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### Student Handbook 2006-2007

Mercer University School of Law

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# **MERCER UNIVERSITY SCHOOL OF LAW**



## **Student Handbook 2006-2007**

## **Non-Discrimination Statement**

**Mercer University is committed to providing equal education and employment opportunities to all qualified students, employees, and applicants without discrimination on the basis of race, color, national or ethnic origins, sex, age, or disability as a matter of University policy and as required by applicable State and Federal laws (such as Title IX and Section 504). Inquiries concerning this policy may be directed to the Equal Opportunity/Affirmative Action Officer, Personnel Office, 1508 College Street, Macon, GA 31207, phone (478) 301-2786. In practice, the Mercer University School of Law does not discriminate on the basis of age, race, color, national and ethnic origin, sex, religion, handicap or disability, or sexual orientation in the administration of educational policies, admission policies, financial aid, or employment.**

## **University Accreditation**

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

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

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

Staff Member	Phone 478-301-	Office	Title
<b>Dean's Suite</b>			
Daisy Hurst Floyd	2602	206	Dean and Professor of Law
Steve Johnson	2192	209	Associate Dean and Professor of Law
Mary Donovan	2586	205	Assistant Dean for Student Affairs
John Plummer	2607	207	Director Administrative Services
Karen Batts	2602	202	Administrative Assistant to the Dean
Debra Boney	2606	201	Administrative Clerk
<b>Faculty Suite</b>			
Armstrong, Monica	2203	333	Visiting Assistant Professor
Baker, Alice	2492	307	Associate Professor
Baldwin, Anthony	2619	332	Professor
Blumoff, Theodore	2634	313	Professor
Cassidy, Suzanne	2665	212	Director of Law Library and Associate Professor
Claxton, Joseph	2146	344	Professor
Cole, John	2638	314	Professor
Creswell, Richard	2616	305	Professor
Dantzler, Deryl	2416	126	Professor and Dean of National Criminal Defense College
Edwards, Linda	2191	325	Macon Professor of Law
Fleissner, James	2637	310	Professor
Floyd, Timothy	2631	349	Professor of Law and Director of Law and Public Service Program
Gerwig-Moore, Sarah	2195	312	Assistant Professor
Griffin, Oren	2642	342	Visiting Associate Professor
Hricik, David	4154	340	Associate Professor
Hunt, James	2202	321	Associate Professor
Jellum, Linda	5689	317	Assistant Professor
Jones, Mark	2636	303	Professor
Kosek, Reynold	2628	306	Professor
Lewis, Jr., Harold	2632	309	Walter F. George Professor of Law

Longan, Patrick	2639	315	William Augustus Bootle Chair in Ethics and Professionalism and Professor of Law
Oedel, David	2629	316	Professor
Painter-Thorne, Sue	2647	341	Assistant Professor
Ritchie, David	5686	302	Associate Professor
Sabbath, Michael	2643	318	Walter H. Drake Professor of Law
Sammon, Jack	2323	304	Griffin B. Bell Professor of Law
Sheppard, Jennifer	2239	311	Visiting Assistant Professor
Sneddon, Karen	5908	343	Assistant Professor
Watson, J. Shand	2617	326	Professor
Wells, D. Christopher	2603	334	Associate Professor
Williams, Virginia	2618	308	Associate Professor
Fax Machine	2259		

### **Adjunct Faculty**

Adams, Charles  
Bates, Carter  
Boyer, Wes  
Brown, Manley  
Clark, John Christopher  
Cole, Bonnie  
Cole, John P.  
Cooper, John  
Cox, Charles  
Edwards, Brown  
Elliott, James  
Guichard, Gary  
Hervey, William  
Hicks, Deron  
Higdon, David  
Hill, William  
Hogue, Frank  
Hogue, Laura  
Johnson, Anne  
Lumsden, Katherine  
Matthews, Thomas  
Peterman, G.F.  
Royal, Ashley

Siegel, David  
 Sizemore, Lamar  
 Smith, G. Boone  
 Stroup, Kim  
 Thompson, Jill  
 Titshaw, Scott  
 Treadwell, Marc  
 Tunnessen, Anne  
 White, Nick

**Library**

Cassidy, Suzanne	2665	212	Director of Law Library and Professor
Beltz, Ed	2423	220	Access Services Librarian
Bloodworth, Lynn	2988	228	Acquisitions and Serials Coordinator
Bombardo, Chris	2182	350C	Director of Information Technology
Byrd, Michelle	2613	Circ.	Library Associate (Interlibrary Loan/Circulation Asst.)
Crowder, Linda	2614	211	Library Administrative Secretary
Davis, Jonathan	2181	350B	Systems Manager
Dennis, Ethel	2668	228	Acquisitions Clerk
Gibson, Denise	5905	219	Assistant Law Librarian For Research Services
Gullon, Ismael	5904	217	Associate Law Librarian For Collections & Technical Services
Hamilton, Fontella	2183	350D	Instructional Technology Coordinator
Myers, Susan	2612	Circ.	Library Assistant III - Circulation
Perkins, John	2667	210	Reference Services Librarian
Solomon, Labrina	2668	228	Library Assistant/Gov. Documents
Walsh, James	2625	227	Reference Services Librarian
Wornum, Lucile	2988	228	Library Assistant/Serials
Computer Lab		300	Third Floor
Fax Machine	2284		Library
Lawyers' Reading Room	2679		
Library Circulation Desk	2612		
Library Circulation Desk	2613		
Library Reference Desk	2334		
Library Third Floor	2220		



**Admissions and Financial Aid**

Sutton, Marilyn	2429	141	Assistant Dean of Admissions and Financial Aid
Stroup, Kim	2064	138	Director of Financial Aid/Assistant Director of Admissions
Brown, Betty	2145	140	Administrative Secretary
Martin, Susan	2605	139	Administrative Secretary
Trussell, Teresa	2147	139	Office Specialist
Fax Machine	2989		Admissions Fax Machine

**Career Services**

Schell, Rachael	5014	105	Director of Career Services
		104	Assistant Director Career Services
McDuffie, Terry	2615	103	Administrative Secretary
Terrill, Nancy	2204	106	CLE Coordinator
Fax Machine	2287		

**Registrar**

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

**Faculty Secretaries**

Wilson, Susan	2611	322	Administrative Coordinator
Dickey, Courtney	2609	339	Administrative Secretary
Studdard, Sandra	4131	320B	Administrative Secretary
Van Zant, Paulette	2610	320A	Administrative Secretary
Mail Room	2608	324	

**Law Review**

Shaw, Yonna	2622	135	Law Review Publishing Coordinator
Jump, Cherie	2337	136	Administrative Secretary
Editor, Law Review	2624	134	Haynes Maier

**Other Law School**

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

**NCDC**

Dantzler, Deryl	746-4151	126	Professor and NCDC Dean, Director of Trial Practice
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**Main Campus**

Academic Computing	2419
Admissions, Main Campus	2650
Athletic Dept. (Intramurals)	2369
Bookstore, Main Campus	2945
Bursar's Office	2660
Campus Safety	2970
Campus Safety	
Emergency Line	2911
Computer & Information Resources	2845
Counseling & Student Development	2862
Financial Aid	2670
Grand Opera House Box Office	5470
Housing & Residence Life	2687
Infirmery	2696
Main Library	2055
Mercer Health Systems	4111
NCDC	746-4151
Personnel	2785
Post Office	4170
President's Office	2500
Purchasing	2950
Registrar, Main Campus	2680
Student Activities	2868
Student Bank	2640
Switchboard	2700

