analysis I and Legal Research and Persuasion. Upper-level required courses for all students are Constitutional Law, Decedents' Estates I, Evidence, Fundamental Taxation, Professional Responsibility (Day, first-year Evening), Sales and Secured Transactions, and Statutory Interpretation. Day students are required to take Legal Letters, Business Associations, and a Writing Seminar. Evening students are required to take Senior Writing and Corporations. The Faculty strongly recommends that students take Criminal Procedure, Family Law, Decedents' Estates II, Real Estate Finance, Remedies, and Trial Practice. It also encourages students to take Alternative Dispute Resolution.

1.03 CREDIT FOR REQUIRED COURSES

All required courses must be taken at North Carolina Central University School of Law. A student receiving a failing grade must repeat the course until a passing grade is earned.

1.04 COURSE LOAD

1.04-01 Registration Rules for Students Repeating a Course

1. Timing

A day student who receives an F in a first-year course is required to repeat that course during the next semester in which that course is offered at this law school. Evening students repeating courses are required to consult the Assistant Dean for the Evening Program to determine when the course is next offered in the Evening rotation and should plan to take the course when it is next offered.

2. Course Sequencing

A. Substantive Law Courses

1. A Day student who fails one (1) three-credit-hour course during the fall semester of his/her second year may not enroll in Criminal Procedure.
2. A Day student who fails two (2) three-credit-hour courses during the fall semester of his/her second year may not enroll in Criminal Procedure or Decedents' Estates I.
3. A Day student who fails three (3) three-credit-hour courses during the fall semester of his/her second year may not enroll in Criminal Procedure, Decedents' Estates I, or Evidence.

B. Writing Courses

1. A student who is repeating Legal Reasoning and Analysis I may be permitted to simultaneously take Appellate Advocacy I.
2. A student who is repeating Legal Research and Persuasion may be permitted to simultaneously take Legal Letters.

3. Maximum Number of Credit Hours

It is recommended that a Day student who receives below a "C" in one or more first-year courses not register for more than fourteen (14) credit hours. It is recommended that a Day student who receives below a "C" in one or more first-year courses during the spring semester of his/her second year not register for more than fifteen (15) credit hours.

4. Signature of the Associate Dean for Academic Affairs Required

Prior to the beginning of each fall semester, the Law School Registrar will provide the Associate Dean for Academic Affairs with a list of the names of all those students who, during the previous academic year, received an F and the course(s) in which such grade was received. After obtaining the signature of his/her advisor, any student who is required to repeat a course must then obtain the signature of the Associate Dean for Academic Affairs

before being allowed to register. The Law School Registrar will register students required to repeat a course.

1.04-02 Day Program

The maximum course load permitted without special permission from the Office of the Dean is 16 credit hours. A student who wishes to take less than 10 credit hours during a semester must secure prior permission from the Office of the Dean, including instances in which the student initially wishes to register for less than 10 credit hours, as well as those instances in which the student wishes to drop courses and fall below the ten-hour level. A Day student who wishes to enroll in evening or summer classes must receive the prior written permission from the Office of the Dean.

Students should consult their financial aid advisor to determine the number of credit hours needed to maintain their financial aid eligibility.

1.04-03 Evening Program

The maximum course load permitted without special permission from the Office of the Dean is 10 credit hours. Students wishing to take an additional course or a course meeting at a time other than during the regular Evening rotation must obtain written permission from the Office of the Dean. Generally, Evening students who have not completed their third full semester (27 hours) will not be granted permission to enroll in an extra class. A student admitted to the Evening Program who wishes to enroll in Day classes, including "swing" hour classes, must receive permission from the Office of the Dean. An Evening student who wishes to take less than 8 credit hours must secure prior permission from the Office of the Dean, including instances in which the student initially wishes to register for less than 8 credit hours, and instances in which the student wishes to drop courses and fall below the eight-hour level.

Evening students wishing to earn their degrees in less than eight semesters and three summers must seek written permission to transfer to the full-time Day Program. (See section 1.04-05).

1.04-04 Overload Requests

A Day or Evening student seeking permission to take an overload should submit a written request to the Office of the Dean and to his/her faculty advisor stating the name and number of credit hours of the extra class, the reason for requesting the overload, a plan for balancing outside demands with additional course work, his/her overall grade point average, and his/her performance during any previous semesters while taking an overload.

1.04-05 Transfer Between Programs

Requests for permission to transfer between programs must be submitted, in writing, to the Office of the Dean. A transfer is not automatic and cannot be granted before successful completion of the first-year in either program.

1.05 DROPPING COURSES

Courses may be dropped at any time before the beginning of the final examination scheduled for the course, and the grade of "W" will be entered. If a final examination is not the final work product due in the semester, a course may be dropped at any time before such final work product is due for the course, and the grade of "W" will be entered. Thereafter, a course may not be dropped. (See Sections 1.04-02, 1.04-03, and 1.12-02). (First-year students see Section 1.08-9).

1.06 SWITCHING SECTIONS

A first-year student may not switch from one section of an assigned course to another without permission from the Office of the Dean. Any student repeating a required first-year course may select either section of that course at the next offering, subject to space availability.

