

# Chapter 6 - Student Affairs

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## 6.1 Rules Of Discipline

The rules contained in the current edition of Capital University's Student Code of Conduct shall govern in cases to which they are applicable and which they are not inconsistent with the Manual of Policies and Procedures or with any rules that may be adopted.

Students take an Oath of Professionalism when they enter law school and are expected to abide by throughout their time in school.

"I, as a student entering Capital University Law School, understand that I am joining an academic community and embarking on a professional career. I gratefully acknowledge the privileges inherent in becoming a lawyer and willingly accept the responsibilities that accompany those privileges and are entrusted to me by the bench, the bar, and the public.

I promise to do my utmost to live up to the high ideals of my chosen profession and to uphold the highest standards of academic honesty and ethical practice throughout my training and the remainder of my professional life. I will remember that my actions reflect not only upon myself, but upon Capital University Law School and the legal profession.

To strengthen the law school community, I will conduct myself with dignity and civility and will treat all of my colleagues -- students, staff and faculty -- with kindness and respect.

I vow to be a person of principle, compassion, strength, and courage. I will recognize my weaknesses and strengths and strive to develop the character that is expected of a lawyer and that will earn the respect of my clients, my colleagues, my family and myself.

I commit to conduct my academic, professional and personal life to honor the values and standards that are expressed in the Capital University Law School Academic Honor Code and Rules of Professional Conduct and are shared by the legal profession.

This pledge I take freely and upon my honor."

### 6.1.01 General Expectations

Capital University and the Law School expect of its students loyal cooperation in the development and maintenance of the high standards of ethics and conduct, as well as those of scholarship.

### 6.1.02 Ethical Obligations

Ethical obligations of law students begin when the application for admissions is submitted. Students are asked several questions that may be relevant to ethical character, including:

Have you ever been apprehended, arrested, cited, or given a ticket for, charged with, or convicted of any crime or offense, including civil or criminal contempt? Answer this question irrespective of whether the incident was a felony or misdemeanor. You need not disclose minor traffic offenses that were not connected with the use, abuse or possession of alcohol, drugs, or other chemicals, or incidents that, in

fact, have been officially expunged. Have you ever been court-martialed or charged with fraud? If you answered yes, please provide a written explanation even if the arrest, charge, apprehension, citation, ticket, or conviction was later dismissed, withdrawn, reduced, dropped, or diverted. You need not disclose incidents that occurred prior to the age of 18.

Have you ever been suspended, expelled, discharged, or asked to resign from any school, employment, professional organization, or public office?

Have you ever been in bankruptcy, had a license denied, suspended, or revoked, had a bond canceled, or been declared incompetent by any court?

Applicants for admission are required to answer these questions truthfully and fully. Applicants and law students have a continuing duty to inform the law school of any and all changes to the answers to these questions. The failure of a student to make such a disclosure may result in revocation of admission or disciplinary action by the Law School, or denial of permission to practice law by the state in which the student may seek admission.

### **6.1.03 Administrative Withdrawal**

Because of the ethical obligations imposed on students, the Law School reserves the power to compel the withdrawal of any student whose conduct at any time is not deemed to be satisfactory. Entrance by the student is deemed to be acknowledgment of this power.

### **6.1.04 Expectation To Know And Follow The Honor Code**

These expectations are implemented in part by the Honor Code of Capital University Law School. All students are expected to know the Honor Code and are bound by it.

### **6.1.05 The Ohio Rules Of Professional Conduct**

However, the Honor Code does not exhaust the Law School's expectations and requirements as to ethical conduct of its students. Students are expected to know the Ohio Rules of Professional Conduct and infringement of this Code may subject students to administrative discipline apart from Honor Code proceedings. The Ohio Rules of Professional Conduct are expressly incorporated by reference into this manual, as if all of its provisions were specifically set forth herein.

