

# Wake Forest University

## School of Law



WAKE FOREST  
UNIVERSITY

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SCHOOL *of* LAW

**2011-2012**  
**Student Handbook**

**Wake  
Forest  
University  
School of Law**

**Student Handbook**

**Academic Rules and Information  
Law School Policies**

**2011-2012**

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# 1: DEGREE REQUIREMENTS

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## **General Requirements for the Juris Doctor Degree**

To earn the JD degree, a student entering in the fall semester must (1) be admitted to the School of Law as a full-time student; (2) spend the equivalent of three academic years (six semesters) in residence at the School of Law; (3) attain a cumulative weighted average of at least 73.00 on all work; and (4) successfully complete at least 90 hours of law study, including all required courses. Of these 90 hours, 60 percent (54 hours) must be completed at this school in order to qualify for a degree from Wake Forest. This applies to students who transfer to Wake Forest, as well as to students who are given permission to do a portion of their work at another law school.

It is the responsibility of each student to see that he or she enrolls in and completes the credit hours and types of courses necessary to meet the requirements for the degree.

## **Residency and Credit Hour Requirements**

A student who wishes to earn a Wake Forest JD degree must be enrolled full-time in an ABA accredited law school for the equivalent of six semesters and earn 90 credit hours.

In order to be awarded a Wake Forest JD degree, a student who transfers after completion of first-year studies at another law school must successfully complete a minimum of 54 credit hours while enrolled at Wake Forest as a full-time student for not less than four semesters.

A student who matriculates at another law school during his or her second or third year and wants to earn a Wake Forest JD degree must successfully complete a minimum of 54 credit hours while enrolled at Wake Forest as a full-time student for not less than four semesters.

## **Minimum and Maximum Course Load**

A full-time student must be enrolled in a minimum of 13 credit hours each semester. In extraordinary circumstances, the Executive Associate Dean for Academic Affairs may grant permission for students to enroll in 10 credit hours in one semester. However, the student will pay full tuition for a semester with a reduced load where permission is granted.

No student will be granted full-time residency credit for enrollment in less than 10 credit hours in any semester.

A student may be enrolled in a maximum of 16 credit hours each semester. In extraordinary circumstances, the Executive Associate Dean for Academic Affairs may grant permission for students to enroll in 17 or 18 credit hours.

## **Classification**

A student who at the beginning of the semester has completed fewer than 25 hours of work is a first-year student. One who at the beginning of the semester has completed not fewer than 25 and not more than 54 hours is a second-year student. A third-year student is one who at the beginning of the semester has completed 55 or more hours.

## **First-year Curriculum**

The first-year curriculum, which is standard for all students, is set out below:

### **Fall Semester:**

Civil Procedure I  
Criminal Law  
Contracts I  
Legal Analysis, Writing and  
Research I  
Torts

### **Spring Semester:**

Civil Procedure II  
Constitutional Law  
Contracts II  
Legal Analysis, Writing and  
Research II  
Property

A student must take and pass all the courses in the first year curriculum to be eligible to graduate. Thus, a student who receives a failing grade in a first-year course must retake the course, unless the Executive Associate Dean for Academic Affairs, upon the recommendation of the instructor, grants a waiver.

Waivers are granted when (1) justification is shown for the failure; (2) there is cause to believe that the students' learning experience in the course was adequate; and (3) the student would be better served by being allowed to take another course that would otherwise be missed. The Dean's Office will not consider a request for waiver later than the semester following the semester in which the failure occurred.

## **Upper-level Required Courses**

In addition to the first-year curriculum, a student must take and pass the following courses: Legislation and Administrative Law (during the second year), Constitutional Law II, Evidence, and Professional Responsibility. Each student also must take a course to satisfy each of the following requirements: (1) the Upper-level Writing Requirement, (2) the Legal Analysis, Writing and Research III requirement, and (3) the Practical Skills requirement. A student may not use the same course to satisfy more than one of these three requirements. The Dean's Office will not waive any of these requirements.

A student may satisfy the LAWR III requirement by passing Appellate Advocacy, Business Drafting, or Litigation Drafting. A list of Practical Skills courses may be found on the law school website at <http://law.wfu.edu/academics/courses/?req=1>

A list of courses that satisfy the Upper-level Writing Requirement appears on the website at <http://law.wfu.edu/academics/courses/?req=2>. A student who takes a course for the purpose of satisfying the Upper-level Writing Requirement should notify the instructor at the beginning of the term. The course may not be taken on a pass/fail basis. On completion of the course, the instructor will grade the student's paper and make a separate determination as to whether it

satisfies the requirement. There is a presumption that the paper will satisfy the writing requirement if it receives a grade of 73.00 or higher, but the instructor may announce at the beginning of the term that (1) a higher grade will be required in order for the paper to be certified, or (2) the certification of the paper for the writing requirement will be independent of the grade received in the course.

### **Minimum Grade Requirement**

A cumulative weighted grade average of 73.00 or above is required by every student at the end of his or her first year and at the end of every academic year thereafter in order to remain in law school and to qualify for graduation from Wake Forest University School of Law.

### **Presence at Hooding and Graduation Ceremonies**

All students who have completed their other degree requirements and maintained academic eligibility are required to attend hooding and graduation ceremonies in order to be awarded the degree. The Dean may grant a waiver of this attendance requirement in hardship or special cases.

### **Accounts Payable to Law School**

All amounts due from the graduating student to the law school or the University for tuition, or other outstanding obligations must be paid or otherwise approved by the Dean and the treasurer of the University before such student may graduate.

### **Accelerated Graduation**

One semester of full-time residency credit may be earned by enrolling full-time in three summer sessions. Full-time enrollment requires that a student enroll in a sufficient number of summer school courses to satisfy certain ABA requirements concerning residency credit. Any student who is interested in accelerating graduation must confer with the Executive Associate Dean for Academic Affairs, for guidance concerning the content of those requirements. **Students enrolled in the JD/MBA program may not use summer school work to accelerate graduation dates.**

### **Joint Degree Programs**

**The JD/MDiv program** promotes an interdisciplinary conversation between religion and law, provides a different vocational perspective not found in the single law or divinity concentration, and enriches the professional knowledge and experience of students who want to pursue careers in law or divinity.

Students interested in the joint JD/MDiv program can combine the three-year law curriculum and the three-year divinity curriculum into a five-year program. Students will first complete two years of work in either the School of Law or the School of Divinity. Years 3 and 4 will be completed in the alternate school. For the fifth year, students will enroll in each school for one semester, completing any remaining degree requirements and elective courses that are joint-degree appropriate. When undertaken as part of the joint JD/MDiv program, the JD degree requires completion of 75 hours of law course work and the other [degree requirements](#) prescribed by the law school for graduation. For further information, see <http://law.wfu.edu/academics/degree/mdiv/>.

**The JD/MA in Religion program** similarly promotes an interdisciplinary and comparative study of law and religion. Students accepted to this 4 year program would spend the first year

in the Department of Religion and must complete 18 hours by the end of the second semester. (However, it would be possible for a law student to apply for the program after matriculating.) Assuming the first year was in the MA program, the student would spend the second and third years in the law school. During their fourth year of study, students enroll in the graduate school during one semester and in the law school during the other semester, so that they satisfy all degree requirements for both degrees by May of their fourth year.

**The JD/MA in Bioethics program** facilitates an interdisciplinary and comparative study of law and bioethics and encourages students whose academic or career interests require gaining competence in both disciplines. The joint degree program will save students a semester plus a summer of enrollment by granting 12 hours of law credit for bioethics coursework, and granting 6 hours of bioethics credit for law coursework. Students will generally spend their first year full-time in the law school. They will complete 12 additional bioethics hours during their second and third years of law school.

**The JD/MBA program** allows a student to combine the three-year law school curriculum and the two-year management school curriculum into a four-year course of study. This is accomplished by using the equivalent of one semester (15 semester hours) from each school to satisfy the total hour requirement of the other.

A student must maintain a satisfactory academic level at both schools to remain in the program.

A student must earn 124 hours to be awarded the JD/MBA degree: 75 hours in residency at the law school, and 50.5 hours at the management school. For further information, see <http://law.wfu.edu/academics/degree/mba/>.

### **Concentration in Applied Learning**

Students may earn a “concentration in applied learning” by (1) successfully completing at least 16 credit hours of courses designated as Applied Learning Courses, (2) participating in 30 hours of pro bono projects as certified by the Director of Outreach, and (3) completing the First-Year Career & Professional Development Curriculum. Applied Learning Courses are the courses also designated as ones that satisfy the Practical Skills requirement. The 16 credit hours of Applied Learning Courses necessary to earn a concentration may not include a course that a student uses to fulfill the Legal Analysis, Writing, and Research III requirement. Upon completion of the requirements, students will receive a Certificate in Applied Legal Theory: Law in Action.

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## 2: ACADEMIC ELIGIBILITY

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### **Exclusion for Academic Reasons**

A student who fails to achieve a cumulative grade point average of at least 73.00 after completion of his or her second semester will be ineligible to continue in law school. To remain eligible a student must maintain a cumulative average of 73.00 at the end of every academic year thereafter. Grades earned in summer school after the end of an academic year are not taken into account for the purpose of determining a student's cumulative average as of the end of that year. Any student ineligible to continue in law school may petition for readmission through the process described on page 2-3 of this chapter.

### **Continuing Duty of Disclosure**

Every student has a continuing duty to disclose any information that may reflect on his or her character or fitness to practice law. This duty extends to conduct occurring both before and during enrollment. In the Wake Forest University School of Law Application for Admission, each applicant was asked to state if he or she was subject to any disciplinary action for academic or other reasons, as well as criminal investigation, arrest or prosecution.

During his or her enrollment in law school, each student continues to have a duty to disclose to the Dean, the Executive Associate Dean for Academic Affairs, or the Associate Dean for Administrative and Student Services any action or event of a similar nature which may occur after admission. Failure to do so may result in expulsion from law school or other appropriate disciplinary action.

Students should also be aware that the Dean is asked by the boards of law examiners of the states to certify the character and fitness of recent law school graduates and that these boards take a very dim view of failure to disclose these matters to the law school. (See Honor Code, Chapter 6 of this Handbook.)

### **Leave of Absence or Withdrawal**

A leave of absence may be granted by the Executive Associate Dean for Academic Affairs when a student must interrupt his or her studies but wishes to re-enroll at Wake Forest. A leave of absence may be granted for one or two semesters. In extraordinary circumstances, the Executive Associate Dean for Academic Affairs may grant a leave of more than two semesters. No more than five years may elapse between the commencement and completion of the requirements for the JD degree. No refund of tuition for the semester is allowed for a student who takes a leave of absence after the first five weeks of the semester.

A student who has received a leave of absence and who wishes to re-enroll must notify the Executive Associate Dean for Academic Affairs at least one month prior to his or her projected date of re-enrollment. The Dean of the law school retains the right to deny re-enrollment to a student granted a leave of absence where re-enrollment will not be in the best interest of the student or the law school community.

The following procedures must be followed if a student requests and is granted a second medical leave of absence:

## READMISSION TO LAW SCHOOL AFTER SECOND MEDICAL LEAVE

*The procedures for readmission to the law school after a second medical leave are stated below. These criteria are designed to ensure that a student has overcome his/her medical condition(s) and is capable of functioning in a demanding, high-stress environment.*

- 1. All law students who apply for readmission after a second medical leave must demonstrate the ability to maintain regular, full time employment (generally for at least 9 consecutive months) prior to returning to academic studies. The employment setting must require demands and rigor that would assist in predicting a student's success in the challenging, high-stress environment of law school. The student must obtain a letter from his/her employment supervisor stating that the student attended work regularly and adequately performed all assignments. This letter cannot be provided by a parent or relative of the student.*
- 2. The physician(s) or therapist(s) who treated the law student during the second leave period must document appropriate and adequate treatment of the condition(s). In certain cases, the law school may also require the same documentation from the physician(s) or therapist(s) who treated the student during the first leave period to insure that those medical conditions remain stable.*
- 3. The physician(s) or therapist(s) who treat the student during the second leave period must provide a letter giving an opinion concerning whether or not the student should resume academic work at Wake Forest law school and explain why the student is ready to return to the stressful demands associated with legal education. The same information may be required from physician(s) or therapist(s) who treated the student during the first leave period.*
- 4. The Director of the Student Health Service and the Director of the University Counseling Center (when appropriate) will review this information and make an independent recommendation to the Law School's Executive Associate Dean for Academics and the Associate Dean for Administrative and Student Services. These deans will consult with the Law School Admissions Committee in making the decision regarding readmission. The final readmission decision will be based upon the information provided by the required treating physician(s) and therapist(s), the employer information, as well as the student's medical and psychological history prior to each withdrawal.*
- 5. All law students who are readmitted following a withdrawal for medical, psychiatric or psychological reasons will be required to follow the recommendations of the physician or therapist who provides care during the absence as well as the recommendations of the Student Health Service and the University Counseling Center.*
- 6. In addition to the recommendations of the physician or therapist who cared for the student, each returning law student must be re-evaluated by the Student Health Service or the University Counseling Center within three weeks of returning to Wake Forest. This will ensure that the transition back to academic life is going well and that no additional resources or additional treatment(s) are necessary.*

*The final readmission decision will be made by the law school deans. If a student previously had a scholarship and is readmitted, the student's scholarship will be renewed when he/she is readmitted. Should the student need to take a third medical leave, generally the scholarship*

*will only be renewed upon return if the student has made adequate academic progress by completing at least one semester prior to the second leave.*

*All documentation from the treating physician(s) or therapist(s) must be submitted to the Student Health Service at least 2 months prior to the start of classes for the semester in which the student desires to reenroll. Documentation of the student's employment progress from his/her supervisor must be submitted to the Law School Dean's Office at the same time.*

A withdrawal may be granted when a student who is not subject to exclusion, dismissal or suspension wishes to withdraw permanently from the school. No refund of tuition for the semester is allowed for a withdrawing student unless good cause is shown to the Dean.

### **Readmission**

A student who becomes academically ineligible to continue in law school as described on page 1 may petition the Faculty Readmission Committee and in extraordinary cases may be readmitted at such time and under such conditions as the committee shall prescribe, but every ineligible student must remain ineligible for at least one academic year. No student shall be permitted more than one such readmission petition.

The petitioner must clearly explain the reason(s) for academic failure and establish by clear and convincing evidence the causal link between the reason and the failure. In addition, the petitioner has the burden of convincing the committee that the asserted cause will not constitute a bar to success in the future.

The committee shall investigate all matters coming before it and shall have final decision-making authority. There is no appeal. The committee shall notify the faculty regarding each pending petition coming before it and shall invite interested faculty to provide pertinent information.

The committee shall decide the terms and conditions of any readmission with the presumption that any student readmitted must repeat the entire first year of law school.

Students who withdraw from law school before completing one semester of work must apply for readmission through the admissions office.

Students who withdraw from law school after completing one semester of work, with a grade point average of less than 73.00 must apply for readmission through the admissions office.

Students who have withdrawn from law school after successfully completing one or more semesters (i.e., with a grade point average of at least 73.00) should apply for readmission to the Executive Associate Dean for Academic Affairs.

### **Transfer Students**

A student from another law school who is otherwise qualified for admission may, at the discretion of the Dean, be admitted to advanced standing for the JD degree, provided:

- (a) the law school is a member of the Association of American Law Schools or approved by the ABA (however, preference will be given to students from AALS member schools);

- (b) all procedures for admission of beginning students have been followed, and
- (c) a transcript of such law school work, class rank, and a certification of good standing by the Dean of such law school previously attended have been received.

A graduate of the LL.M. program at Wake Forest may apply for admission to the JD degree program with advanced standing.

A transfer student must take, at Wake Forest, at least sixty (60%) percent (54 credit hours) of the minimum credit hours required by Wake Forest for the JD degree.