1.07 COURSES AT OTHER SCHOOLS

Students will not be permitted to take summer school courses offered by other law schools until Day Program students have successfully completed a fall and spring semester and Evening Program students have successfully completed four semesters. Generally, students will not be permitted to enroll in courses at other schools during their final semester because of difficulty in obtaining grades from other institutions in a timely manner for graduation certification.

1.07-01 Limitations on Credits Toward Degree

Students may earn a limited number of elective credit hours toward their NCCU law degree by taking approved classes at other institutions. (See Sections 1.02 and 1.03).

Permission from the Office of the Dean must be obtained before taking:

1. summer school courses at other accredited law schools;
1. up to 6 hours of credit for non-law school courses that are related to a student's program of law study, and
2. law school courses at Duke University and the University of North Carolina at Chapel Hill under the inter-institutional agreement, which permits not more than two courses to be taken at the other school in a semester, provided that the Law School does not offer the same course (or its substantial equivalent) in the same semester.

1.07-02 Transfer of Credit Hours

Fall and Spring Courses: Any grade earned at another law school during the fall or spring semesters may be transferred and included in the calculation of the student's grade point average. Where grading systems are substantially different from the grading system at this school, the student seeking transfer credit shall have the burden of providing sufficient information to the Office of the Dean to support an equivalency determination.

Summer School Courses: A student must earn a grade of "C" or better for summer school credit hours to transfer. Grades earned during the summer will not be included in the calculation of the student's grade point average. However, credit hours transferred will count toward the 88 hours required for graduation. (See Section 1.12-01). A grade of "C" or below will not be accepted regardless of the standards applied at the other schools. If a grade is earned on a system other than "A, B, C", the student has the burden of establishing equivalency. (See Section 1.07-01).

Transfer students: A student transferring into the School of Law will not receive credit for hours earned taking a required course at another law school, if that required course is offered for fewer credit hours than the student would receive for taking that course at this law school.

1.08 EXAMINATIONS AND GRADING

1.08-01 Anonymous Grading

Grading of examinations is anonymous and is recorded by examination numbers assigned by the Office of the Dean. Each student must obtain a number before the examination period begins. If the final grade for the course is different from the grade on the final examination, both grades should be reported to the student. Faculty may consider factors other than examination grades, but students should be informed of those other factors at the beginning of the semester.

1.08-02 Absences From Examinations

Unexcused absences from an examination will result in a grade of "F" for that examination. Only the Associate Dean for Academic Affairs may excuse an absence from a scheduled examination. Excuses must be sought before the time for taking the examination, except in the most extraordinary situations that would prevent a diligent, reasonable person from obtaining a prior excuse.

Excuses are not lightly granted. A student must show that circumstances beyond his/ her control prevented appearance at the scheduled time. Where an excuse is granted, the examination may be taken later from the same instructor, by arrangement of the instructor and the Associate Dean, or at the next time the course is offered and an examination given.

A grade of Incomplete ("I") will be reported to the registrar, if the examination is not taken before final grades must be reported. Such incompletes must be removed (that is, the examination must be taken) not later than one year after the missed examination was originally scheduled, or when the examination is given the next time the course is offered, whichever comes first. If the examination is not taken within that time, the grade will automatically become an "F".

1.08-03 Late Arrival For Examinations

A student who arrives late for an examination will be permitted to take it without excuse, but the time for completing the examination will not be extended beyond that specified for completion for those who arrived on time. If the student can demonstrate to the instructor that his/ her lateness was for good cause, and beyond his/ her control, the full scheduled time to complete the examination may be given, at the instructor's discretion.

1.08-04 Grade Changes

Once final grades have been turned in by a faculty member, they shall not be changed unless the faculty member satisfies the Dean and the Provost/Vice-Chancellor for Academic Affairs that he/she has made an objective mistake in determining a grade, such as an error in computation or averaging.

1.08-05 Extensions - Papers, etc.

Where a work product other than an examination is required for a course, the instructor may, in his or her discretion, grant an extension of time for the completion of such work. Such extensions may be for such periods as the instructor shall determine, but in no event may the instructor permit the work to be completed later than:

Fall semester:	the following March 31
Spring semester:	the following August 31
Summer sessions:	the following October 31

If any extension of time is granted under this rule, the extended due date for the work should be communicated to the student in writing, and a copy should be furnished to the Office of the Dean. An instructor may, in his or her discretion, reduce the grade of a student who is granted an extension under this rule. If the work is not completed before the extended time limit has expired, the grade of "F" will be awarded for the late work. Extensions are not to be lightly granted.

1.08-06 Grade Scale - Quality Points

Grades are given each semester in each course. The grade scale is as follows:

A	4.00
A-	3.67
B+	3.33
B	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
F	0.00

In a Pass/Fail class, a student who earns a "P" receives credit hours toward his/her graduation requirements, but the "P" has no effect upon the student's cumulative grade point average. A grade of "F" received in a Pass/Fail class will be factored into the student's cumulative grade point average and no credit hours will be awarded toward his/her graduation requirements.

1.08-07 Grade Appeals

Each faculty member shall prepare model answers or other objective standards setting forth the issues that the professor expected the students to discuss in their examination answers or other course work and the approximate number of points or weight assigned to each question or component. If not returned, these model answers or other objective standards and the student's own materials will be made available for review on request.