## **6.2 Capital University Law School Academic Honor Code**

This Honor Code should be read in its entirety and its provisions taken seriously. Penalties for violation of the Honor Code can be severe, up to and including expulsion. Students are advised to pay particular attention to Section 6.2.4, Students' Rights and Responsibilities, including the right to retain counsel.

### **6.2.01 Preamble**

We, the faculty and students of Capital University Law School, in recognition of our obligations as members of a profession that is responsible for the administration of justice in our society, affirm our belief in the following precepts:

- It is essential to the welfare of the legal profession and people whom it serves that the integrity of all of its members be beyond reproach at all times;
- There is, beyond purely professional considerations, an overriding moral obligation to conduct the learning process in an ethical fashion;

- The success or failure of an Honor Code is dependent on the willingness of those governed by it to enforce it. If the Honor Code is to be effective, each student must make a personal commitment to comply individually with its provisions and must accept the responsibility of assuring compliance by other students. A student's sense of justice and integrity should obligate him or her to report violations of the Honor Code in order to preserve the academic integrity of the Law School.

Relying upon the above precepts, we hereby adopt the following rules and procedures as the Academic Honor Code of Capital University Law School.

## **6.2.02 Jurisdiction**

### **6.2.2.01 - The Honor Code**

The Code shall serve as the basis for determining whether a Code violation has occurred and shall govern alleged violations of the Code. The Code applies to all any act engaged in as a student at Capital University Law School, all graduate programs, and those students enrolled in the Paralegal Programs. The code has a five year limitation period that begins to run from the date of a student's graduation.

### **6.2.2.02 - Withdrawal/ Dismissal**

The withdrawal of a student from the Law School, or the dismissal of the student for reasons of academic deficiency for other reasons, does not prevent Honor Code proceedings from continuing.

### **6.2.2.03 - Scope**

This Honor Code does not limit the power of the University, the Law School, the Faculty, or the Dean or Dean's delegate to take action that any of them has the power or the duty to take. Specifically this includes but is not limited to:

1. the decision regarding the certification of good moral character of a candidate for the Bar;
2. sanctions imposed on students who are determined to have violated the University or Law School rules, regulations, and policies.

## **6.2.03 The Honor Committee**

### **6.2.3.01**

The Honor Committee is composed of three (3) full-time faculty members chosen by the Law School Faculty or by the Dean or Dean's delegate; the Day Vice-President of the Student Bar Association (hereinafter SBA); the Night Vice-President of the SBA; and two (2) other students selected by the SBA.

### **6.2.3.02**

If a member of the Committee is unable to serve, the faculty replacements may be selected by the Dean or Dean's Delegate, and student replacements may be selected by the SBA.

### **6.2.3.03**

One of the three faculty members, chosen by the Dean or Dean's Delegate, shall serve as the faculty co-chairperson of the Honor Committee. The SBA Day Vice-President shall serve as the student co-chairperson of the Honor Committee. The faculty member shall preside over the hearings. The SBA Day Vice-President shall preside at all other times.

### **6.2.3.04**

The Honor Committee shall designate two members (one faculty member and one student member) as investigators. Neither of the co-chairpersons shall be designated as investigators.

## 6.2.04 Students - Rights and Responsibilities

### 6.2.4.01 Student Right to a Statement of the Charges

An accused student has the right to a clear, concise statement in writing of the charges.

### 6.2.4.02 Student Right to Counsel

An accused student has the right to be represented by counsel or a representative of the student's choice retained by the student at the student's expense. The accused student may be accompanied by an attorney or other representative at the hearing. (The attorney or other representative must not be employed by Capital University.) The attorney or other representative may participate at the hearing subject to the rulings of the panel chair.

