

**University of Detroit Mercy School of Law**

# Student Handbook

Fall 2015

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**University of Detroit Mercy School of Law**  
**Student Handbook Fall 2015**  
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Founded in 1912, University of Detroit Mercy School of Law is a well-established Catholic law school sponsored by the Society of Jesus (Jesuits) and the Sisters of Mercy of the Americas. The School is approved by the American Bar Association and is a member of the Association of American Law Schools.

### **University of Detroit Mercy Mission Statement**

The University of Detroit Mercy, a Catholic university in the Jesuit and Mercy traditions, exists to provide excellent, student-centered, undergraduate and graduate education in an urban context. A UDM education seeks to integrate the intellectual, spiritual, ethical, and social development of our students.

### **University of Detroit Mercy School of Law Mission Statement**

The University of Detroit Mercy School of Law is a Catholic, urban law school that seeks to provide an excellent and dynamic legal education through a curriculum that integrates theory, doctrine, and practice; requires experiential learning; and emphasizes ethics and service to others.

### **Academic Program**

University of Detroit Mercy School of Law (UDM Law) has changed the way lawyers are educated with an innovative curriculum. This curriculum complements traditional theory- and doctrine-based coursework with practical learning, providing a solid transition between law school and a legal career. The entire curriculum not only addresses the third and critical transition year in law school, but enhances the first and second years with more legal theory, intensive legal writing, required clinical experience, and an international perspective. UDM Law has transformed its curriculum to address the challenges you will face in the profession.

### **Challenge – Creating a Foundation and Developing Skills**

First-year students study fundamental required doctrinal courses that begin to instill critical thinking, analysis, and writing skills. Whether students are going on to practice law or pursue another career, strong communication skills are sought after for new hires in every arena. For that reason, there is an emphasis on writing in the UDM Law curriculum that begins in the first year, and UDM Law's legal writing program presents material in a meaningful way that will be relevant in the workplace. UDM Law teaches research and writing in the context of solving legal problems. Students learn to research, analyze, write, and create documents necessary to the practice of law. As early as the first year, students have an impressive portfolio of documents to share with prospective employers.

### **Challenge – Building a Bridge to Practice**

After the first year, UDM Law helps students make the transition from school to practice, from a theoretical approach to a practical approach. Students [continue](#) to hone their [legal research](#) and writing skills with legal writing assignments in all required courses. Because these assignments are coordinated among the required courses, students undertake a wide range of writing projects about key issues in Evidence, Taxation, Professional Responsibility, and Constitutional Law. Students also participate in a required clinic, bringing them face-to-face with real clients with real problems, and select an international or comparative law course to become familiar with other legal systems.

### **Challenge – Learning to Practice**

In the third or final year, students are required to work on complex transactions in the Law Firm Program. Law Firm Program courses introduce students to large firm issues and to smaller or boutique firm issues. Students draft documents, complete due diligence, receive instruction from "clients," and much more. While all students in their third or last year are required to take at least three credits of Law Firm Program coursework, students may spend much of their final year [applying](#) their knowledge to various Law Firm Program courses.

**UDM Law's innovative curriculum prepares graduates who:**

- **understand** the theoretical and doctrinal foundations of the law and how to recognize and, where appropriate, resolve ethical and moral issues;
- **demonstrate** effective analysis of cases, statutes, and legal documents; effective oral and written communication skills; effective problem-solving skills; effective and efficient research skills; and advanced learning in one or more legal subjects;
- **possess** a global perspective, knowledge about techniques and systems for dispute resolution, the profession's fundamental values, and training in all the fundamental lawyering skills; and
- **commit** to life-long learning and to social justice and pro bono activities, including improving the administration of justice.

# I. ACADEMIC ELIGIBILITY

## A. Degree Requirements

A student who receives passing grades in courses totaling 90 credit hours, with a cumulative grade point average of not less than 2.0, and meets all other requirements, is eligible for the award of the degree of Juris Doctor. The School offers Day and Evening programs that lead to the award of the degree; the same standards of performance are required in each. In no case may a student graduate in more than 72 months from matriculation.

### 1. Day Division

Day division students take 12 to 16 credits per semester (Fall and Winter)

The Day Division requires six semesters for completion of the degree requirements. Classes in this division normally meet from 8:00 a.m. to 5:55 p.m. Monday through Friday.

Except for students originally admitted into a four-year day program (Part-time Day Division – 9 to 11 credit hours per semester) or five-year day program, Extended Day Division – 7 to 9 credit hours per semester), students in the full-time Day division are expected to graduate at the end of three academic years.

Students enrolled in the Full-time Day Division are expected to devote substantially all of their time during the academic year to their law studies. First-year students in this division are normally not permitted to have any outside employment.

After completion of the first year, a minimum load in the Day Division is 12 credit hours per semester and the maximum load is 16 credit hours.

### 2. Evening Division

Evening Division students take 9 to 11 credits per semester (Fall and Winter)

The Evening division requires eight semesters for completion of the degree requirements. Classes in this division meet from 6:00 p.m. to 10:00 p.m. on week days (Monday through Thursday).

Except for students originally admitted into a five-year evening program, (Extended Evening Division --7 to 9 credits per semester) students in the Evening division are expected to graduate within four years of matriculation.

An Evening Division student is a part-time student who, after completion of the first year, must enroll in a minimum of seven credit hours and may not exceed a maximum of 11 credit hours.

To graduate within four or five years of matriculation, part-time students may need to register for summer session courses, Saturday courses, or both.

The School occasionally offers Saturday classes that may be selected by students in any division.

### 3. Transfers Between Divisions

No student may transfer from one division to the other without written permission of the Assistant Dean of Student Affairs. Due to the necessity to limit class size, permission to transfer may have to be denied. In any event, all required courses must be completed in a student's original division. Classes in one division may be opened to students in the other division if there is space available.

#### 4. Summer Session

The School offers a summer session that consists of two components: a two-week Intersession and a seven-and-one-half week Term III. No summer session work is required of students. A student may take courses toward the Juris Doctor degree when summer courses are offered. Students may enroll in up to two credit hours in the Intersession. The maximum summer session load, including both the Intersession and Term III, is nine credit hours, regardless of the student's division.

#### 5. Required Courses

Passing grades in the following courses are required for graduation:

First year:

<b>Course</b>	<b>Credit Hours</b>	<b>Minimum Passing Grade</b>
Applied Legal Theory & Analysis	5	1.0
Civil Procedure I & II	6 (3 per term)	2.0 (each term)
Contracts I & II	6 (3 per term)	2.0 (each term)
Criminal Law	3	2.0
Property I & II	6 (3 per term)	2.0 (each term)
Torts	4	2.0

Upper level:

<b>Course</b>	<b>Credit Hours</b>	<b>Minimum Passing Grade</b>
Basic Federal Tax*	4	1.0
Constitutional Law	4	2.0
Evidence	4	2.0
One upper-level writing requirement course**	Varies	1.0
One clinic	Varies	1.0
One global/international law course***	Varies	1.0
Professional Responsibility	3	1.0
Law Firm Program****	3	1.0

\*Basic Federal Tax is not a required course for students who matriculate after Fall 2014

\*\* The types of courses that would satisfy this upper-level writing requirement include, but are not limited to, a seminar, Advanced Advocacy, the Judicial Clerkship course, and a Law Review Note or Comment.

\*\*\* The Global/International Law course requirement may be fulfilled in a variety of ways. For example, a seminar or Law Firm Program course with a global/international focus will also fulfill the Global/International Law course requirement. Credits earned through a study abroad program with an international focus and successfully transferred to UDM will also fulfill the Global/International Law Course requirement.

\*\*\*\*The Law Firm Program requirement may be fulfilled by taking one three-credit course or two two-credit courses.

Except as provided in section I.B below, any student receiving a failing grade in a required course must enroll in, repeat, and earn a passing grade in that course. Absent exceptional circumstances, an affected student must retake any such course when it is next offered (excluding the Summer term). Upon specific written request by an affected student made at least a week before a term begins, the Associate Dean for Academic Affairs shall determine

whether exceptional circumstances are present and, if such circumstances are present, shall waive the requirement that the course be retaken at that time.

If the course is next offered during the Summer term, an affected student may retake the course during the Summer, but is not required to do so.

For purposes of computing a student's cumulative grade point average, each enrollment in a required course will be treated as a separate course with the grade and the number of credit hours being included in the computation. Neither the Petitions Committee nor the administration may waive this requirement.

#### 6. Leave of Absence

A request for a leave of absence must be submitted in writing to the Assistant Dean of Student Affairs. Grant of the request will not waive the 72-month period for completion of studies.

#### 7. Employment

It is recommended that full-time law students should not be employed for more than 20 hours per week during the academic year. Full-time is defined as a course load of 12 credit hours or more per semester.

### **B. Standards for Continued Enrollment**

#### 1. General Standard

A cumulative grade point average of not less than 2.0 at the completion of the first year of legal studies and thereafter is a prerequisite for continued enrollment. The Petitions Committee may waive the above requirement only in exceptional circumstances, provided the student in question has a cumulative grade point average of not less than 1.8.

#### 2. First-year Students

Students must earn a grade of at least 2.0 in each of the following required courses: Contracts I & II, Civil Procedure I & II, Criminal Law, Property I & II, and Torts. Students whose overall grade point average is 2.0 or higher, but who have received a grade of less than 2.0 in any of these courses, will be required to retake the course and earn a grade of at least 2.0 in order to graduate. Absent exceptional circumstances, an affected student must retake any such course when it is next offered (excluding the Summer term). Upon specific written request by an affected student made at least a week before a term begins, the Associate Dean for Academic Affairs shall determine whether exceptional circumstances are present and, if such circumstances are present, shall waive the requirement that the course be retaken at that time. If the course is next offered during the Summer term, an affected student may retake the course during the Summer, but is not required to do so.

Students will not be charged tuition for retaking these classes. Absent extenuating circumstances, as determined by the Petitions Committee, any student who fails to earn the required grade upon retaking the course will be dismissed from the School of Law.

Day students with 15 credit hours and evening students with 12 credit hours whose overall performance places them in the bottom quartile of the first-year class at the end of the first semester (the "1L Lower Quartile") will be strongly encouraged to reduce their course load by three credit hours in the second semester of their first year. 1L Lower Quartile students may also be strongly encouraged to take advantage of any pass/no pass courses provided by the Academic Support Department intended to enhance students' ability to engage in legal analysis, promote critical thinking, and foster competent independent learning.