A student who thinks that his/her grade was incorrect may appeal to the Office of the Dean. All procedures will be confidential.

To appeal a grade:

1. The student must have a conference with the professor, and seek an explanation of the grade received and a resolution of the student's complaint.
2. If the student still contests the grade, he/she may appeal the grade by writing to the Office of the Dean. If the Dean is persuaded that the appeal may be meritorious, the Dean may appoint a panel of three professors to review the matter and to make a written recommendation. The Dean will then discuss the appeal with the student and the professor. If the appeal is not then concluded by agreement, the Dean will render a decision in writing to the student and the professor.
3. To be regarded as meritorious, a grade appeal must be based on an objective arithmetical or computational error; manifest unfairness to the student in the evaluation process as compared with other members of the class as demonstrated by clear and compelling evidence; or qualitatively similar instances involving invidious discrimination based on clear and compelling evidence.
4. Non-meritorious appeals include those challenging: standards generally applied to the evaluation of the class; the form of the evaluation instrument administered to the class; or any matter involved with the substantive content of the course or the exercise of professional judgment.
5. All appeals must be made within a reasonable time. A discussion with the professor within ten (10) school days from the date that the student receives notice of the grade will be deemed timely. A written appeal of the grade to the Office of the Dean must be made within ten (10) school days after the conference with the professor if the complaint has not been resolved.

1.08-08 Academic Eligibility - Continuation

To remain in school, a student must meet certain minimum grade point average requirements.

1. A first-year student enrolled in the Day Program must earn a cumulative grade point average of at least 2.0 by the end of the academic year to be eligible to return. A first-year Day student who does not earn a grade point average of at least 2.0 by the end of the academic year will be dismissed.
2. A student enrolled in the Day or Evening Program who does not earn a cumulative grade point average of at least 2.0 by the end of the second year (four semesters) will be dismissed.
3. A student enrolled in the Day or Evening Program whose cumulative grade point average drops below a 2.0 at any point subsequent to his/her fourth semester will be dismissed.

1.08-09 Dropping Required First-Year Courses

All students must take the required first-year courses. In extraordinary circumstances, however, a first-year student might be permitted to withdraw from a course with the prior written permission of the Office of the Dean, which may impose special requirements.

1.09 READMISSION

1.09-01 Eligibility to Petition For Readmission Following Academic Dismissal

A student who does not earn the minimum grade point average by the end of the academic year is dismissed. Subject to the following limitations, however, a student who is academically ineligible may petition the Standards Committee for readmission.

1. A first-year student enrolled in the Day Program who achieves a cumulative grade point average below 2.0, but at least 1.8 may petition for readmission.
2. A first-year student enrolled in the Day Program who fails to earn a cumulative grade point average of at least 1.8 by the end of the academic year is not eligible to petition for readmission.
3. An upper-level student enrolled in the Day or Evening Program who has been academically dismissed may petition for readmission.
4. All petitions for readmission following academic dismissal are governed by the procedure specified in Section 1.09-02.
5. A student may petition for readmission only once.

All students are presumed and expected to be putting forth their best and most diligent efforts to perform satisfactorily in all courses; consequently, readmission will be rare.

1.09-02 Readmission Procedure

Petitions for readmission will not be considered until one academic year after a student's dismissal for substandard academic performance. A petition must be received by the Office of the Dean by April 15th of the calendar year following the petitioner's dismissal.

1. An eligible student may petition the Standards Committee for readmission by sending a letter to the Office of the Dean. The petition should set forth specific reasons for the petitioner's substandard performance.
2. The Office of the Dean shall forward the petition to the Standards Committee for consideration, along with any documentation relevant to the petitioner's performance and petition.
3. The Standards Committee will meet as soon as possible after the end of the spring semester. Three faculty members of the Committee shall constitute a quorum.
4. The petitioner shall have the right to appear at the time set by the Committee for consideration of the petition and to demonstrate that extraordinary circumstances resulted in his/her substandard academic performance. Extraordinary circumstances are those that do not ordinarily occur. Financial concerns, employment obligations, family illness or commuting distances normally involve no element of extraordinary circumstances. Furthermore, there is no presumption that petitioner will be readmitted by reason of having a cumulative average close to the required minimum.
5. If a majority of the Committee present and voting is in favor of readmission, the student is readmitted. Readmission may be conditioned as the Standards Committee deems appropriate.
6. In all cases, the Office of the Dean shall inform the petitioner by letter of the disposition of his/her case.

1.09-03 Admission as a New Student Following Academic Dismissal

An academically dismissed student who does not petition for readmission by the specified deadline, or an academically dismissed student who is ineligible to petition for readmission, may not be admitted as a new student until two academic years have elapsed following his/her dismissal.

Only in an extraordinary case (*see* Section 1.09-02) will an academically dismissed student be admitted as a new student. Such students cannot transfer any credits from prior law school matriculation and must abide by the rules applying to their new incoming class.