### 6.2.4.03 Student Rights and Responsibilities in the Event of a Hearing.

In the event of a hearing before the committee, an accused student has the right to:

- A. Adequate notice to prepare any defense for the Honor Committee hearing the student wishes to offer;
- B. A personal appearance before the Honor Committee;
- C. Present oral, documentary, or other evidence in the student's behalf;
- D. Make an opening and closing statement to the committee;
- E. Examine and cross examine witnesses;
- F. Seek the assistance of the committee in requesting the presence of witnesses and the production of documents or other evidence;
- G. Make sworn or affirmed statements before the committee;
- H. A presumption of the student's innocence until a majority of the committee is convinced by clear and convincing evidence that the student engaged in the misconduct charged in violation of this code; and
- I. A copy of the committee's decision in writing, timely upon rendition.

### 6.2.4.04

The student may waive any right conferred by giving notice of such waiver in writing to the committee. The student will waive the rights in 6.2.4.03 if the student fails to appear at the hearing without good cause after being duly served.

## 6.2.05 Violations

### 6.2.5.01 Cheating on Exams

No student shall give or receive aid during any examination.

No student shall attempt to give or receive aid during any examination.

Definition:

"Aid" means information from any source or help of any nature not specifically permitted by the instructor.

"Give or receive" means voluntary transmission or receipt of aid in any manner, and includes (but is not limited to) receipt or aid from persons, notes, books, or objects.

#### **6.2.5.02 Improper Cooperation on Outside Work**

No student shall cooperate with another student, or solicit cooperation from or offer cooperation to another student, in the preparation of outside work assigned to both, unless cooperation on that specific assignment has been expressly permitted by the instructor.

No student assigned outside work shall solicit or receive cooperation or assistance in the preparation from persons, sources, or objects (including but not limited to computers), where such cooperation or assistance on the specific assignment has been expressly forbidden by the instructor.

Definitions and Explanations:

"Preparation of outside work," as used in this section means work involved in or leading to either

- The production of any written material required to be produced by the student outside of class, as part of a course, and which is to be submitted to and graded by the instructor; or
- Preparation for any moot court, mock trial, or oral presentation, which is to be conducted as an assigned and graded portion of a course.

Preparation includes, but is not limited to the discussion, analysis, or identification of legal issues, format, concepts, sources, and theories pertaining to outside work assigned.

"Assigned to both" means that both are required to simultaneously work on the same or opposite sides of the same case or question, or on the same or opposite sides of different but highly similar cases or questions.

This section does not apply to:

Preparation of ordinary assignments, no matter what research they may require. An assignment is "ordinary" within the meaning of this subsection if it involves neither preparation of a special written project nor preparation for a moot court or mock trial.

Such exchange or information as may occur through the observation of the titles of books being read by a student.

Such cooperation or attempted cooperation as may occur by the giving, receiving, or soliciting of information as to the location of particular books, sets of books, or types of books.

#### **6.2.5.03 Plagiarism**

No student shall submit any of the following for credit:

- work in which a significant portion was prepared by another person,
- work copied, in whole or in part, whether word for word or in substance, from the work of another person without clearly identifying it as the work of another with appropriate quotation marks and footnotes or with an appropriate written explanation and attribution.

A student may not offer for credit any work the student has previously or contemporaneously prepared for compensation, offered for credit, or prepared for any other purpose unless the student secures the instructor's written permission in advance of submission.

#### **6.2.5.04 Fraudulent or Deceitful Conduct**

No student shall engage in an act, practice or course of conduct, which acts as a fraud or deceit or attempted fraud or deceit on the Law School or any of its faculty members or students.

#### **6.2.5.05 Misappropriation or Destruction of Property**

No student shall misappropriate or destroy, or attempt to misappropriate or destroy, the property of the school, the property of another student, or the property of a faculty or staff member.

"Misappropriate" includes the intentional and unauthorized use, taking, keeping, or concealing of property for any period of time. This offense does not include unintentional failure to return properly checked out library materials within the authorized time period.

#### **6.2.5.06 Improper Knowledge of Contents of Examination**

No student shall voluntarily acquire any knowledge of the content of a forthcoming examination without authorization from the instructor.