Grades earned by a transfer student at another law school are not included with grades obtained at Wake Forest University for purposes of determining class rank. Transfer students are ranked unofficially after completion of the first semester of enrollment at Wake Forest. At that time the rank is established by a dual rank procedure. Hence, if a transfer student receives the same GPA as the 32<sup>nd</sup> ranked person in his class, he will also be ranked 32<sup>nd</sup> in his class. If the GPA is not identical, ranking is based on best fit. Transfer students are officially ranked cumulatively with their graduating class.

### **Transfer of Credits**

The Executive Associate Dean for Academic Affairs determines the amount and type of credit given for work done in other law schools. This determination is typically based on an interview with the transfer student, a review of curriculum information from the previous law school, and in some cases, consultation with faculty members who taught the transfer student at the previous law school.

The Executive Associate Dean for Academic Affairs will determine the overall number of credits earned, the number of credits to be attributed to each course, and the number of graduation requirements that the transfer student has satisfied. The transfer of credits usually results in the loss of some credit because of differences in graduation requirements and course credits. The dean's decision is based on the similarity in subject matter and academic rigor between the course as taught at the previous law school and the course as taught at Wake Forest. The dean's objective is to grant each transfer student the number of credits and fulfillment of degree requirements that students would receive for completing comparable work at Wake Forest.

If a transfer student completes courses on a pass-fail basis at the previous law school after the first two full-time semesters are complete (for instance, a pass-fail course completed during the summer after the first year), the Executive Associate Dean for Academic Affairs may award credit for the course, but deduct the credit hours from the pass-fail hours available to the student going forward.

### **Visiting Students**

A student who is in good standing and eligible to re-enter a law school which is a member of the AALS or is approved by the ABA may, with the permission of the Dean of such law school, attend Wake Forest University School of Law without becoming a degree candidate. He or

she must obtain the approval of the Dean of Wake Forest University School of Law and pay the appropriate tuition and fees.

### **Wake Forest Students Visiting Away**

The Executive Associate Dean for Academic Affairs may grant a Wake Forest student the right to visit at another law school for one or two semesters if the student can show “special need.” Examples of “special need” include, but are not limited to: engagement or marriage to a person who lives a sufficient distance from Winston-Salem so that continued enrollment at Wake Forest constitutes a hardship; specialized training available at the other school that is not available at Wake Forest. Examples that would *not* constitute “special need” include, but are not limited to: a desire to study closer to home; lower tuition at another school; greater ease in preparing for another state’s bar exam; placement opportunities.

Grades earned as a visiting student do not transfer to a student’s Wake Forest record, nor are they included in the student’s record for purposes of calculating rank in class. Only course credits earned at the visited law school are transferred to the student’s record. However, in order for course credits earned elsewhere to transfer as course credits for the Wake Forest JD degree, a visiting student must earn a grade of “C” or better in the course. Visiting students must obtain approval of all courses taken at the visited school from the Executive Associate Dean for Academic Affairs.

### **Auditing Courses**

A graduate of an approved law school (AALS or approved by ABA) who wishes to audit a course at the law school may do so with the permission of the Executive Associate Dean for Academic Affairs and the professor teaching the course. There will be an audit fee based upon a pro rata portion of tuition for that academic year.

Wake Forest law students (full-time) may audit any law course, with the permission of the Executive Associate Dean for Academic Affairs and the professor teaching the course. No additional charge will be made.

Others within or without the University may audit a course only if the Executive Associate Dean for Academic Affairs, in his or her discretion, determines there is sufficient reason for such audit commensurate with the general purposes of the law school and then only with agreement of the professor teaching the course. There will be a fee charged for such audit unless waived by the Executive Associate Dean for Academic Affairs.

Wake Forest law students who wish to audit a course in another division of the University (except the Babcock Graduate School of Management) must obtain approval and information from the University Registrar’s office. Law students may *not* register for any course in another division of the University via WIN (the Wake Forest Information Network).

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## 3: CLASSES

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### **Registration and Scheduling**

Registration for classes occurs via WIN (Wake Information Network) on the Internet. Registration materials will be posted to the law school's web site. Every effort is made to schedule classes so that required and heavily subscribed courses do not conflict, but each student must take special care to plan schedules for both semesters in each academic year that achieve the student's curricular objectives.

### **Sectioning of Classes**

Heavily subscribed courses are sectioned to provide flexibility in curriculum planning. Whenever possible, they are offered in both semesters.

### **Add/Drop Policy**

A **designated add/drop** period is scheduled after registration and at the beginning of each semester, via WIN, in which students may add or drop courses without first obtaining the approval of the instructors involved.

A student is not permitted to *add* a course after the add/drop period without the permission of both the instructor and the Executive Associate Dean for Academic Affairs, and no later than two weeks following the first class meeting in any event.

A student is not permitted to *drop* a course after the end of the third full week of classes, except with permission from the instructor and the Executive Associate Dean for Academic Affairs. If a "drop" is approved after that date, it may be reflected by a "W" in the student's transcript.

### **Class Attendance and Participation**

To gain the maximum benefit from their legal education, students must attend class regularly and must be thoroughly prepared for each class. Regular and punctual attendance at scheduled classes is required by the law school, as well as by ABA law school standards. If a student is absent from class excessively, the professor may give the student a failing grade, or the professor may exclude the student from the course and/or the final exam, the result being that the student will receive no credit for the course.

### **BEING ABSENT FOR MORE THAN 15% OF SCHEDULED CLASSES IS PRESUMED TO BE EXCESSIVE.**

Each professor is required to determine for his or her class the best method of assuring compliance with this policy. If the professor decides to deduct grade points for inadequate classroom attendance or performance or impose some other penalty, the professor must notify the class within the first two weeks.

### **Canceling Classes Because of Weather**

The Dean is authorized in his or her discretion to cancel or reschedule classes if inclement weather would prevent a significant number of students and faculty from attending class, or might prove unreasonably dangerous. The ordinary practice of the law school is to follow the

class cancellation policy for the university as a whole. Students should monitor the website, local broadcast media, and Wake Forest e-mail accounts for cancellation notices.

### **Using and Misusing Computers and Other Electronic Devices in Class**

In modern legal education (and in the practice of law generally) it is necessary to make good use of technology. The law school recognizes this fact by requiring all of its students to possess laptop computers. In our classrooms, the laptop computer and other electronic devices can be valuable educational tools; however, these machines can also be misused. Instant messaging, web surfing, computer games, and other technologically enabled distractions can affect the classroom negatively and hamper education.

It is the general policy of the law school to encourage all appropriate uses of technology in the classroom, and it is the student's responsibility to use technology in an appropriate manner.

Each professor is required to determine the best method of assuring compliance with this policy in his or her courses. If a professor finds that a student is misusing a laptop computer or other electronic device in class, the professor may take appropriate action. The following measures, among others, may be appropriate: the professor may require the student to leave the class for the day, or the professor may require the student to discontinue using the computer or device in the class or in other classes during that semester. Furthermore, the professor may establish a policy of deducting points from a student's final grade for computer misuse. A professor who wishes to establish a policy of deducting points from a student's final grade for computer misuse must advise his or her class of the policy during the first two weeks of the semester.

### **Dismissal of Classes**

A professor may, in his or her discretion, dismiss any class meeting in a course the professor is teaching, provided such professor is in a position through make-up classes or other work, to certify that the students have had instruction that substantially meets the requirements of the ABA and AALS.

It is the prerogative of the Dean to determine whether classes should be dismissed for programs outside the law school, and dismissal will be approved only on the basis of the utility of the program in relation to the educational program of the law school or University.

If a professor does not arrive for class at the scheduled time, a class representative should consult the Dean's Office before students leave the class.

### **Class Size**

Unless approved by the Dean, a course will not be taught in which less than ten students have enrolled. A summer school course will not be taught in which less than six students have enrolled. These limitations do not apply to Clinical programs, Appellate Advocacy, or to individual study and research courses.

### **Student Evaluations of Faculty**

Student evaluations of courses are compulsory in every semester for all courses. Evaluations are conducted in the last three weeks of class when forms are distributed during the class. To ensure student anonymity, the evaluation forms are distributed by law school staff, collected and placed in a sealed envelope and taken to the Dean's Office, where they are confidentially stored until grades are submitted to the registrar by the professor.

Student evaluations are taken into account in the evaluation of faculty for promotion, tenure, and salary advance. The integrity of the student evaluation process requires that the student give serious and careful consideration to the judgments made in evaluating faculty.

### **Recording Class Lectures**

Instructors have a common law copyright on their lectures and written materials prepared for class. Electronic recording of class sessions and reproducing them is not, therefore, permitted without the approval of the instructor.

### **Alcoholic Beverages and Smoking**

Alcoholic beverages are strictly prohibited on the law school premises unless permission is first requested and approved by the law school. No requests will be granted to allow the use of alcoholic beverages in the building or the courtyard during the academic year during regular daytime class hours. The law school's Alcohol Policy is set out in this Handbook (Chapter 21) and is available from the Associate Dean for Administrative and Student Services and the law school's Event and Travel Coordinator.

Smoking is prohibited in the classrooms, library, lounges, hallways and public areas of the building. Moreover, smoking should not take place on the porch areas immediately contiguous to the main entrances to the building.

### **Cell phones**

You must turn off the ringer to your cell phone when you are in the law school building.

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## 4: EXAMINATIONS

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### **Taking Examinations**

Examinations are held at the end of each term in most courses. The dates, times, and locations of examinations are distributed through the registrar's office.

It is the responsibility of each student to be in the assigned room when the examination begins, although the student may thereafter move to a designated overflow room with the consent of the instructor or exam monitor. If a student arrives late for an examination, additional time to complete the examination will be allowed only if the student demonstrates extenuating circumstances.

### **First-Year Exam Preparation Materials**

In all first-year courses, each professor shall make available to the students materials representative of the exam and a model answer. It need not be an entire current exam, but enough will be made available that students can discern the typical format and content of the exam. Similarly, a professor need not provide actual answers; a detailed outline or an example of a top student paper will suffice. In addition, there should be a written warning to the students that the material on file is not "the answer" and the format of the model question may be different from questions which will appear on the actual examination.

### **Failure to Take an Examination**

To be excused from an examination, a student must obtain the approval of the Executive Associate Dean for Academic Affairs or the Associate Dean for Administrative and Student Services. Such approvals will be granted only for compelling reasons. A student who is excused from an examination will be given a grade of "I" (Incomplete). Failure to obtain approval will result in the registrar recording a failing grade.

A student who is ill or has an emergency prior to the beginning of an examination should notify the professor, the Executive Associate Dean for Academic Affairs, or the Associate Dean for Administrative and Student Services immediately. A student who becomes ill or has an emergency during an examination and is unable to continue should immediately notify the examination monitor, the Executive Associate Dean for Academic Affairs, or the Associate Dean for Administrative and Student Services.

### **Exam Scheduling**

A student has a right to take an examination at the time for which it is scheduled, and the examination shall be held at that time unless rescheduled at a time during the examination period with the consent of the Dean and all affected students.

The Dean may, in his or her discretion, reschedule examinations in individual cases for exceptional hardship. Final exams in close proximity to one another do not constitute exceptional hardship unless: (a) the student is scheduled for two examinations beginning fewer than 24 hours apart; or (b) a student is scheduled for three examinations on three consecutive days. In the event of exceptional hardship, the student will be required to schedule the hardship exam for the next hardship exam day that would not create a hardship.

For example, if a student is scheduled to take an examination at 8:00 A.M. and 2:00 P.M. on the same day, a hardship exists. Likewise, if a student is scheduled to take an examination at 2:00 P.M. on Day 1 and 8:00 A.M. on the following day, a hardship exists. However, an examination scheduled for 8:00 A.M. on Day 1, and 8:00 A.M. on the following day does not constitute a hardship. Likewise, an examination scheduled for 2:00 P.M. on Day 1, and 2:00 P.M. on the following day does not constitute a hardship. Hardships will ordinarily not be granted with respect to the six courses (sections) with the highest enrollments for the semester.

Hardship petitions may be obtained in the registrar's office. They should be completed by the student and then returned to the registrar's office for consideration by the Executive Associate Dean for Academic Affairs or the Associate Dean for Administrative and Student Services. Hardships must be avoided in a manner that minimizes the total number of hardships in the petitioner's exam schedule. In selecting, scheduling, and assigning qualified hardships, the registrar will not create additional hardships.

### **Exam Time and Language Barriers**

JD students who do not speak English as a first language may request from the Dean's Office additional time to complete their examinations. The deans will make this determination on an individualized basis, to reflect the specific language barrier that the student faces. The amount of extra time granted to the student will be reduced during each year of the student's enrollment at Wake Forest.

### **Make-Up Examinations**

Examination make-up (hardship) days are scheduled during the exam period in the fall and spring examination periods. During the spring semester, only third-year students are permitted to take early make-up exams.

### **Exam Monitoring**

All examinations will be monitored by the faculty member or, in his/her discretion, by a staff person assigned by the Dean. Students will not talk with any other students during the course of the examination without the instructor's permission. Faculty members will ordinarily be available for consultation during the exam period.

### **Exam Security**

Students are not permitted to bring anything into the examination room other than the materials required for the examination, as specified in advance by the faculty member.

### **Early Examinations**

No final exams may be given or handed out to a class (take home exams) prior to the last day of classes of any semester without the approval of the Dean.

### **Grading By Anonymous Exam Numbers**

All exams must be graded anonymously. No later than one week prior to the examination period an anonymous exam number will be assigned by the registrar's office to each student for that exam period. It is the responsibility of each student to obtain his/her exam number prior to exams.

Each number will be different for each student and will be confidential. No professor will have any knowledge of any student's number. The number will be used by the student to identify

his or her exam paper. Students may not sign their names or otherwise identify themselves on their exams, except by their exam number. It is imperative that the student use the anonymous number assigned to that student, and that number only, for his or her exams. Using numbers not officially assigned to the student seriously hampers the grading process and actually endangers anonymity, since the user must be specifically identified, sometimes prior to the completion of the grading process.

### **Examination Policy Violations**

Any violation of these policies should be brought to the attention of the Executive Associate Dean for Academic Affairs or the Associate Dean for Administrative and Student Services. Student violations are considered honor code offenses which can result in suspension, dismissal, or other disciplinary action. (See Chapter 6 of this Student Handbook.)

### **Custody and Storage of Exams**

The professor shall keep students' exams in his or her possession for a reasonable period following the exam, in order to complete grading and student review. The law school will store student exams for one year and then will destroy the exams, absent any compelling reason to the contrary.

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## 5: GRADES

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### **Anonymous Grading**

To provide proper conditions for the evaluation of examinations, the school has adopted an anonymous grading policy. (See page 4-2 of this Handbook.)

Upon completion of grading, the instructor will submit to the registrar a final grade for each numbered examination including class participation and/or class attendance.

### **Grading System or Grade Scale**

The numerical grading system for the JD students in the law school is as follows:

A (90 to 100)
B (80 to 89)
C (70 to 79)
D (66 to 69)
F (Below 66)

The highest grade given in the normal situation is 98. However, in exceptional circumstances a high grade of 100 may be given.

The lowest grade given is 61. However, in exceptional circumstances a low grade of 59 may be given.

A cumulative weighted grade average of 73.00 or above is required of every student at the end of the first year and at the end of every academic year thereafter in order to remain in law school and to graduate.

For graduating classes prior to May 2012, grades earned in second- and third-year courses will be weighted at twice the value of first-year grades for the purpose of computing a student's cumulative GPA.

Students in the LLM and SJD programs will be evaluated on a letter grade system. The faculty member will assign a grade of A, B, C, D, or F for any LLM or SJD students enrolled for graded credit in the course.