1.09-04 Withdrawal From Law School

All students must make a written request and obtain written permission from the Office of the Dean to withdraw. A student who withdraws from the Law School, for whatever reason, shall be governed by the following requirements:

1. If the permission is granted during the student's first semester, before the student has taken any final examination or before completing the course work in any non-examination course, that student must reapply for admission at a subsequent fall semester and must submit a new personal statement. The student's previous LSAT and LSDAS report may be used if the re-application is within three (3) years of his/her last LSAT administration date; however, the student may retake the LSAT at his/her discretion.

2. Students who have completed course work and received grades must submit a petition to re-enter law school to the Office of the Dean. The petition for readmission must be received by the Office of the Dean at least 60 calendar days before the start of classes for the semester of the proposed return. The Office of the Dean shall forward the petition to the Standards Committee for consideration, along with any relevant documentation. Such students' prior grades will count toward their degree and they must be able to complete degree requirements in a timely manner as defined in Section 1.09-05.

The Standards Committee will apply the following standards in evaluating the petition for readmission:

If a student withdraws while having a grade point average of 2.0 or above, the student is presumptively re-admissible. The presumption of re-admissibility can be overcome by a showing that the petitioner had engaged in conduct that (a) demonstrates unprofessional or unethical behavior, (c) poses an imminent threat to the orderly conduct of classes or to the orderly administration of the School of Law and its premises, or (d) could have adversely affected the petitioner's admission as an applicant to the School of Law. In applying these criteria, the Standards Committee may consider (i) whether the petitioner shows remorse for any conduct that might furnish grounds for rebutting the presumption of re-admissibility and (ii) whether the petitioner voluntarily disclosed the conduct that might furnish grounds for rebutting the presumption of re-admissibility. The burden of rebutting the presumption of re-admissibility of a petitioner is on the School of Law by a preponderance of the evidence.

If a student withdraws while having a grade point average below 2.0, to be readmitted, the student must demonstrate a compelling non-academic reason(s) for the withdrawal. These reasons may include, but are not limited to, severe financial hardship, serious medical problems, or serious illness or death of a close family member. A student who cannot demonstrate a compelling non-academic reason for the withdrawal would then be subject to the standard for readmission of a student who has been declared academically ineligible. That student must demonstrate that extraordinary circumstances caused the substandard academic performance. *See generally*, 1.09-02. If the student is readmitted, the student would be evaluated for academic retention at the appropriate time according to customary procedures. *See generally*, 1.08-08.

A student who does not comply with these rules upon his/her departure from the Law School, will not be eligible to re-enroll. Re-enrollment is not automatic.

1.09-05 Completion of Degree

The maximum allowable period for a full-time Day student to complete a J.D. degree is five (5) academic years. The maximum allowable period for a part-time Evening student to complete a J.D. degree is six (6) academic years. An academic year is defined as from the first day of the Fall semester to the end of the Spring semester examination period. (*See American Bar Association [ABA] General Information 10, p. 147, Standards for Approved Law Schools 3001-2002*).

1.10 STUDENT RECORD KEEPING

Each student should keep a file throughout his/her law school career that contains tuition payment records, copies of pre-registration and drop/add cards, and any advising notes, doctor's excuses, and any other relevant materials related to the student's matriculation and class attendance.

1.11 CLASS ATTENDANCE RULES

Students are required to attend all of their regularly scheduled classes. Faculty members will maintain a record of attendance in each course. Attendance for all students shall be taken starting the first day of class. Thus, students who anticipate registering for a class during the drop/add period are advised to obtain the instructor's permission to attend the class during the interim. Students must obtain the permission of the course instructor to drop or add a course.

Weekly attendance records are submitted to the office of the Assistant Dean for the Day Program. The Assistant Dean for the Day Program will maintain current, cumulative records of attendance for all students in all classes for which she/he receives attendance records.

Students who accumulate more than the maximum absences within a semester will be dropped from the course. Each 50 minutes of meeting time is considered a class hour. Students enrolled in required first-year courses who violate the attendance rule will receive a grade of "F."

<u>Course credit hours</u>	<u>Maximum absences</u>
1 credit hour	3 hours
2 credit hours	6 hours
3 credit hours	9 hours
4 credit hours	12 hours

1.11-01 Appeals Procedure For Violations of Attendance Policy

Notice of Violation. The Assistant Dean shall notify students who have been dropped from a course for exceeding the maximum absences. Notice will be deemed effective two days after the date of the letter from the Assistant Dean for the Day Program. On the day a letter is dated, a copy shall be placed in the student's law school mail box, and mailed to his/her address of record. (See Section 1.14).

Right of Appeal. A student who has received notice, as defined herein, that he or she has exceeded the maximum number of absences in a course and has been administratively withdrawn from the course, shall have the right to appeal to the Faculty for a determination of whether the student's absences are excusable.

Perfecting an Appeal. To perfect the right to appeal, a student must notify the Assistant Dean for the Day Program of an intention to appeal within five days of notice that he/she has exceeded the maximum number of absences.

Stay Pending Appeal. The student's name shall not be withdrawn from the class roll until after a final adverse determination of his/her appeal or until the student abandons his/her appeal by failing to follow the procedures set out herein. The results of any examination taken during the pendency of an appeal shall be sealed unless there is a final favorable determination of the student's appeal. The student's final examination results will not be considered by the faculty member and no final grade will be recorded on the student's record if the Faculty reaches an adverse determination on the student's appeal.