No student who has voluntarily or involuntarily acquired knowledge of the contents of any forthcoming examination without authorization from the instructor shall fail to report this fact to the instructor immediately.

No student who has taken an examination, and who knows that one or more other students are to take the same examination at a later time, shall disclose the contents of said examination, until after all students in the course have taken the examination.

#### **6.2.5.07 Non-Disclosure**

No student shall fail to report any violation of the Honor Code, which he or she knows or reasonably believes has occurred. A report to any member of the Honor Committee shall be sufficient compliance with this subsection. See Section 6.2.6.02. Initial Report.

#### **6.2.5.08 Violation of Secrecy**

No student who is a member of the Honor Committee or who makes a report to the Honor Committee under section 6.2.6.02 of the Honor Code, or who is called upon to give information to or testify before the Honor Committee shall divulge any information as to any proceedings of either, except as expressly authorized in the Honor Code. This subsection shall be read at the start of every meeting of the Honor Committee.

The secrecy requirement applies to all stages of the proceedings and continues where there is no finding of guilt. After a final finding of guilt and judgment of penalty, the secrecy requirement shall terminate in all causes.

#### **6.2.5.09 Perjury**

No student shall intentionally give false information in any investigation or hearing under the Honor Code.

No student shall make a report under 6.2.6.02 unless the student reasonably believes a violation of the Honor Code may have occurred.

#### **6.2.5.10 Unauthorized Alterations**

No student shall make any changes, without authorization from the instructor, in any writing submitted for a grade after the student has turned in the writing.

#### **6.2.5.11 Noncompliance with Examination Time Limits**

No student, without authorization from the instructor or proctor, shall continue to write on an in-class examination after the instructor or proctor has indicated that the time for completion has expired.

#### **6.2.5.12 Request to Provide Information**

No student shall fail to respond to a request from the Dean or Dean's delegate or the Honor Committee or its Co-Chairpersons to provide information relevant to Honor Code proceedings.

### **6.2.06 Procedures in Case of Alleged Violation**

#### **6.2.6.01 In General**

Honor Code proceedings are neither criminal nor quasi-criminal in nature. The committee is not bound by rules of evidence or procedure except as provided in this Code. The goal of the proceedings is to arrive at the truth through a fair and prompt resolution of reported violations.

#### **6.2.6.02 Initial Report**

A student, faculty member, administrator, or other person who has reason to believe that a violation has occurred reports such to any member of the Honor Code Committee. A faculty member or administrator should make his or her report in writing. Students may make an initial report in either of two (2) ways:

1. Submission of a written report to an Honor Committee member. The Honor Committee may provide a form on which the report can be submitted.
2. Give an oral report to a member of the Honor Committee. The Honor Committee member to whom an oral report is made should memorialize the report in writing as soon as possible after the report and request that the reporting student sign the report

#### **6.2.6.03 Initial Review**

The Committee investigators shall review the matter and conduct a preliminary investigation. They may consult with the alleged violator, any faculty member or administrator in whose course or activity a violation may have occurred, and any other person who might have relevant information to provide. After the preliminary inquiry, the investigators conclude whether or not it is likely that a violation occurred. If the investigators do not conclude that it is likely that a violation occurred, the matter is terminated. If the investigators conclude that it is likely that a violation occurred, the committee investigators have two (2) options (option A or option B):

OPTION A: In case of less serious violations (those unlikely to be punishable by expulsion or suspension), they may refer the matter to the Dean or Dean's delegate who then conducts an informal hearing to determine the guilt or innocence of the student(s) accused of the violation(s). In deciding whether to pursue this alternative, the investigators primarily shall consider whether the offense is punishable by expulsion or suspension. Other factors to consider are:

- the need for a quick resolution of the problem;
- the need for quietly resolving a matter;
- the potential for unbiased resolution by the Dean or Dean's delegate;
- the inherent complications of a particular alleged violation;
- the difficulties in any given case of the Dean or Dean's delegate needing inordinate amounts of time to resolve a matter;
- the desires of the alleged violator(s); and
- any prevailing exigent circumstances, which normally are limited to the instances such as the pending graduation of the alleged violator(s) or witness(es) and the pendency of examinations or vacation periods.