**ACADEMIC CALENDAR 2006-2007**  
**Walter F. George School of Law**

<b>Aug. 7 - 8</b>	<b>Minority Orientation</b>
<b>Aug. 9 - 11</b>	<b>1<sup>st</sup> Year Orientation</b>
<b>Aug. 14</b>	<b>Introductory Courses Begin (All Students)</b>
<b>Aug. 21</b>	<b>Regular Classes Begin (All Students)</b>
<b>Aug. 21 - Aug. 25</b>	<b>Drop/Add</b>
<b>Sept. 4</b>	<b>Labor Day (University Holiday)</b>
<b>Nov. 20 - 24</b>	<b>Thanksgiving Break</b>
<b>Nov. 29</b>	<b>Last Class Day in Fall Semester</b>
<b>Dec. 4 - 15</b>	<b>Fall Semester Examination Period</b>
<b>Jan. 12</b>	<b>Fall Semester Grade Deadline</b>
<b>Jan. 15</b>	<b>Martin Luther King, Jr., Day (University Holiday)</b>
<b>Jan. 16 (Tues.)</b>	<b>Spring Semester Classes Begin (All Students)</b>
<b>Jan. 16 - 22</b>	<b>Drop/Add</b>
<b>March 19 - 23</b>	<b>Spring Break</b>
<b>April 6</b>	<b>Good Friday (University Holiday)</b>
<b>April 8</b>	<b>Easter Sunday</b>
<b>April 27</b>	<b>Last Class Day in Spring Semester</b>
<b>May 7 (Noon)</b>	<b>Senior Grades Due</b>
<b>May 1 - May 11</b>	<b>Spring Semester Examination Period (1<sup>st</sup>- and 2<sup>nd</sup>-Year Courses Only)</b>
<b>May 11</b>	<b>Commencement Meeting - Time and location TBA</b>
<b>May 12</b>	<b>Commencement - 6:30 pm - University Center</b>
<b>May 21</b>	<b>Summer Session Begins</b>
<b>May 28</b>	<b>Memorial Day (University Holiday)</b>
<b>June 8</b>	<b>1L and 2L Spring Grade Deadline</b>
<b>July 4</b>	<b>University Holiday</b>
<b>July 5</b>	<b>Last class day for summer session - classes meet on Monday/Wednesday schedule</b>
<b>July 9-10</b>	<b>Summer Session Final Exams</b>
<b>August 7</b>	<b>Summer Grade Deadline</b>

## **Complaints and Questions**

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

**Bookstore** -- Mr. John Plummer

**Building and Grounds** -- Mr. John Plummer

**Career Services** -- Rachael Schell

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

**Computer Lab** -- Library Director Suzanne Cassidy

**Faculty Members** -- Associate Dean Steve Johnson

**Honor Violations** -- Honor Court Prosecutor Robert Glass or Assistant Dean Mary Donovan

**Legal Writing** -- Professor Linda Edwards

**Library** -- Director Suzanne Cassidy

**Parking** -- Mr. John Plummer

**Registrar's Office** -- Associate Dean Steve Johnson

**Snack Bar** -- Mr. John Plummer

**Staff Members** -- Mr. John Plummer

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

**Mercer Student Health Services** -- 301-4111 or Assistant Dean Mary S. Donovan

### **Counseling**

Students experiencing difficulties in their academic, financial, or personal lives should consult with Assistant Dean Mary Donovan. Confidential personal counseling is available to all law students on the main University campus. Please call Mercer Psychiatry at 301-5930 and ask for an appointment.

## **FINANCIAL INFORMATION**

### **Financial aid**

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

### **Tuition and Fees**

Tuition and fees are due the first class day of each semester. A fee of \$25.00 will be charged for late payment. Tuition and fees for the 2006-2007 academic year are as follows: 1st-year students - \$30,146; 2nd-year students - \$27,600; and 3rd-year students - \$25,450. The estimated living expenses for a nine-month academic year are \$14,200. Tuition for summer school is \$800 per credit hour starting in May/June 2007.

### **Debts**

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

## **SOURCES OF AID**

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

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

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

Subsidized Federal Direct Loans are awarded on the basis of financial need. Students must complete a FAFSA and a Mercer Application for Financial Aid to be eligible for a subsidized loan. Eligible law students may borrow up to \$8500 per academic year. The aggregate amount available for subsidized loans is \$65,500 (this amount includes loans received for undergraduate and graduate study). The federal government pays the interest during periods of enrollment or other periods of authorized deferment. The interest rate is fixed at 6.8% beginning July 1, 2006. Repayment begins six months following departure from school.

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

Unsubsidized Federal Direct Loans are not awarded on the basis of financial need. However, students must complete a FAFSA and a Mercer Application for Financial Aid to be eligible for an unsubsidized loan. Eligible law students may borrow up to \$18,500 per academic year (amount reduced by any subsidized funds awarded to student). The aggregate amount a professional student may borrow for direct subsidized and unsubsidized loans is \$138,500 (this amount includes loans received for undergraduate and graduate study; \$65,500 is the maximum amount that may be borrowed in subsidized funds). Interest is charged from the time the loan is disbursed until the loan is repaid in full. Interest payments may be deferred while the borrower is in school. Deferred interest will be capitalized at repayment. The interest rate will be fixed at 6.8% beginning July 1, 2006. Repayment begins six months following departure from school.

### **Private Alternative Loans**

Law students may be eligible to borrow money through private lenders such as the Access Group, Law Achiever, and Law Loans. These loans are based on creditworthiness and some may require a co-signer. The variable interest rate is adjusted quarterly. Most lenders offer a nine-month grace period following departure from school. Borrowers are generally allowed from fifteen to twenty years to repay their private loans. Loan applications may be obtained from the Law School Financial Aid Office or online at the lender's website.

### **Graduate PLUS Loan**

A new option is now available to law students to finance their law school education. The graduate PLUS loan is a fixed interest rate loan guaranteed by the federal government. Direct graduate PLUS loans through Mercer will have a fixed interest rate of 7.9%. The graduate PLUS loan may be consolidated with other federal loans after graduation. PLUS loan borrowers are required to pass a basic credit check.

### **Law School Revolving Loan**

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

### **Scholarships**

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

### **Work Study**

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

### **Withdrawals/Refund**

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

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

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

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

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

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

Total tuition and fees for the term of enrollment x (100-percentage to be retained)=Total tuition and fees to be credited to the student's account

Total amount of Title IV financial aid disbursed x (100-percentage to be retained)=Total Title IV financial aid to be returned\*\*



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

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

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

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

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

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

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

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

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

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

Typical charges: \$1,959 graduate tuition

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

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

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

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

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

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

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

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

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

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

**Snapshot of Student Account:**

At time of resignation -

Tuition	\$1,959.00
Direct Loan	(3,000.00)
Refund to Student	<u>1,041.00</u>
Account Balance	-0-

After resignation -

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

Total calendar days in this enrollment period = 114 days

## **LEAVE OF ABSENCE**

### **Approved Leave of Absence**

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

### **Unapproved Leave of Absence**

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

### **Degree Requirements**

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

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

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

**Attendance**

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

**Full-time Study**

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

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

**Changes in Schedule**

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

**Audit of Courses**

Regularly enrolled students in the Law School will be allowed to audit courses in the Law School upon approval of the professor involved and the Dean. There will be no additional charge for auditing a course, no grade will be recorded, and an audited course will not be considered in computing minimum and maximum hours allowed for the semester.

## Maximum Time for Completion of Degree

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

## Grading Scale

The grading scale is as follows:

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

## **GRADING POLICY**

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

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

### **Degree Honors**

A student's scholastic standing is determined on the basis of only those grades received in this law school. A degree of Juris Doctor cum laude will be granted to students graduating in the top 25%, a degree of Juris Doctor magna cum laude to those graduating in the top 7.5%, a degree of Juris Doctor summa cum laude will be granted to students graduating with an average of 94.55 - 99.