### 3. Upper-class Students

Students must take the following required courses during their first 60 hours and earn a grade of at least 2.0 in each of these required courses: Constitutional Law and Evidence. Students whose overall grade point average is 2.0 or higher, but who have received a grade of less than 2.0 in any of these courses, will be required to retake the course and earn a grade of at least 2.0 in order to graduate. Absent exceptional circumstances, an affected student must retake any such course when it is next offered (excluding the Summer term). Upon specific written request by an affected student made at least a week before a term begins, the Associate Dean for Academic Affairs shall determine whether exceptional circumstances are present and, if such circumstances are present, shall waive the requirement that the course be retaken at that time. If the course is next offered during the Summer term, an affected student may retake the course during the Summer, but is not required to do so.

Students will not be charged tuition for retaking these classes. Absent extenuating circumstances, as determined by the Petitions Committee, any student who fails to earn the required grade upon retaking the course will be dismissed from law school.

Students with an overall grade point average of less than 2.6 at the end of the second semester of the first year ("at-risk upper-class students") will be required to take the following bar-tested courses in order to graduate: Sales, Criminal Procedure, Estates and Trusts, and Business Organizations. Students who successfully raise their overall grade point average to 3.0 will be able to opt out of this requirement.

At-risk upper-class students will be strongly encouraged to take advantage of any pass/no pass "lab" courses offered by the Academic Support Department, which will be associated with certain bar-tested courses and designed to enhance students' ability to engage in legal analysis by providing frequent feedback on numerous written and graded assignments, quizzes, and tests.

### 4. Academic Jeopardy

A student whose overall grade point average is above 2.0, but whose semester grade point average is below 2.0, is on probation. A student whose overall grade point average is above 2.0, but whose semester grade point average is below 2.0 for two consecutive semesters, shall be suspended from the School for one full calendar year. Summer sessions shall not be considered for purposes of this rule.

With the exception of courses covered by sections B.2 and B.3 above, the student who is suspended must retake all courses in which he or she received a grade of 1.9 or below during the two consecutive semesters and achieve a grade of 2.0 or higher as a condition of continued enrollment and lifting of the suspended status. Both the original grade and the repeated grade shall be included within the computation of the student's cumulative grade point average. The student shall receive academic credit toward the 90 credits required for graduation only one time.

### 5. Academic Support

The Dean will refer students whose grades suggest that they are at risk of falling below the School's proscribed grade point average requirements to the Academic Support Department. Failure to meet with a Director of Academic Support to develop a strategy for improving academic performance or failure to then follow through with such a strategy may be taken into consideration by the Faculty and Administration when making decisions regarding the student.

### **C. Readmission**

Any student whose enrollment at any ABA-approved law school has been terminated for academic reasons may be readmitted after the lapse of one full academic year as an entering first-year student as if he or she were enrolling in the School of Law for the first time. Such applications for readmission shall be in the jurisdiction of the Admissions Committee. Neither the Admissions Committee, the Petitions Committee, nor the administration may waive the one-year interval requirement. The application for readmission must be submitted by April 15 during the year of academic absence.

### **D. Withdrawals**

Any student who voluntarily withdraws from the School of Law must communicate that intention in writing to the School of Law Registrar. The communication must contain the student's name, student number, reason for the withdrawal, date of the withdrawal, and, if the student is transferring, the name of the institution to which the student has been accepted for transfer. This process should be completed once the student has made the determination that he or she is voluntarily withdrawing from the School of Law. Upon receipt of this communication, the School of Law Registrar will close the student's file.

### **E. Waiver of Rules**

In exceptional cases such as reasons of health, unexpected employment obligations, or enrollment in approved courses in other schools, the Dean or other appropriate administrative official may approve a variance from the above requirements regarding Academic Eligibility except where waivers are expressly prohibited. Permission must be sought in writing.

## II. COURSES

### A. Required Courses

#### First year:

Applied Legal Theory and Analysis	5 credit hours
Civil Procedure I & II	6 credit hours
Contracts I & II	6 credit hours
Criminal Law	3 credit hours
Property I & II	6 credit hours
Torts	4 credit hours

#### Upper level:

Basic Federal Tax*	4 credit hours
Constitutional Law	4 credit hours
Evidence	4 credit hours
One Upper-level Writing Requirement course**	
One Clinic	
One Global/International Law course***	
Professional Responsibility	3 credit hours
Law Firm Program****	3 credit hours

\*Basic Federal Tax is not a required course for students who matriculated after Fall 2014.

\*\* The types of courses that would satisfy this upper-level writing requirement include, but are not limited to, a seminar, Advanced Advocacy, the Judicial Clerkship course, and a Law Review Note or Comment.

\*\*\* The Global/International Law course requirement may be fulfilled in a variety of ways. For example, a seminar or Law Firm Program course with a global/international focus will also fulfill the Global/International Law course requirement. Credits earned through a study abroad program with an international focus and successfully transferred to UDM will also fulfill the Global/International Law Course requirement.

\*\*\*\*The Law Firm Program requirement may be fulfilled by taking one three-credit course or two two-credit courses.

### B. State of Michigan Bar Examination Subject Courses

The following courses are tested on the Michigan Bar Examination:

Business Organizations (corporations, partnerships and agency)  
Conflicts of Laws  
Constitutional Law  
Contracts  
Creditor's Rights (including mortgages, garnishments and attachments)  
Criminal Law and Procedure  
Domestic Relations  
Equity  
Evidence  
Michigan Rules of Professional Conduct  
Practice and Procedure (trial and appellate, state and federal)

Real and Personal Property

Sales, Negotiable Instruments and Secured Transactions articles of the Uniform Commercial Code

Torts (including no-fault)

Worker's Compensation

Wills and Trusts

### **C. Class Attendance**

The American Bar Association accreditation standards mandate that a law school adopt and enforce a policy requiring regular and punctual class attendance. ABA Standards and Rules of Procedure for Approval of Law Schools, Standard 311(f) and (2014-2015). Thus, students are encouraged to attend every class for each course in which they are enrolled. Recognizing, however, that students may be unable to attend every class, the following attendance policy provides at what point there are consequences for missed classes.

#### **1. Courses that meet once a week:**

Unless a professor chooses to adopt a stricter policy as set forth in paragraph 6, a student is permitted two absences in a semester for a course that meets once a week.

The first absence beyond the allotted number for a course that meets once a week will reduce the student's final grade by .2. The second absence beyond the allotted number for a course that meets once a week will reduce the student's final grade by an additional .4. Thus, if the student is absent from the course for four class periods, the student's grade shall be reduced by .6. Any absence thereafter will result in the student being dropped from the course with an Administrative Withdraw (AW) appearing on the student's transcript for the course. An AW appearing on a student's transcript results in the student not receiving a grade or credit for the course.

#### **2. Courses that meet twice a week:**

Unless a professor chooses to adopt a stricter policy as set forth in paragraph 6, a student is permitted four absences in a semester for a course that meets twice a week.

The first absence beyond the allotted number for a course that meets twice a week will reduce the student's final grade by .1. The second absence beyond the allotted number for a course that meets twice a week will reduce the student's final grade by an additional .2. The third absence beyond the allotted number for a course that meets twice a week will reduce the student's final grade by an additional .3. The fourth absence beyond the allotted number for a course that meets twice a week will reduce the student's final grade by an additional .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student's transcript for the course.

#### **3. Pass/No Pass courses:**

The spirit and letter of the above policy should be adhered to in a course that a student takes pass/no pass. Thus, a student taking a course pass/no pass will be dropped from the course with an AW appearing on the student's transcript for the course in accordance with the policy set forth in numbers 1 and 2 above. Further, the professor should take into consideration the grade reduction that would have occurred based on the number of absences in determining whether the student's grade is above a 2.0 as to pass the course.

#### **4. Summer courses:**

Unless a professor chooses to adopt a stricter policy as set forth in paragraph 6, the following rule applies. In a two-credit course that meets once a week, a student is permitted one absence. The first absence beyond the allotted number will reduce the student's final

grade by .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student's transcript for the course.

Unless a professor chooses to adopt a stricter policy as set forth in paragraph 6, the following rule applies. In a three-credit or four-credit course that meets twice a week, a student is permitted two absences. The first absence beyond the allotted number will reduce the student's final grade by .2. The second absence beyond the allotted number for a course that meet twice a week will reduce the student's final grade by an additional .4. Any absence thereafter will result in the student being dropped from the course with an AW appearing on the student's transcript for the course.

5. Intersession or courses that do not fit in an above category:

A professor teaching in the Intersession or in a course that does not fall within one of the above categories shall at a minimum adhere to the policy that after a student misses approximately 14 percent of the classes in the course, the student's final grade shall be reduced. It shall be reduced consistent with the above policy.

6. Professor discretion:

A professor has discretion to determine what constitutes an absence as a general policy and in specific instances. For example, a professor may deem that failure to be prepared for class is an absence and/or that tardiness is an absence.

If a professor makes no changes to this attendance policy, then the professor may in the professor's syllabus refer students to the Student Handbook for the attendance policy that covers the course.

If a professor adopts changes to this attendance policy as allowed within the professor's discretion or chooses to adopt a stricter attendance policy as is also allowed, then the professor must set forth the professor's attendance policy in the professor's syllabus for the course.

7. Professor responsibility:

When a student exceeds the number of allotted absences such that the student must be withdrawn from the course, the professor will notify the Registrar's office.

All professors are required to maintain attendance records.

#### **D. Adding or Withdrawing from Courses**

A student may add a course, within the limitations of other provisions, at any time during the first two weeks of classes in Terms I and II and the first week of classes of Term III. A student who has completed 30 credit hours or more may withdraw from elective courses during the first six weeks of classes in Terms I and II and the first three weeks of Term III. A student may not withdraw from required courses without the permission of the Assistant Dean of Student Affairs. A student also may not withdraw from any course after six weeks without the permission of the Assistant Dean of Student Affairs. To withdraw from a required course after six weeks, the student must present evidence to the Assistant Dean of the extenuating circumstances that prompt the request for withdrawal.

Adding or withdrawing from a clinic is always subject to the prior approval of the Associate Dean for Academic Affairs and the clinical professor and also is subject to the overall limitations in this section.

#### **E. Seminars**

A seminar consists of a group of upper-class students studying a subject with a professor. The students conduct original research and exchange results by informal lectures, reports, and class discussion, which are the essential characteristics of a seminar. The student's

final work product in a seminar should be a carefully prepared 30-page paper, exclusive of footnotes or endnotes, which reflects the student's independent research as it has been enlightened and sharpened by class discussion. At least one substantial draft of the paper must be submitted to the professor and marked up. An outline does not meet this criterion. Each student in a seminar must meet at least twice with the professor; once to discuss and approve the topic and once to discuss the draft and the professor's comments.

Seminars normally have a limited enrollment of 16 students. Any enrollment in excess of 16 requires the express written authorization of the professor. In no event shall any seminar enrollment exceed 20 students.