OPTION B: In the case of more serious violations (possibly punishable by expulsion or suspension), the matter ordinarily shall be referred to the Honor Committee. It then will conduct an informal hearing to determine the guilt or innocence of the student(s) accused of the violations.

In determining which option to pursue, the Committee investigators ordinarily shall consult with the Dean or Dean's delegate.

The investigators promptly shall write a concise summary of the statement of the charges which promptly shall be delivered to the student, along with a copy of the Honor Code.

A student may submit six (6) copies of a statement of positions to the Honor Committee investigators within the time established by the investigators. The statement will become part of the record. The statement of position should include:

- the student's signed response to the statement of charges;
- all tangible and documentary evidence;
- names of all witnesses, the substance of their testimony or their substantially verbatim statements;
- any other relevant evidence or statements the student wishes the Honor Committee to consider.

#### **6.2.6.04 Hearing**

The hearing, conducted pursuant to either Option A or Option B, is to be held as promptly as the circumstances allow. The hearing is more analogous to a fact-finding administrative hearing than to a judicial trial.

The Dean or Dean's Delegate or the Honor Committee conducting the hearing may consult with the alleged violator(s), the investigators, the faculty member or administrator in whose class or activity the alleged violation occurred, and any other person who might have relevant information to provide.

The decision of the Dean or Dean's delegate or of the Honor Committee conducting the hearing is based on the rules of the Law School and the evidence adduced at the hearing.

The Law School Administration must make every reasonable effort to secure the presence at the hearing of any witness whose attendance is desired by the Dean or Dean's delegate or Honor Committee conducting the hearing, or by the accused student.

See Section 6.2.4 for a list of student rights and responsibilities.

The investigators may not participate in the Honor Committee's deliberations, and they may not vote. A record shall be kept of the hearing.

#### **6.2.6.05 Sanctions**

If the Dean or Dean's delegate or a majority of the Honor Committee conducting the hearing determines, by clear and convincing evidence, that a violation has occurred, and that the accused student committed the violation, then the Dean or Dean's delegate or the Honor Committee decides upon the appropriate sanctions to be imposed by the Dean or Dean's delegate.

On occasion, the consequences imposed on an accused student may be limited to the context of the course or activity in which the violation occurred.

On other occasions, there may be other or additional consequences such as a requirement to make restitution, reprimand, and disciplinary probation for a fixed or indefinite period of time, suspension for a fixed or indefinite period of time, or expulsion.

If a student is found to have violated the Honor Code, the Dean or the Honor Committee conducting the hearing may recommend that this fact and the sanction imposed be entered or not be entered on the student's official transcript.

#### **6.2.6.06 Written report of the hearing**

After a hearing, the Dean or Dean's delegate or the Honor Committee conducting the hearing writes a report that states the decision, the reasons for the decision, and the sanctions to be imposed, if any. The report, together with any records of the hearing, is given to the Dean or Dean's delegate. The Dean or Dean's delegates decides whether and in what form the decision shall be made public, and whether or not to enter on the student's transcript the fact that the student was found to have violated the Honor Code and the sanction imposed.

The Dean or Dean's delegate shall deliver a copy of the Honor Committee's report to the student. Sanctions of suspension and expulsion are always entered on the student's transcript; other sanctions may or may not be so entered. The Dean or Dean's delegate also makes provision for the retention, return, or destruction of records of the hearing.

#### **6.2.6.07 Loss of Privileges**

Students who are found to have violated the Honor Code and who have received a sanction of probation, suspension, or expulsion are not permitted to receive financial aid from Capital University, and are not permitted to engage in extracurricular activities during the period of the probation.