Presentation of Appeal. The student shall present a written statement of the basis of the appeal and supporting documentation to the Assistant Dean for the Day Program, within two weeks of the date the appeal is perfected.

Burden of Proof. The student shall have the burden of proving by clear and convincing evidence that there was sufficient justification for each absence over the number of allowable absences for the course, as defined herein. A student is presumed to have been absent if the attendance records submitted to the Assistant Dean for the Day Program by the faculty member indicate that the student was absent.

Allowable absences. A student must provide an explanation on appeal for all absences except:

one credit hour course	one 50-minute class
two credit hour course	two 50-minute classes (or the equivalent)
three credit hour course	three 50-minute classes (or the equivalent)
four credit hour course	four 50-minute classes (or the equivalent)

Review Procedure. Upon receiving the written appeal from the student, the Assistant Dean for the Day Program shall distribute copies of the appeal and supporting documentation to members of the faculty. The Assistant Dean for the Day Program shall set a date for the hearing and shall notify the student of the date. The Faculty shall meet as soon as reasonably practicable to decide the student's appeal. The student shall have the right to personally appear before the Faculty. The Faculty shall determine, based on the student's written explanation, supporting documentation, and testimony, if the student's absences were for sufficient justification. If a majority of the Faculty finds that the student has met the burden of proof, the student's appeal shall be granted, and the student shall be allowed to continue in and receive the earned credit for the course. If the student fails to meet the burden of proof, the appeal shall be denied. This decision shall be final. The Assistant Dean for the Day Program shall notify the student of the Faculty's decision.

1.11-02 Sufficient Justification

Sufficient justification shall be defined as extraordinary circumstances, out of the student's control and arising through no fault on the part of the student, which prevent the student from attending class. Such extraordinary circumstances shall include: (1) serious illness; (2) admittance to a hospital; (3) a death in the student's close family; (4) jury duty or required court appearance; and (5) other compelling circumstances.

1.12 GRADUATION REQUIREMENTS

1.12-01 Credit Hours

In order to be eligible to graduate, a student must have earned a 2.0 grade point average, completed a minimum of 88 credit hours, and successfully completed all required courses.

1.12-02 Residency

Pursuant to American Bar Association standards, the Law School requires as a condition for graduation, the successful completion of a course of study in residence of not fewer than 56,000 minutes of instruction time extending over not fewer than three (3) academic years for full-time students or four (4) academic years for part-time students.

To receive residence study credit for an academic period, a full-time student must be enrolled in a schedule requiring at least ten (10) class hours per week and must receive credit for at least nine (9) class hours. A part-time student must be enrolled in a schedule requiring at least eight (8) class hours per week and must receive credit for at least eight (8) hours. If a student is not enrolled in or fails to receive credit for the required minimum number of hours she/he shall receive pro rata credit as determined by applicable ABA standards.

1.13 HONORS

Honors are awarded to students based upon their cumulative grade point averages earned by graduation as follows: 3.50 or higher, summa cum laude; 3.30 - 3.499, magna cum laude; and 3.0 - 3.299, cum laude.

1.14 CURRENT ADDRESSES ON FILES

Official notices from the Law School will be sent to the address on file with the Law School Registrar. Students are responsible for maintaining their current addresses and telephone numbers on file with the Law School Registrar.

1.15 LIMITATIONS ON STUDENT EMPLOYMENT

1.15-01 Applicability to Full-Time Students

A full-time student is expected to devote substantially all of his/her time to the study of law. A full-time student whose circumstances necessitate undertaking employment, whether outside or inside the Law School, must limit that employment to no more than twenty (20) hours per week (*See* ABA Standard 304(c)).

1.15-02 Notice of Employment

A full-time law student who is employed must promptly give notice of his/her employment to the Assistant Dean for the Day program and to his/her academic advisor.

2.00 STUDENT CODE OF PROFESSIONAL RESPONSIBILITY

2.01 POLICY STATEMENT

Lawyers are expected to adhere to the highest standards of professional behavior. North Carolina Central University School of Law expects its students to adhere to high standards of behavior during their legal education, and to avoid even the appearance of impropriety. *The Student Code of Professional Responsibility* is adopted in recognition that law school is a student's first step toward becoming a member of the legal profession.

Each student, in addition to being required to comply with the *Student Code of Professional Responsibility*, is also bound to comply with the *North Carolina Central University Student Code of Conduct* as contained in *The Eagle-Eye Student Handbook*, available on reserve in the Law Library. Violation of either Code shall be governed by the procedures and processes of the Law School Student Handbook.

2.02 PROHIBITED CONDUCT

The *Student Code of Professional Responsibility* prohibits (1) academic dishonesty and (2) unprofessional conduct.

2.02-01 Academic Dishonesty Defined

It shall be a violation of the Code for any student to engage in any conduct that gains or is intended to gain an unfair advantage in any Law School activity or academic matter, either on behalf of the student personally or for another. An unfair advantage is one that is not generally available to all students.