Seminars are not a proper pedagogical method of conducting basic or advanced courses in traditional legal disciplines. Rather, they are a student-oriented means of covering very limited intra-disciplinary areas by student presentation and discussion of independent and original student research. The role of the professor is, therefore, limited to:

- 1) Choice of the limited area and topics under that area;
- 2) Direction of the discussion with respect to both the fullest possible student participation and maintaining contact with the subject matter;
- 3) Maintenance of student discipline necessarily concomitant with an academic group undertaking; and
- 4) Evaluation of the individual student's performance for purposes of a grade and of the overall success of the seminar and areas for subsequent improvement.

#### F. Writing Across the Curriculum

Writing assignments other than examinations shall be a component of the following *required upper-level courses* offered at the School of Law, excluding clinical courses, according to the following schedule and including the types of assignments listed:

Fall and Winter semester Writing Across the Curriculum assignment time schedule:

Course	Assignment Distributed	Assignment Due	Types of Assignments*
Professional Responsibility	2 <sup>nd</sup> week of the semester	4 <sup>th</sup> -5 <sup>th</sup> week of the semester	Formal complaint; ethics opinion
Evidence	3 <sup>rd</sup> week of the semester	5 <sup>th</sup> -6 <sup>th</sup> week of the semester	Motion in limine with brief; appellate brief; proposed evidence rule analysis
Constitutional Law	5 <sup>th</sup> week of the semester	7 <sup>th</sup> -8 <sup>th</sup> week of the semester	Judicial opinion; petition for certiorari
Tax	6 <sup>th</sup> week of the semester	8 <sup>th</sup> -9 <sup>th</sup> week of the semester	Opinion letter; administrative regulations with analysis

\*A professor could assign a different type of writing assignment, with the exception of a traditional memorandum, as long as the type of assignment was not otherwise included in this list.

Summer semester Writing Across the Curriculum assignment time schedule:

Course	Assignment Distributed	Assignment Due	Types of Assignments*
Professional Responsibility	1 <sup>st</sup> week of the semester	3 <sup>rd</sup> week of the semester	Formal complaint; ethics opinion
Evidence	1 <sup>st</sup> week of the semester	3 <sup>rd</sup> week of the semester	Motion in limine with brief; appellate brief; proposed evidence rule analysis
Constitutional Law	2 <sup>nd</sup> week of the semester	4 <sup>th</sup> week of the semester	Judicial opinion; petition for certiorari
Tax	2 <sup>nd</sup> week of the semester	4 <sup>th</sup> week of the semester	Opinion letter; administrative regulations with analysis

\*A professor could assign a different type of writing assignment, with the exception of a traditional memorandum, as long as the type of assignment was not otherwise included in this list.

Such writing assignments shall consist of not less than 15 per cent of each student's grade in the course.

## **G. Ethics Across the Curriculum**

At the beginning of the semester, all faculty members are required to include ethics in course syllabi as a topic that will be treated as it relates to the substantive area of the law covered in the course. This ethical component may be accomplished through discussion, in combination with the writing assignment, or by other means.

## **H. Directed Research**

### **1. Limits**

Directed Research may be supervised by resident faculty members. Faculty members shall not direct research for credit except in subjects in which they teach or have a particular expertise. A directed research project does not fulfill the upper-level writing requirement. A student must have a cumulative grade point average of 2.5 to enroll in a directed research.

### **2. Initiation**

A directed research project may be initiated by either faculty or student. A student wishing to elect Directed Research for one or two credit hours must submit a short outline of the proposed project to the chosen faculty member as a sponsor. The outline shall include a statement of the purpose of objective of the research and the anticipated results. This process shall be completed on or before the deadline for adding a course in a given semester.

Students wishing to elect Directed Research for more than two hours must submit a detailed proposal to the Curriculum Committee for approval. If the Committee approves of the project and the credit hours, it may appoint a special committee to supervise the project. The special committee may consist of members of faculty, or of both faculty members and individuals chosen from the community.

### **3. Process**

Students enrolling in Directed Research must set up a schedule of meetings with the faculty member (or Committee) and due dates for stages of the project. It is suggested that five meetings should take place during the course of the project. At a minimum, each student working on a directed research project must meet at least twice with the professor; once to discuss and approve the topic and once to discuss the draft and the professor's comments.

Every student shall submit a substantial draft of the paper. The professor shall review the rough draft and make necessary corrections and suggestions. These should include direction of research, organization, legal reasoning and writing style. Detailed comments should be provided.

The research paper should be in acceptable law review form, unless good reason dictates otherwise. Proper citations, correct use of signals, and law review caliber writing style should be required. A student receiving one (1) credit hour should submit a paper of approximately 20 pages, exclusive of footnotes or endnotes. A student receiving two (2) credit hours should submit a paper of approximately 40 pages, exclusive of footnotes or endnotes.

A student writing for one credit hour should expect to put in about 45-60 hours work; a student writing for two credit hours, about 90-120 hours of work. A student writing for more than two credit hours shall work out arrangements with the supervising committee as to length of the paper and hours to be devoted to it.

Each student enrolled in Directed Research shall receive a written evaluation of performance and a numerical grade. Every paper written for Directed Research shall be

placed on reserve in the library. Appropriate papers shall be referred to the University of Detroit Mercy Law Review for consideration for publication. A student will normally be limited to two Directed Research projects during his or her law school career; petition shall be made to the Curriculum Committee for prior approval of a greater number.

#### **I. Courses Taken At Other Institutions**

A student may take courses at other ABA-accredited law schools. At least one-half of the course hours required for graduation must be taken at the University of Detroit Mercy. Credit hours earned at such other law school will not be accepted for transfer unless a grade of 2.0 or better is attained; only the course name(s) and credit hour(s) shall be recorded. The number of credit hours awarded for any particular course shall not exceed the number of credit hours for a similar course offered at the University of Detroit Mercy School of Law.

Approval shall not be given to a student to take required courses at another school or to take courses at another school that are offered at the University of Detroit Mercy in the same academic year. Credit hours taken at another institution are included in the calculation of maximum and minimum loads.

Students wishing to take courses elsewhere must submit a written request to the Assistant Dean of Student Affairs requesting permission to take courses at another institution. The request should provide the name of the law school; and the name, credit hours, and course description for each course requested to be taken at that institution.

A student who takes courses at other institution pays tuition for 90 credits at the University of Detroit Mercy School of Law.

#### **J. Auditing Courses**

With the professor's permission, students may audit elective courses in which places are available without the payment of additional tuition. Permission to audit a course does not extend the time limit to decide to add the course for credit, nor permit a student to take the final examination.

### **III. EXAMINATIONS**

#### **A. Course Examinations**

In most courses, written examinations will be given upon completion of the semester. At their discretion, professors may administer other exams in addition to a final examination. Course grades will be based substantially upon the results of these written examinations. Additional factors may be taken into consideration at the professor's discretion. Any student who begins an examination receives a grade for that examination even if the student is unable to complete the examination.

All tuition and fee payments due must be paid in full or arrangements made for payment before a student will be permitted to take final examinations.

The Faculty has adopted an anonymous grading policy that applies to all courses in which the determination of the course grade is based primarily on the final examination. Students use three- and four-digit exam numbers unique to each semester. This number will be used to identify the student's examinations and other assignments graded anonymously.

Professors will specify what materials may be brought into the examination room. The examination begins when the examination questions are distributed. The student shall not be permitted to leave the room for any purpose without the express permission of the proctor. When the student leaves the room for any purpose, he or she shall place his or her answers and the examination on the proctor's desk. When the proctor announces that the examination is over, all writing must cease. If a student continues to write, the proctor is to note this irregularity on the examination.

The School provides approved software, Exam 4, for taking examinations on computers. Students taking courses for which the professors have approved the use of computer testing may take their final exams using a computer. Students who want to take examinations using a computer must elect to do so during the Exam 4 registration period.

It is the student's responsibility to see that the proctor receives his or her entire examination and that his or her blue books are numbered in sequence. It is the policy of this School to assure maximum anonymity in the determination of examination and course grades. This requires the cooperation of students as well as faculty. For this reason, students shall use only examination numbers and no other mark, name, or other device on their blue books and on examinations submitted through Exam 4.

The Director of Student Services coordinates the administration of semester final examinations.

#### **B. Special Examinations**

The School of Law expects students to take their final examinations on the scheduled dates. Students seeking to reschedule an examination must submit a written request to do so to the Assistant Dean of Student Affairs, stating one of the following reasons:

1. Scheduling Problems

The student has two examinations scheduled at the same time or three examinations scheduled in two consecutive days. Students needing relief because of one of the above reasons make arrangements with the Assistant Dean of Student Affairs prior to the beginning of the examination period.

2. Personal and Family Emergencies

The student experiences illness (a doctor's certificate is required), death in the immediate family, or similar exigency. Students needing relief for one of these reasons must contact

the Assistant Dean of Student Affairs as soon as possible (and before the beginning of the scheduled examination).

### **C. Papers, Projects, and Other Examinations**

Professors may require papers, projects, or other examinations as components of the final grade. The professor may, at his or her discretion, arrange for anonymous grading of such projects. The School's anonymous grading policy also applies to such projects.

### **D. Required Completion Date for All Course Work**

#### **1. Take-Home Final Examination**

Where a professor requires a take-home final examination, the professor shall set the due date. However, in no event shall that due date be later than the last day of scheduled final examinations for that semester.

#### **2. Papers and Projects**

Where the professor requires a paper or other project, the professor shall set the due date. However, in no event shall the due date be later than one week after the last day of scheduled final examinations for that semester.

### **E. Cheating and Plagiarism**

#### **1. Cheating**

Cheating is an offense under the Code of Student Conduct.

#### **2. Plagiarism**

Plagiarism is defined as the presentation of ideas, arguments, and written material of another as one's own work. Written passages, arguments, and paraphrases from other sources must be clearly identified as such. Professors may impose appropriate penalties, such as the grade of 0.0, on plagiarized assignments. Plagiarism also is an offense under the Code of Student Conduct. In addition to academic sanctions, professors may file a disciplinary charge against a student for plagiarism as outlined in the Code of Student Conduct.

### **F. Double Submission**

Work product submitted to satisfy the requirements of each course or seminar will be independent in substance from the work submitted in other courses. Students who wish to submit one paper for two or more courses must receive the prior approval of all professors involved. Grades may be reduced for double submissions without prior approval.