Violators who receive a less severe sanction may be prohibited from receiving financial aid from Capital University and may be prohibited from engaging in extracurricular activities for a fixed or indefinite period of time.

Any courses taken at other universities during the period of suspension or expulsion will not be credited toward obtaining a Capital University law degree.

### **6.2.07 Appeals**

#### **6.2.7.01 In General**

The Appeals Committee shall be composed of two faculty members and one student member. The Dean or Dean's delegate annually shall appoint the two faculty members, including a chair. The SBA annually shall appoint the one student members. Preferably, at least one member of the Appeals Committee shall have served on the committee in the preceding year. The student shall have one appeal as of right from any decision of the Honor committee to the Appeals Committee. The Appeals Committee shall make any decision by a majority vote.

#### **6.2.7.02 Grounds for Appeal**

The grounds for appeals are:

- The failure to substantially comply with procedural provisions of the Honor Code, thereby resulting in prejudicial error; or
- A clearly erroneous interpretation of the code, thereby resulting in prejudicial error; or
- A recommended penalty that is too severe in light of the circumstances.

- The Honor Committee's findings of fact are clearly erroneous.

#### **6.2.7.03 Procedure for Appeals and New Hearing**

The student shall file a timely notice of appeal, and within a short time thereafter shall file a memorandum setting forth all of his or her arguments. The co-chairs of the Honor Committee shall establish reasonable deadlines for the filings of the notice of appeal and memorandum and notify the student thereof.

The Appeals Committee shall meet as soon as possible to determine whether to grant or deny the appeal. At this meeting, the Appeals Committee shall review the record and report of the Honor Committee hearing and the student's memorandum. The Appeals Committee shall invite the student (and his or her lawyer) and the members of the Honor Committee to appear before the Appeals Committee to give further explanation of their positions and respond to questions of the Appeals Committee members. The Appeals Committee shall determine the procedures to be used at the hearing including, for example, time limitations and the receipt of responsive memoranda.

If the Appeals Committee sustains the appeal, it shall memorialize the reasons for doing so. The Appeals Committee shall then either make a final decision or remand the case to the Honor Committee for further proceedings that are consistent with the decision of the Appeals Committee, which may include a new hearing. Upon remand, the Honor Committee shall meet and comply with the instructions of the Appeals Committee.

### **6.2.08 Other Post-Hearing Procedures**

#### **6.2.8.01**

After all appeals to the Appeals Committee are final, the Appeals Committee shall transmit all records to the Dean or Dean's delegate. The student may request that the President of the University or the President's delegate review the Appeals Committee decision. The only basis for this review is the failure to substantially comply with the procedural provisions of the Honor Code, resulting in prejudicial error.

#### **6.2.8.02**

A hearing that results in a finding of a violation can be reviewed by the Dean or Dean's delegate or by the Honor Committee upon the discovery of new evidence that casts doubt on the earlier finding. The new hearing can be conducted under either Option A or Option B.

#### **6.2.8.03**

A former student who has been expelled or indefinitely suspended after having been found to have violated the Honor Code may apply for readmission as a new student. Such readmission is uncommon, and can be granted only by a majority vote of the law school council. The burden is on the former student to prove that circumstances since the Honor Code violation indicate that the former student is now of good moral character and is highly unlikely to commit another ethical lapse. Because of this burden, several years typically elapse before the faculty entertains a petition for readmission.

### **6.2.09 Conclusion**

This document was the product of collaboration between students and faculty, and was composed in the spirit of cooperation.

## 6.3 Employment

Students who are registered twelve (12) or more credit hours during a semester may not be employed for more than twenty (20) hours each week during that semester. Capital University Law School expects all students to comply with this standard. A student who violates this standard is subject to discipline, up to and including involuntary withdrawal.

### Definition of “employed”

For purposes of section 6.3, a student is “employed” if, for the work performed, the student (1) cannot receive academic credit and (2) does receive payment. “Payment” means compensation in money or money’s worth.