### **Dean's List**

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

### **Failures**

If a student's cumulative average falls below 76.00 at the end of the final semester of the first or second year, the student shall be dismissed from the law school. After receiving official notifications of academic failure, such students may wish to consult with the Assistant Dean. A student who fails to pass a course is not permitted to take a second examination without repeating the course. A rare exception may be made in favor of a student who is a candidate for the J.D. degree and is in the last semester of law school, and whose failure was due to

extraordinary circumstances beyond his or her control. This exception can apply only to a course failed in the semester in which the student would have completed all degree requirements. A special examination can be given only with the unanimous approval of the faculty.

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

## **Academic Dismissal And Readmission Policy**

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

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

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

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

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

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



4. All course grades from a readmitted student's unsuccessful first year shall remain on the student's transcript, but those course grades shall not be included for calculation of the cumulative average after readmission.

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

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

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

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

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

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

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

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

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

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

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

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

## **GUIDELINES REGARDING TRANSIENT STATUS**

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

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

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

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

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

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

### **Summer Courses**

The Law School annually offers summer classes in several popular courses. Summer classes run seven weeks from late May until mid-July and are taught in the evenings. Although Mercer does not allow early graduation through summer study, credit earned in summer classes at Mercer Law School or other accredited law schools allows students to take reduced course loads during the regular academic year and to enrich their legal educations. Tuition for summer school will be \$800 per credit hour beginning summer 2007.

### **Summer Study Abroad**

Mercer is a co-sponsor of several Summer Abroad Programs administered by the Stetson University College of Law in Florida. Programs are offered in Spain, Argentina, Germany, and the Netherlands. More information about the programs is available at <http://www.law.stetson.edu/international/summer/>.

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

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

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

### **JOINT JD/MBA PROGRAM**

The School of Law and the School of Business and Economics of Mercer University offer a joint program of study that permits both the Juris Doctor and the Master of Business Administration degrees to be earned in as few as three years. Any applicant to the program must indicate on the application to the Law School his/her intent to also apply to the School of Business and Economics. Both units will share the information in the application, including required standardized test scores (LSAT and GMAT). The applicant must be admitted separately by each school.

## **BUSINESS CERTIFICATE PROGRAM**

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

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

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

For detailed information on the joint JD/MBA Program, contact the Admissions Office of the Law School at 478-301-2605 or the School of Business at 478-301-2835.

## **EXAMINATIONS**

### **Illness and Emergency**

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

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

1. Students having examinations on four consecutive days are entitled to change the date of one of the four examinations. It is the student's responsibility to initiate the rescheduling of one of the examinations and to secure the agreement of the faculty member whose exam will be rescheduled.
2. Students having two examinations in one day are entitled to change the date of one of them. It is the student's responsibility to initiate the rescheduling of one of the examinations and to secure the agreement of the faculty member whose exam will be rescheduled.

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

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

**Students with Disabilities**

It is the policy of Mercer University Law School to provide reasonable accommodations for disabled students, including students with learning disabilities and those with health impairments, as well as those with other disabilities. Students whose disabilities may interfere with their performance of course work or examinations should consult with Assistant Dean Mary Donovan as soon as possible after matriculation. Course load modification, exam accommodation, or other appropriate action will be arranged on a case-by-case basis. A written request, accompanied by supporting documentation of physicians or other appropriate health-care professionals, is required for certain disabilities such as learning disabilities and health impairments. Requests are considered by the University Advisory Committee. It is suggested that requests be made no later than October 1, 2006 to ensure that there is sufficient time to evaluate and take action on the request. Later requests will be considered, but in no event will retroactive relief be given after a graded exercise or examination has been taken.

**Student Handbook Website:**

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

**WALTER F. GEORGE SCHOOL OF LAW, MERCER UNIVERSITY**

**STUDENT HONOR CODE**

**APPROVED BY FACULTY JANUARY 25, 1995 APPROVED BY STUDENT BODY  
MARCH 7, 1995**

**PREAMBLE**

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

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

**Section I. Definitions**

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

when he or she is aware of the nature of such conduct or that such circumstances exist. A person also acts knowingly, or with knowledge, with respect to a result of his or her conduct when that person is aware that the conduct is reasonably certain to cause that result.

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

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

- A. Prohibited Conduct in General  
The following Student conduct shall constitute a violation of the Code:
  - 1. Any conduct pertaining to Law School or other University matters, including but not limited to academic matters, that evidences fraud, deceit, dishonesty, or an intent to obtain unfair advantage over other Students; and
  - 2. Failure to comply with duties imposed by this Code; and
  - 3. Any act that demonstrates dishonesty, lack of integrity, or lack of fitness to practice law.
- B. Before a Student may be found to have violated this Code, there must be clear and convincing evidence that the Accused Student committed the act or acts constituting the violation and that the Accused Student did so purposefully, knowingly, or recklessly.
- C. Extenuating circumstances or good motives (such as, by way of example, pressure from school or outside work, family obligations, or to help a friend) are no defense to a violation of the Code but may be relevant to the determination of



sanction. This section is not intended to disallow the defense that the required mental state was not present.

- D. It is not a defense to charges of violating this Code for a Student to claim he or she has not received, read, or understood this Code, or is otherwise ignorant of its provisions. A Student is held to have notice of this Code by enrolling in the Law School. (See the Law School Bulletin.) A copy of the Code will be distributed to each entering first-year Student, placed on file in the Law School Library, and made available from the Dean's Office.

### **Section III. Limitations**

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

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

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

and voting Justices is required for involuntary recusal. The Chief Justice shall at the same time notify the Accused Student and the President of the Student Bar Association or the Dean of the Law School. When a Student Honor Council Justice or the Prosecutor is removed, the President of the Student Bar Association shall, within three calendar days of receiving notice of such removal, appoint a replacement. When a Faculty Honor Council Justice or Faculty Investigator is removed, the Dean of the Law School shall, within three calendar days of receiving notice of such removal, appoint a replacement.

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

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

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

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

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

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

- A. If a person wishes to initiate a disciplinary proceeding against a Student for violating this Code, the person must report the matter to the Assistant Dean for Student Affairs. The report of the suspected Code violation may be either written or oral. Such report may not be made anonymously; however, confidentiality relating to the identity of the reporter of an alleged violation shall be maintained, subject to the provisions of SECTION VII.B., E., F., and SECTION VIII.L. and M.
- B. Upon receipt of a report of a suspected Code violation, the Assistant Dean for Student Affairs shall promptly notify the Chief Justice of the Honor Council of

the bare allegations contained in the report, omitting the names of the Alleged Violator and the person(s) making the allegation. Upon receiving this summary, the Chief Justice shall promptly inform the Faculty Magistrate of the substance of the report.