## IV. GRADES

### A. Grading System

A student's academic performance is indicated by numerical grades with approximate letter grade equivalents as shown below:

4.0 A	2.6	1.2
3.9 A-	2.5	1.1
3.8	2.4 C	1.0*
3.7	2.3	0.9 F
3.6	2.2	0.8 F
3.5	2.1	0.7 F
3.4 B	2.0	0.6 F
3.3	1.9 C-	0.5 F
3.2	1.8	0.4 F
3.1	1.7 D+	0.3 F
3.0	1.6	0.2 F
2.9 B-	1.5	0.1 F
2.8	1.4 D	0.0 F
2.7 C+	1.3	

\*lowest passing unless 2.0 required

The range of failing grades is designated to differentiate between work whose quality is insufficient to merit passing but nonetheless reflects some accomplishment and work that reflects no accomplishment or that cannot be evaluated because of an unexcused failure to complete a course's requirements.

An *I* (incomplete) is assigned whenever a student has failed to satisfy the requirements, other than an examination, for a course. Students will be allowed a maximum of four weeks after the original due date of the work to complete it.

If the outstanding course work is not properly completed, the *I* will be changed to a grade of *0.0*.

Failure to take a scheduled examination without properly withdrawing from the course will result in either a grade of *0.0* or *X*. An *X* indicates that the student has applied promptly for and been granted permission by the professor and administration to postpone taking the examination. The student is then required to take the examination next regularly scheduled for that course. Failure to take the rescheduled examination shall result in the administrative removal of the *X* and the assignment of the grade of *0.0*. A grade of *0.0* will be assigned whenever a student fails to take an examination and is not granted a postponement.

### B. Grade Point Averages

At the conclusion of each semester, a grade point average is computed for that semester and a cumulative grade point average is computed for all grades received during matriculation. Grade point averages are computed by multiplying the recorded grades by course credit and dividing the total of those values by the number of credit hours attempted. Grades received at other law schools or grades received at other schools in joint programs are disregarded in the computation of grade point averages.

### C. Honors

At the end of the first year of study, students with a cumulative grade point average of 3.25 or above will be eligible for inclusion in the Dean's List. Thereafter, the top 20 percent of students in each class, based on their semester grade point averages, will be eligible for inclusion in the Dean's List for each subsequent required semester of study.

In computing the grade point average for the award of graduation honors, a candidate who has achieved a cumulative grade point average of 3.25 will graduate *cum laude*; one who has achieved a cumulative grade point average of 3.5, *magna cum laude*; one who has achieved a cumulative grade point average of 3.75, *summa cum laude*. Transfer students must complete one-half or more of their credits at UDM Law to be eligible for honors.

#### **D. Pass/No Pass Option**

Any student who has successfully completed 30 credit hours may choose to take an elective course on a pass/no pass basis in his or her remaining terms. No more than six (6) credit hours for elective courses may be taken under the pass/no pass option and counted toward graduation requirements. Required courses may not be taken on a pass/no pass basis. A student's total number of pass/no pass credits may not exceed 11, including credits for optional and mandated pass/no pass credits such as Law Review, Moot Court, and Externships.

The decision to take an elective on a pass/no pass basis must be communicated to the Registrar, in writing, by the end of the second full week of classes of both fall and winter semesters. During the summer session, the intent to take an elective on a pass/no pass basis must be communicated to the Registrar, in writing, by the end of the first full week of classes. Once a student has made a permissible election to take a course pass/no pass by filing the appropriate form with the Registrar, the student cannot revoke the election after the end of the second full week of classes during the fall and winter semesters, or after the end of the first full week of classes during the summer session. A professor may forbid the pass/no pass option by notifying the Registrar in writing before registration. Notice of a student's intent to take an elective on a pass/no pass basis shall not be communicated to the professor.

The Registrar shall administratively substitute a *P* (passing) for any grade reported by an professor of 2.0 or above. If the professor reports a grade of 1.9 or below, the Registrar shall administratively substitute a grade of *NP* (not passing). A grade of *NP* will not be included in the calculation of the student's semester or cumulative grade point average, and the student will receive no credit towards the satisfaction of graduation requirements.

#### **E. Grade Changes**

The professor shall not change a student's grade except for one of the following reasons:

- 1) An error in the mathematical computation or transcription of the grade; or
- 2) Substantially unequal treatment of the student in the grading of the examination on which the grade is based or in the calculation of the final grade as compared to the grading of other students in the same course.

To change a grade for one of the above reasons, a professor must supply the Administration with a written justification that includes the reasons for the change, a statement of the original grade, the amended grade, the number of points involved in the change, the distribution of grades, and the cut-off point for each grade. Grade changes will not be permitted more than 180 days after release by the School of Law Administration.

#### **F. Appeals From Grades**

- 1) Any student may appeal a final grade because the student believes an error has been committed in the mathematical computation or transcription of the grade. Any student who feels aggrieved shall first consult with the professor about the grievance. The professor shall explain to the student the standard of measurement by which the grade was determined. This consultation need not take the form of a face-to-face meeting if it is unreasonable to do so under the circumstances.

If, after consultation with the professor, the student still feels aggrieved, the student may petition the Committee specifically established by the faculty for the purpose of reviewing student grade appeals. The petition shall be submitted in writing to the Assistant Dean of Student Affairs and must contain a clear, accurate, concise, full, and complete statement of the grounds for appeal and the facts relied on in support of the petition. The petition shall be filed within six weeks after the student's final grade in the course is posted by the School of Law Administration. This requirement can be waived by the Committee for good cause.

- 2) A student may appeal a final grade because the student believes he/she suffered substantially unequal treatment in the grading of the examination on which the grade was based as compared to the grading of other students' examinations in the same course, or any other substantially unequal treatment in the assignment of the course grade. A student who receives a final grade of 2.0 or above will not have the right to appeal pursuant to this section. Any student who feels aggrieved shall first consult with the professor about the grievance. The professor shall explain to the student the standard of measurement by which the grade was determined. This consultation need not take the form of a face-to-face meeting if it is unreasonable to do so under the circumstances. If, after consultation with the professor, the student still feels aggrieved, the student may petition the Committee specifically established by the faculty for the purpose of reviewing student grade appeals. The petition shall be submitted in writing to the Assistant Dean of Student Affairs and must contain a clear, accurate, concise, full, and complete statement of the grounds for appeal and the facts relied on in support of the petition. The petition shall be filed within six weeks after the student's final grade in the course is posted by the School of Law Administration. This requirement can be waived by the Committee for good cause. If the professor is not available for the consultation described in this paragraph during this six week time period, the presumption stated in paragraph F(6) infra shall apply, and the student must file his/her appeal within an additional four week period after expiration of the six week period.
- 3) The Committee, or a designated member, shall examine the petition after receiving it. If, upon review, the Committee or its designated member concludes that the allegations on the face of the petition are insufficient to state a grievance pursuant to paragraph F(1) or F(2) supra, the Committee shall dismiss the petition. The student may file an amended petition within ten days after the mailing or other delivery of the written notice of the petition's dismissal.
- 4) If, upon examination of the petition or amended petition, the Committee, or designated member, concludes that the allegations on the face of the document are sufficient to state a ground for appeal under paragraph F(1) or F(2) supra, the Committee shall forward the petition to the professor involved and request a reply to the petition, which must include a written explanation of the standard of measurement by which the student's grade was determined. The standard of measurement shall consist of one or more of the following:
  - A. a sample or model answer for each of the questions being appealed on the examination;
  - B. a key to correct answers on the examination;
  - C. a written statement of the criteria used in assessing the quality of student answers;
  - D. an outline statement of the points or issues to be discussed in answering the examination and the substance of such discussion;
  - E. sample student answers which received high and low grades on this examination;

- F. answers of students receiving grades equivalent to the petitioner on this examination;
  - G. any other documentation for grading which in the opinion of the professor will permit independent objective evaluation by a person familiar with the subject matter of the examination.
- 5) If the Committee concludes that the professor's response is adequate and that no reasonable question of fact exists, the matter shall be dismissed. The student shall receive notice of the dismissal. If the Committee concludes that a reasonable question of fact exists, the Committee shall set a time and place for hearing at which the student and professor involved shall have the right to be present and to present any relevant evidence. The student or professor may be represented by counsel of their own choosing at the hearing. At the hearing, the burden is on the student to establish by a preponderance of the evidence that he or she is aggrieved for one or more of the reasons stated in paragraph F(1) or F(2) supra, except as provided in paragraph F(6) infra.
- 6) Any of the following facts, if established by the student or Committee as indicated through a preponderance of the evidence, will give rise to a presumption that the professor did treat the student in a substantially unequal manner as stated in paragraph F(2) supra:
- A. If the student establishes that through no fault of the student's, the student was denied the consultation described in paragraph F(2) supra, within the time limitation stated in paragraph F(2) supra;
  - B. If the Committee establishes that the professor has violated paragraph F(4) by failing to substantially comply with the required standards for measuring the student's grade described in that paragraph; or
  - C. If the Committee establishes that the standard of measurement provided by the professor is incorrect or, as applied to the student's grade, clearly indicates that the student should have received more credit than was in fact received.

The effect of this presumption is that it will shift the entire burden of proof to the professor to prove by a preponderance of the evidence that the professor did not violate paragraph F(2).

- 7) After any hearing, the Committee shall deliberate in private, and if, after full consideration, the Committee finds that the student has received a grade that is not substantiated by the total record with respect to the particular ground or grounds alleged, the Committee may then direct the Administration to change the grade by lowering or raising it. The Administration shall notify the student and professor affected by the decision.
- 8) Any decision of the Committee shall be accompanied by written statement of reasons.

## **V. STUDENT RIGHTS AND RESPONSIBILITIES**

Some of the content of this section of the *Student Handbook* was taken from the University of Detroit Mercy *Student Handbook*, and specifically the *Student Policies*, which may be found in their entirety at <http://www.udmercy.edu/slo/office/handbook/index.htm>. The UDM Law *Student Handbook* is intended to be consistent with and to complement the University of Detroit Mercy's *Student Handbook* and *Student Policies*. To the extent that a matter involving student rights and responsibilities is not addressed by this *Student Handbook* but is addressed by a published University rule or policy, the University rule or policy will apply.

### **A. Student Rights**

As a participant in the processes of UDM Law, i.e. learning, teaching, research, administration, and other activities, each member of this academic community has the right to develop the capacity for critical judgment and to engage in a sustained and independent search for knowledge and truth. Students are entitled to appropriate due process protections as a part of the Student Code of Conduct.

Students have the right to be treated fairly and with dignity regardless of race, color, national origin, ancestry, age, sex, sexual orientation, height, weight, marital status, familial status, disability, religion, creed, military service or political belief.