Such conduct shall include, but is **not** limited to the following:

1. the use of materials in any examination or assignment other than those specifically authorized by the instructor;
2. the submission of any misrepresentation as to work toward satisfaction of the requirement(s) for courses or activities;
3. the falsification of an attendance roll;
4. giving or receiving unauthorized aid on examinations or other graded work; and
5. plagiarism, which is defined as the intentional use or attempted use of the work or ideas of another without attribution in connection with any academic work for which law school credit is sought or obtained. Plagiarism includes, but is not limited to, quoting from the published or unpublished work of another without appropriate attribution, or paraphrasing the written work of another without appropriate attribution.

2.02-02 Unprofessional Conduct Defined

It shall be a violation of the Code to engage in any behavior that is or is intended to be disruptive of a class or disrespectful to the Faculty, staff, or students of the Law School.

Such conduct shall include, but is **not** limited to, the following:

1. disruptive behavior in the classroom;
2. failure to observe any library regulations or rules governing appropriate behavior within the building;
3. physically or verbally abusive behavior towards faculty, staff or students;
4. failure to observe University rules and regulations; or
5. lying under oath.

2.02-03 Failure to Disclose or False Statement of Material Fact on Application

It shall be a violation of the Code for any student to fail to disclose or to make a false statement of a material fact on his/her law school application. A statement is material if the omitted or falsely stated fact would have been a factor in the decision to admit the student. Students have an obligation to update their law school application even after the date of matriculation.

2.03 SANCTIONS

The penalty for violation of these regulations shall be determined by the Academic Disciplinary Committee after a hearing or by the Office of the Dean in those cases in which resolution of the charge occurs prior to a hearing.

2.03-01 Range of Sanctions

The presumptive penalty for violating any of these regulations shall be suspension from the Law School for one year (two semesters). Mitigating circumstances may result in a lesser penalty. The sanction may require that a student begin the suspension during a semester and forfeit any credit for that semester. For a student in his/her final semester, the penalty shall be imposed by withholding the student's certificate of graduation for at least one calendar year from the date on which a final decision is rendered.

Aggravated violations of any of these regulations justify expulsion from the Law School. Aggravated violations include but are **not** limited to concealing or attempting to conceal the act; destroying evidence; altering or destroying official records; or obtaining unauthorized entry into official offices.

Imposition of all penalties pursuant to the Code must be reported to the appropriate Bar officials.

2.03-02 Time for Imposition of Sanctions

All penalties imposed under the Code shall take effect immediately upon rendition of a final decision by the committee. In the event of an appeal as provided in Section 2.05-9, the penalty shall take effect immediately upon final review and an adverse decision by the Faculty of the Law School.

2.04 ACADEMIC DISCIPLINARY COMMITTEE

2.04-01 Authority

The Academic Disciplinary Committee implements the policy set forth in the Student Code of Professional Responsibility.

2.04-02 Composition

The Academic Disciplinary Committee shall be a standing committee of the Law School consisting of seven members. The Office of the Dean shall appoint five members of the faculty as committee members and shall designate two additional faculty members as alternates. The President of the Student Bar Association shall appoint two students to serve as members of the committee. Prior to the commencement of the hearing on the merits, the accused may request that the student members not participate.

2.04-03 Substitution Of Committee Members

If any member of the committee is the accuser, or was the instructor of the course in which the alleged violation of these regulations took place, such person shall not participate as a member of the committee in the hearing or deliberation of the case. In addition, the accused shall have the right to exercise one peremptory challenge to excuse any member of the committee from participating in the hearing of the case. If any member of the committee is excused or is otherwise unable to serve, the Office of the Dean shall select an appropriate student or faculty alternate to serve.

2.04-04 Quorum and Meetings

A quorum exists when five members of the committee are present. Committee action shall be by a majority vote of those present and voting. The committee's meetings shall be closed.

2.05 PROCEDURE

2.05-01 Accusations

An accusation of a violation of this code may be made by any member of the Law School community. Accusations should be made within ten days after discovery of credible information indicating a violation and must be in writing, signed by the accuser, and addressed to the Assistant Dean for the Day Program. An accusation that survives a preliminary investigation shall be referred to as a complaint in this section governing Procedure.

2.05-02 Investigation Of Accusations

Within 10 working days of receipt of an accusation, the Assistant Dean for the Day Program shall make a preliminary investigation of the nature and basis of the accusation, including, but not limited to, talking with the accused and the accuser, and talking with witnesses and others involved. The Assistant Dean for the Day Program shall determine whether there are reasonable grounds to initiate a proceeding to determine the merits of the accusation. Within three days of determining that reasonable grounds exist, the Assistant Dean for the Day Program shall notify the accused of the complaint. Notice will be deemed effective two days after the date of the letter from the Assistant Dean for the Day Program. On the day the letter is dated, a copy shall be placed in the accused student's Law School mail box, mailed to his/her address of record, and

given to the Dean of the Law School.

If the alleged violation involves a false statement or a non-disclosure of a material fact as set out in Sec. 2.02-03, the Assistant Dean for the Day Program shall consider the following factors in determining whether a disciplinary action should be filed:

1. Was there an intent to deceive?
2. Was the disclosure voluntary or involuntary?
3. Was the conduct of such to affect moral fitness?