LLM students must earn a cumulative grade point average of 2.0 (or a "C" grade) to receive an LLM degree.

### **Grade of Incomplete**

If a student receives authorization to miss an examination or not to complete work in a course within the prescribed time, he or she will be given a grade of "I" (Incomplete) instead of an "F."

A student can remove the “I” from his or her record by taking the examination at a time specified by the instructor or by completing the required work within the time period specified by the instructor, which time period will not extend beyond the last day of the next regular semester. If a student fails to remove an “I” within the prescribed time, the “I” automatically will be changed to an “F”. Such a change may adversely affect not only the student’s academic eligibility but also the number of residence weeks earned during the semester in which the “I” was recorded.

If a student has been excluded for failure to meet the school’s academic standards, he or she cannot subsequently remove an “I” grade and be readmitted.

### **Pass/Fail Option**

A student may take certain upper-level, non-required courses on a pass/fail basis. A student may not take more than three hours of course work on a pass/fail basis in any one semester.

No more than seven hours of ungraded credit (including credit for courses taken on a pass/fail basis and credit for ungraded activities such as law review or moot court) can count toward the 90 hours required for graduation. Additional credits may be earned on a pass/fail basis as long as the student has successfully completed the 90 hours required for graduation. Ungraded credits earned in the Metropolitan Externship do not count toward the limit of seven hours.

If a student transfers to Wake Forest University from another law school, no more than a total of seven hours of pass/fail credit in upper level courses earned at either school may count toward the minimum hours necessary for graduation.

If a student is enrolled in the JD/MBA program, the JD/MDiv program, the JD/MA in Bioethics program, or the JD/MA in Religion program, no more than four hours of ungraded credit earned at the law school may count toward the number of law school hours necessary for graduation in that program.

Law students who are *not* in the JD/MBA program may, with the approval of the Executive Associate Dean for Academic Affairs earn up to four credit hours in the Schools of Business to be credited toward their JD degrees. Law students must obtain the permission from the Business School professors who teach the courses in which they wish to enroll. These courses will be graded on a pass/fail basis. Business School credits earned under this program *will count* toward the seven hours of pass/fail credit allowed for the JD degree. An approval form must be completed and can be obtained from the law school’s Registrar’s Office.

Similarly, students not enrolled in the JD/MDiv, the JD/MA in Religion, or the JD/MA in Bioethics programs may, with the approval of the Executive Associate Dean for Academic Affairs, earn up to four credit hours in the Divinity School or the Graduate School. Credits earned under this program will be graded on a pass/fail basis and *will count* toward the seven hours of pass/fail credit allowed for the J.D. degree. Students must complete an approval form, obtained from the Registrar’s Office.

A student who is registered for a course in which a pass/fail option is available may not change from the pass/fail to the grade option or vice versa during the final two weeks of the semester.

### **Uniform Grading Policy**

All courses shall have a mean or average grade of 85. Any deviation from this must be explained by letter to the Dean. Examples of appropriate basis for deviation from the approved grade range would include: unusually small number of students (so that there can be no presumption of random distribution); the class as a whole performed on the exam in a manner justifying deviation from the mean. This uniform grading policy does not apply to non-multiple section upper level elective courses taught by full-time members of the faculty in which the class size is less than 20 students, or to a paper course.

### **Dissemination of Grades**

In compliance with federal statutes, the law school disseminates grades in a manner that ensures privacy and accuracy. Grades are available via WIN (Wake Information Network).

### **Change of Grades**

Grades are not considered final until a signed grade verification report has been submitted by the instructor. Thus, although grades are immediately available via WIN, they are subject to change.

A final grade submitted to the registrar cannot be changed by a faculty member to reflect a re-evaluation of the student's examination answers or other work without the Dean's authorization. If an arithmetic or transmitting error is discovered, the error can be corrected without the Dean's authorization.

### **Request for review of an exam or other work**

Unless a student is academically ineligible to continue in law school, a student who wants to go over his or her exam or other work should talk directly to the professor who taught the course. A student who is academically ineligible must follow the procedure described below to request review of his or her exam or other work.

#### *Special procedure to request review of an exam or other work for a student who is academically ineligible*

If a student is academically ineligible to continue because he or she has a cumulative weighted average below 73.00, the student may not contact a professor directly to ask for review of an exam or other work. The only way an academically ineligible student may request a review of an exam or other work is to submit a request for review to the Executive Associate Dean for Academic Affairs or to the Associate Dean for Administrative and Student Services.

The Dean's office will forward the academically ineligible student's request for review to the professor, identifying the student requesting review only by anonymous exam number, not by name. The professor will carefully review the exam. The professor will then respond to the request for review to the Executive Associate Dean for Academic Affairs or to the Associate Dean for Administrative and Student Services, and that person will convey the results of the professor's review to the academically ineligible student.

## **Transcripts**

Unofficial transcripts of courses taken at Wake Forest University School of Law are available upon written request to the Registrar's office. Request forms are available on the Registrar's page of the law school website and in the Registrar's office. There is no fee for an unofficial transcript. For informational purposes, a student may also print a copy of his/her transcript from WIN.

Official transcripts must also be obtained from the Law School Registrar's Office. Written, signed requests for official transcripts must be made directly to that office. Transcripts of work from other graduate or undergraduate schools should be requested directly from that institution. *All* transcripts, both official and unofficial, *must* be obtained from the school of origin. The law school cannot certify to any third party work that was done at another educational institution.

## **Class Rank**

A student's class rank is available only upon the student's written request. After the student submits the request on a form provided by the Registrar, the Registrar will provide the class rank to the student in a timely manner. Individual ranks are calculated for those in the top 50% of the class only. A percentile rank (in 5% increments) is assigned to all other students.

## **Graduation Honors**

A student who has completed all the degree requirements with a cumulative weighted grade point average of 90.00 through 90.99 will graduate with the distinction *cum laude*. A student whose cumulative weighted grade point average is 91.00 through 94.99 will graduate with the distinction *magna cum laude*. A student whose cumulative weighted grade point average is 95.00 or above will graduate with the distinction *summa cum laude*.

Beginning with the Class of 2012, the *cum laude* degree will be awarded to students with an average of 90.00 through 91.99; the *magna cum laude* degree will be awarded to students with an average of 92.00 through 93.99 and the *summa cum laude* degree will be awarded to students with an average of 94.00 or higher.

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## 6: HONOR CODE

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### **ARTICLE I. Preamble and Purpose.**

These rules apply to all students enrolled at Wake Forest University School of Law. Upon acceptance for admission to the law school, entering students will be informed of these rules. The officers of the Honor Council shall ensure that new students are adequately informed of key provisions, including, but not limited to, the affirmative duty, the scope and limits of the Honor Code, and the names of the current officers. New students shall be required to sign a statement indicating that they were present for the informational session and that they agree to comply with the terms of the Honor Code. Changes in the Honor Code will be published and distributed to students upon adoption. Students are charged with notice of, and are bound by, these rules. Copies of these rules are available from the Student Bar Association, the school's admissions office, and the office of the Dean of the law school.

These rules apply only to alleged misconduct identified in Article III or Article IV which occurs in academic pursuits or within the university community. All other misconduct of students remains the full responsibility of the faculty, the law school administration, the civil and criminal litigation systems, or some combination of them, as the circumstances may suggest.

The purpose of this Honor Code is to develop professional legal standards and to provide guidelines for student conduct with respect to academic matters.

### **ARTICLE II. Scope and Jurisdiction.**

#### **Section 1. Honor Council Original Jurisdiction**

The Honor Council shall have original jurisdiction to hear and to determine charges of lying, cheating, stealing, vandalism, or computer misuse by any law student in his academic pursuits or within the university community.

#### **Section 2. Faculty Retention of Jurisdiction**

The faculty and administration retain jurisdiction over the conduct covered by this Code which shall be exercised only in situations that do not allow for timely disposition by the Honor Council where, in the opinion of the faculty and administration, the interests of the institution require it. In the event any alleged misconduct occurs in which the jurisdiction of the Honor Council is contested or in doubt, the question of jurisdiction shall be referred to the Preliminary Hearing Panel.

### **ARTICLE III. Prohibited Conduct.**

Violations of the Honor Code include the following acts and knowing assistance in such acts:

#### **Section 1. Lying.**

Lying is the intentional statement of an untruth made with the intent to mislead another concerning non-trivial matters.

Forgery is considered an act of lying and is an honor offense. It includes the unauthorized signing of a University document.

Misrepresentation before the Honor Council, any of its members, or Student Solicitors, is itself an honor offense.

Misrepresentation in the placement process is also an honor offense.

**Section 2. Cheating.**

Cheating, as defined below, includes only intentional or reckless conduct. Negligent conduct is not included in the definition of cheating and is not an honor code offense. Professors retain the power to reduce a student's grade or otherwise sanction a student's negligent conduct.

Cheating is defined as intentional or reckless:

- a. Use of materials forbidden by the instructor in an examination, paper, or project.
- b. Unsanctioned collaboration on any examination or other academic endeavor.
- c. Discussion of an examination by a student who has taken the examination with, or in the proximity of, a person who has not yet taken the exam.
- d. Sequestration, mutilation, or destruction of library materials needed by students for a specific academic endeavor such as, any academic writing, any moot court program or competition, journal or law review competition.
- e. Plagiarism. Plagiarism is the intentional or reckless act of incorporating into one's own work the work of another, without indicating that source. Not indicating the source is appropriate only when incorporating an idea which is common knowledge.
  - i. Intent or recklessness may be inferred from the circumstances. Under appropriate circumstances, intent or recklessness may be inferred from the evidence that the student incorporated a substantial portion of the work of another without attribution.
  - ii. In case of doubt, a question about whether an idea is "common knowledge" should be addressed before a paper is submitted, by consulting with the professor of the course or the chairperson of the non-academic activity, such as moot court competition.
- f. Any other act not defined in sections a through e that constitutes intentionally or recklessly depriving someone of something valuable by the use of deceit, fraud or improperly taking advantage of a situation in derogation of stated rules.

The instructor in any course may make rules not inconsistent with this Code regarding the requirements for his course.

**Section 3. Stealing.**

Stealing is the intentional taking or appropriating the property of another without right or leave and with intent to keep or make use of it wrongfully. Stealing includes, but is not limited to:

- a. Taking any property of another, whether a member of the University community or otherwise.

- b. Removing books from the library without checking them through proper channels.
- c. The sequestration, mutilation, or destruction of another student's textbooks, notes, outlines or other materials.

**Section 4. Vandalism.**

Vandalism is the act of destroying or defacing any material or property owned by or in the custody of the University, an employee, agent or guest thereof, or any other student.

**Section 5. Computer Misuse.**

Computer misuse is intentionally impairing the integrity of any University computer equipment or related software. Computer misuse includes but is not limited to:

- a. Copying, modifying, or transferring any software or related documentation licensed to or developed by the University in violation of a software license or confidentiality agreement.
- b. Use of computer facilities to gain or attempt to gain unauthorized access to data or programs.
- c. Sequestering, mutilating or destroying any program or application on a University computer system.
- d. The unauthorized sharing or transfer of any user or system password.
- e. Any act which a student knows or should know, would assist another in committing a violation described in subsections 5a through 5d.
- f. Failure to report immediately to the director of educational technology, the computer services librarian, or one of the student computer assistants, any unauthorized access to data or programs stored in a University computer system.

**ARTICLE IV. Affirmative Duties.**

Students who have direct knowledge of, have witnessed or reasonably believe that they have witnessed an Honor Code violation have the duty to take action in one of the following ways (the flagrancy and/or certainty of the violation determines the choice):

- 1. Report the questionable occurrence to the Chairperson, Vice Chairperson or the Secretary of the Honor Council within a reasonable time, not to exceed five days; or
- 2. Offer the accused student (hereafter, the Respondent) the opportunity to report himself to the Chairperson or Vice Chairperson of the Honor Council. If the Respondent does not report himself to the Chairperson or Vice Chairperson within five days, the accuser must report the offense to either the Chairperson, Vice Chairperson or the Secretary of the Honor Council.

The five-day requirement does not apply during examination periods. Instead, any report which arises during an examination period must be made either within five days or by the end of the

examination period, whichever is longer. If the Chairperson, Vice Chairperson, or Secretary cannot be reached to make a report, then the student should report to the Executive Associate Dean for Academic Affairs or the Associate Dean for Administrative and Student Services.

The willful failure of any student to comply with these affirmative duties shall be a violation of the Code. Failure or refusal to testify before the Honor Council is also an honor offense. No person shall be compelled to be a witness against himself, or to testify against his spouse. However, all statements made at a Preliminary Hearing may be used for impeachment purposes at the Hearing. Furthermore, any admission made at the Preliminary Hearing is admissible into evidence at the Hearing.

## **ARTICLE V. Pre-Hearing Procedures.**

### **Section 1. Referral to Student Solicitor**

When it comes to the attention of the Chairperson of the Honor Council that an Honor Code accusation has been made, the Chairperson shall order one of the Student Solicitors to conduct an investigation. The Student Solicitor shall prepare a written report containing: (1) all facts and evidence discovered during the investigation and (2) conclusions regarding the alleged dishonorable conduct.

### **Section 2. Notice to Respondent**

It shall be the duty of the Student Solicitor to notify the Respondent immediately that an accusation has been made against her. The notice to the Respondent shall be in writing and shall specify the nature of the offense charged, the time and place of the alleged occurrence, full notice of the rights to which she will be entitled, and the fact that the Honor Code requires that a Preliminary Hearing be held within five academic days (as defined in Article X) after notice of an accusation is given to the Respondent.

### **Section 3. Purpose of Preliminary Hearing**

The purpose of the Preliminary Hearing shall be to determine whether the accusation made against the law student (1) is within the jurisdiction of the Honor Council, (2) has a reasonable basis in fact, and (3) warrants a Hearing before the Honor Council.

### **Section 4. Structure of Preliminary Hearing Panel**

The Preliminary Hearing shall be held by the Preliminary Hearing Panel which shall consist of the Chairperson or Vice Chairperson and Secretary of the Honor Council and three faculty members selected by the faculty. If a faculty member is unable to attend a Preliminary Hearing, the Dean of the law school shall appoint a temporary replacement. If the Chairperson or Vice Chairperson of the Honor Council is unable to attend the Preliminary Hearing, the Honor Council shall appoint a temporary replacement. The decision that the accusation warrants a Hearing before the Honor Council shall be made by a majority vote of the Panel. The Panel shall have the authority to direct the Student Solicitor to amend the charge and give notice thereof to the Respondent.

### **Section 5. Procedure at the Preliminary Hearing**

The Student Solicitor shall appear before the Preliminary Hearing Panel at the Preliminary Hearing and the Respondent shall have a right to be present at the Preliminary Hearing along with a representative. At the Preliminary Hearing, the Student Solicitor shall present and explain the written report which must include: (1) all facts and evidence discovered during the investigation; and (2) the Solicitor's conclusions regarding the alleged dishonorable conduct.

**Section 6. Referral by Preliminary Hearing Panel**

The Preliminary Hearing Panel shall make a video or audio record of its proceedings and a full and accurate written record of its findings, which shall remain confidential. The recording of the proceedings will end after the conclusion of the presentation of facts and prior to the deliberations of the Panel. In the event that the Panel concludes that a Hearing before the Honor Council is warranted, a transcript of the proceedings before the Panel and a record of the findings of the Panel shall be made available only to the Student Solicitor and the Respondent or her representative. If the Panel finds that a Hearing before the Honor Council for the offense alleged is not warranted, the charge shall be dismissed and all records pertaining thereto sealed and kept by the Dean. The Panel shall report its conclusion in writing to the Chairperson of the Honor Council and the Respondent within 24 hours of the Preliminary Hearing.