### **B. Student Responsibilities**

UDM Law is committed to fostering ethical and moral values that are consistent with Jesuit and Mercy traditions. Among the core values of UDM Law is the inherent dignity of every individual as well as the right of each person to hold and to express his or her viewpoint. When these views conflict, it is the obligation of members of the community to respect other perspectives. In keeping with these values, and the recognition of the cultural diversity of the UDM Law community, the School will not tolerate discriminatory or hate-motivated conduct, behavior, or harassment based on race, color, national origin, ancestry, age, sex, sexual orientation, height, weight, marital status, familial status, disability, religion, creed, military service or political belief with the intention to intimidate or injure an individual physically, mentally, or emotionally.

### **C. Student Files**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that states that an educational institution must establish a written institutional policy concerning the confidentiality of student education records and that students must be notified of this statement of policy and their rights under the legislation. In accordance with FERPA, students at UDM Law have the following rights:

A student may have access to the records, files and data of the Law School relating to him/herself. A student shall have the right to challenge any of the contents of said record on the ground that such record is inaccurate, misleading, or otherwise inappropriate. The procedure for challenge is set out below.

It is the policy of this school to preserve the privacy and confidentiality of student records. Accordingly, no records, files or data directly relating to an individual student shall be made available to anyone without the consent of the student in writing, except (1) to faculty and administrators who have a legitimate educational interest in such information; (2) to honor a request for submission of student records in connection with the student's application for scholarships, fellowships, or other similar financial assistance; (3) to officials of a school to which the student has applied for enrollment, in which case the student shall be so notified; (4) to comply with court ordered access to such records, in which case the student shall be so notified; and (5) to honor a request from an authorized federal or state agency when a student applies for financial aid, or other requests from legitimate research organizations,

may be honored but shall not include the names of students, parents, or guardians, or any means of identifying such students, parents, or guardians.

The consent of the student for access to his/her records is implied whenever the student petitions for a grade change, or other relief under Section IV.

A log shall be maintained of every entry into a student's file, *except* entries by authorized administrative personnel performing routine office procedures. The log shall note date of entry, person entering, reason for entry, and date of return.

#### 1. Definition of Record

A student record means anything concerning a student which is maintained in writing or on film or tape for others to see or hear. A student record is distinguishable from private notes or working notes in that the latter consist of data collected for the use of the collector only. Such notes do not become a student record until they are made available to another person. Such sharing automatically makes the notes a student record subject to the policies and regulations governing student records.

#### 2. Procedure for Student Access to Records

A request to examine student records shall be in writing upon forms provided by the Administration. A request to examine records shall be honored within 45 days of its receipt. Records may be examined in the Student Service Center during regular office hours at agreed upon times or at other times by special arrangement. Records may be examined only in the presence of a staff person designated by the Dean. Assistance in interpreting the records shall be available to the student. The student shall have the right to challenge the contents of the student's records as subsequently provided in these policies and procedures.

#### 3. Challenging Record Contents

A student shall have the opportunity to challenge the contents of the student's records according to the following procedures:

- A. The intent to challenge a specified item shall be made within 10 school days from the date the records were examined.
- B. A written challenge shall be made with the custodian of the student record within 10 school days thereafter. The person responsible for the challenge material shall meet with the student or parent or guardian to attempt to resolve the questions raised.
- C. If the questions cannot be resolved, the student may, within 10 days of the meeting, request a hearing before a faculty committee, established for this purpose. The hearing shall be scheduled within ten school days from the date of request for hearing.
- D. No member of the hearing panel shall be directly or indirectly involved with the contents of the records being challenged.
- E. The student may be represented by Counsel, may present evidence, and may cross examine witnesses.
- F. The hearings, unless requested to be otherwise by the challenger, shall be held in private.
- G. If, as a result of the hearing, the decision is made to retain the challenged contents in the file, the student shall have the right to place a statement in the file indicating objections to the specific material challenged.

#### 4. Other

- A. All request and consent forms as well as the log sheets shall become a permanent part of the student's record.

- B. There shall be no anonymous entries in a student's record or file.
- C. The school shall charge normal fees for providing copies of material, forwarding records, or to cover other expenses accrued as a result of implementing these policies. However, no student shall be deprived of access to records as a result of such fees if they are financially unable to pay.
- D. All miscellaneous information not required as part of official transcripts or records of disciplinary matters shall be removed from a student's file three years after the student completes his or her attendance in the school or graduates from law school.

#### **D. Waiver of Rules**

##### **1. Request**

Every student has the right to request a waiver of the rules which pertain to scholarship and withdrawal from courses. The request must be addressed to the Petitions Committee and submitted to the Assistant Dean of Student Affairs. The request should be made in a formal, typed letter and include: the nature of the complaint, a concise statement of the rule at issue, the way in which it was applied, the reasons why the result should be different in this situation, and the relief requested. A student's signature on a request is certification that all information submitted is correct.

##### **2. Deadlines**

Requests for waivers should be presented as soon as the student knows of the application of the rule, e.g. posting of a grade, a decision by an administrator or faculty member. Special meetings will be held in the sole discretion of the faculty. A student should submit five (5) copies of the request.

##### **3. Finality**

The decision of the committee is final and binding and precludes appeal.

#### **E. Code of Student Conduct**

Because students intend to become lawyers, they must maintain the same high standards of integrity, honesty, and conduct established by the Model Rules of Professional Conduct for lawyers adopted by the American Bar Association.

In order to maintain the necessary standards of conduct, rules of responsibility and procedures for violation must be established and enforced. Students who fail to observe the standards of conduct may be called before an *ad hoc* Student Conduct Committee. After diligent inquiry, the Committee may reprimand or suspend a student for misconduct. Upon recommendation by the Committee, the faculty may dismiss or permanently exclude students for misconduct. In lieu of the Student Conduct Committee disciplinary process, a student may elect that his or her disciplinary process be administratively handled by the Dean. The administrative disciplinary process is, in principle, consistent with the Student Conduct Committee process.

The Student Conduct Committee process is as follows:

##### **1. Disciplinary Procedure**

An inquiry shall be initiated with the filing of signed, written charges with the Dean. On a finding of probable cause, the Dean shall furnish the student with a copy of the written charges and shall convene a three-member *ad hoc* Student Conduct Committee (SCC). The SCC shall consist of two faculty members and one student. In not less than 15 nor more than 30 days after the charges have been served upon the student, the SCC shall hold a hearing to consider oral and written evidence in support of and in opposition to the charges.

The hearing shall be held with the necessary decorum of a quasi-legal proceeding, an oath or affirmation will be administered, the parties shall have the right to be represented, call witnesses, confront and cross-examine witnesses and the charged student may testify or refuse to testify. The student shall have right to record the proceedings at the student's expense.

The SCC shall render a written decision within 15 calendar days of the close of the hearing. The decision shall contain findings, conclusions and recommendations. Copies of the decision shall be promptly served upon the student, the complainant and the Dean. No appeal may be taken from either a decision to reprimand or suspend the student, or a dismissal of the charge.

If the SCC recommends dismissal, i.e., expulsion of the student, its recommendation shall be reviewed within 10 days by the faculty, who shall vote either to accept the SCC's recommendation or to establish a lesser penalty.

## 2. Records

If no violation is found, all records and documentation shall be destroyed and no information regarding the matter may be entered or placed in the student's file. If a violation is found, all records and documentation shall be placed in the file.

## 3. Standards of Conduct

The following general rules, applicable to all members of the law school community, are designed to preserve freedom of expression and association on the law school campus at the same time that they protect the academic integrity and the civil, personal and property rights of the law school and its community. Violation of these general rules by students will subject them to internal disciplinary processes. Conduct which may be subject to disciplinary action includes:

- a. Disorderly conduct including:
  - 1) Obstruction or interfering with the reprimand, discipline, or apprehension of another person involved in the commission of an offense under the conduct code or any other School policy or regulation.
  - 2) Intentional disruption or obstruction of teaching, research, administration, student conduct procedure public service functions, or other law school functions by any means.
- b. Behavior, language, physical abuse, or threat of physical abuse to any person on law school premises or at law school-sponsored or -supervised functions that endangers the health, safety, or well-being of any person or group.
- c. Refusal to comply with reasonable directions of law school officers (instructional and administrative) acting in performance of their duties.
- d. Theft of or intentional damage to property of the law school, of a member of the law school community, or to the campus.
- e. All forms of dishonesty including cheating; plagiarism; knowingly furnishing false information to the law school; forgery; alteration of or misuse of law school documents, records or instruments of identification; recording conversations without the prior consent of all parties; and recording classes without the prior consent of the professor.
- f. Actions constituting violations of law on the law school premises, at a law school function, or in which another member of the law school community is injured in their person, property, or civil rights.
- g. Conviction of a felony.

- h. Knowingly making false accusations against a member of the UDM Law community.
- i. Unsanctioned possession or use of School equipment, materials, or keys or the unauthorized entry, exit, occupancy of, or use of any School room, building, or facility.
- j. Illegal possession, consumption, distribution, or furnishing of alcohol or other drugs on School property, or the holding of an event in which any of these occur.
- k. Lewd or offensive and improper behavior.
- l. Possessing, using, or storing firearms, explosive, or weapons on School-controlled property or at School events or programs.
- m. Disregard for the safety of others.
- n. Violations of a contractual obligation or publicized administrative policies.
- o. Sexual misconduct – the unauthorized form of any sexual contact with another person without that person’s consent.
- p. Sexually harassing another person in violation of the sexual harassment policy
- q. Exchange of money or services involving betting or gambling.
- r. Acts of retaliation – words, actions, or written communication that imply or state another individual of the UDM Law community will be harmed or harassed for serving as a witness or victim or testifying in a conduct violation case.

It should be understood that there are other specific rules and regulations within the University of Detroit Mercy or its components which, upon breach, may subject members of the University affected by those rules to disciplinary action.

The Michigan Board of Law Examiners and the bar admission authorities in most other states require UDM Law to report, when a graduate applies for admission, any disciplinary action taken by the School against the graduate.

The above-stated discipline and procedures are not applicable to academic deficiencies or other specified actions set forth in this *Student Handbook*.

The provisions of Section V shall have no application to matters arising after graduation.

## **F. Student Civil Rights Grievance Procedure**

It is the duty of every member of an academic community not to discriminate because of race, color, national origin, ancestry, age, sex, sexual orientation, height, weight, marital status, familial status, disability, religion, creed, military service, or political belief, or other bases irrelevant to academic merit. The following paragraphs constitute the University of Detroit Mercy School of Law Student Discrimination Grievance Procedures and are to provide a means for a student to obtain relief from allegedly discriminatory acts by members of the faculty or staff of UDM Law which do not result in a concrete detriment to the student for which redress through the appeals committee already exists. Illustrative examples might include a failure to provide wheelchair access to a classroom or classroom harassment. Even if discriminatory animus is alleged, the grievance procedure does not include appeals from academic determinations such as grades, probation, admission, dismissal, or readmission, that are within the jurisdiction of the appeals committee, which has its own procedures.