- C. A meeting to determine whether to decline or postpone asserting jurisdiction shall be held by the Chief Justice of the Honor Court and the designated Faculty Member, who serve as the Magistrates. For good cause, jurisdiction may be declined or postponed at this stage if both Magistrates vote to do so. For example, any of the following may constitute good cause for declining or postponing jurisdiction: (1) the fact that such conduct is being, or has been handled by federal, state, or local authorities; (2) assuming the allegation to be true, the conduct does not evidence a lack of honesty, integrity, or trustworthiness on the part of the Student; or (3) the alleged conduct is insufficiently connected with the affairs of the Law School or its Students. None but the Magistrates are permitted to attend this meeting.
- D. The Chief Justice shall promptly notify the Assistant Dean for Student Affairs of the decision of the Magistrates. Upon receipt of notice that the Magistrates have not declined or postponed asserting jurisdiction, the Assistant Dean for Student Affairs shall promptly notify the Alleged Violator of the allegation and that an investigation will begin. The Assistant Dean shall furnish the Student with an additional copy of this Code. The Assistant Dean shall notify the Prosecutor of the action of the Magistrates and furnish him or her with all documentary evidence collected to date.
- E. Upon receiving notification from the Chief Justice of the Council that the Magistrates have not declined or postponed jurisdiction, the Assistant Dean shall notify the Dean that an investigation is to be initiated. The Dean shall promptly appoint one Faculty Member to assist the Prosecutor. The Prosecutor and the appointed Faculty Member comprise the Investigating Committee. Unless recused, the appointed Faculty Member shall serve on the Investigating Committee for the duration of the investigation and probable cause determination of the allegation(s) for which appointed. The Dean, Associate and Assistant Deans and Justices of the Council shall not be appointed to the Investigating Committee.
- F. Upon receiving notice that the Magistrates either postpone or decline asserting jurisdiction, the Assistant Dean shall inform the reporter of an alleged violation. The Assistant Dean shall not notify the Alleged Violator of the Magistrate's action if jurisdiction is postponed or declined.
- G. Duties of the Investigating Committee.

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

- a. A copy of the complaint, which shall be a plain, concise, and definite written statement of the essential facts of the violation(s) charged, citing the specific provision(s) of this Code that the Accused Student is alleged to have violated;
  - b. the identity of known witnesses, a general description of what each is expected to testify about, their written statements, if any, and either copies or a description of any physical evidence that may be used at the hearing;
  - c. all written reports concerning the alleged violation, if any, submitted to any Administrator, Instructor, or member of the staff;
  - d. the names of the Honor Council Justices;
  - e. a statement that the Student may be assisted by an attorney or other advisor of the Student's choice (See SECTION VIII.A.);
  - f. a statement that the Student has a right to review any information gathered by the Investigating Committee during the investigation, other than the work product of the Investigating Committee.
6. The Investigating Committee shall not enter into any agreement with the Accused Student whereby the Committee agrees not to bring before the Honor Council any violations for which probable cause has been found, or which commits the Honor Council to any finding or sanction. The Committee must present all such violations to the Council for a hearing by filing a complaint as provided by this Code. The Accused Student may make an admission of a violation by testifying on the record before the Council that he or she committed the alleged act(s), and by waiving a hearing before the Council on the question of a violation. Upon receiving such an admission of a violation, the Council shall proceed by hearing to determine the appropriate sanction(s).
  7. The Prosecutor shall present the evidence against the Accused Student during the hearing and any appeal.
  8. Notwithstanding that the Investigating Committee has issued a complaint, it shall be the duty of the Prosecutor to continue to gather other evidence relevant to the determination of the commission of a violation or innocence of the Accused Student and to present it to the Council at the hearing on the complaint. Any such evidence shall be disclosed to the Accused Student as soon as possible after it has been obtained.

## Section VIII. Hearing

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

Prosecutor shall initiate the presentation of evidence. The Accused Student (or his or her Defense Counsel) may then offer evidence relevant to the charge(s).

- F. The Council, the Prosecutor, and the Accused Student (or his or her Defense Counsel) may question any witness. However, the Accused Student shall not be required to testify, and no adverse inferences shall be drawn from the Accused Student's decision not to testify.
- G. The Prosecutor and the Accused Student (or Defense Counsel) may make opening and concluding statements. However, an Accused Student who has chosen not to testify may not make a statement to the Council unless the Student allows questions from Council Justices and the Prosecutor.
- H. After the presentation of evidence regarding the commission of a violation, the Council shall meet in camera to decide the question of whether a violation has occurred. Upon reaching a decision, it shall reconvene before the parties and announce its decision. If it finds the behavior of the Accused Student is in violation of this code, the Council shall set a date to give the parties the opportunity to present evidence, if any, relevant to sanctions. At that time, the Student shall have the option either to proceed first or to follow the Prosecutor. The Prosecutor shall have the obligation to present all aggravating and mitigating evidence in his or her possession and may recommend particular sanctions. After hearing this evidence, the Council shall again meet in camera to decide what, if any, sanction(s) shall be imposed. Upon reaching a decision, the Council shall reconvene before the parties and impose sanctions, if any.
- I. The Council may not find the Accused Student to be in violation of any Code provision not charged in the complaint. After the hearing begins, the complaint may be amended over the Accused Student's objection, provided the Accused Student is not thereby prejudiced in his or her defense. A continuance of the hearing may be granted to avoid such prejudice. The Prosecutor shall bear the burden of proving the alleged violation(s) by clear and convincing evidence. A two-thirds (2/3) vote of the Council Justices present and voting shall be necessary for a finding of a violation and the imposition of any sanction, except that expulsion or a recommendation that an awarded degree be withdrawn shall each require unanimity.
- J. After the hearing is concluded and within seven (7) days, the Chief Justice or the Council shall prepare a written report detailing the evidence considered, the reasons for its decision, and any sanction(s) imposed. Concurring and dissenting Justices may prepare opinions explaining their positions. Copies of the report and opinions shall be given to the Accused Student, the Prosecutor, and the Dean.



- K. At the conclusion of a case, including an appeal, if any, the Council shall publish the results of its decision (as amended by any appeal). Beginning with the effective date of this Code, all published decisions shall be maintained on reserve in the library.
- L. Regardless of the decision on the merits, the Council shall keep a permanent record of the evidence presented at the hearing, the report(s) and the opinion(s) of the Council, if any, and any other information it decides should be retained. Such record may be referred to later by the Council for whatever purpose it considers relevant. Subject to paragraph K above, neither the contents nor the existence of any record referred to in this paragraph may be disclosed except (1) when required by law or order of court, (2) when required by the Dean, or (3) when the concerned Student has signed a written waiver of confidentiality.
- M. At the end of his or her tenure, the Chief Justice shall transfer all case files to the Dean's Office, and the Dean shall transfer them to the next Chief Justice. Such transfers shall be made without breach of the confidentiality of the files.

#### **Section IX. Sanctions**

- A. Sanctions for violations of this Code may include but are not limited to one or more of the following:
  - 1. public or private admonition, warning, reprimand, or censure;
  - 2. counseling;
  - 3. additional academic work;
  - 4. a requirement that a Student take extra credit hours;
  - 5. public or University service;
  - 6. suspension or loss of specific Law School benefits, privileges, memberships, and/or honors including Law School scholarships;
  - 7. fines;
  - 8. compensation for or replacement of any damaged or destroyed property;
  - 9. recordation of findings and sanction(s) in the Student's Law School file for any length of time;
  - 10. probation, with or without conditions;
  - 11. removal from elective or appointed office;
  - 12. suspension for a period not longer than two (2) years;
  - 13. expulsion; or
  - 14. recommendation to the Board of Trustees that an awarded degree be withdrawn.
- B. The Honor Council has no authority to determine or change a Student's grade. Nothing in this Code modifies a faculty member's discretion to base a grading

decision upon student conduct that might violate the standards established by this Code, regardless of the pendency or outcome of any Honor Proceeding.

- C. Notwithstanding the provisions of this Section regarding the sanctioning ability of the Honor Council, any official Student organization may suspend, expel (with or without retroactive effect), or terminate any membership or honors accorded a member of such organization if found to have violated this Code.