**ARTICLE VI. Hearing Procedures.**

**Section 1. Name and Purpose**

The Hearing will be an administrative proceeding, the purpose of which is to protect the rights of the Respondent and arrive at the truth.

**Section 2. Time and Place of Hearing**

The Honor Council shall conduct its Hearing within seven academic days (as defined in Article X) of the Honor Council Chairperson's receipt of the Preliminary Hearing Panel's conclusion that such a Hearing is warranted. Prior to such Hearing, the Honor Council shall give the Respondent a written, particularized statement of the charge against him, reasonable notice as to the time and place of the Hearing and full notice of the rights to which he or she is entitled. The time and/or place of the Honor Council Hearing may with reason be changed by a majority vote of the Council members making up the Jury, provided however, the Hearing may be rescheduled beyond the seven academic day period only with the consent of the Respondent. The Honor Council should endeavor to conduct the Hearing as soon as practicable, and the Hearing need not be held on an academic day. The Student Solicitor, the representative for the Respondent, and the Chairperson shall meet prior to the Hearing to exchange witness lists.

**Section 3. Private or Public Hearing**

The Honor Council Hearing shall be closed to the public, unless the Respondent files a written notice of his election for a public hearing with the Chairperson of the Honor Council prior to the time set for such a Hearing. Such notice is to be given by the Respondent no later than forty-eight (48) hours after the Respondent receives the written charge from the Preliminary Hearing. Once the Respondent gives notice in writing to the Chairperson, the requirement of confidentiality ceases to apply to the case. The Honor Council may develop procedures for conducting the Hearing that are consistent with this code.

**Section 4. Procedure at the Hearing**

Every Hearing shall be conducted by the Chairperson of the Honor Council who will not vote, and six voting members. The Secretary of the Honor Council, who shall not vote, will make a summary record of the Hearing. An audio recording, video recording, or comparable recording will be made of the Hearing. This recording will be available only to the Jury during their deliberations, to the Secretary in preparing the summary report, to the Dean for review of the Sanction, to the faculty for the appeals process, and to the Respondent if he or

she requests an appeal. Except for those stated purposes, the recording will be kept strictly confidential, even if the hearing itself was public. The recording will become a permanent part of the sealed file to be kept by the Dean. Ordinarily, one member of the Honor Council from the first year class, two members of the Honor Council from the second year class, and three members of the Honor Council from the third year class shall make up the six voting members of the Jury. Should any member of the Honor Council be unable to serve on a Jury as organized by the Secretary, the Chairperson shall appoint any available person of the same class to fill the vacancy on the Jury. The Secretary shall make the selection of the Jury as close as possible to the beginning of the Hearing and no earlier than twenty-four (24) hours before the beginning of the Hearing. In the event that no members of the same class are available to fill the vacancy, the Chairperson shall appoint any available member of the Honor Council. Should the Chairperson and the Vice Chairperson be unable to attend a Hearing, the Jury shall select a third year member of the Honor Council to serve in the Chairpersons absence.

Should any member of a Jury, upon hearing the charge and learning the identity of the Respondent, conclude that he or she cannot render an impartial decision, it shall be his or her duty to notify the Chairperson and withdraw. The Hearing must not go forward until a replacement has been obtained for the withdrawing member.

#### **Section 5. Chairperson's Duties**

The Chairperson of the Honor Council shall preside at all Honor Council meetings and Hearings.

The Chairperson at a hearing may require any person disrupting the orderly proceedings of a Hearing to leave.

The Chairperson shall have the right to declare a recess at any point in the Hearing.

The Chairperson shall insure that the Respondent has been made aware of his rights.

#### **Section 6. Conduct of the Hearing: the Solicitor's Case**

The Chairperson shall call the Hearing to order by reminding the Respondent and all witnesses that they are honor bound to tell the truth before the Council. Any witness who is not bound by the Honor Code will be sworn in before he testifies. The Honor Council will create and maintain an appropriate oath and affirmation.

Throughout the hearing, hearsay evidence may be heard at the discretion of the Chairperson, when a useful purpose may be served thereby, and there is a guaranty of its reliability. The Chairperson shall rule on all questions raised as to admissibility of proffered evidence.

- a. If the Respondent pleads not guilty, the Student Solicitor shall read the charge(s) to the Jury and then present each member with a written copy of the charge(s). The Student Solicitor shall then present evidence in support of the charge(s). The first part of the Hearing shall be limited in scope to a determination of whether the Student Solicitor has proven the charge.

At the conclusion of the testimony of each witness called by the Student Solicitor in support of the charge, each member of the Jury shall be given the privilege of asking questions. Then, the Respondent or his representative may ask additional questions. Questioning shall proceed until all parties are satisfied that the witnesses can furnish no further relevant information.

- b. The Solicitor shall accept a guilty plea only if the Respondent admits that his or her conduct charged as cheating was intentional or reckless.
- c.
  - (i) If the Respondent pleads guilty to the charge(s) and stipulates to all the facts as presented by the Student Solicitor, the Respondent and Solicitor shall submit to the jury a signed stipulation, indicating agreement with the facts as presented by the Solicitor. The Jury will then only consider the question of sanctions, under the procedure set out in Section 10 of this Article.
  - (ii) If the Respondent pleads guilty, but the Respondent and the Solicitor do not agree on all the facts, they shall submit a signed stipulation to the Jury, setting out the facts on which they agree. The Jury shall then determine any disputed facts, under the procedure set out in Section 6(a) of this Article. After the Jury has determined the disputed facts, the Jury will then consider the question of sanctions, under the procedure as set out in Section 10 of this Article.
  - (iii) The signed stipulation in each case shall become part of the record for the purposes of any further appeal.

**Section 7. The Respondent's Defense**

At the conclusion of the Student Solicitors evidence, the Respondent or his representative may present evidence in support of his defense. At the conclusion of the testimony of each witness called by the Respondent or his representative in support of his defense, each member of the Jury shall be given the privilege of asking questions. Then the Student Solicitor may ask any additional questions. Questioning shall proceed until all parties are satisfied that the witnesses can furnish no further relevant information.

**Section 8. Closing Arguments**

Closing arguments shall be given first by the Student Solicitor and then by the Respondent or his representative.

**Section 9. Jury Duties**

Before adjourning the Hearing, the Chairperson shall instruct the Jury as to the charge and the factors to be considered during the deliberation over the guilt or innocence of the accused. Upon the conclusion of such instructions the Chairperson shall adjourn this phase of the Hearing. The Jury shall promptly conduct its deliberations in private and reach a decision of its findings.

A finding of guilt shall require at least a 5-1 vote of guilty. A vote of guilty shall be cast only if the Student Solicitor proved the charge(s) beyond a reasonable doubt. An abstaining vote is a not guilty vote. If there are not five votes to find guilt, then the accused shall be acquitted. In determining guilt or innocence, it shall be improper to consider extraneous matters.

Upon reaching their findings, the Jury shall inform the Chairperson. The findings shall be kept strictly confidential but shall be reported by the Chairperson to both the Student Solicitor and the Respondent. The Chairperson will then dismiss the Jury by reminding each member that he is forbidden to divulge any information about the Hearing without the written approval of the Respondent.

**Section 10. The Sanction Hearing**

If the Jury finds Respondent guilty or the Respondent pleads guilty, the Chairperson shall reconvene the Jury the following day in private so that both the Student Solicitor and the accused or his representative may present arguments related to the sanction to be imposed.

- First, the Student Solicitor shall present facts, evidence, and arguments as to the sanction(s) being sought.
- Second, the accused or his representative may present mitigating facts, evidence and arguments as to an appropriate sanction. In cases of a finding of intentional or reckless cheating, at least the minimum sanction set out below must be imposed.
- At the conclusion of the arguments the Presiding Officer shall adjourn the Jury to deliberate the sanctions to be recommended for imposition. The Jury shall promptly conduct its deliberations in private and shall reach a decision.

Recommendations of a particular sanction shall require at least four members of the Jury voting in favor of the sanction. If a Jury is able to agree upon a particular sanction, they must recommend that sanction. If a Jury is unable to agree upon a particular sanction, then the selection of the sanction shall be made by the Dean. A Jury may not recommend that no sanction be imposed. If a decision as to a particular sanction is reached, the Jury shall announce its finding to the Chairperson. Before releasing the Jury, the Chairperson shall remind the members of the Jury that they are forbidden to divulge information about the findings or sanctions without the written approval of the Respondent.

**Section 11. Referral to the Dean**

The decision of the Jury regarding innocence or guilt and recommended sanctions shall be conveyed immediately to the Respondent by the Chairperson of the Honor Council. The findings and recommended sanctions, if any, shall be reported to the Dean of the law school along with a report of alleged exceptional circumstances. All copies of the record, findings and recommendations shall be transferred to the Dean for retention. The Dean shall take no action until the Respondent's appeal to the faculty has been concluded.

**Section 12. Final Disposition**

The Dean of the law school shall consider the finding of guilt, the recommended sanction and the alleged exceptional circumstances and shall either approve or alter the recommended sanction. The office of the Dean of the law school shall have the responsibility of processing and supervising the imposition of sanction. [See NOTE, at the end of this HONOR CODE.]

**Section 13. Sanctions**

The sanctions which the Jury shall recommend, if any, and which the Dean of the law school shall enforce must be selected from the following:

- a. **Notice:** Notice, oral or in writing, that continuation of conduct in violation of the Honor Code may be cause for more severe disciplinary sanctions.
- b. **Censure:** A written reprimand, which may include a warning or more severe disciplinary sanction in the event of the determination of a subsequent violation within a stated period of time.

- c. **Probation:** Exclusion from participation in privileged or extracurricular law school activities for a period not exceeding one year.
- d. **Restitution:** Reimbursement for defacement, damage to, or misappropriation of property, whether that of the University, any member of the University community, or any guest or visitor of the University.
- e. **Suspension:** Exclusion from classes and other privileges and activities with forfeiture of academic credit as set forth in the notice of suspension from the office of the Dean of the law school.
  - (1) Sanctions for intentional or reckless cheating in a course must include a failing grade in the course and authorized withdrawals in the student's other courses. The timing of the imposition of the sanction shall be determined by the Academic Dean.
  - (2) Sanctions for intentional or reckless cheating in a non-course activity, such as a moot court competition, must include expulsion from the activity and authorized withdrawals in the student's courses for a semester. The timing of the imposition of the sanction shall be determined by the Academic Dean.
  - (3) If the sanction is imposed for more than one semester, the student shall be suspended for consecutive semesters.
- f. **Expulsion:** Termination of student status, subject only to faculty approval for readmission. No petition for readmission may be considered before the expiration of one calendar year from the date of expulsion. Sanctions for the Honor Code violation of cheating shall ordinarily include a recommended F or failing grade in the course involved and authorized withdrawals in the **students** other courses, regardless of the time in the semester that the offense was committed.

More than one of the above sanctions may be imposed when deemed appropriate.

#### **ARTICLE VII. Appeals Procedure.**

A student found guilty of an Honor Code violation may appeal the decision of the Jury to the faculty. Written notice of appeal shall be given to the Dean within fourteen days of the conviction decision.

A copy of the recording made of the Hearing will be provided to the faculty for their use during the appeals process.

The faculty shall have the responsibility for establishing the procedure of the appeals hearing and the rights enjoyed by the student making the appeal. Copies of the faculty's rules of procedure shall be made available in the office of the Dean of the law school. The decision of the faculty concerning an appeal shall be final.

#### **ARTICLE VIII. Rights of the Respondent**

The Respondent shall have the following rights:

1. A right to have the charges against the Respondent reduced to writing and served on him or her by the Student Solicitor before the Student Solicitor begins the investigation. This notice shall conform to the requirements of *Article V, Section 2*.
2. A right to a copy of procedures established by the Honor Code for the investigation of alleged Honor Code violations. This shall be given to the Respondent at the same time that he or she is served with notice of the charge or charges.
3. A right to select any currently enrolled Wake Forest law student to represent him or her at the Hearing and at the Preliminary Hearing.
4. A right to summon witnesses and to testify on the Respondent's behalf, but the number of character witnesses, if any, may be reasonably limited by the Jury.
5. A right to be confronted with the witnesses, and to question them.
6. A right not to be compelled to testify against himself or herself.
7. A right not to be tried for one offense, e.g. stealing, and convicted of another, e.g., lying, before the Council, without the same opportunity to defend against the other charge.
8. A right to know the nature of the evidence and, when practicable, to examine the evidence before the hearing, but not the identity of witnesses.
9. A right to make a closing statement to the Jury.
10. Until the Hearing and Appeals processes are complete, the Respondent has the right to participate in any University function except the following: to participate in graduation exercises, receive a degree, or receive academic credit for courses taken during the semester in which the violation is alleged to have occurred.
11. A right to separate hearings where two or more students are accused of a joint violation. If none of those accused jointly of an alleged joint offense request separate hearings, they may have joint or separate hearings as the Council determines.
12. A right to present evidence of extenuating circumstances.
13. A right, upon the determination of innocence, to have the minutes and recordings of each Hearing sealed promptly after the acquittal.

## **ARTICLE IX. Organization of Honor Council**

### **Section 1. Membership and Election**

The membership and election of the Honor Council shall be determined as follows:

- a. The Honor Council shall be comprised of 9 third year students, 6 second year students and 3 first year students.

- b. A student elected to the Honor Council serves as a member until he or she leaves the law school by way of graduation or withdrawal. A student member of the Honor Council may voluntarily resign his seat, with the replacement to the Honor Council being the next highest vote getter at the previous election from the same class; if there is none, the Chairperson of the Honor Council shall appoint a member from the same class. A member of the Honor Council may be removed from the Honor Council upon a vote of three quarters of the class which elected him or her or upon being found guilty of an Honor Code violation.
  
- d. New members of the Honor Council shall be elected at the same time as new officers for the Student Bar Association are elected. Members of the Honor Council from the first year class shall be elected when their first SBA representatives are elected.

**Section 2. Election of Officers**

At the first meeting after election of new members, but before the end of the school year, the Honor Council shall elect one of its members to serve as Chairperson for the next academic year. At the same meeting, the Honor Council shall elect one of members to serve in each of the following roles for the next academic year: Vice Chairman, Secretary, Treasurer, and Educator.

**Section 3. Counselor for the Respondent**

The Counselor for the Respondent (Counselor) shall be a member of the second or third year class and shall be elected at the same time that the new members of the Honor Council are elected. The Counselor shall serve for a term of one year and may run for re-election. Students in all three classes shall be eligible to vote for the Counselor. The Counselor shall serve as an advisor and a representative to any Respondent if he or she requests the assistance of the Counselor. The Respondent may also select any member of the student body to represent him or her during the proceedings in place of the Counselor. In the event that the Counselor is unable to continue to serve his or her term, the person who received the next highest number of votes in the election for Counselor shall become the new Counselor and complete the term. If this process fails to yield a new Counselor, then a new Counselor shall be selected at the discretion of the Chairperson of the Honor Council.

**Section 4. Hearing Panel Selection**

The Secretary shall designate the members of the Honor Council to serve on a particular Jury. To assure fairness to the Respondent and to equalize the burden of members of the Honor Council, the Secretary shall maintain a rotating schedule by which the Secretary makes the assignments for a particular Jury.

**Section 5. Maintaining Readiness**

Members of the Honor Council, the Student Solicitor, and Counselor for the Respondent accept the duty of developing and maintaining their understanding of the Honor Code. The Educator shall establish procedures to comply with this requirement and to increase the awareness of the Honor Code throughout the student body.