*Student* means anyone enrolled for the purpose of taking courses at UDM Law. *Grievance* means an allegation of improper discrimination. A law school grievance officer shall be appointed by the Dean but shall not consult with the Dean on any particular grievance.

*Respondent* means the person or person alleged to have discriminated.

A grievance shall be initiated with the filing of signed, written charges with the Assistant Dean of Student Affairs. If the law school grievance officer finds an allegation of discrimination to be supported by probable cause, s/he shall furnish the respondent and the Dean with a copy of the written charges and the Dean shall convene a three-member *ad hoc* Student Civil Rights Grievance Committee (SGC). The SGC shall consist of two faculty members and one student.

In not less than seven nor more than 21 days after the charges have been served upon the respondent, the SGC shall hold a hearing to consider oral and written evidence in support of and in opposition to the charges. The hearing shall be held with the necessary decorum of a quasi-legal proceeding, an oath or affirmation shall be administered, and the parties shall have the rights to be represented, present witnesses, confront and cross examine witnesses. The respondent may testify or refuse to testify. The law school shall tape record the hearing. Either party shall have the right to copy and transcribe the tape at personal expense. The burden of proof by clear and convincing evidence shall be upon the student bringing the grievance.

The SGC shall render a written determination within seven calendar days of the close of the hearing. The determination shall contain findings, conclusions, and recommendations. Copies of the determination shall be promptly served upon the student, the respondent, and the Dean. The Dean shall then take whatever action already within his authority as in his discretion he deems appropriate. Appeals from the Dean's action may be taken to the Vice President for Academic Affairs by either party upon a claim either that the Dean's action was not supported by substantial evidence in the record considered as a whole or that a specific procedure was not followed or by the respondent upon a claim that the Dean's action was excessive.

If no violation is found, all records and documentation shall be destroyed and information regarding the matter may be entered or placed in neither the student's nor the respondent's file. If a violation is found, all records and documentation shall be placed in the respective files.

#### **G. Fire Safety Rules**

The following is a list of unacceptable behaviors with regard to fire safety:

- 1) Setting fire to or creating a fire on School-owned or -operated property.
- 2) Lighting candles or incense in a School facility without express written permission from the Assistant Dean of Student Affairs.
- 3) Falsely reporting a fire, activating emergency warning equipment, failing to report the activation of a smoke detector, or intentionally communicating false information regarding the existence of explosives on School property.
- 4) Tampering with safety devices, such as alarm systems, fire extinguishers, exit signs, smoke/heat detectors, fire hoses, etc.
- 5) Failure to evacuate facilities in a timely manner in emergency situations or in response to fire alarms.
- 6) Blocking doorways, propping fire doors, and hanging objects from any type of fire equipment or device.
- 7) Use or possession of fireworks and/or other incendiary materials on School premises or at School-sponsored activities.
- 8) Making or issuing any type of bomb threat on School premises or at School-sponsored activities.

#### **H. Non-compliance**

The following shall be regarded as acts of non-compliance:

- 1) Failure to comply with the direction of an individual identified as an authorized School official or other official acting in the performance of his/her duties.
- 2) Presence during any violation of School policies in such a way as to condone, support, or encourage that violation. Student who anticipate or observe a violation of School policy are expected to remove themselves from participation and are encouraged to report the violation.

#### **I. Off-campus Student Conduct**

The School reserves the right to review student conduct that occurs off campus, including on-line behavior, when such behavior reflects upon the School's integrity. Students are reminded that they serve as ambassadors and representatives of UDM Law.

In cases of inappropriate off-campus behavior, the Assistant Dean of Student Affairs investigates these charges and may refer students to the Student Conduct process.

The School reserves the right to sanction its students for criminal or civil violations, or for a violation of School policy independent of or in addition to any actions taken by a criminal or civil court of law. Where UDM Law's interests as a community are clearly involved, however, the Dean or his designee may assert special authority in determining the student's future status.

#### **J. Visitors and Guests**

UDM Law community members are responsible for their guests' behavior should the guests violate any School policies.

#### **K. Disability Support Services**

Disability support services are available to all currently enrolled students. Students with a documented disability requiring accommodations under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act should contact the Office of Disability Support Services at 313-578-0310. (<http://www.udmercy.edu/uas/disability-support/>) Students must complete the intake and disability verification process to receive accommodations. The Assistant Dean for Student Affairs is the law school coordinator for accommodations.

#### **L. Hate-Free Policy**

Members of the UDM Law community affected by hate-motivated offenses are strongly encouraged to report these incidents. Such incidents can be reported to the Assistant Dean of Student Affairs. Reporting discriminatory or hate-motivated incidents does not in itself constitute a formal complaint or compel one to file a formal complaint of misconduct. However, it does allow those affected by such violations to have a support system and an avenue for recourse.

Students proven responsible for hate-motivated violations are subject to a range of disciplinary sanctions up to and including disciplinary expulsion from UDM Law. The Assistant Dean of Student Affairs may impose harsher sanctions when behavior is proven to be motivated by hate. As in all cases of misconduct, including hate-motivated offenses, both the accused student and the complainant have rights that are granted through the School's conduct process. These rights are contained in their entirety in the *Student Handbook*.

#### **M. Medical and Psychiatric Separation**

To help students perform their best, the University of Detroit Mercy provides the service of a personal counselor and health center. On occasion, however, some students' medical and psychiatric needs are beyond that which the University can be reasonably expected to provide. When a student's medical or psychiatric behavior threatens his or her welfare, disrupts or threatens the campus community, or makes excessive demands on the staff, the

Assistant Dean of Student Affairs, possibly in consultation with the personal counselor and/or the health center director, may request the student to undergo an examination by a medical doctor and/or a psychiatrist at his/her own expense. The Assistant Dean of Student Affairs will, if necessary, call for the separation of the student on medical or psychiatric grounds.

#### **N. Alcohol and Other Drugs Policy**

As an academic community, the School calls on its members to seek knowledge, build healthy relationships, and take responsibility for their individual well-being. Alcohol and other drugs can endanger this lifestyle. Abuse of alcohol and the use of illicit drugs causes damage to health, threatens safety of self and others, interferes with academic and societal performance, and often leads to legal and financial problems. Even in a situation of legal and normal use, alcohol can increase the likelihood of injury, property damage, and deterioration of a healthy lifestyle.

To protect the privileges of all members of the UDM Law community, the School prohibits the unlawful possession, use, manufacture, or distribution of alcohol on the School's premises or as part of any School-related activities. The school wants each student to be aware of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of alcohol. Students may find copies of these laws in the library. Here is a summary of UDM Law policy:

- 1) The legal drinking age for all alcoholic beverages in Michigan is 21. Proof of age by valid driver's license or other identification is required. Purchase, possession, and consumption of alcoholic beverages by those without proof of legal drinking age is a violation of state law and School policy.
- 2) Providing alcoholic beverages is regulated by state law whether or not a sale is involved. Giving, selling, furnishing, or otherwise providing alcoholic beverages to an underage person or to a person already visibly intoxicated is illegal and contrary to School of Law policy.
- 3) A Michigan Liquor Control Commission (MLCC) license is required for any non-free event where alcohol is served or at any event at which alcoholic beverages are sold.
- 4) An MLCC temporary license requires approximately four weeks of advance planning. Such a license requires the approval of the police and the University. A group requesting such a license must present a written plan for control of distribution that will assure that only legal consumption occurs. Liability bonding is required.
- 5) It is a violation of Detroit City Ordinance 38-5-1 to consume alcohol or liquor on the street or sidewalk.
- 6) Individuals and groups should be aware that serving alcohol to a minor or an intoxicated person can lead to civil and/or criminal liability for injury or damages caused by that individual. Those serving alcohol should use great caution.
- 7) Alcohol served at a licensed event may only be consumed in the area designated for the event. Alcohol may not be taken from or brought into the area by individuals.
- 8) Violators of state law concerning illicit drugs or regulations regarding alcohol at School events or on campus are subject to discipline through campus judicial or Human Resources processes and/or through criminal or civil court procedures. Possession, use, manufacture, or distribution of illicit

drugs on campus may lead to immediate termination of an employee or student relationship with the School, on a temporary or permanent basis, as well as criminal prosecution.

#### **O. Drug Policy**

Possession, use, distribution and/or sale of narcotics and marijuana is illegal, and student involvement in such illicit use, possession, distribution, manufacture, or sale of narcotics, amphetamines, barbiturates, LSD, ecstasy, marijuana, or any other harmful or hallucinogenic drug is prohibited. This also includes the possession, use, distribution, and/or sale of drug paraphernalia. Students engaged in any type of this prohibited activity are of concern for the School whether on or off campus and regardless of any action taken by civil authorities. Students found in violation of the School drug policy are subject to suspension or expulsion. This may also apply to students found abusing, distributing, and/or selling legal prescription drugs.

#### **P. Business and Solicitation Policy**

Solicitation for business, i.e., appealing for donations, selling goods or services, or soliciting donations to members of the School community on School property, is prohibited except when specifically authorized by the School's designate or the Dean's office in connection with an approved activity. Solicitation of UDM Law students and employees for activities unrelated to School-approved or -sponsored curricular and co-curricular programs is prohibited. In connection with School-approved programs and with the specific permission of Student Affairs officials, individuals, groups, or associations may sell items in specific areas of the School as designated.

#### **Q. Children in the Classroom Policy**

UDM Law students have the right to attend class free from the distraction of non-students. Therefore, the general policy of the School is that non-registrants are not allowed in the classroom. This pertains to children of students as well as other non-registrants because classrooms and instructional facilities are not intended for children. A faculty member may, at his/her discretion, allow a student to bring a child or other non-registrant to class in an emergency situation provided that:

- 1) The behavior of the child or other non-registrant is appropriate to the classroom.
- 2) The rights of all other enrolled students to an effective learning environment are assured.
- 3) The presence of the child or other non-registrant is not habitual.
- 4) The child or other non-registrant does not compromise the academic use or alter any computers or other equipment used in the learning facility.
- 5) Under no circumstances should a student bring a child or other non-registrant to a clinical facility.

#### **R. Smoke-free Campus Policy**

Effective February 15, 2012:

- 1) Smoking is prohibited in any UDM Law building, space within a building, or structure owned, leased, rented, or operated by the School.
- 2) Smoking is prohibited in any vehicle owned, leased, or rented by UDM Law.
- 3) Smoking is prohibited at the Larned entrance and on the Larned ramp at all times and in all weather conditions.