## **Section X. Appeal of Adjudications**

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

- D. Normally, the Dean's appellate review will be based on the record of the hearing and any written submissions. However, the Dean may choose to hear oral argument by the Student or by the Defense Counsel, and by the Prosecutor.
- E. The Dean may affirm, reverse, remand, or modify the decision of the Council, or the Dean may dismiss the complaint. If the Dean concludes that the decision of the Council is factually correct and that its sanctions are appropriate, the Dean shall affirm. The Dean may dismiss the complaint only if he or she concludes that the Council lacked jurisdiction or that its determination was not supported by clear and convincing evidence. The Dean may reduce the sanction if he or she believes the sanction is inappropriate but may not increase the sanction. If the matter is remanded, the Council shall reconvene to reconsider the case.
- F. The Dean shall prepare an opinion explaining the reasons for the decision. A copy of that opinion shall be given to the Student, the Prosecutor, and the Council. The Council shall keep a copy as part of its permanent record in accordance with SECTION VIII.L. and M. of this Honor Code.

### **Section XI. Notification**

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

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

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

- A. All actions taken pursuant to duties imposed by this Code shall be accomplished in a timely manner. The specific time guidelines are the following:
  - 1. The Assistant Dean for Student Affairs shall bring a report of a suspected Code violation to the attention of the Chief Justice of the Council within two (2) days of receiving it. (See SECTION VII.B.)
  - 2. The Chief Justice of the Council shall bring the substance of a report of a suspected violation to the attention of the Faculty Magistrate within two (2) days of receiving notice from the Assistant Dean. (See SECTION VII.B.)

3. The Magistrates shall determine whether to assert, decline, or postpone taking jurisdiction of a reported matter within three (3) days of the receipt by the Faculty Magistrate of the summary. See (SECTION VII.C.)
4. The Magistrates' determination to assert, decline or postpone asserting jurisdiction shall be reported to the Assistant Dean for Student Affairs in writing within one (1) day of the determination. (See SECTION VII.D.)
5. If jurisdiction is asserted, the Assistant Dean for Student Affairs shall notify the Alleged Violator as soon as possible. (See SECTION VII.D.)
6. The Dean of the Law School shall appoint one Faculty Member to serve on the Investigating Committee within two (2) days of the receipt by the Assistant Dean for Student Affairs of a report from the Chief Justice that jurisdiction of the Council has not been declined or postponed. (See SECTION VII.E.)
7. The Investigating Committee shall complete its investigation regarding the reported Code violation within fourteen (14) days of its appointment. (See SECTION VII.G.1.)
8. The Investigating Committee shall report its determination of whether to file a complaint to the Chief Justice of the Honor Council, the Assistant Dean for Student Affairs, to the Alleged Violator, and to the person or persons initiating the report of the suspected violation within one (1) day of reaching its determination. (See SECTION VII.G.3.)
9. The Prosecutor shall give to the Accused Student the information specified in SECTION VII.G.5.a.-f. within one (1) day of the notification to the Student that a complaint will issue.
10. The Honor Council shall convene to hear a complaint within seven (7) days of receipt of the complaint by the Chief Justice. (See SECTION VIII.A.)
11. The Chief Justice's written report of the Council's determination(s) and its summary of the evidence shall be submitted to the Dean, the Prosecutor, and the Accused Student within seven (7) days of the termination of the hearing. (See SECTION VIII.J.)
12. A Student's written notice of an intent to appeal an Honor Council determination must be received by the Dean's office within seven (7) days of receipt by the Student of the written report of the Council's determination(s) and the Council's summary of the evidence. (See SECTION VIII.J. and SECTION X.B.)
13. Except for the notice of an intent to appeal, deadlines for written submissions to the Dean from any party relating to a matter on appeal will be set by the Dean. (See SECTION X.D.)
14. The Dean shall decide the appeal within thirty (30) days of the date the Dean's office receives the notification of an intent to appeal. (See SECTION X.E.)

- B. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the designated period of time begins to run shall not be included. Days are computed as calendar days.
- C. The Accused Student may waive time periods imposed by this Code on others. The Honor Council, by majority vote of the Justices present and voting, and the Dean shall have the authority to extend time limits. The Dean shall have such authority regarding appeals.
- D. Failure by Law School personnel to abide by the time requirements of this Code without the Accused Student's consent may be grounds for dismissal of the complaint or mitigation of sanctions only if a substantial delay has been caused and the Accused Student has suffered prejudice thereby.

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

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

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

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

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

- A. Any Student, Instructor, Staff Member, or Administrator may propose an amendment to the Honor Code.
- B. All proposals for amending the Honor Code must be submitted to the Honor Council in writing for preliminary review. The Honor Council will decide by majority vote whether to endorse and present the proposed amendment.
- C. If the Council endorses the proposal, the Chair and the Faculty Magistrate will present the proposal along with any written comments of the proponent and the Justices of the Honor Council to the appropriate Faculty committee and to the Students in a manner appropriate to provide sufficient notice of the contents and purpose of the proposal. If the Faculty approves the proposed amendment, the Chief Justice shall inform the Student Bar Association President of the need to include the proposed amendment on the next election ballot. To be adopted, the proposed amendment must be ratified by a majority of the Students voting in the election.

- D. If the Honor Council does not endorse the proposal, a proposed amendment shall be adopted as an amendment upon successful petition of the Faculty by any proponent and the vote of 2/3's of those present and voting at a duly constituted meeting of the Legislative Assembly. See The Student Bar Association Constitution "ARTICLE VII. LEGISLATIVE ASSEMBLY" and corresponding SBA bylaws.

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

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

## **LAW LIBRARY, COMPUTER LAB, AND MEDIA SERVICES**

### **A. LAW LIBRARY**

#### **Carrels and Tables**

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

#### **Circulation**

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

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

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

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

### **Interlibrary Loan**

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

### **LawCat**

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

### **Library Guides**

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

### **Library Web Site**

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

### **Miscellaneous**

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

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

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

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

### **Photocopying**

The library has three copiers located on the main floor of the library. All can reduce, enlarge, and make double-sided copies. The copy machines do not accept coins. The student Bear Card serves as copy card. Students may add value to their Bear Cards using the value transfer station located next to the circulation desk in the library or online at the Bear Card office website <https://web3.onlinecardoffice.com/mercer/>.

### **Public Access Workstations**

Two public access workstations are located in room 218, between the Georgia collection and the Mulberry Wing. These workstations, which are available to attorneys and the general public as well as to the Mercer community, provide access to a number of electronic resources, including Georgia and federal primary law, and Shepard's Citations. Unlike LexisNexis and Westlaw, student access to the resources at these workstations is not restricted to academic use.

### **Reference**

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

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

### **Reserve Materials**

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



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

Eight study rooms are available for group study. Two are located in the Walnut Wing, two are located in the Mulberry Wing, and there are four on the third floor, behind the computer lab. All of the study rooms are wired for network and Internet access. Two of the study rooms on the third floor are Smart Suites. Designed for collaborative work, these rooms contain a SmartBoard, an LCD projector, and additional laptop and network connections, enabling students to project from their laptop to the SmartBoard.

Students may check out study room keys at the circulation desk. The rooms may be used for a two-hour period. These rooms are left open after normal library hours. The Lawyers' Reading Room is not a study room. It is reserved for use by members of the bar.

## **B. COMPUTER LAB**

### **Computer Lab General Statement**

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

### **Access to the Lab**

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

### **Account Responsibility**

All students receive a network account with which to access the network and to store personal data files (up to 500 megabytes) on the F:/ drive. Account holders are fully responsible for their accounts. The contents of a personal folder/directory are the responsibility of the account holder as is the security of that person's password. On lab and law school computers, account holders should log in using their username and password and remember to log out when they are finished with their sessions. While students and student groups are encouraged to store their files in the network directories, storage is subject to available hard drive space. **Do not store files on the hard drives of lab and law school computers, as those files are unprotected and are periodically erased.**

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

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

### **Laptop Access to Network**

Wired workstations are located in the lab for students to use to access the Internet and network resources using their laptops. There are additional wired carrels located in the library for laptop Internet and network use.