### Examples of students who are “employed”

Under section 6.3, research assistants and teaching assistants are “employed,” because they cannot receive academic credit and do receive payment.

### Examples of students who are not “employed”

Under section 6.3, students involved in externships are not “employed,” because they receive academic credit and do not receive payment. Students on law review executive committees are not “employed,” because they receive academic credit. Students involved in “pro bono” activities are not “employed,” because they may not receive payment.

### Standard for students who are not “employed”

Although students who are not “employed” under section 6.3 are not subject to the 20-hour cap, the faculty and administration encourage those students not to work or to volunteer more than twenty.

## 6.4 Recognition and Funding of Student Organizations

### 6.4.01 Recognition of Student Organizations

A. Students at Capital University Law School are encouraged to participate in student organizations and activities. Students may form voluntary associations of any type, based upon any community of interest they may share.

B. Students wishing to use the facilities of the University, including the Law School, must first obtain the official recognition of the Law School Faculty or its delegate. Recognition is sought by requesting it in writing signed by the organizers of the new organization. This request is presented to the Director of Multicultural Affairs who will present the request to the Faculty or its delegate.

C. The official recognition of a student organization does not create any agency relationship between the Law School and the organization, nor does it constitute, on the part of the Law School, the endorsement, approval, or ratification of any actions undertaken by the organization.

### 6.4.02 Funding of Student Organizations.

A. Any recognized student organization may request funding. Funding determinations are made in the Spring of each year by the Funding Commission and by the Director of Multicultural Affairs. Budget request forms are provided to the leaders of all recognized student organizations.

B. Budget determinations are made on the basis of available funds, the total requests of all student organizations, and the merits of the programs proposed by each organization.

C. Expenditures from budgeted funds must be approved by the Director of Multicultural Affairs and all Law School procedures relating to the payment of invoices must be followed.

D. The Law School is not responsible for expenditures or obligations incurred by an organization in violation of this policy or in excess of its budget.

## **6.5 Guidelines for Student Requests for Accommodations and Exception to Academic Procedures Based on Physical or Mental Disability**

Capital University Law School is dedicated to extending all available services, programs and activities to its students including those with disabilities. The Disability Services Coordinator works with the Associate Dean of Academic Affairs and the Director of Multicultural Affairs to ensure that the law school is in compliance with the Americans with Disabilities Act and responsive to the needs of persons with disabilities. The purpose of this section is to notify all students of the resources available to those with disabilities and other conditions and the procedures by which those resources may be best utilized.

### **6.5.01 Actions Student to Take Upon Admission**

Upon admission to the law school with a previously diagnosed disability or when subsequently diagnosed with a disability; students are encouraged to contact the Disability Services Coordinator at 614-236-6114 to discuss accommodations that may be available. In addition, during the registration period for each semester, students are invited to identify themselves as students with disabilities to the Disability Services Coordinator for any requests for special assistance or accommodations. Students are advised to consult with the Disability Services Coordinator regarding how accommodations may affect their academic program.

### **6.5.02 Professional Evaluations**

If you have a condition that requires reasonable accommodations for you to perform in an academic setting please submit documentation (from your Physician, Psychologist, or other licensed professional qualified to evaluate your status) to the Disability Services Coordinator. Please make sure your evaluator has outlined the exact nature of your condition and shared his/her professional opinion on how to best accommodate you.

It is the student's responsibility to arrange for testing and to incur the cost of evaluations. It is strongly recommended that students with learning disabilities submit such documentation to the Disability Services Coordinator at the time of admission to the Law School or shortly thereafter. Any student with disabilities must keep a copy of his /her documentation for his/her own records.

### **6.5.03 Learning Disabilities**

Learning disability evaluations must include a comprehensive summary of the student's educational, medical, and family history; as well as a report of behavioral, neurological and personality disorders that relate to the learning disability(ies). Evidence of a specific learning disability and actual test scores must be provided. Grade equivalents are not acceptable.