- 4) Smoking is prohibited within 25 feet of all other UDM Law entrances, including the loading dock, fire exits, etc., at all times and in all weather conditions.
- 5) Smoking is permitted in the courtyard. Smokers are responsible for properly disposing of cigarette butts and other smoking-related trash.
- 6) For safety reasons, this policy recommends that faculty, staff, and students refrain from smoking in parking lots.

The success of this policy depends on the consideration and respect all UDM Law faculty, staff, and students have for one another. Therefore, it assumes that all will adhere to this policy voluntarily and that enforcement will not be needed. If a UDM Law Smoke-Free Campus Policy violation is observed, the appropriate actions to take are as follows:

- 1) Respectfully request that the person who is smoking in a prohibited area stop smoking.
- 2) If a student or guest continues to smoke in a no-smoking area, please report the incident to the Assistant Dean of Student Affairs.
- 3) If a faculty or staff member continues to smoke, please report the incident to the Dean.

#### **S. Student Email Policy**

All undergraduate and graduate students (including employees who are taking classes) will be assigned a University student email address with the expectation that they will read their email regularly. This will help ensure that they are kept informed of current UDM Law updates, deadlines, emergency notification, etc. It is the student's responsibility to read all UDM Law correspondence sent to the student's University email address by UDM faculty and administration.

Rationale: UDM Law is committed to increasing its interactions with students and improving ways of conveying important information. This policy will enhance the ability of faculty and administrative offices to send official and course-related information to students via email with minimal barriers.

Guidelines: In general, redirecting UDM Law email to another non-University email address is not encouraged. UDM Law will not be responsible for the handling of email by outside service providers or servers. Having UDM Law email redirected to another account does not absolve a student from the responsibilities associated with timely reading of communications sent to an official email address.

For those students who may not own a personal computer, computer resources are provided in the UDM Law Library. Public libraries are also places where students can go to access email.

#### **T. Student Identification Through University ID Card**

ID cards are necessary to 1) preserve the security of the UDM Law community and its property, and 2) to assure availability of facilities and functions to students. Therefore, UDM Law ID cards must be carried and utilized or produced upon request as follows:

- 1) A person responsible for admission to a facility or event may require that ID is shown as a condition of admission.
- 2) School employees responsible for the security of buildings, facilities, grounds, or property may require ID to be shown.

- 3) ID cards must be used to enter areas of the School with doors protected by card readers, including the atrium and main doors leading to the classroom wing.
- 4) Falsified ID is subject to confiscation. Valid ID may be confiscated by those mentioned above for infractions of UDM Law policy. ID will be turned over to Student Affairs officials by the next business day for appropriate disciplinary action.
- 5) Student identification cards are valid only for those terms in which a student is enrolled and registered. Students who are dismissed or transfer must return their cards to Student Affairs.

#### **U. Demonstrations**

Students who wish to engage in demonstrations as a means of intellectual, spiritual, ethical, or social development may do so. However, their ability to demonstrate does not supersede the right to safety, protection of property, or the educational process of the larger UDM Law community. Therefore, demonstrations may not interfere with the educational mission of UDM Law, nor may they impede the free passage in rooms, corridors, walks, street entranceways, or areas where members of the UDM Law community or its guests have the right to be. The ability to demonstrate is protected only so long as it does not interfere with the rights and freedoms of others. UDM Law reserves the right to dictate time, place, and manner of demonstrations or any similar gathering.

If the Assistant Dean of Student Affairs or the Director of Public Safety (or their designees) judge that the demonstration is not respecting the rights and freedoms of others, the demonstrators will be informed that they need to modify their behavior to be respectful of those rights and freedoms listed above. Demonstrators are expected to comply immediately. Failure to comply may result in a notification of local law enforcement authorities with appropriate legal and UDM Law charges filed against the demonstrators. Demonstrators that fail to respect the rights and freedoms listed above may incur both civil penalties and UDM Law disciplinary action.

#### **V. Policy on Student Complaints Implicating Compliance with ABA Standards**

UDM Law has a specific policy by which students may address complaints that bring to the School's attention a significant problem that directly implicates the School's program of legal education and its compliance with the ABA Standards as required by Standard 512.

##### **1. Submitting a Complaint:**

A student complaint about UDM Law's program of legal education and compliance with the Standards must be submitted in writing to the Associate Dean for Academic Affairs or the Assistant Dean for Student Affairs. The complaint should state the facts that form the basis for the complaint and how the matter implicates the School's program of legal education and its compliance with one or more specific, identified ABA Standards. The person to whom the complaint is submitted shall acknowledge receipt of the complaint within seven business days to the student or students who submitted the complaint.

##### **2. Resolving a Complaint**

The Associate or Assistant Dean who received the complaint or his or her designee shall investigate the matter as soon as possible, but in no event later than 20 business days after receiving the written complaint. The same Associate or Assistant Dean shall attempt to resolve the complaint within this 20 business day period. Any resolution of a complaint under this policy should include a meeting between the Associate or Assistant Dean and the student complainant and a written

response to the complainant. This written response shall include information about the steps to be taken to further investigate or address the complaint. The person investigating and resolving the complaint shall prepare this written response to the student complainant within 10 business days after completing his/her investigation.

3. Appeal Process

A student complainant may appeal the resolution of a complaint under this policy to the Dean. The student must submit an appeal in writing within 10 business days of receiving the School's written response. The Dean's decision is final. The Dean or his/her designee shall inform the student complainant and the Associate Dean who investigated the complaint of his/her decision within ten business days of receiving the appeal.

4. Maintaining the Record of a Complaint

The School shall maintain a complete written record of each complaint and its resolution for seven years in a confidential file in the Office of the Associate Dean for Academic Affairs.

## W. Social Media Policy\*

This policy provides guidelines for student use of social media sites. Social media sites include, but are not limited to, Facebook, Twitter, and LinkedIn.

1. General Guide to Social Media Posting

The keys to success in social media are to be honest about who you are, to be thoughtful before you post, and to respect the purpose of the community where you are posting.

2. Specific Guidelines

- A. **Think before you post. All content can be viewed by the public and can be copied and forwarded. Only post information you would like everyone to be able to view. You can presume that anything posted online will last forever, so plan accordingly.**
- B. **Protect your identity. Do not post sensitive information, such as phone numbers, social security numbers, credit card numbers, screen names, or addresses. Follow all applicable guidelines in the *Student Handbook*.**
- C. **Be mindful of copyrights. When posting content such as images or video, make sure you have the copyright permission to do so.**
- D. **Be accurate. Make sure you have all of the facts before you post. It's better to verify information with a source first than to have to post a correction or retraction later. Cite and link to your sources whenever possible; after all, that's how you build community. If you make an error, correct it quickly and visibly. This will earn you respect in the online community.**
- E. **Remember your audience and post information in which they would be interested.**
- F. **Be timely. Monitor your posts for questions and comments and respond in a timely manner. Regularly update the information you post.**
- G. **No student may, without the Dean's consent, post UDM Law's logo or any other trademark belonging to UDM Law in any online venue.**
- H. **No student may, without the Dean's consent, make an express or implied representation that UDM Law endorses a particular site or online content. Be sure that the UDM Law name is not used in a**

**manner that implies the School's endorsement of or responsibility for a viewpoint, activity, product, or publication.**

- I. **In personal posts, you may identify yourself as a UDM Law student. However, please be clear that you are sharing your opinions as an individual and not as a formal representative of UDM Law.**

### 3. Student Organizations and Social Media

A student organization that uses social media must include a Note in its account with the subject line "Disclaimer" and the following text:

*This page is maintained by a student organization at the University of Detroit Mercy School of Law. The comments and opinions found here do not necessarily represent the views of the University of Detroit Mercy School of Law.*

### 4. Reporting a Problem

Social media sites have codes of conduct that govern appropriate content and online conduct. Alleged violations may be reported directly to the social media site.

Online content or behavior that may constitute a violation of UDM Law policies or rules should be reported to the Associate Dean for Student Affairs.

\*Portions of this policy were drawn from the Texas Wesleyan School of Law Social Media Policy and DePaul School of Law Social Media Guidelines.

## X. University of Detroit Mercy Sexual Harassment Prevention Policy

### POLICY STATEMENT

It is the policy of the University of Detroit Mercy to maintain an educational and working environment that stresses the dignity of all individuals. Sexual harassment, therefore, will not be tolerated at the University in any context, by any of its students, faculty, employees, independent contractors, vendors, visitors and others who do business with the University.

This policy statement affirms the University's commitment to:

- 1) Educate, train and counsel all members of the University community about the harm caused by incidents of sexual harassment
- 2) Maintain an environment free from hostility and harassing behaviors
- 3) Affirm the ethical obligation of each member of the University community to foster a learning and working environment free from sexual coercion, intimidation, and exploitation
- 4) Encourage and address good faith complaints of sexual harassment in a manner that takes prompt corrective action and protects individuals from retaliation
- 5) Establish and maintain multiple procedures for resolving complaints of sexual harassment
- 6) Protect the confidentiality of all aspects of sexual harassment investigations

Sexual harassment constitutes a form of sex discrimination which is illegal under Michigan Compiled Laws Annotated 37.2101 – 37.2210, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. In addition to any sanctions that may be imposed by the University of Detroit Mercy as a result of this policy, individuals who sexually harass others may be held personally liable to their victims and subject to additional sanctions.

## **DEFINITION OF SEXUAL HARASSMENT**

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other expressive or physical conduct of a sexual nature when:

- Submission to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, education, living environment, or participation in a University activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity; or
- Such conduct that is so severe, persistent, or pervasive that a reasonable person would find that it alters the terms or conditions of a person's employment or educational experience, or unreasonably interferes with an individual's employment, educational, living environment of participation in a University activity, thus creating an intimidating, hostile, or offensive environment.

## **BEHAVIORS THAT MAY CONSTITUTE SEXUAL HARASSMENT**

The following behaviors may constitute sexual harassment. The examples are provided as mere illustrations of conduct that may, combined with other factors, rise to the level of sexual harassment. Conduct alleged to be sexual harassment will be evaluated by considering the totality of the circumstances, including but not limited to, the nature, frequency, duration, intensity and location of the questioned behavior. Even an isolated incident, if serious, can be sufficient.

Discriminatory behavior that does not include conduct of a sexual nature is not covered by this Sexual Harassment Policy. However, other forms of impermissible and/or illegal discriminatory conduct is addressed by other University policies prohibiting discrimination. In the event an individual alleges there has been discriminatory action in addition to unwelcome conduct of a sexual nature the University will assess the matter under the policy prohibiting the type of discrimination alleged in addition to under this Sexual Harassment Policy and/or any other applicable University policy.