**ARTICLE X. Miscellaneous.**

There shall be two Student Solicitors. They shall be members of the second or third year class and shall be elected at the time that new members of the Honor Council are elected. The Student Solicitors shall serve for a term of one year and may run for re-election. The Student

Solicitors shall have equal authority, although only one will handle each case. Students in all three classes shall be eligible to vote for the Student Solicitor. In the event that one of the Student Solicitors resigns or otherwise becomes incapable of performing his or her duties, the person who received the next highest number of votes in the election for Student Solicitor shall become a Student Solicitor. If this process fails to yield a new Student Solicitor, then a new Student Solicitor shall be selected at the discretion of the Chairperson of the Honor Council.

At the beginning of each academic semester, the Chairperson of the Honor Council shall publish in the law school newspaper a Notice that explains the number of Hearings that occurred in the academic semester just past and the disposition of those Hearings. The notice is to be published for the information of the students and should not contain the names of any Respondent unless the Respondent requested a Public Hearing. The Notice shall also include the Article and Section numbers (if applicable) of the Honor Code under which the Respondent was charged. In the event that no particular Section number is directly applicable, then the Notice shall include a summary description of the offense analogous to the descriptions given in Article III. In no event shall this generic description serve to identify the Respondent. Specifically, the generic description may not contain information about membership in a specific organization or the Respondent's year in school.

Any appeals for a Hearing must have concluded prior to the Notice's publication. If the sanction is to be published, the Dean must have approved the sanction prior to publication.

An academic day is a day on which regularly scheduled classes are held, not including summer sessions.

This Code may be amended by a vote of three-quarters of the votes cast by the student body of the law school and upon approval by the faculty. The faculty retains its inherent power to revoke this code.

Adoption date: Spring 1986; Amended Spring 1999; Amended Fall 2005.

**NOTE:** The Dean may delegate the final decision with respect to the sanction in an honor code case, by seeking the faculty's recommendation and adopting the faculty recommendation as to the sanction.

This policy was approved by Faculty Resolution in October 1999.

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# **7: CODE OF CONDUCT FOR STUDENTS AND PROCEDURES FOR FACULTY ACTION**

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## **Student Conduct in General**

Members of the Law School community are expected to adhere to standards of conduct that will reflect credit upon themselves, the Law School, the legal profession, and Wake Forest University. Students aspiring to the Bar are expected to behave appropriately, to respect the rights and privileges of others, and to abide by the laws of the city, state, and nation and the regulations of the University and the School of Law.

All students enrolled at the Law School are subject to the Wake Forest University School of Law Honor Code (the “Honor Code”), which is set forth in the Student Handbook.

Students also are expected to assist in keeping the School buildings and grounds in presentable condition. The School’s reputation suffers when litter, smoking debris, graffiti, and general pollution deface the campus. Students who damage, deface, or remove Law School property are financially responsible for their actions.

## **Faculty Authority**

The faculty of the School of Law reserves to itself the right to dismiss or suspend from the School of Law at any time, or to strike from the list of candidates for the degree, any student whom it may deem unworthy because of neglect of study, incapacity for the law, or any defect of conduct or character.

## **Decanal Authority**

The Dean, the Executive Associate Dean for Academic Affairs, or the Associate Dean for Administrative and Student Services may temporarily suspend a student if he or she reasonably believes such action is necessary to protect members of the Law School community, visitors, or School property or to avoid serious interference with the educational mission of the school.

A suspended student shall be promptly notified in writing of the reasons for the suspension and of the date, time, and place of a preliminary hearing to determine if the alleged misconduct warrants faculty action.

A student who has been temporarily suspended is ineligible to attend classes, to remain on the premises of the Law School, and to participate in any Law School activity.

## **Faculty Procedures on Discipline**

### **A. Complaint**

With respect to all matters not subject to disposition under the Honor Code, any complaint made against a student for possible disciplinary action shall be made to the Dean’s office.

Upon review of the complaint by either the Dean or the Executive Associate Dean for Academic Affairs, if in his or her opinion there is sufficient cause for further consideration, the matter will be referred to the Chairman of the Dean's Advisory Committee - a faculty committee. The Chairman will bring the matter to the attention of the other members of the Committee.

### **B. Preliminary Review**

The Dean's Advisory Committee will review the complaint and any written statements or supporting material provided by the complainant or complainants. It may also question persons alleged to have knowledge of the violation and may afford to the student against whom the complaint is made an opportunity to appear informally before the Committee, if he or she so desires.

If, in the opinion of the Dean's Advisory Committee after review of the complaint and any evidence, the charge does not warrant faculty action, the Committee shall so inform the Dean in writing and shall return to the Deans' office any written statements or supporting material.

If, in the opinion of the Dean's Advisory Committee, the complaint and the evidence considered warrant the commencement of formal proceedings, the Chairman (or in his absence or unavailability, a designated member of the Dean's Advisory Committee) shall cause a notice to be sent to the student, notifying him or her of the charge and of the tentative date of hearing. The student involved shall be given notice at least seven days prior to the hearing.

### **C. Hearing**

The adjudication hearing on the charge shall be held before all of the members of the Academic Rules and Discipline Committee. At such hearing, a faculty representative appointed by the Dean shall present evidence of the charge.

The hearing shall be closed to the public except that the student's counsel and two non-witness SBA members selected by the student may attend. The student may be represented by a lawyer or by a Wake Forest University law student. Rules of evidence applicable in a court of law shall not apply, but the Chairman or other presiding member of the Committee may exclude preferred evidence on the basis that it is immaterial, irrelevant, not trustworthy, or cumulative.

At the hearing, all witnesses shall be sequestered prior to their testimony, except that the accused student may be present at all times.

### **D. Findings and Recommendations**

An affirmative vote of at least four members of the Academic Rules Committee is necessary for an adjudication of guilt. Following an adjudication of guilt, the Committee may proceed to disposition, hear further evidence relating to the question of disposition, or continue the hearing to a later date for the presentation of evidence relating to disposition.

At the conclusion of the proceedings, the Committee's findings shall be reduced to writing and presented to the faculty for final action, along with a recommendation for disposition.

### **E. Faculty Review**

The faculty as a whole shall review and act upon the findings and recommendation(s) for disposition of the Academic Rules Committee. The faculty as a whole reserves the right to accept or reject the findings or remand for further proceedings. It also reserves the right to accept, reject, or modify the Committee's recommendation(s) for disposition.

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## 8: FINANCIAL INFORMATION

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Statements in this handbook regarding expenses are subject to change without notice and are not to be construed to form a contract with the student.

Routine charges for the 2011-12 academic year are as follows:

<b>A. Tuition</b>	Regular JD Program	\$37,940
	1 <sup>st</sup> yr. JD/MBA Program	\$38,988
	Continuing JD/MBA	\$38,036

An average course load is 15 hours per semester. A student may, at the discretion of the Executive Associate Dean, Academic Affairs, register for 17 hours. Normally a student is not permitted to take fewer than 13 hours, but in unusual circumstances a lighter load is allowed. Permission to take less than 13 hours DOES NOT affect tuition; the student is required to pay the same amount as the student taking a normal load. Student owing a balance on their account will not be able to register for classes.

**B. Summer Session:** The tuition charged per credit hour will be based upon a pro-rata portion of the regular academic year tuition.

**C. Student Health Insurance:** Please consult the following web site for detailed information, enrollment forms and costs:

<http://www.wfu.edu/sip>

**D. Student Health Center Fee \$316**

All students are required to pay this fee to support the services of the Student Health Center

**E. Student Activity Fee \$0**

Students pay no activity fees per se. However, student athletic passes to all University athletic events require a validated ID card. Identification cards will not be validated if a student owes any portion of tuition, parking fines, etc.

**F. Student Parking Fee**

\$500 for on-campus; \$150 for parking at First Assembly Church; \$0 for parking at Bridger Field House

Students will receive information regarding parking regulations in their registration material. For more information on parking regulations see:

<http://www.wfu.edu/facilities/ParkingManagement.html>

**G. University Technology Fee \$500**

First year students must pay this fee to support the use of the technology infrastructure at the University

## **H. Books and Supplies \$ 1400**

This cost may vary among students, but \$1400 is a good average, based on student surveys.

### **Accounts Payable**

All amounts due from a student to the law school or to the University for tuition, fees, or other outstanding obligations must be paid or otherwise approved by the Dean and the treasurer of the University before such student may register for classes or graduate.

### **Regular Tuition Payment Procedure**

Tuition and fees are billed by the University Financial and Accounting Services office and should be paid by the semester. Fall tuition is due August 1; Spring tuition is due December 1.

If the University deems it necessary to engage the services of a collection agency or attorney to collect, or to settle any dispute in connection with an unpaid balance on a student account, the student will be liable for all collection agency and/or attorney's fees, reasonable expenses, and costs incurred.

### **Deferred Payment**

Students who wish to finance school tuition on an installment basis should contact the University Financial and Accounting Services Office, Student Financial Services at [sfs@wfu.edu](mailto:sfs@wfu.edu) or (336) 758-5234, for information on various plans.

### **Temporary Tuition Clearance**

Students who finance part of their education through any combination of loans sometimes do not have these funds in hand by the specified deadlines. Students who have loans pending (applied or approved), will receive clearance from the Law School Financial Aid Office. Clearance will permit the student to register and attend class until the loan funds are disbursed.

**Students who have not made arrangements for clearance from the Financial Aid Office or who are in arrears will be dropped from class rolls.**

When calculating tuition, students should subtract scholarship and approved loans (Subsidized and Unsubsidized Stafford, or GradPlus) to determine the amount, if any, owed. If a balance is owed, a check must be remitted to the University Financial and Accounting Services office to receive clearance.

### **Incorrect Bills**

The student will receive a bill for each semester from the University Financial and Accounting Services Office. If you receive a bill and you think it is wrong or need more information, you should contact the University Financial and Accounting Services Office (Student Financial Services) or the law school Financial Aid Office, with your name, student number,

description, and amount of the error. Please e-mail or call Student Financial Services at [sfs@wfu.edu](mailto:sfs@wfu.edu) (758-5234) or the Law School Financial Aid Office at [lawadmissions@wfu.edu](mailto:lawadmissions@wfu.edu) (758-5437).

### **Withdrawals/Refunds**

During the academic year, students who withdraw receive tuition refunds according to the following schedule. Withdrawals must be official and students must return their ID cards before claiming refunds.

Number of Weeks Attendance (Including first day of Registration)	Percentage of Total Tuition to be Refunded
Withdrawal prior to the start of classes	100 percent
1 week	90 percent
2 weeks	75 percent
3 weeks	50 percent
4 weeks	30 percent
5 weeks	20 percent

The effective date of withdrawal is that date on which a written statement of withdrawal is RECEIVED by the Dean's Office. The student must come by the Law School Financial Aid Office to determine federal loan refund amounts. Refunds on federally insured student loans are determined by Title IV of the Code of Federal Regulations.

### **Federal Loans**

A student is eligible to apply for federal financial aid if he/she:

- Has attained a BS or BA from an accredited University or college
- Has enrolled as a regular student in a degree-granting program
- Has a valid Social Security number
- Is a US citizen or eligible non-citizen
- Is making satisfactory academic progress toward the completion of a degree
- Is registered with the Selective Service and the Bureau of Citizenship
- Is not in default on any student loan or owes a refund on any federal grant
- Is not ineligible for federal aid as a result of a drug conviction

All students who are interested in borrowing Federal Stafford loans, GradPlus loans or participating in the Federal Work Study Program must complete the Free Application for Federal Student Aid (FAFSA) EACH YEAR. The FAFSA is a free needs-analysis form distributed by the U.S. Department of Education, and it determines the amount of your eligibility for federal aid. Please complete the Renewal online each year at [www.fafsa.ed.gov](http://www.fafsa.ed.gov). You will receive a pin number from the U.S. Department of Education that will serve as your electronic signature. If you did not receive a pin number, you can register for one at [www.pin.ed.gov](http://www.pin.ed.gov). Your FAFSA should be complete before July to ensure timely arrival of your Federal loan checks.

A student who fails to achieve a cumulative grade point average of at least 73.00 after completion of his or her second semester will be ineligible for federal financial aid. To remain

eligible a student must maintain a cumulative average of 73.00 at the end of every academic year thereafter. Grades earned in summer school after the end of an academic year are not taken into account for the purpose of determining a student's cumulative average as of the end of that year.

### **Loan Disbursement**

Federal student loan checks are electronically deposited to each student account and students receiving financial aid may come to the Law Financial Aid Office during the first weeks of class to pick-up their refund.

### **Student Account Refunds**

Scholarship recipients with financial aid or students who have paid tuition in full may have a credit balance on their account. You may come by the Law School Financial Aid Office to pick up your refund check.

### **Scholarships, Loans, and Work Study**

Financial aid information regarding scholarships, federally-insured loans, guaranteed student loans, and work-study programs are discussed in detail at the Law School website, <http://law.wfu.edu/admissions/aid/> Students who have questions or wish to discuss their individual situations in detail should contact the Financial Aid Office in the law school, and every effort will be made to help resolve these problems.

### **Student Employment**

The law school and accrediting agencies require that a student be in a position to devote most of his or her working hours to the study of law. Therefore, entering students are strongly urged not to accept any kind of employment during their first academic year, and upper class students are advised not to exceed twenty hours per week of employment. Because of the intense curriculum, work-study funds are not made available to first year students.

The law school has a variety of student employment opportunities. Students interested in student employment must contact the financial aid office for eligibility criteria.

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## 9: STUDENT COMPLAINTS

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When students have questions or complaints about law school operations or about the conduct of a faculty member, another student, or a member of the law school staff, they should talk with one of the Associate Deans. The Associate Dean for Administrative and Student Services is generally responsible for student concerns, along with admissions, career and professional development, and law school public relations. The Executive Associate Dean for Academic Affairs is generally responsible for the academic program, faculty, scheduling, registration, and the Honor Code. The Associate Dean for Information Services is generally responsible for law school technology issues.

When a student has a question or a complaint about or a problem in a course in which he is or she is enrolled, the concern can usually best be handled by talking directly with the professor who teaches the course. A student can also talk with Executive Associate Dean for Academic Affairs or the Associate Dean for Administrative and Student Services about a complaint or a problem in a course.

When a student has a question about a grade that he or she has received in a course, the student should talk directly with the professor who taught the course, except in the case of a student who is academically ineligible. [An academically ineligible student with a question about a grade must follow the procedure set out for review, on page 5-3 of this Handbook.] Answering questions about grades is part of the professor's job. Students are entitled to review their exams, and professors are required to explain to their students how the exams were graded.

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## **10: COURSES OFFERED and PLANNING YOUR COURSE OF STUDY**

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Course descriptions for the courses offered at the School of Law can be found on the Law School's website: <http://law.wfu.edu/academics/courses/>.

A helpful detailed Course Planning Guide can be found on the law school website at <http://academics.law.wfu.edu/courses/planning/> Please note that not all the courses listed are taught during every academic year. The School of Law reserves the right to make changes in the content, instructor, and timing of courses offered and in other matters set forth in this handbook and on the website.

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# 11: COURSES TAKEN IN THE BUSINESS SCHOOLS, THE GRADUATE SCHOOL, AND THE DIVINITY SCHOOL

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## COURSES IN THE SCHOOLS OF BUSINESS

### JD/MBA Program

This Joint Degree Program allows a student to combine the three-year law school curriculum and the two-year management school curriculum into a four-year course of study. This is accomplished by using the equivalent of one semester (fifteen semester hours) from each school to satisfy the total hour requirement of the other. A student must maintain a satisfactory academic level at both schools to remain in the program. A student must earn 124 hours to be awarded the JD/MBA degree: 75 hours are spent in residency at the law school, and 50.5 hours at the management school.

For further information, see <http://law.wfu.edu/academics/degree/mba/>.