2.05-03 Appointment of Facilitator

Upon receiving notice of the accusation, the Dean of the Law School shall appoint a faculty member to serve as the Facilitator for all proceedings relating to the disposition of the complaint.

The Facilitator serves at the pleasure of the Dean of the Law School. The Facilitator shall serve as a non-voting member of the Disciplinary Committee, shall not act as a fact finder during the hearing on the merits of the complaint, and is vested with the authority to make evidentiary rulings at any and all hearings related to the complaint.

2.05-04 Pre-Hearing Conference

Within two working days of his/her appointment, the Facilitator shall conduct a pre-hearing conference with the student accused of the Code violation. During the conference, the Facilitator shall review with the student those allegations contained in the complaint and he/she shall hear any response the student may have to the complaint. The Facilitator shall document when and where the conference was conducted and who was present. In the event that the accused student fails to appear at the conference, the Facilitator shall document this fact.

In the event that the conference results in the Facilitator's recommendation for resolution of the complaint by agreement with the student, he/she shall present the recommendation to the Dean of the Law School for his/her approval. Any agreement reached with the student as to the disposition of the complaint shall be in writing and signed by the student.

In the event that there is no resolution of the complaint by agreement, the Facilitator shall schedule the complaint for a hearing before the Academic Disciplinary Committee and notify all concerned parties. The parties may meet with the Facilitator to resolve any matters that may expedite the conduct of the hearing.

2.05-05 Procedure For Hearings

A hearing upon the merits shall be conducted within seven working days of the pre-hearing conference between the Facilitator and the accused. (See Section 2.05-04). The accused shall have the right to one five-day continuance, which is to be granted upon request of the accused. The accused shall have the right to counsel.

The Assistant Dean for the Day Program, or other designee of the Dean, shall present the accusation, including but not limited to calling the accuser and other witnesses, as well as presenting any relevant documentary evidence.

The accused shall have the right to call witnesses and to cross-examine witnesses against him or her. All testimony shall be under oath, subject to the right of cross-examination, and any evidentiary rulings shall be made by the Facilitator. The Academic Disciplinary Committee findings shall be determined in closed session by a majority vote. A record shall be maintained of the proceedings. There shall be a final ruling on the complaint within three days of the hearing's completion.

2.05-06 Standard of Proof

The standard of proof is clear and convincing evidence.

2.05-07 Time Limitations

The purpose of the time limitations stated herein is to provide for efficient and orderly procedure. Said time limits shall not be construed to bar or prevent the hearing of the accusations or the imposition of appropriate sanctions after the expiration of an applicable time limitation unless the time delay has unduly prejudiced the right of the accused to a fair hearing.

2.05-08 Parties

After the preparation of the Complaint, the accused and the Assistant Dean for the Day Program, in his/her official capacity representing the Law School, may be referred to as parties for the purposes of the interpretation and enforcement of these Rules.

2.05-09 Appeals by the Accused from Decisions of the Committee

An accused student who has been found guilty of violating these regulations may appeal as a matter of right to the Faculty of the Law School within five working days after the decision of the Committee.

To appeal, the accused student shall submit a written notice of appeal to the Dean. The notice of appeal shall request a review of the decision by the committee and shall set forth the grounds upon which the appeal is being taken. The Dean shall then transmit the notice of appeal to the Faculty, and shall provide a record of the proceedings for faculty examination.

The scope of review by the Faculty shall be limited to determining whether the Committee acted in accordance with these procedures for hearing accusations of violations of these regulations, whether there was sufficient evidence that rational persons could have reached the same decision as that of the Committee, or whether other manifest injustice is evidenced in the decision (such as imposition of a grossly excessive sanction). Thus, a trial de novo is not permitted upon appeal.

2.05-10 Review of Sanction in Cases of Dissent by a Committee Member

If there is any dissenting vote from the decision of the Committee with respect to the sanction, the Dean shall transmit the record to the Faculty for review of the sanction on the record.

2.05-11 Additional Rules

The Committee may make such other rules of procedure, not inconsistent with these regulations, as it deems necessary. Such additional rules shall be subject to approval by the Faculty.

2.05-12 University Appeals Process

These regulations shall not abridge or modify the right of a student to seek further redress pursuant to the regulations of the University.

3.00 PERSONS TO CONTACT**3.01 FACULTY ADVISOR**

Each year, each student is assigned a faculty advisor. Advisors must approve student course schedules and should be consulted when the student has questions or problems.

3.02 ADMINISTRATION

Office of the Dean	530-6427
Office of the Associate Dean for Academic Affairs	530-6333
Office of the Assistant Dean for the Day Program	530-6365
Office of Assistant Dean for the Evening Program	530-5249
Law School Registrar	530-6286

4.00 LIBRARY RULES**4.01 GENERAL POLICIES****4.01-01 Library Staff**

Students are expected to treat Library staff, whether full-time, part-time, professional, para-professional or student, with respect and courtesy.

4.01-02 Students

Students are expected to treat one another with respect and courtesy.

- (a) Books are to be shelved in their proper places or placed on book trucks after use.
- (b) Loud, boisterous conversation is prohibited.
- (c) Students making a large number of copies should defer to a student needing to make one or two copies.