### **A. Unwanted Sexual Statements**

- Unwanted sexual statements can be made in person, in writing, electronically and otherwise. The following is an illustrative, not exhaustive, list of examples of unwanted sexual statements: Sexual slurs, sexual innuendos, and other comments about a person's clothing, body, and/or sexual activities;
- Unwelcome distribution of written or graphic materials that are offensive and of a sexual nature (including distribution via electronic means);
- Explicit comments of a sexual nature about weight, body shape, size, or figure;
- "Staged whispers" or mimicking of an explicit sexual nature about the way a person walks, talks, sits, etc.
- Repeated unsolicited propositions for dates and/or sexual intercourse.
- Displaying or distributing sexually explicit drawings, pictures or written material.

### **B. Unwanted Physical Advances**

- Unwelcome touching that is inappropriate in the workplace or classroom such as: patting, pinching, stroking, or brushing up against the body;
- Touching oneself sexually for others to view;
- Unwanted attempts to kiss or fondle;

- Sexual assault;
- Unwanted Intercourse.

**C. Unwelcome Gestures and Other Non-Verbal Behavior**

- Sexual looks such as leering and ogling with suggestive sexual overtones;
- Lewd gestures, such as hand or sign language to denote sexual activity;
- Persistent and unwelcome flirting.
- Comments or images that offend on the basis of gender, sexuality, or sexual orientation.
- Use of personal electronic equipment while at the University (i.e. cellular phones, PDAs, laptops, etc.), to download or display explicit sexual content or images, including any comments or images that would offend on the basis of gender, sexuality, or sexual orientation.

**D. Sexual Misconduct**

In an emergency situation that involves possible criminal sexual misconduct or in the event of criminal sexual assault please notify Public Safety at (313) 993-1234.

Listed below are examples of criminal sexual misconduct:

- Physical assaults;
- Coerced sexual intercourse;
- Attempted rape or rape.

**CONSENSUAL RELATIONSHIPS**

**A. In General**

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. In the University context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor and trainee, teaching assistant and student, coach and athlete, preceptor and student, staff and student, and the individuals who supervise the day-to-day student living environment and student residents. These relationships may, moreover, be less consensual than the individual whose position confers power believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect. The asymmetry of the relationship can lead to a potentially exploitive relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional staff-student, supervisor-employee, senior faculty-junior faculty, mentor-trainee, teaching assistant-student, preceptor-student, or supervisor-student resident power differential existed within the relationship.

**B. With Students**

Romantic and/or sexual relationships between faculty and student, even mutually consenting ones, are a basic violation of professional ethics and responsibility when the faculty member has any responsibility for the student's academic performance or professional development.

For the foregoing reasons, all romantic and/or sexual relationships between faculty and students in the instructional context are prohibited. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is enrolled in a course being taught by the faculty member or whose academic work is being supervised, directly or indirectly, by the faculty member.

Romantic and/or sexual relationships between faculty and students that occur outside of the instructional or supervisory context may also lead to difficulties. The asymmetry of the faculty-student relationship can lead to a potentially exploitive relationship. Where such a relationship exists, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or coach-student power differential existed within the relationship.

## **RESPONSE TO CONCERNS ABOUT SEXUAL HARASSMENT**

### **A. Prevention and Education**

The University is committed to preventing and eliminating sexual harassment of students, faculty, and staff. To that end, this policy will be published on the University's web site. In addition, information regarding sexual harassment and this policy will be included in orientation materials for new students, faculty, and staff. Printed copies will also be made available in appropriate locations on each campus including the offices of Human Resources, Office of Academic Affairs, and the Dean of Student's Office.

Further, appropriate educational sessions will be conducted by the University on an ongoing basis to (1) inform students, faculty, and staff about identifying sexual harassment and the problems it causes, (2) advise members of the University community about their rights and responsibilities under this policy, and (3) train personnel in the administration of this policy.

### **B. Assistance with Sexual Harassment Concerns**

The Human Resources, Academic Affairs and Student Affairs offices share responsibility for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws. However, a discrimination-free environment is the responsibility of every member of the community. The University can take corrective action only when it becomes aware of problems. **Therefore, the University encourages persons who believe that they have experienced or witnessed sexual harassment to come forward immediately with their inquiries, reports, or complaints and to seek assistance within the University.** Individuals also have the right to pursue a legal remedy for sexual harassment in addition to or instead of proceeding under this policy.

### **C. Confidential Counseling**

Information about or assistance with sexual harassment issues may be obtained from a variety of University resources. Prior to or concurrent with lodging a sexual harassment complaint, individuals may find it helpful to consult with a counselor or otherwise seek assistance. The following offices provide advice and support to individuals who believe they are experiencing sexual harassment. All information shared with these offices will remain confidential to the extent permitted by law and University policy. Discussions with representatives of these offices will not be considered a report to the University regarding the problematic behavior and will not, without additional action by the complainant, result in intervention or corrective action.

***Psychology Clinic*** (Faculty, Staff, Students)

(313) 578-0570

[http://www.udmercy.edu/slo/intra\\_wellness/counseling/](http://www.udmercy.edu/slo/intra_wellness/counseling/)

***Women's and Gender Studies*** (Faculty, Staff, Students)

<http://liberalarts.udmercy.edu/programs/special/wgs/index.htm>

(313) 993-3387

**University Ministry** (Faculty, Staff, Students)

<http://www.udmercy.edu/ministry/>

(313) 993-1560

**University Employee Assistance Program** (Faculty, Staff)

(800) 538-3543

[http://www.udmercy.edu/hr/benefits/cigna/pdf\\_rewards/Life%20Assist%20Brochure%20EAP.pdf](http://www.udmercy.edu/hr/benefits/cigna/pdf_rewards/Life%20Assist%20Brochure%20EAP.pdf)

**Human Resources Department** (Faculty, Staff)

(313) 993-1036

<http://www.udmercy.edu/hr/>

**Academic Affairs** (Faculty Only)

<http://www.udmercy.edu/academicaffairs/>

(313) 993-1585

**Residence Life** (Students Only)

<http://www.udmercy.edu/reslife/contact-us/index.htm>

(313) 993-1230

**International Services Office** (Students Only)

[http://www.udmercy.edu/apply/international\\_students/iso/](http://www.udmercy.edu/apply/international_students/iso/)

(313) 993-1205

**Dean of Students** (Students Only)

<http://www.udmercy.edu/slo/office/index.htm>

(313) 993-1028

**Personal Counseling** (Students Only)

(313) 578-0496 or (313) 993-1170

[http://www.udmercy.edu/slo/intra\\_wellness/counseling/](http://www.udmercy.edu/slo/intra_wellness/counseling/)

**Student Health Center** (Students Only)

(313) 993-1185

[http://www.udmercy.edu/slo/intra\\_wellness/healthcenter/](http://www.udmercy.edu/slo/intra_wellness/healthcenter/)

## **D. Procedures for Reporting and Responding to Reports of Sexual Harassment**

### **1. Filing Reports of Sexual Harassment**

All members of the University community may complain to the University about alleged sexual harassing behavior by contacting an appropriate University official, including the University's Dean, the Dean of the Law School, the Dean of the School of Dentistry, a Director or Department Head, the Dean of Students, the Manager of the Human Resources Department, the leadership of the UDMPU, and the Department of Public Safety.

Reports of sexual harassment shall be brought as soon as possible after the alleged conduct occurs.

Prompt reporting will enable the University to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. However, the University shall respond to reports of sexual harassment to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

## **2. Investigations Generally**

Each complaint of sexual harassment must be evaluated with reference to the pertinent circumstances. On occasion, a complaint will be resolved informally. Informal resolutions are voluntary, and either party may request that a formal investigation of the complaint be commenced at any time.

Other complaints will result in investigations, which will generally include interviews and review of evidence, such as electronic and written material, if any exists. Both the complainant and the alleged harasser will be notified of the outcome of an investigation.

If the conclusion of an investigation is that sexual harassment has occurred, the University will take prompt and appropriate remedial action, including (if appropriate) disciplinary action to eliminate the harassment and prevent its reoccurrence.

### **E. Corrective Action**

Corrective action could include a requirement not to repeat or continue the harassing or retaliatory conduct, a reprimand, denial of a pay increase, reassignment, suspension and termination. The severity of the punishment will depend on the frequency and severity of the offense and any history of past discriminatory or retaliatory conduct. A finding of sexual harassment may be cause for the separation of the offending party from the University, in accordance with University procedures, including, for qualified faculty, the procedures set forth in the UDMPU contract. Every effort will be made to assure University-wide uniformity of sanctions for similar offenses.

### **F. University Action**

The University may assume the role of a complainant and pursue a report or complaint of sexual harassment. The University may respond to complaints or reports by persons external to the University community about alleged sexually harassing conduct by University employees. If the accused is a UDMPU faculty member, the Provost and Vice President for Academic Affairs or executive authority of the relevant unit may initiate the procedures at any stage in the process, if the circumstances indicate that such action is warranted.

### **G. Reporting Requirements**

To assure University-wide compliance with this policy and with federal and state law, the Human Resources Department must be advised of all reported incidents of sexual harassment and their resolution. The Human Resources Department will monitor repeated complaints within the same unit or against the same individual, where identified, to assure that such complaints are appropriately handled.

### **H. Retaliation**

No person, including parties and witnesses, exercising his or her rights and/or responsibilities under the Sexual Harassment Policy and Procedures shall be subject to retaliation or threat of retaliation in any form. Retaliation shall be defined to include, but not be limited to, those actions directed against an individual on the basis of or in reaction to the exercise of rights accorded and/or defined by this policy which affect a person's employment, advancement, scholarship, performance, habitation, and/or property. A finding of retaliation or a threat of retaliation shall constitute a separate violation of this policy, subject to separate or consolidated disciplinary procedures, and is not dependent

upon a finding of a violation of any other section of the policy. Complaints of retaliation shall be made to the Human Resources Department.

**I. Confidentiality**

The University of Detroit Mercy is committed to balancing the interests of all parties involved in sexual harassment complaints and will attempt to keep the name of the complainant confidential and to respect the rights of the accused harasser. However, the University recognizes that there are certain situations which may require disclosure of information. Further, when credible information received through an investigation shows that there may be violations of other University policies, and then the appropriate officials will be notified.

**J. False Charges**

A person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action, up to and including discharge for employees and dismissal for students.

**THIS STUDENT HANDBOOK IS PUBLISHED FOR INFORMATIONAL PURPOSES ONLY. IT CREATES NO CONTRACT RIGHTS FOR EITHER STUDENTS OR STAFF. ALL QUESTIONS CONCERNING THE APPLICATION OF ANY STATED POLICY TO AN INDIVIDUAL MUST BE REFERRED TO THE APPROPRIATE UNIVERSITY OFFICIALS FOR FINAL DETERMINATION.**

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