### Credit for Business School Courses taken by non-JD/MBA Students

Law students who are not enrolled in the JD/MBA program may, with the approval of the Executive Associate Dean for Academic Affairs, earn up to four credit hours in The Business Schools to be credited toward their JD degrees. Law students must obtain the permission from The Business Schools' professors who teach the courses in which they wish to enroll. These courses will be graded on a pass/fail basis. The Business Schools credits earned under this program *will count* toward the seven hours of pass/fail credit allowed for the JD degree. An approval form must be completed and can be obtained from the law school's Registrar's Office.

## COURSES IN THE DIVINITY SCHOOL

### JD/MDiv Program

The JD/MDiv program allows a student to combine the three-year law curriculum and the three-year divinity curriculum into a five-year program. Students will first complete two years of work in either the School of Law or the School of Divinity. Years 3 and 4 will be completed in the alternate school. For the fifth year, students will enroll in each school for one semester, completing any remaining degree requirements and elective courses that are joint-degree appropriate. When undertaken as part of the joint JD/MDiv program, the JD degree requires completion of 75 hours of law course work and the other [degree requirements](#) prescribed by the law school for graduation. Each student will be provided a faculty advisor from each school for the duration of the degree program to help guide them through the program and its curriculum. To make the most of the degree program, students will meet with both advisors at least once during each semester enrolled in the joint degree program.

### Credit for WFU Divinity School Courses taken by non-JD/MDiv Students

A law student can earn up to four hours of academic credit for certain courses taken in the Divinity School. Any such course must be approved by the Executive Associate Dean for Academic Affairs as being appropriate to the study of law. A student seeking to take such a

course must obtain the approval of the Divinity School professor teaching the course. Courses taken in the Divinity School will be graded on a pass/fail basis and credits earned *will count* toward the seven hours of pass/fail credit allowed for the J.D. degree. An approval form must be completed and can be obtained from the law school's Registrar's Office.

## **COURSES IN THE GRADUATE SCHOOL**

### **JD/MA Programs**

Students interested in the joint JD/MA in Religion program or the JD/MA in Bioethics program can combine the three-year law curriculum and the masters degree curriculum into a program requiring less combined credit hours to receive both degrees.

Ordinarily, students enrolled in the JD/MA in Religion program will complete one full year in the Graduate School, followed by two full years in the School of Law. In exceptional cases, students may complete the first year in the Graduate School after the second full year in the School of Law. For the fourth year, students will enroll in each school for one semester, completing any remaining degree requirements and elective courses that are joint-degree appropriate. When undertaken as part of the joint JD/MA in Religion program, the JD degree requires completion of 75 hours of law course work and the other degree requirements prescribed by the law school for graduation.

Students enrolled in the JD/MA in Bioethics program will save a semester plus a summer of enrollment. The law school grants 12 hours of law credit for bioethics coursework, and the Graduate School grants 6 hours of bioethics credit for law coursework. It is anticipated that students accepted to the program will spend their first year full-time in the law school, and one extra semester full-time in the Bioethics program. They will complete 12 additional bioethics hours during their second and third years of law school. Assuming the student wishes to graduate with their law school class, the full bioethics semester would come after the third year of law school, but it could come earlier. In either event, students will receive both degrees in seven semesters rather than eight semesters plus a summer.

### **Credit for WFU Graduate School Courses taken by non-JD/MA Students**

A law student can earn up to four hours of academic credit for certain courses taken in the Graduate School. Any such course must be approved by the Executive Associate Dean for Academic Affairs as being appropriate to the study of law. A student seeking to take such a course must obtain the approval of the Graduate School professor teaching the course. Courses taken in the Graduate School will be graded on a pass/fail basis and credits earned *will count* toward the seven hours of pass/fail credit allowed for the J.D. degree. An approval form must be completed and can be obtained from the law school's Registrar's Office.

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## **12: LL.M. PROGRAM IN AMERICAN LAW AND S.J.D. PROGRAM**

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Each year, students who have received their law degrees in countries other than the United States are admitted to our Master of Laws (LL.M.) Program in American Law.

The LL.M. Program is a one-year program in which foreign law graduates are required to take 24 hours of course work. The LL.M. Committee may allow a student interested in business law to take up to six credits towards the LL.M. from approved courses in the Wake Forest Schools of Business.

The S.J.D. (Scientiae Juridicae Doctor) degree is designed for scholars and teachers of law and is most often obtained by international attorneys who are pursuing academic or high ranking governmental careers in their home countries. The S.J.D. is not a course-oriented degree but rather is directed towards scholarly research and producing a dissertation of publishable quality that contributes in an original manner to the area of law to which it is directed.

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## 13: SUMMER PROGRAMS IN LAW

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### **On Campus Summer Sessions**

All first and second year students in good standing are eligible to enroll in summer session. Summer session is divided into two terms. Each term is five weeks. The general practice at the School of Law is to adopt the academic calendar for the College summer sessions. First term usually begins in late May and ends in early July. Second term usually begins in early July and ends in early August. Students may register for a maximum of seven credit hours per term. The cost of summer school tuition is pro rated per credit hour.

Law school policy requires a minimum enrollment of six students per course for a course to be offered in summer school.

The maximum load per five-week summer term is seven credit hours. By taking a total of 13 credit hours in three terms of summer session, a student may accelerate graduation by one semester if he or she meets the 90 credit hour graduation requirement and has also been in residence for five regular semesters.

### **Off Campus Summer Session in England**

Each year the law school offers a summer session at the Worrell House at the University's London campus.

Two courses are usually offered during a four week summer program beginning in late May and ending in late June. Students may enroll in only one course. Each course is three credit hours and the subject areas vary. As a rule, the law school seeks to offer a course in the History of the Common Law and a course in the area of international or comparative law.

To be eligible to attend the program in London, a student must have a GPA of at least 74.00 as of the end of the previous fall term.

For more information see: <http://studyabroad.law.wfu.edu/london/>

### **Off Campus Summer Program in Italy**

The School of Law annually sponsors a four week summer program in Venice.

The Italy program is conducted at the University's Venice House (Casa Artom). Two courses are usually offered during a four-week period beginning in early July. Students may enroll in only one course, since the courses run concurrently. Each course is three credit hours. Although the specific course offerings vary, comparative and international law topics are usually addressed.

To be eligible to attend the program in Italy, a student must have a G.P.A. of at least 74.00 as of the end of the previous fall term.

For more information, see <http://studyabroad.law.wfu.edu/venice/>

### **Off Campus Summer Program in Austria**

Each year, the School of Law offers a four week summer session in Vienna, Austria.

The Austria program is conducted at the University's Vienna house, Flow House. Two courses will usually be offered during a four-week period beginning in early July. Each course will be three credit hours, and a student may enroll in only one course. The course offerings, which will vary, will cover comparative and international law topics.

To be eligible to attend the program in Austria, a student must have a G.P.A. of at least 74.00 as of the end of the previous fall term.

For more information, see <http://studyabroad.law.wfu.edu/vienna/>

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## 14: PLANNING FOR THE BAR EXAMINATION

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In planning a program of law study, the student should usually consider the requirements for admission to the bar in the jurisdiction where he or she plans to practice.

The Multistate Bar Examination (MBE) is a major component of the bar exam in almost every jurisdiction. The Multistate Professional Responsibility Exam (MPRE) is also a requirement in most jurisdictions, including North Carolina. The Multistate Essay Exam (MEE) has currently been adopted for use by some jurisdictions, and the Multistate Performance Test (MPT) has been adopted for use by some jurisdictions.

The subjects tested on the MBE are Contracts, Torts, Evidence, Real Property, Criminal Law and Constitutional Law. Criminal Law includes criminal procedure questions. In order to be fully prepared to take the Multistate exam, one should enroll in Criminal Procedure during the second or third year of law school study. Constitutional Law II and Evidence are required courses.

A number of upper level courses are subjects that are frequently tested on bar exams throughout the country. **Before planning your schedule, you should consult the bar requirements of your state. You can access information about subjects tested on each state's bar exam through the National Conference of Bar Examiners' website: <http://www.ncbex.org/>**

You will notice that most states share common subject area requirements, but many states include courses which are unique to practice in the jurisdiction. For example, many states test Municipal Corporations, Conflict of Laws, Federal Jurisdiction, Estate Planning, Taxation (both federal and state) and Domestic Relations. Some subject areas that are tested may surprise you, because these subjects are not covered by courses at Wake Forest. Specifically, some western states test on Community Property and Water Law. Texas tests on Oil and Gas Law, and Oklahoma on Consumer Law. In preparing for bar exams in these states, you may wish to consult a faculty member or the Executive Associate Dean, Academic Affairs.

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## **15: WAKE FOREST UNIVERSITY STATEMENT OF PRINCIPLE ON DIVERSITY**

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Wake Forest University is a community of men and women that seeks the enlightenment and freedom which come through diligent study and learning. Its higher goal, however, is to give life to the University motto "Pro Humanitate," as members translate a passion for knowledge into compassionate service.

The community shares a tradition that embraces freedom and integrity and acknowledges the worth of the individual. The heritage, established by the school's founders and nurtured by succeeding generations, promotes a democratic spirit arising from open-mindedness and discourse.

Wake Forest fosters compassion and caring for others. Its collective strength and character are derived from the values and distinctive experiences of each individual; therefore, it affirms the richness of human intellect and culture and its contribution to knowledge, faith, reason, and dialogue. Furthermore, it strives toward a society in which good will, respect, and equality prevail. To that end, Wake Forest University rejects hatred and bigotry in any form and promotes justice, honor, and mutual trust.

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## 16: FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

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The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. Right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

A student should submit to the registrar, Dean, head of the academic department, or other appropriate official, written requests that identify the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be made.

2. The right to request amendment of the student's education records that the student believes are inaccurate or misleading.

A student may ask the University to amend a record that the student believes is inaccurate or misleading. The student should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosures without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interest. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

The following information regarding students is considered directory information: (1) name, (2) address, (3) telephone number, (4) electronic mail addresses, (5) date and place of birth, (6) major field of study, (7) enrollment status (undergraduate or graduate, full or part-time), (8) grade level, (9) participation in officially recognized activities and sports, (10) weight and height of members of athletic teams, (11) dates of attendance, (12) degrees and awards received, (13) the most recent previous educational agency or institution attended by the student, and (14) other similar information such as a photograph.

Directory information may be disclosed by Wake Forest for any purpose in its discretion, without the consent of the student. Students have the right to refuse to permit the designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with consent of the student, or as otherwise allowed by FERPA.

Any student refusing to have any or all of the designated directory information disclosed must file written notification to this effect with the Office of the Registrar on or before September 1 of the current academic semester. Forms are available at that office.

If a refusal is not filed, Wake Forest assumes that a student does not object to the release of the directory information designated.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

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## 17: DISABILITY POLICY

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Disability Services within the Learning Assistance Center (LAC) exists to enable students with disabilities to experience equal access to the academic, social, and recreational activities and programs at Wake Forest University. To achieve the goal of “equal access,” the LAC staff works with students, faculty and staff to implement services and accommodations that are in accordance with both state and federal laws and our own commitment to this goal.

The size of Wake Forest University enables the LAC staff to work in an individual manner with students who choose to disclose disabilities. Once a student is admitted to Wake Forest and contacts the Learning Assistance Center or [Student Health Services](#) regarding a disability, he or she is encouraged to set up an appointment with the one of the [senior staff members](#) in the LAC to explore his or her needs. The appointment can be made during the summer or early in the first semester of matriculation. If architectural or extensive accommodations are anticipated, then early disclosure to the Learning Assistance Center is most helpful.

For more information about the Learning Assistance Center including address, times, staff and other services, please see the [LAC homepage](#).

### **Information for faculty and staff**

- [Working Together: Faculty, Staff and Students with Disabilities](#)

### **Policies and Procedures**

- [Rights and Responsibilities of Students and the Institution](#)
- [Confidentiality Procedure](#)
- [Grievance Procedure](#)

### **Helpful Guidelines**

[Documenting a Learning Disability](#) (pdf)

[Documenting an Attention Deficit Hyperactivity Disorder](#) (pdf)

[Documenting a Physical or Psychiatric Disability](#) (pdf)

A student who is disabled and requires accommodations for the disability should contact the Associate Dean for Administrative and Student Services or one of the following individuals, depending on the nature of the accommodation requested.

Regarding medical or mobility issues: Cecil D. Price, M.D.  
STUDENT HEALTH SERVICES  
(366) 758-5218

Regarding learning issues:

Van D. Westervelt, Ph.D.  
LEARNING ASSISTANCE CENTER  
(336) 758-5929  
whitedg@wfu.edu

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## 18: IMMUNIZATION POLICY

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Wake Forest University and North Carolina State law (G.S. 130A-152) requires documentation of certain immunizations for students attending a North Carolina college or university. Student must submit certification of these immunizations PRIOR TO REGISTRATION. Documentation should be on or attached to the completed Health Information Summary form provided by the Student Health Service in order to assure correct identification of the student. **YOU MAY NOT ATTEND CLASSES IF YOU HAVE NOT COMPLIED WITH THIS IMMUNIZATION POLICY.** Acceptable documentation is a statement signed by the appropriate official(s) having custody of the records of immunization, such as a physician, county health department director or a certificate from a student's high school containing the approved dates of immunizations.

The American College Health Association recommendations and North Carolina State law require certification in accordance with the following.

### REQUIRED:

1. **Tetanus-Diphtheria-Pertussis (Tdap).** Students must document three doses of a combined tetanus-diphtheria vaccine (DTaP, Td, or Tdap) of which one must be within ten years of enrollment. Tdap should be used if a vaccine is given prior to matriculation to fulfill this requirement.
2. **Rubeola (Measles).** Students must document two doses of live virus measles vaccine given at least 30 days apart, on or after their first birthday unless (a) they have a physician's certificate which states that they have had measles prior to 1/1/94, (b) they were born prior to 1/1/57, or (c) they have documentation of a titer indicating they are immune.
3. **Rubella (German Measles).** Students must document that they have had one dose of live virus vaccine on or after their first birthday unless (a) they have documentation of a titer indicating they are immune, or (b) they will be fifty years old before they enroll. History of the disease is not acceptable.
4. **Mumps.** Students must document that they have had two doses of live virus mumps vaccine given at least 30 days apart, on or after their first birthday unless (a) they were born before 1/1/57 or (b) they have documentation of a titer indicating they are immune. History of the disease is not acceptable.
5. **Polio.** Students must document that they have had a trivalent polio vaccine series and a booster on or after their fourth birthday unless they will be eighteen years old or older when they enroll.
6. **Tuberculin skin test** is required within twelve months of the University registration date for (a) students who may have been exposed to tuberculosis or (b) students whose home country is *other than* the United States, Australia, New Zealand, Canada, Western Europe, or Japan. If the student is known to be tuberculin-positive or if this test is positive, documentation of a chest X-ray and appropriate treatment should be sent with the immunization form.

**RECOMMENDED:**

1. **Hepatitis B** - A three-dose series of the vaccine is recommended.
2. **Varicella** - The two-dose series is recommended.
3. **Meningococcal** - Recommended for first-year undergraduates living in residence halls.
4. **Quadrivalent Human Papillomavirus Vaccine** - A three-dose series is recommended.

Immunizations required under North Carolina law must be documented within thirty days following registration. After that time, students with incomplete documentation of immunizations will not be permitted to attend classes. Please note that some series require several months for completion

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# 19: SUBSTANCE ABUSE POLICY

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The University recognizes the potential harmful effect that substance abuse can have on the lives of individual members within the Wake Forest community. To that end, the University has adopted a Substance Abuse Policy and Program which addresses the issues of identification, confidentiality, education and treatment and penalties for violation of the policy. The status of any student will not be jeopardized for conscientiously seeking early assistance in the recovery from substance abuse impairment. Students who are identified as possibly having a problem and who are referred to the health educator for assessment may be required to participate in an education and treatment program. To the extent possible, complete confidentiality will be maintained with students seeking assistance and treatment.