4.01-03 Food and Drink

Neither food nor drink is allowed in the Library, Reading Lounge or Computer Laboratories. Food and drink may be confiscated by Library personnel and held until the person leaves the Library.

4.01-04 Paging and Cell Phones

Library users are to set mobile phones and pagers on non-audible signals and to restrict the use of mobile phones to designated public areas.

4.01-05 Children and Minors

People who bring children or minors into the library are responsible for monitoring their activities and regulating their behavior.

4.02 CIRCULATION RULES**4.02-01 Reserve Materials**

The loan period for reserve books and materials is three hours. A valid driver's license or valid student identification card must be presented to the circulation clerk to check out any material from the library.

4.02-02 Overdue Fine Schedule for Reserve Materials:

- \$1.00 per hour
- \$5.00 maximum per day
- \$20.00 maximum overdue fine

4.02-03 Non-Reserve Circulating Materials

The loan period for non-reserve circulating materials is four weeks.

4.02-04 Overdue Fine Schedule for Non-Reserve Materials

- \$1.00 per day
- \$20.00 maximum overdue fine

4.02-05 Replacement Fine

In addition to the cost of replacing the lost material, a \$25.00 administrative processing fee will be charged. The replacement value of any material is deemed to be at least \$100.00.

4.02-06 Lost Items

If lost items are recovered after the replacement fine has been paid, the Campus Bursar will be asked to reimburse the student's account in the amount of the replacement cost. The processing fee is not refundable.

4.02-07 Illegal Removal of Books

- (a) Any student intentionally removing library materials other than through authorized channels shall automatically lose their library privileges for the remainder of the semester in which the offense occurred or is determined.
- (b) Any student exiting the School of Law Library, with Library materials, other than through authorized exits, shall be presumed to be removing Library materials other than through authorized channels.

4.03 COMPUTER LABORATORIES

The Computer Laboratories in the School of Law Library are available to law students for assignments at North Carolina Central University School of Law. No non-law school activity is permitted. The computers provide word processing, e-mail, computer assisted legal instruction, computer assisted legal research, Internet access, and general computing. A password and user name are required to access the computers in the laboratories.

4.03-01 Prohibited Uses of Equipment in the Computer Laboratories

Examples of prohibited uses of the equipment in the Computer Laboratories include but are **not** limited to:

1. Intentionally providing unauthorized access to the computers in the laboratories by loaning your password or disclosing someone else's password and/or user name to another person.
2. Disrupting access to a computer, the network or files by releasing viruses, altering or attempting to learn someone else's password and/or user name, tying up terminals or printers, saving work or installing programs to the hard disk, attempting to repair computers, equipment or monitors, loading unauthorized software or deleting software, and visiting and/or bookmarking obscene or pornographic sites.
3. Accessing or changing other's files without permission.
4. Sending harassing messages or repeatedly sending unwanted messages to another.
5. Wasting paper.

Students engaging in prohibited uses will be reported to the Dean of the Law School, who will, in her/his discretion, refer the matter for appropriate disciplinary action.

4.04 LIBRARY ENTRY AND EXIT RULES

4.04-01 After Public Access Hours Entry

Only law school students with encoded student identification cards are permitted to enter the law building after public use hours. The general public access hours are:

7:00 a.m. - 9:00 p.m. Monday-Thursday
 7:00 a.m. - 6:00 p.m. Friday
 9:00 a.m. - 6:00 p.m. Saturday
 1:00 p.m. - 6:00 p.m. Sunday

4.04-02 Use of Unauthorized Exits

Students are to exit the School of Law Library through authorized exits only.

4.04-03 Services for Those With Disabilities

Students who need assistance in retrieving or photocopying materials or with other services, should ask the circulation clerk for assistance.

4.05 BULLETIN BOARDS AND DISPLAYS IN THE LIBRARY

A bulletin board is available in the Library for law students, and law student organization postings and notices. All notices and postings must be approved by the Librarian before they are placed on the bulletin board. Due to space limitations, student organization displays are prohibited.

5.00 PARKING RULES

5.01 GENERAL RULES

University rules prohibit the parking of vehicles on campus by students, unless the vehicle is registered with the Campus Security Office.

5.02 REGISTRATION OF VEHICLE

Vehicles may be registered by paying the appropriate fee and securing the appropriate parking decal.

5.03 ILLEGAL PARKING

Any vehicle illegally parked on the University campus may be ticketed or towed without notice at the owner's expense. Violation of the parking rules may subject the offending students to disciplinary proceedings. Students impeding bus or other traffic in the main law school lot will be towed immediately.

6.00 NO SMOKING RULE

Smoking is prohibited in the Law School at all times.

7.00 IMPORTANT UNIVERSITY POLICIES

Students are directed to review in particular the University Policies in the *Eagle-Eye Handbook* on Alcoholic Beverages (Appendix I), Illegal Drugs (Appendix II), and Sexual Harassment (Appendix III), on reserve in the Law Library.

8.00 PUBLICATION AND EFFECTIVE DATE

The provisions of this Handbook are effective May, 2005.

**North Carolina Central University
School of Law
1512 S. Alston Ave.
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