### **Printing**

Laser printers are provided in the computer lab and the law library. Students are charged for print jobs sent to any of the networked laser printers. Each semester, the law school credits each student's account with 800 pages. Additional pages may be purchased from Information Technology staff members or a student computer lab assistant. Print jobs sent to the LexisNexis and Westlaw printers are not charged against student accounts and are free of charge until further notice.

If you need to make multiple copies of a document, please use the copy machines in the library that are equipped with automatic sheet feeders. The printers are a shared resource. Please respect the needs of others trying to print their documents in a timely fashion.

### **Priority Use Workstations**

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

### **Software Applications**

Mercer provides applications that enable law students to complete course work and other law school assignments. Applications include word processors, web browsers, spreadsheets, research programs, and utilities, among others. Users may not install or change any programs on the lab or law school computers. Students who need access to an application that is not currently available should contact Fontella Hamilton or Chris Bombardo. It may be a violation of federal and state laws to upload or download files to or from the network, any lab computer, the Internet or any other information provider. Applications on CDs or floppy disks may not be run on law school computers without prior approval.

### **Student Assistants**

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

### **Training**

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

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

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

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

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

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

## **C. MEDIA SERVICES AND EQUIPMENT**

### **Services Offered**

Media services consist primarily of delivery, setup, removal, maintenance, and training in the use of classroom technology and audio visual equipment in the law school. Classroom equipment requests can be made at

<http://www.law.mercer.edu/administrative/technology/equipmentrequest.cfm>. Requesters are responsible for room reservations and furniture arrangement. Classroom assignments and room reservations are handled by dean's office staff (301-2606).

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

### **Reserve Materials**

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

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## **REGISTRAR'S SERVICES**

### **Registrar's Office Services**

Address/Telephone Number Changes

Bar and Fitness Certifications

Blind Grading Numbers

Drop/Add

Enrollment Certifications

Exam Repository

Faculty Course Evaluations

Grades/Grade Reports/Class Rank

Graduation

Loan Deferments

Name Changes

Registration

Schedule Confirmations

Student Records

Transcripts

Veterans Administration Certifications

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

Fee Structure:

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

### **Education Records**

(Family Education Rights and Privacy Act of 1974)

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

## I. **Definitions**

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

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

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

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

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

**B. Waiver.** Students may waive their right of access to confidential recommendations in three areas: admission to an educational institution, job placement, and receipt of honors and awards. The University does not require such waivers as a

condition for admission or receipt of any service or benefit normally provided to students. If students choose to waive their right of access, they will be notified, upon request, of the names of all persons making confidential recommendations. Such recommendations are used only for the purpose for which they were specifically intended. A waiver may be revoked in writing at any time, and the revocation will apply to all subsequent recommendations.

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

1. **Registrar.** Undergraduate (Macon Main Campus Registrar's Office) and Law School (Law School Registrar's Office). Academic records, computer files (biographical data, course information).

2. **Colleges, schools, and academic departments.** Records kept vary with departments but may include results of certain examinations and other advisory information.

3. **Financial Aid.** Financial Aid applications, needs analysis statements, awards made.

4. **Bursar's Office.** Records of financial payments.

5. **Office of Student Loans.** Promissory notes and copies of correspondence.

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

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

#### **A. Directory Information.**

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

*name*  
*addresses*  
*telephone listing*  
*date and place of birth*

*photograph*  
*major field of study*  
*participation in officially recognized activities and sports*  
*dates of attendance*  
*degrees and awards received*  
*the most recent previous education institution attended*

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

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

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

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

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

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

**2. FERPA** Another exception which permits disclosure without student consent is disclosure to officials of another school, school system, or institution of postsecondary education where a student seeks or intends to enroll. Upon the request of an institution in which a student seeks or intends to enroll, the University will forward the student's education records to the requesting institution. Upon request, the student may obtain a copy of the record that was disclosed and have an opportunity for a hearing as provided above.

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

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

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

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

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

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

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

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

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

**C. Prior Consent Required.** In no other cases will the University release personally identifiable information in education records or allow access to those records without the prior written consent of the student. **The consent must be written, signed, and dated, and must specify the records to be disclosed and the identity of the recipient.** A copy of the record disclosed will be provided to the student upon request and at the student's expense.

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

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



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

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

- A. Request to Amend Records.** Students who believe that information contained in their education records is inaccurate, misleading, or otherwise in violation of their privacy or other rights may submit a written request to the Office of the Registrar, specifying the document(s) being challenged and the basis for the complaint. The request will be sent to the responsible person at the origin of the record in question. Within a reasonable time of receipt of the request, the Law School will decide whether to amend the records in accordance with the request. If the decision is to refuse to amend, the student will be so notified and may submit a request for a hearing.
- B. Right to a Hearing.** Upon request by a student, the Law School will provide an opportunity for a hearing to challenge the content of the student's records. A request for a hearing should be submitted in writing to the Office of the Registrar. Within a reasonable time, the student will be notified in writing of the date, place, and time reasonably in advance of the hearing.
1. *Conduct of the Hearing.* The hearing will be conducted by a Law School official who does not have a direct interest in the outcome. The student will have a fair and full opportunity to present evidence relevant to the issues raised, and may be assisted or represented by individuals of the student's choice, including an attorney, at the student's own expense. The Law School official conducting the hearing will, after considering all relevant information, make a recommendation to the Registrar.
  2. *Decision.* Within a reasonable period of time after the conclusion of the hearing, the Law School will notify the student in writing of its decision. The decision will be based solely upon evidence presented at the hearing and will include a summary of the evidence and the reasons for the decision. If the Law School decides that the information in the student's record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, the Law School will amend the records accordingly.
- C. Right to Place an Explanation in the Records.** If, as a result of the hearing, the Law School decides that the information is not accurate, misleading, or otherwise in violation of the student's rights, it will inform the student of the

right to place in the record a statement commenting on the information and/or explaining any reasons for disagreeing with the Law School's decision. Any such explanation will be kept as part of the student's record as long as the contested portion of the record is kept, and will be disclosed whenever the contested portion of the record is disclosed.

## **CAREER SERVICES**

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

### **Procedures**

I. Anyone using the Career Services Office must:

Participate in their assigned eAttorney/OCI+ Training Session.

Create a student profile in eAttorney/OCI+

Upload a resume and enter class schedule in eAttorney/OCI+

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

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

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

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

Further, Career Services will be available only to those students who attend the orientation session and the individual staff appointment. Mercer Law School is a member

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

### **Student Parking**

The Walter F. George School of Law has two parking lots. The lower parking lot is reserved year-round, 8:30 a.m. to 5:30 p.m., Mondays through Fridays for the faculty, staff, and visitors of the Walter F. George School of Law. Students should not park in the lower lot except during the hours of 5:30 p.m. to 8:30 a.m. Students should not try to park earlier than 5:30 p.m. because it creates traffic jams as staff exit the lot. Students who park in the lower parking lot during 8:30 a.m. to 5:30 p.m. will be ticketed. **Repeat violators will be towed.**

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

All students with cars are required to register their vehicles with the Dean's Office of the Walter F. George School of Law and will receive a Mercer University decal identifying them as students of the Walter F. George School of Law. In order to park in the upper lot, this decal must be displayed on the bottom left corner of the front window.

In order to access the upper parking lot from Georgia Avenue, please enter the alley, which is adjacent to the driveway leading to the lower parking lot. The alley is one-way. Students exiting the alley should not turn left onto Bond Street. Bond Street requires a right-hand turn only, and city police regularly patrol and ticket that area. Students should also drive slowly and respect the fact that neighborhood children are often in the streets.