## **A. Standards of Conduct**

Wake Forest University is unequivocally opposed to alcohol and substance abuse and the unlawful possession, use or distribution of drugs by students on the University's property or as any part of the University's activities. Any illegal possession, distribution, and use of alcohol and/or controlled substances are prohibited by the University.

## **B. State and Federal Sanctions**

The local, state, and federal laws provide specific penalties for drug and narcotics offenses. Article 5 of Chapter 90 of the North Carolina General Statutes makes it unlawful for any person to manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver those drugs designated collectively as "controlled substances." The punishment includes a term of imprisonment as well as a substantial fine.

The federal law makes it unlawful for any person to manufacture, distribute, create, dispense or to possess with the intent to manufacture, distribute, or dispense controlled substances. Title 21 of the United States Code provides terms of imprisonment and fines for violations of this act. The nature of the offense and whether the person has committed any previous unlawful acts under this statute will determine the term of imprisonment as well as the amount of the fine.

The penalties for violations of alcoholic beverage regulations are found in Chapter 188 of the North Carolina General Statutes. Such penalties include terms of imprisonment and heavy fines.

## **C. Health Risks**

Wake Forest University recognizes that the state of an individual's overall health affects academic performance, job performance, and all facets of a student's life. Alcohol and substance abuse rank as one of the major health and economic problems in this society.

The use of the stimulants—cocaine, crack and ice—includes such health risks as central nervous system dysfunctions, convulsions, hypertension, heart irregularities, nasal destruction, and a potential for sudden death. A longer-lasting paranoia and unpredictable violent behavior have been associated with the use of ice. Apathy, decreased visual perception, impaired psychomotor skills, and memory loss may be associated with the use of marijuana. Alcohol is

a sedative affecting the central nervous system. In addition to intestinal disorders and liver disease, the abuse of alcohol may lead to unpredictable behavior, the impairment of judgment, dangerous mob activities such as drinking games, and unwanted sexual behavior (acquaintance rape). The misuse of alcohol has given rise to unwanted pregnancies and a greatly increased number of sexually-transmitted diseases.

#### **D. Treatment and Rehabilitation Programs**

The Substance Abuse Program, revised in March 1989 and April 1994, provides a protocol for counseling and treatment of a student identified as having a substance abuse problem. Consultation and assessment with a substance abuse counselor may be required following the report of an incident or the awareness of a problem involving drugs or alcohol abuse. The program sets forth the consequences of violating the treatment and rehabilitation plan. The continued or repeated abuse of substances following initiation into this program will constitute grounds for further disciplinary action by the University or the Law School.

#### **E. University Sanctions**

Disciplinary proceedings against a student will be initiated in accordance with the judicial procedures of the appropriate undergraduate or graduate school. When there is a reasonable basis for believing that the person has violated this policy or North Carolina law pertaining to controlled substances and the alleged conduct is deemed to harm the interests of the University, disciplinary action will be instituted. It should be noted that though an offense may be the subject of legal action by the civil authorities, University officials are free to initiate disciplinary actions that may result in additional penalties.

#### ***PENALTIES***

Penalties may range from written warnings with probationary status to expulsions from enrollment. A student convicted in criminal court of a drug violation will lose his/her eligibility for Federal student aid. The following minimum penalties will be imposed for the particular offenses described:

**Trafficking in Illegal Drugs:** The term “trafficking” is used in its generic sense, not in its specific application to selling, manufacturing, delivering, transporting, or possessing controlled substances in specified amounts that is the subject of North Carolina General Statute 90-95 (h).

For the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedule I, N.C. General Statutes 90-89, or Schedule II, N.C. General Statutes 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), a student will be expelled.

For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance identified in Schedules III through VI, N.C. General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, phenobarbital, codeine), the minimum penalty is suspension from enrollment or from employment for a period of at least one semester or its equivalent.

At Wake Forest University, all trafficking activities of any controlled substances have been determined to have a presumptive sanction of expulsion.

**Illegal Possession of Drugs:** For a first offense involving the illegal possession of any controlled substance identified in Schedule I or Schedule II, N.C. General Statute 90-91, the minimum penalty is suspension.

For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, N.C. General Statutes 90-91 through 90-94, the minimum penalty is suspension. A person returning from suspension will be on probation for at least one semester. A person on probation must agree to participate in a drug education, drug assessment and/or counseling program at his/her own expense, consent to regular drug testing at his/her own expense, and accept such other conditions and restrictions, including a program of community service, as the Associate Dean for Academics and the Associate Dean for Administrative and Student Services deem appropriate.

Refusal or failure to abide by the terms of probation will result in suspension from enrollment or from employment for any unexpired balance of the prescribed period of probation.

For second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties will be imposed, including expulsion.

When a student has been charged by the University with a violation of policies concerning illegal drugs, he or she may be suspended from enrollment before initiation or completion of regular disciplinary proceedings, where the student's continued presence within the University community would constitute a clear and immediate danger to the health or welfare of other members of the University community. If such a suspension is imposed, an appropriate hearing of the charges against the suspended person will be held as promptly as possible.

#### CONFIDENTIALITY IN MEDICAL SITUATIONS INVOLVING SUBSTANCE ABUSE

Students who present at Student Health Service under the influence of alcohol or drugs will receive confidential care and treatment that will not be reported to the Law School. If you know someone who has had too much to drink or is sick as a result of using illegal drugs, please take him or her to Student Health Service. If you cannot get your friend to Student Health Service and are faced with an emergency, please dial 911.

#### ***HELPFUL CAMPUS RESOURCES IN MEDICAL SITUATIONS INVOLVING SUBSTANCE ABUSE***

##### **Student Health Service; Reynolda Gym; 758-5218**

The staff provides confidential care for alcohol related emergencies 24 hours a day during the academic semester. Students can bring a friend who has had too much to drink to Student Health Service. If a student needs medical attention and cannot get to the Health Service, call 911. Other services include urgent care, illness care, physical examinations, medications, laboratory tests, psychiatric care, allergy injections, routine immunizations, and routine gynecological services. Referrals to community specialists are made when necessary.

##### **Health Educator; 332 Benson Center; 758-5937**

The Health Educator is available as a confidential resource for questions or concerns on a variety of health topics including alcohol and other drugs. She is a resource for seminars and individual consultations on health issues such as nutrition, eating disorders, substance abuse, contraception,

and sexually transmitted diseases.

**University Counseling Center; 118 Reynolda Hall; 758-5273**

The University Counseling Center assists students to deal effectively with personal, interpersonal, vocational and academic issues. The Center offers a wide range of services including individual and group counseling, testing, seminars and workshops, consultation, self-help resources, and referral assistance. In emergency situations after hours (excluding holidays and summer), Counseling Center staff can be reached by calling the Student Health Service (758-5218).

For problems related to substance abuse, the Center offers initial consultation and referral for evaluation and treatment; counseling groups for students with family alcoholism or other substance abuse histories; and consultation for those interested in approaching a friend with a substance abuse problem. All services are confidential.

**Campus Ministry; Kitchin Residence Hall; 758-5248**

Campus ministers are available from a variety of denominations as well as representatives of inter-denominational faith groups for support of spiritual and other matters.

***University Police; (Non-Emergency) 758-5591 & (Emergency) 758-5911***

The University Police have several resources for students with concerns about alcohol, other drugs, and crimes on campus. Silent Witness, Crimestoppers, and Victims Advocates are available to help students.

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## 20: SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICIES

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### IMPORTANT INFORMATION FOR STUDENTS WHO MAY BE VICTIMS OF SEXUAL MISCONDUCT:

If you or someone you know may have been a victim of sexual assault or any other type of sexual misconduct prohibited under this policy, you are strongly encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, 7 days a week, from:

Campus Advocacy and Support Services 336-758-5285

For additional information about seeking medical assistance and emotional support, as well as important contact information, see Appendix A of this Policy.

### I. Introduction

Wake Forest University expects all members of its community to act in respectful and responsible ways towards each other. Wake Forest University is committed to providing programs, activities and an educational environment free from sex discrimination. This Student Sexual Misconduct Policy sets forth resources available to students, describes prohibited conduct, and establishes procedures for responding to reports of sexual misconduct (including sexual assault, sexual harassment, and other unwelcome sexual behavior).

As a recipient of Federal funds, Wake Forest is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 *et seq.* (“Title IX”), which prohibits discrimination on the basis of sex in education programs or activities. Sexual misconduct, as defined in this Policy, is a form of sex discrimination prohibited by Title IX.

This policy addresses complaints of sexual misconduct where the accused is a student of Wake Forest University. Complaints relating to sexual misconduct by a member of the University faculty or staff may be reported to the University’s Title IX Coordinator. Details regarding Wake Forest’s policy directed at sexual harassment by employees may be found at <http://www.wfu.edu/hr/policies/II-3.pdf>.

The University will make this policy and educational opportunities readily available to all students and other members of the University community. Please refer to the last page of this policy for important contact information.

## II. General Statement of Policy

Any act of sexual misconduct as defined under this Policy constitutes a violation of University policy. Sexual misconduct can be committed by men or women, and it can occur between people of the same or different sex. The University is committed to fostering a campus environment that both promotes and expedites prompt reporting of sexual misconduct and timely and fair adjudication of sexual misconduct cases. Creating a respectful, safe, and non-threatening environment is the responsibility of all members of the University community. The University's procedures are designed to protect the rights, needs, and privacy of the person making a complaint to the University, as well as the rights of students accused of sexual misconduct.

Anyone wishing to make a complaint of sexual misconduct by a University student should contact the University's Title IX Coordinator, Campus Advocacy and Support Services, the University Police, and/or the Office of the Dean of Student Services. (A list of resources and relevant contact information is included on the last page of this policy.) A faculty or staff member with knowledge about a known or suspected incident of sexual misconduct must report the incident to Campus Advocacy and Support Services, the University Police, the University's Title IX Coordinator or the Office of the Dean of Student Services. No employee is authorized to investigate or resolve student complaints without the involvement of the University's Title IX Coordinator.

Allegations of sexual misconduct made by a student against a University employee should be reported to the University's Title IX Coordinator or in accordance with the University's Sexual Harassment Policy <http://www.wfu.edu/new/publications/students/2011-2012.handbook.pdf>. Such allegations will be reviewed, investigated and resolved in accordance with that Policy and in consultation with the Title IX Coordinator.

In addition to violating University policy, sexual misconduct might also constitute criminal activity. **Students are strongly encouraged to inform law enforcement authorities about instances of sexual misconduct. The chances of a successful criminal investigation are greatly enhanced if evidence is collected and maintained immediately by law enforcement officers.** Students may inform law enforcement authorities about sexual misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint or a formal University complaint. Students who make a formal criminal complaint may simultaneously pursue a formal University complaint.

Assistance in reporting any form of sexual misconduct to the proper law enforcement authorities is available to any student upon request from Campus Advocacy and Support Services, the University Police, the University's Title IX Coordinator, and the Office of the Dean of Student Services.

***Jurisdiction.*** This policy applies to any allegation of sexual misconduct against a University student, regardless of where the alleged sexual misconduct occurred. A university student is any student registered or enrolled at the University (a) at the time of the alleged sexual misconduct *and* (b) at the time the complaint is made. Although there is no geographical limitation to invoking this policy, sexual misconduct that is alleged to have occurred at a significant distance from the University may be more difficult to investigate. For this reason, victims of sexual misconduct far from Wake Forest's campus are especially encouraged to notify local authorities to assist in the investigation.

***Period of Limitation.*** The University encourages individuals to file complaints as soon as possible. However, there is no period of limitations provided that the accused is a university

student, as defined above. A complaint of sexual misconduct may be filed at any time while the accused is enrolled as a student at Wake Forest, regardless of the length of time between the alleged misconduct and the decision to file the complaint.

### **III. PROHIBITED CONDUCT**

#### **◆ Sexual Misconduct:**

*Sexual Misconduct is defined as any act of a sexual nature perpetrated against an individual without effective consent or when an individual is unable to freely give consent. Effective consent is defined in Part IV of this Policy. Sexual misconduct includes, but is not limited to:*

- (1) Attempted or completed intercourse or penetration (anal, oral or vaginal), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent. This includes vaginal penetration by a penis, object, tongue or finger; anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact or genital to mouth contact).
- (2) Sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a man or a woman upon a man or a woman, without effective consent. Sexual touching includes any contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts, when such touching would be reasonably and objectively offensive.
- (3) Sexual exploitation, defined as taking non-consensual, unjust or abusive sexual advantage of another, for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited. Sexual exploitation encompasses a wide range of behaviors which may include, but are not limited to:
  - Inducing incapacitation with the intent to rape or sexually assault another student;
  - Non-consensual video or audio-recording of sexual activity;
  - Allowing others to observe a personal act of consensual sex without knowledge or consent of the partner;
  - Engaging in Peeping Tommery (voyeurism);
  - Knowingly transmitting a sexually transmitted disease, including HIV, to another student;
  - Prostituting another student (i.e. – personally gaining money, privilege, or power from the sexual activities of another student)

#### **◆ Sexual Harassment:**

*Sexual harassment is a form of discrimination that includes verbal, written, or physical behavior of a sexual nature, directed at someone, or against a particular group, because of that person's or group's sex, or based on gender stereotypes, when that behavior is unwelcome and meets either of the following criteria:*

(1) Submission or consent to the behavior is reasonably believed to carry consequences for the student's education, employment, on-campus living environment, or participation in a University activity. Examples of this type of sexual harassment include:

- (a) pressuring a student to engage in sexual behavior for some educational or employment benefit, or
- (b) making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the student.

(2) The behavior has the purpose or effect of substantially interfering with the student's work or educational performance by creating an intimidating, hostile, or demeaning environment for employment, education, on-campus living, or participation in a University activity. Examples of this type of sexual harassment can include:

- (a) persistent unwelcome efforts to develop a romantic or sexual relationship;
- (b) unwelcome sexual advances or requests for sexual favors;
- (c) unwelcome commentary about an individual's body or sexual activities;
- (d) repeated and unwelcome sexually-oriented teasing, joking, or flirting; and
- (e) verbal abuse of a sexual nature.

Comments or communications may be verbal, written, or electronic. Behavior does not need to be directed at or to a specific student in order to constitute sexual harassment, but may consist of generalized unwelcome and inappropriate comments based on sex or gender stereotypes.

Determination of whether alleged conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred.

#### ◆ **Sexual Intimidation:**

*Sexual intimidation involves:*

- (1) threatening to commit a sexual act upon another person
- (2) stalking,
- (3) cyber-stalking, or
- (4) engaging in indecent exposure.

#### **IV. Effective Consent**

The University's definition of sexual misconduct mandates that each participant obtains and gives effective consent in each instance of sexual activity. Effective consent is informed, freely and actively given, mutually understandable words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. In the absence of mutually understandable words or actions it is the responsibility of the initiator, that is, the person who wants to engage in the specific sexual activity, to make sure that they have consent from their partner(s). Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same act, in the same way, at the same time, with each other. **Relying**

**solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions. If confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, the initiator should stop and verbally clarify the other individual's willingness to continue.**

- Consent may not be inferred from silence, passivity or lack of active resistance alone.
- A current or previous dating or sexual relationship (or the existence of such a relationship with anyone else) may not, in itself, be taken to imply consent.
- Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.
- Consent to one type of sexual act may not, in itself, be taken to imply consent to another type of sexual act.
- Consent expires. Consent lasts for a reasonable time, depending on the circumstances.
- Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly; upon clear communication, all sexual activity must cease.
- Consent which is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent. Intimidation or coercion is determined by reference to the reasonable perception of a person found in the same or similar circumstances.
- Consent may never be given by:
  - Minors (under the age of 16 in North Carolina)
  - Mentally disabled persons
  - Persons who are incapacitated as a result of alcohol or other drugs or who are unconscious or otherwise physically helpless. Incapacitation means being in a state where a person lacks the capacity to appreciate the nature of giving consent to participate in sexual activity.
- One may not engage in sexual activity with another who one knows, or should reasonably have known, is incapacitated as a result of alcohol or other drugs.
- The use of alcohol or other drugs can have unintended consequences. Alcohol or other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and effectively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of the use of alcohol or drugs on another's ability to give consent. Being intoxicated or high does not diminish one's responsibility to obtain consent and is never an excuse for sexual misconduct.

## **V. Reporting Prohibited Conduct**

Victims are strongly encouraged to report incidents of sexual misconduct. Because Sexual Misconduct may constitute *both* a violation of University policy *and* criminal activity, and because the University Judicial System is not a substitute for instituting criminal or civil action, the University encourages students to report alleged Sexual Misconduct promptly to campus officials and to local law enforcement agencies.

A victim may always contact the local police authorities directly. In addition, the University Police and the Campus Advocacy and Support Services are available to assist students in making reports to the police and in pursuing such charges.

To report sexual misconduct to the University, victims can report sexual misconduct to Campus Advocacy and Support Services, university law enforcement, the University's Title IX Coordinator and/or the Office of the Dean of Student Services. A list of resources and contact information, including for the Winston-Salem Police Department, is included on the last page of this Policy.

If a criminal complaint is filed in addition to a complaint with the University, the University will not wait for the conclusion of any criminal investigation or proceedings before commencing its own investigation; however, the University's investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the University may take interim measures when necessary to protect the complainant and the University community.

**Limited Immunity.** The University considers the reporting and adjudication of sexual misconduct cases on campus to be of paramount importance. While the University does not condone underage drinking, the University will extend limited immunity from punitive sanctioning in the case of illegal alcohol use to victims, witnesses and to those reporting incidents and/or assisting the victims of sexual misconduct.

## **VI. Confidentiality**

The University will take all precautions feasible to preserve the confidentiality of both the complainant and the accused. However, students should understand that under conditions of imminent harm to the community, the University is required by federal law to inform the community of the occurrence for the protection of all members of the community. In addition, the University cannot control confidentiality violations by other students who may be involved as witnesses in the judicial hearing.

If the complainant does not wish to pursue a hearing and/or requests that his or her complaint remain confidential, Title IX nevertheless requires the University to investigate and take reasonable action in response to the complaint. The University's Title IX Coordinator will inform the complainant, however, that the University's ability to respond in such a case may be limited. In such cases, Title IX requires the University to evaluate the complainant's request(s) that the complaint not be adjudicated or remain confidential in the context of the University's commitment to provide a reasonably safe and non-discriminatory environment for all students. In order to make such an evaluation, the Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the complainant's request(s) against the following factors: the seriousness of the alleged Sexual Misconduct; whether there have been other complaints of Sexual Misconduct against the same accused student; and the accused student's right to receive information about the allegations if

the information is maintained by the University as an "education record" under FERPA, the federal law that protects the privacy of students' education records. The University's Title IX Coordinator will inform the complainant if the University cannot ensure confidentiality. Even if the University cannot take disciplinary action against the accused student because of the request for confidentiality or the request to not pursue an investigation, the University will nevertheless take prompt and effective action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence. For instance, the university may issue a "no-contact" order or take other appropriate interim measures to assure student safety even in the absence of a formal proceeding.

If, prior to a hearing, the accused student elects to acknowledge his or her actions and take responsibility for the alleged sexual misconduct, the hearing will be canceled and the appropriate Title IX Deputy will be assigned to make a determination regarding sanctions. If both the complainant and the accused student agree to such proposed sanctions, the complaint will be resolved without any further rights of appeal by either party. If either the complainant or the accused student objects to such proposed sanction(s), a hearing will be convened for the exclusive purpose of determining a sanction.

## **VII. Judicial Hearings**

At Wake Forest, a special judicial process has been established to address complaints of sexual misconduct when the accused student is a Wake Forest Student.

Prior to the hearing, the complainant has the right to receive notification and assistance from the University's Title IX Coordinator or a Deputy Coordinator regarding interim actions, including assistance in changing academic and living situations after an alleged incident of sexual misconduct. In addition, no-contact orders may also be issued to prevent any contact, whether in person or indirectly, between the accused student, acquaintances, witnesses, and/or the complaining party.

Wake Forest has created a Sexual Misconduct Hearing Board composed of students, faculty, and staff specially trained to handle cases of sexual misconduct. All Board members receive annual training on hearing practices, including sensitivity training. The Board consists of administrators designated as University Hearing Officers, and students, faculty, and staff who constitute a pool of judicial panelists. In each case, the assigned Hearing Officer will select a four member panel from the pool of judicial panelists.

Both the complainant and the accused student may be advised by a trained adviser appointed by the Office of the Dean of Student Services during any campus judicial hearing. The complainant and accused may also choose to be assisted at the hearing by a support person who can be a Wake Forest student, faculty or staff member. As this is not a legal proceeding, legal counsel may not participate or be present in the hearing. Such counsel may, however, be available to provide private counsel and advice outside of the hearing. A complainant or

accused who is represented by counsel may periodically request a recess in order to consult with his or her counsel outside of the hearing room.

The hearing will be conducted in an inquisitorial manner. In other words, the hearing panel will be responsible for asking questions of witnesses and developing evidence through witness testimony. The Hearing Officer will distribute in advance a list of witnesses the panel wishes to call. In addition, the complainant and accused student may call their own witnesses. The complainant and the accused student may submit written statements to the hearing panel in advance of the hearing and may also testify themselves.

The complainant and accused student may submit questions to the hearing officer to be asked of the witnesses testifying before the panel. In the case of witnesses other than the complainant and accused student, the parties may request permission to ask questions directly. However, the complainant and accused student will not be permitted to ask questions directly of one another.

Issues regarding admission of evidence or testimony, including relevancy and the reliability of the evidence and testimony will be determined by the University hearing officer during the hearing. Irrelevant sexual history of either party may not be discussed during the hearing. University students who appear before the Sexual Misconduct Board, whether as parties to the proceedings or as witnesses, are expected to provide truthful testimony in accordance with the applicable University Honor Code.

At the conclusion of the hearing, the panel will confer regarding whether the accused student is responsible for the alleged sexual misconduct. Evidence will be evaluated under a “preponderance of the evidence standard,” meaning that the accused student will be found responsible if, based upon the entirety of the evidence presented during the hearing, it is determined that the accused student “more likely than not” committed the offense in question.

Sanctions for a finding of responsibility depend on the nature and the gravity of the misconduct. They may include, but are not limited to: expulsion, suspension, disciplinary probation, specialized treatment off-campus, and/or other educational sanctions deemed appropriate.

An investigation by the University and a decision by the Sexual Misconduct Hearing Panel will, in most cases, be rendered within sixty (60) days of the filing of a complaint. This time period can be modified at the discretion of the University’s Title IX Coordinator and in consultation with the appropriate Dean, if deemed necessary to conduct a thorough investigation or to protect the rights of all parties.

## **VIII. Appeals**

Complainants and accused students may file a written appeal with the University's Title IX Coordinator within 14 calendar days from the date of the decision. Grounds for an appeal include:

- Sufficiency of the evidence to support the decision;
- Appropriateness of the sanction;
- Germane new evidence not available at the time of the hearing that could significantly impact the outcome; and/or
- Procedural errors that significantly impact the outcome.

Details concerning the appellate process are scheduled to be available from the University's Title IX Coordinator early in the Fall 2011 academic term. Any appeal arising prior to the release of the appellate process will be handled as determined by the Title IX Coordinator in consultation with the appropriate Deputy Coordinator and Dean.

## **IX. Interim Suspensions or Other Interim Actions**

For alleged violations of this Policy, interim actions, including but not limited to, interim suspension, reassignment to alternate housing, limitation of access to designated University housing and/or campus facilities, and limitation of privileges to engage in specified University activities may be imposed by the University's Title IX Coordinator in consultation with the appropriate Deputy Coordinator and Dean. Such interim actions are to be implemented only when there is reason to believe that the conduct of the accused student poses a substantial threat of harm to the accused student or others, threatens or endangers University property, or disrupts the stability and continuance of normal University operations and functions.

## **X. General Principles and Protocols**

Consistent with the policy as outlined above, the following are the general principles and protocols that are central to the University's Sexual Misconduct Policy:

1. Individuals will not be discouraged by any member of the University community from reporting alleged incidents of sexual misconduct. All reports of alleged violations of this policy must be made based upon a good faith belief that a violation has occurred.

2. Complainants will be notified in a timely manner of their options to notify proper law enforcement authorities including on-campus and local police, and of the option to be assisted by campus authorities in such notification, if the student so chooses.
3. University officials will respond quickly and with sensitivity to complaints of sexual misconduct.
4. Complainants will be notified of and made aware of options for, and provided assistance in changing academic and living situations after an alleged sexual assault (if the situation so warrants).
5. Complainants will be able to seek, and if warranted, receive a campus restraining order (a no-contact order) against another student or students who are alleged to have engaged in conduct in violation of this policy.
6. Complainants and accused students will be notified of available resources for medical, counseling and other services, both on campus and in the community.
7. Campus officials will not address complaints of sexual misconduct through an informal process alone. Unless the complainant refuses to cooperate, it is presumed that all complaints of sexual misconduct will be adjudicated at a campus hearing.
8. Complainants, accused students, and all others participating in sexual misconduct hearings will be treated with respect by Wake Forest officials.
9. Complainants and accused students may have a trained student advisor to accompany and assist them in the campus hearing process.
10. Complainants and accused students may have a support person (a Wake Forest student, faculty or staff member) present during the campus hearing.
11. As this is not a legal proceeding, legal counsel may not participate or be present in the hearing. Such counsel may, however, be available to privately consult and advise outside of the hearing. If private counsel is used in this manner, such counsel will be sequestered from the witnesses testifying at the hearing.
12. As a general rule, the prior sexual history of complainants or accused students is not relevant to the issues adjudicated in sexual misconduct hearings. The irrelevant prior sexual history of complainants or accused students will not be admitted in a campus hearing. Any attempt to introduce evidence of any student's prior sexual history or reputation must be accompanied by good cause and approved by the hearing officer.

13. The accused student may refuse to answer some or all questions with the understanding that that silence should not be used against him or her.
14. Complainants and accused students may present witnesses and submit relevant supporting documentation during a hearing (subject to the reasonable discretion of the hearing officer to limit such witnesses and documentation for relevancy and redundancy). Complainants and accused students may question other witnesses at the hearing, but may not directly question one another. However, a complainant or accused student may submit questions to the hearing officer to be asked of the other party. The hearing officer may decide whether or not to ask questions submitted in this manner.
15. Complainants will be permitted to make an impact statement prior to the conclusion of the hearing.
16. Complainants and accused students will be notified concurrently and in writing of the outcome of the hearing. If the accused student is found responsible, the accused student will be notified of the sanction(s) and the complainant will be notified of any sanction(s) that directly relate to him or her.
17. Complainants and accused students have the right to appeal the finding of the panel, as well as the sanction imposed if the accused is found responsible. Appeals should be filed with the Title IX Coordinator within fourteen (14) days of the announcement of the decision. The non-appealing party may choose to be present at the hearing on the appeal or to submit a written statement for consideration upon an appeal.
18. It is a violation of University policy to retaliate against any person making a complaint of Sexual Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct. For these purposes, “retaliation” includes intimidation, threats, harassment and other adverse action against any such complainant or third party. Retaliation should be reported promptly to the Title IX Coordinator and/or Office of the Dean of Student Services and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of Sexual Misconduct.

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## 21: LAW SCHOOL ALCOHOL POLICY

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The law school has adopted a formal policy governing the use of alcohol at functions held at the law school, and regulating the extent to which law school funds may be used to purchase alcoholic beverages. The purchase of alcoholic beverages will be available only in limited circumstances, for events that have a purpose clearly related to the law school program.

The policy is set forth below:

### **WAKE FOREST UNIVERSITY SCHOOL OF LAW ALCOHOL POLICY**

Preamble: The Wake Forest University School of Law is an academic professional institution with a mission to educate and prepare students for the intellectually and morally demanding legal profession. Stress is a part of life, not only for the law student, but for the practitioner. Alcohol abuse poses a danger to students and professionals who grow to depend upon alcohol to handle stress. The Wake Forest Law School community adopts the following alcohol policy as an aid to the development of responsibility in decisions regarding alcohol use and of awareness among our students, faculty, and staff as to the dangers of the misuse of alcohol.

- I. Wake Forest University Law School will provide an alcohol abuse sensitivity program during the first year professionalism series. During this program and throughout the year, information about university and community services (such as the counseling center) that help students deal with stress and alcohol abuse shall be readily available.
- II. Alcohol may not be provided or consumed in the building or in the courtyard during the academic year during regular daytime class hours. At other times, alcohol may be provided or consumed on school premises or using school funds only with permission first requested and approved by the law school. Requests should ordinarily be made at the beginning of the semester, but in any event at least two weeks before the affected event. Weather permitting, the picnic area behind the building will be the presumptive area for permitted use on school premises.
- III. At a law school sponsored event, the sponsoring organization shall consider whether providing alcohol is appropriate for the particular event. If alcohol is to be made available:
  - A. The promotion of the event shall not be done in a manner that encourages excessive consumption of alcohol. Advertising should be limited to a single mention that alcohol is provided, i.e. “keg provided” or “cash bar.”
  - B. The sponsoring organization shall act responsibly in determining the amount of alcohol to be provided.
  - C. Non-alcoholic drink alternatives and food shall be provided.
  - D. The sponsoring organization shall take appropriate measures to prevent the abuse of alcohol at the event.

- IV. As part of the annual budget process, a representative of each student organization receiving funds shall sign a statement indicating that the representative has read this policy statement and that the organization will comply with the policy.
  
- V. Student organizations wishing to use law school funds should obtain a permit from the Dean's office. Forms are available in the Event and Travel Coordinators' office. Requests for permission should be made to the Event and Travel Coordinator in a timely manner who will review them with the Dean's Office. In general, law school funds for the purchase of alcoholic beverages will be available only in limited circumstances, for events that have a purpose clearly related to the law school program. For events held off-campus, alcohol must be provided by a licensee of the state ABC board on licensed premises.



- Be careful going to the parking lot at night. Avoid walking to your car alone. To get a ride to a distant parking lot, call the Student Shuttle Service at extension 7433.
- **Never prop open a locked door when leaving the building.**

All the doors to the building will be locked between the hours of 6:30pm - 7 am each day. After 6:30pm each evening, you will need to use your WFU ID card to enter a door with a card-reader (on either side of the central entrance to the building; at the side entrance on the first floor, near Room 1319; and at the back ground-floor entrance on the MBA side, coming in from Lot W.)

### **PARKING and TRANSPORTATION OFFICE**

Parking on campus is regulated by the University's Parking and Transportation Office. Please note that University's Automobile Registration regulations (sent to all students each summer) require you to register your car and to park it legally.

Neither the Dean's Office nor the SBA can change parking regulations or "fix" parking tickets. You are encouraged to build in extra time to your commute to the law school, to ensure that you will have time to find and walk from a legal parking spot.

You can access a complete version of the University's traffic rules and regulations on-line at <http://www.wfu.edu/facilities/ParkingManagement.html> If you need more information or help, please contact Parking and Transportation at 758-6123.

### **CAMPUS SECURITY REPORT**

The Students Right-to-Know and Campus Security Act requires institutions of higher learning to issue an annual report describing campus security procedures, facilities, policies, crime prevention programs, statistics and other information. A copy of this annual report can be found at the University Police website: [http://www.wfu.edu/police/campus\\_security\\_authority.php](http://www.wfu.edu/police/campus_security_authority.php)

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