The Dean's Office does not fix parking tickets. Appeals for parking tickets, however, may be picked up in the Dean's Office from Debra Boney. Forms must be returned to the Mercer Police Department on main campus. The police department has a committee which hears appeals.

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

### **Card Access System**

Students have 24-hour access to the building and the law library with their Walter F. George School of Law one-card, the Bearcard. If the student signs up, the card can also be used as an ATM card with Wachovia Bank. Additionally, the student can add value to the card and use it in the vending machines, the bookstore, and the Snackbar. In the library, the student can add value to the card for photocopies and check out books. The card, which is for the safety and convenience of the student, imposes certain responsibilities. Students are asked not to compromise the system and endanger the security of those in the building by loaning their cards. Students may not give entry to others. The general public has access to the building from 8:30 a.m. to 5 p.m.

It is the responsibility of each student to report any lost or stolen card to Linda Crowder in the Library Director's Office. The first card can be deactivated to prevent unauthorized access to the building and a second card is issued at a charge of \$25.

### **Law School Mail Boxes**

Individual mailboxes available for law school correspondence are located in the hallway outside Classroom A on the first floor. Mailboxes should be checked daily. No outside mail should be addressed to students at the Law School.

### **Lockers**

Law School locker sign-up is held during the first few weeks of each school year. Students must sign up before placing a lock on a locker. Students wishing to hold over their locker reservation for another academic year must notify the Student Bar Association before leaving for the summer. Each summer, lockers that have not been held over will be opened and the contents discarded.

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

### **MAIN CAMPUS INFORMATION**

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

#### **Bursar's Office**

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

#### **Mercer Police**

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

Along with twenty-four hour safety patrol and lock up responsibility, the Mercer Police also provides escort service around campus. If it is late and you would feel more at ease with a police officer accompanying you, give them a call at 301-2970.

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

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

### **STUDENT HEALTH SERVICES**

Please go to <http://www.mercer.edu/shc> for information concerning Student Health Services.

Available services include treatment of illness/injury, health education, supplies (crutches, heating pads, etc), and allergy injections (patient must provide serum). Some students will be referred to Mercer Health Systems (Medical School Building at the entrance facing the Engineering School), depending on the type of illness/injury and availability of physicians, at the discretion of Student Health Center staff. General medical information is available on the Student Health Center Home Page with links to other college and university Web sites.

**(<http://www.mercer.edu/shc>). Information about Student Health Services will be provided during the Orientation Session for first year students.**

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

1. Call **2911** for life-threatening emergencies.
2. Otherwise, if treatment cannot be delayed until the Student Health Center is open, call 301-2696 or 301-4111. The answering service for Mercer Health Systems will advise you.

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

**CONFIDENTIALITY:** All visits to the Student Health Center are confidential. No information will be released to anyone, including University officials, professors, or

parents, without the written consent of the student (except those students under the age of 18).

**Directions to the Student Health Center (from the Law School).** Go down College Street toward Main Campus. Cross Coleman Avenue and enter the Main Campus through the North Entrance. Take a left at blinking light and a right at the next intersection which is College Drive. Parking is available on the right. The Student Health Center is located in the Mercer Health Systems part of the Medical School building.

**Student Health Center Mercer Health Systems**

**301-2696 or 301-4111**

## **DRUG FREE WORKPLACE AND CAMPUS PROGRAM**

### **Introduction and Purpose**

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

### **Relationship to Other Policies**

This program sets forth the minimum standards of conduct and requirements with respect to drug and alcohol abuse for all students and employees of the University. Other policies and standards of conduct concerning drugs and alcohol are included in student handbooks, the Personnel Manual, and other University documents. These remain in full force and effect. Additional policies in this area may also be developed, subject to University approval, provided they are either consistent with this Program or impose higher standards or additional requirements in furtherance of the purposes of this Program. In the case of faculty members, violation of the standards of conduct in this Program shall be considered "adequate cause" for termination of a faculty appointment. All actions taken and sanctions imposed under this Program and related drug and alcohol policies shall be reviewed periodically to ensure consistent enforcement. Nothing in this Program shall be interpreted to require the University to violate its obligations under other laws, including laws prohibiting discrimination against qualified handicapped individuals.

### **Standard of Conduct**

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

### **University Sanctions and Procedures**

As a condition of employment or enrollment at Mercer, all employees and students must abide by these standards of conduct, and disciplinary sanctions will be imposed for violations. Among the sanctions which may be imposed are reprimand, probation, suspension, expulsion or termination of employment, and referral for prosecution.

\*Including the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, the Drug-Free Postsecondary Education Act of 1990 (Georgia), and related laws and regulations. Violations will be suspension or termination of employment or enrollment. However, in the University's sole discretion, an employee or student may be

permitted to continue in employment or enrollment if he or she satisfactorily participates in an approved rehabilitation program.

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

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

Under Georgia criminal statutes, the penalties for drug offenses depend on the nature of the offense, the drug involved, whether the offense is a first or subsequent offense, and in some cases, the amount of the drug involved. For example:

- \* Unlawful purchase or possession of any drug in Schedule I or Schedule II (includes cocaine, heroin, morphine, hallucinogens, etc.) carries a sentence of 2 to 15 years imprisonment for a first offense and 5 to 30 years for subsequent offense.
- \* Unlawful manufacture, sale or possession with intent to sell of those drugs carries a sentence of 5 to 30 years for a first offense. Subsequent offenses can result in life imprisonment.
- \* Unlawful purchase, possession, manufacture, or sale of marijuana carries a prison sentence of 1 to 10 years.

Drug trafficking (selling, manufacturing or possessing large quantities of illegal drugs) carries minimum mandatory prison terms and fines under Georgia law. For example:

<input type="checkbox"/>	Cocaine (28-200 grams):	10 years and 200,000
<input type="checkbox"/>	Morphine, opium, heroin (4-14 grams)	5 years and \$50,000
<input type="checkbox"/>	Marijuana (50-2000 lbs.)	5 years and \$100,000

The mandatory sentences increase as the quantity increases.

Driving under the influence of alcohol or drugs carries the following penalties:

First conviction: Fine of no less than \$300 nor more than \$1,000 and imprisonment for not less than 10 days nor more than 12 months.

Second conviction: Fine of \$600 to \$1000, prison for not less than 90 days

Third or subsequent conviction: Fine of \$1000 to \$5000, prison for not less than 120 days  
Additional monetary penalties are also imposed to compensate victims. If the DUI causes the death of another person, the prison sentence is from 2 to 15 years.



Georgia law prohibits furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, any person under the age 21. The sentence for a first conviction is 30 days imprisonment or \$300 fine or both. In addition to criminal penalties, anyone who furnishes alcohol to an underage person, knowing that such person will soon be driving, may become liable for injuries or damages caused by the underage drinking driver.

Numerous other sanctions exist for drug and alcohol-related offenses under Georgia law, including denial of student loans and grants, ineligibility to participate in home loan and other assistance programs, and denial or revocation of professional licenses.

Federal penalties and sanctions for illegal possession of a controlled substance include the following:

First conviction: up to 1 year in prison, fine of \$1,000 to \$100,000, or both

Second conviction: at least 15 days and up to 2 years imprisonment, \$5,000 to \$250,000 fine, or both

After two drug convictions: at least 90 days and up to 3 years in prison, \$5,000 to \$250,000 fine, or both

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

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

#### Convictions for Drug-Related Offenses

Any student or employee convicted of any drug-related criminal statute must notify the appropriate Dean or Director of Student Affairs (for students) or the Director of Personnel (for employees), in writing, no later than five (5) days after such conviction regardless of where the offense occurred. This is because under Federal and State laws, any student convicted of a drug-related felony offense must be denied all Federal and State assistance, including Pell Grants and Georgia Tuition Equalization Grants; and because the University must notify Federal agencies of drug-related convictions of employees involved in work under grant or contract. However, a criminal conviction shall not be necessary to find that a student or employee has violated these

standards of conduct, and the University need not, and ordinarily will not, defer its own actions and sanctions pending the outcome of any criminal proceeding.

## HEALTH RISKS

Substance abuse and drug dependency are the leading causes of preventable illness, disability and death in the United State and are estimated to afflict 25.5 million Americans. This number increases dramatically when one considers the harm done to the families and loved ones of substance abusers and to those injured or killed by intoxicated drivers.

**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 risk of accident. Low to moderate doses also increase the incidence of aggressive behavior, including spouse and child abuse. Moderate to high doses severely impair 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 produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver and heart disease. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome, which includes physical abnormalities and mental retardation.

**Marijuana (Cannabis).** Marijuana use is associated with impairment of short-term memory, concentration, judgment, perception and fine motor skills. The use of this drug increases the risk of machinery or motor vehicle accident or injury for four to six hours after ingestion. Impairment of memory may last for three to six months, even if use of the drug is completely discontinued. Marijuana use is also associated with chronic anxiety, depression and paranoid feelings, and it can also significantly increase underlying emotional problems. Frequent use by young people may have long-term developmental consequences related to lack of motivation, apathy, and difficulty handling current stresses and responsibilities, as well as making appropriate plans for the future. Pregnant women who use marijuana may be at higher risk for having children with birth defects.

**Hallucinogens.** This category includes drugs such as LSD, mescaline and peyote, and PCP or "Angel dust." These are potent drugs that have mind-altering effects and impair perception and thinking. Hallucinogens can produce a "bad trip" with anxiety, agitation, hallucinations and paranoia. "Flashbacks" of the "bad trip" can occur even without taking the drug. Psychosis may result after long-term use.

**Cocaine and Other Stimulants.** Cocaine, also called Coke or Snow, is a white powder that is snorted, injected into veins, or smoked freebase or as Crack. Crack is a crystalline form of cocaine; it produces the most intense cocaine "high," and addiction can occur after using it only once or twice. Cocaine "highs" are characterized by feelings of extreme happiness, a sense of unlimited power and energy. However, the physical symptoms include high blood pressure and

heart palpitations. A cocaine "crash" follows the "high" and includes symptoms of depression, dullness, great irritability, and paranoia. Serious medical complications occur with cocaine use, such as heart attacks (even in young people), seizures, and strokes due to high blood pressure. Psychological effects of cocaine use include violence, paranoia, personality changes, depression, anxiety and confusion. Pregnant women using cocaine have increased risk of miscarriages and stillbirths. Newborns addicted to cocaine are irritable, unresponsive, and may have malformed organs, as well as heart attacks and strokes. Addiction to cocaine controls all aspects of the user's life. In addition to cocaine there are a number of other drugs that stimulate the nervous system and are very addictive. Most of them belong to the amphetamine family of drugs. The health effects of these drugs are similar to those of cocaine. Hence, these drugs should not be used except under proper medical supervision.

**Narcotics, including Heroin.** Certain strong pain relievers, such as morphine and codeine, are available by prescription only and may be safely used, with close medical supervision, in specific medical circumstances for a limited time. These drugs, referred to as narcotics, differ from nonprescription pain relievers (such as aspirin or Tylenol) in their potential for abuse and dependence. The person may become addicted and not want to stop the drug when the pain has stopped. Increased tolerance to the drug leads to a craving for larger and larger doses. The time may come when the person "needs" such a large dose that it is poisonous or lethal. Heroin is a highly addictive narcotic with no medical uses. In addition to the risks described above, the use of heroin is mainly by injection into a vein, which carries the additional dangers of AIDS and hepatitis from unclean needles.

**Sedatives and Tranquilizers.** Barbiturates (such as phenobarbital, seconal and amytal) are highly addictive and can be fatal if taken in excess. Although they still have medical uses they have largely been replaced by the benzodiazepines for the relief of anxiety and to promote sleep. The benzodiazepines include such drugs as Valium, Librium, Dalmane and Restoril. These are safe and effective at moderate doses for short periods of time (weeks), but physical and psychological dependence can result if they are used at higher doses for longer periods of time. Other agents which may be abused include methalqualone (quaaludes), Doriden and Equanil. Intoxication with benzodiazepines may occur and resembles alcoholic drunkenness. When taken together with alcohol, the effects are cumulative and can lead to coma and even death.

## **COUNSELING, TREATMENT AND REHABILITATION**

Employees and students who wish information about counseling and treatment programs, either for personal substance abuse problems or for family members or others, may contact the Personnel Office (for employees) or the appropriate Dean or Director of Student Affairs (for students). Limited counseling and referral services for Macon undergraduate student are available through Student Development services. Other schools (Medicine and Pharmacy) have available specialized information and referral resources. Self-help groups such as Alcoholics

Anonymous and Narcotics Anonymous are important resources for long-term support. Some outside agencies offering rehabilitation and treatment programs include the following:

### **MACON**

Charter Behavioral Health System of Central Georgia  
3500 Riverside Drive  
Macon, Georgia 31210  
(478)474-6200

Columbia Coliseum Psychiatric Hospital  
340 Hospital Drive  
Macon, Georgia 31201  
(478) 741-1355

River Edge Behavioral Health Center1  
75 Emery Highway  
Macon, Georgia 31201  
\* Substance Abuse Outpatient & Day-Patient(478) 751-4519  
\* Methadone Clinic(478) 751-4519

River Edge Recovery Center  
3575 Fulton Mill Road  
Macon, Georgia 31206  
\* Detox Program In-Patient  
(478)471-5388  
\* 28-Day Alcohol/Drug In-Patient  
(478) 471-5704

### **ATLANTA**

Anchor Hospital  
5454 Yorktowne Drive  
College Park, Georgia 30349

Charter Behavioral Health System of Atlanta at Midtown  
811 Juniper St., NE  
Atlanta, GA 30308  
(404) 881-5800

Charter Behavioral Health System of Atlanta at Peachford  
2151 Peachford Road  
Dunwoody, Georgia 30341

Metro Atlanta Recovery Residences  
2801 Clearview Place  
Doraville, Georgia 30340  
(770 ) 457-1922

Ridgeview Institute  
3995 South Cobb Dr., SE  
Smyrna, Georgia 30080  
(770) 434-4567

**Review of the Program**

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

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

### **Establishment of Grievance Boards**

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

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

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

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

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

## **2. Confidentiality**

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

## **FORMAL GRIEVANCE PROCEDURES**

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

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

### **2. Investigation**

a) Within two weeks after receiving the written complaint, the Board will convene. The Board member who initially receives the complaint will describe the incident to the full Board without disclosing the identity of the individuals involved. The Board will decide whether the complaint falls within its purview. If it concludes that the complaint should be considered by the board, the persons involved will be identified to the Board members. Any Board member with a conflict of interest will be required to withdraw from consideration of the complaint. The appropriate Dean or University officer will be notified that the complaint has been received and will be investigated.

(b) One or more faculty or administration members of the Board will meet as soon as possible with the persons directly involved in the complaint in order to ascertain the facts and views of both parties. The accused will be informed of the name of the complainant and the substance of the complaint and will be given a full opportunity to respond to the allegations. The Board will then determine whether further investigation is warranted.

(c) The Board shall have broad power, in its discretion, to ask for additional evidence, to conduct personal interviews with the parties and with additional persons, and/or to hold a hearing on the matter. The parties shall be advised before any discussions are held with additional persons. Any hearing shall be conducted in private under informal procedures as determined by the Board.

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

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

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

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

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

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

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

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

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



## RECORDS

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

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

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