Comprehensive testing must be administered for documentation to be acceptable. At a Minimum, assessment data must be provided in the following areas:

#### Aptitude:

Acceptable instruments include, but are not limited to, the following:

- \* Kaufman Adolescent and Adult Intelligence Test
- \* Wechsler Adult Intelligence Scale - Revised (WAIS-R)
- \* Woodcock-Johnson Psycho-educational Battery- Revised \* Tests of Cognitive Ability

#### Achievement:

Current levels of functioning in reading, mathematics, and written language are required. Acceptable instruments include, but are not limited to, the following:

- \* Woodcock -Johnson Psycho-educational Battery - Revised
- \* Test of Achievement
- \* Stanford Diagnostic Mathematics Test
- \* Woodcock Reading Mastery Tests - Revised Cognitive Processing Abilities:

Specific areas of information processing must be assessed. Acceptable instruments include, but are not limited to, the following:

- \* WAIS-R and Woodcock-Johnson Psycho-educational Battery- Revised

#### Cognitive Ability:

- \* Wechsler Memory Scales - Revised

Learning disability evaluations must be provided by licensed professionals such as educational psychologists, school psychologists, neuro-psychologists, learning disabilities specialists and medical doctors with training in the evaluation of learning disabilities. Diagnostic reports must include the name, title and credentials of the evaluator and should be presented on letterhead. Reports by special education teachers and/ or tutors are not acceptable.

Accommodations are primarily based upon assessment of the current impact of the student's disability(ies) on his/her academic performance. Therefore, learning disability documentation should be completed within three years, unless a student has documentation from their undergraduate institution and has enrolled at CULS immediately following his/her graduation. If evaluation documents are more than three years old, students may be required to provide a more recent diagnostic assessment.

All acceptable documentation should be on official letterhead.

#### ADD/ADHD

Students who are seeking accommodations for Attention Deficit Disorder ("ADD") or Attention Deficit Hyperactivity Disorder ("ADHD") are required to provide documentation to the Disability Services Coordinator. The documentation must include information which can be used in establishing the need for appropriate accommodations. The documentation should be from licensed mental health professionals such as psychiatrists, psychologists and physicians. The documentation must include the following:

- \* Development history
- \* Assessment tools used in the evaluation
- \* Learning areas impacted by ADD/ ADHD
- \* A medical or clinical diagnosis
- \* A clear statement of ADD/ ADHD including the reason for the diagnosis
- \* Qualitative and quantitative information supporting the diagnosis

- \*the relevance of recommended accommodation(s) in relation to the student's disability(ies).
  - \*Medical prescription, if any, including its effects and side effects.
- All acceptable documentation should be on official letterhead.

#### Physical Disabilities:

Students who are seeking accommodations for physical disabilities are required to provide documentation to the Disability Services Coordinator. The documentation must include information which can be used in establishing the need for appropriate accommodations.

Students may request accommodations for any or all of the following physical disabilities: blindness and visual impairment, deafness, hard of hearing, mobility impairment, or medical conditions such as cancer, epilepsy, traumatic brain injury, multiple sclerosis, asthma, AIDS and other invisible physical disabilities that may cause functional limitations.

Appropriate documentation is accepted from licensed professionals such as audiologists to confirm deafness or hard of hearing, ophthalmologists to confirm blindness or visual impairment and neurologists to verify the existence of epilepsy, traumatic brain injury, multiple sclerosis or a spinal cord injury as well as psychologists and mental health professionals. The documentation should include a statement which verifies the individual's disability, describes the disability's current impact on the individual's daily function, current medication and recommendations for necessary accommodations. Diagnostic reports must include the name, title and credentials of the evaluator and should be presented on letterhead.

All acceptable documentation should be on official letterhead.

#### Mental Impairments:

Students with psychiatric disabilities must present documentation from licensed mental Health professionals such as psychiatrists, psychologists, physicians and social workers. The documentation must include the following:

- \* Diagnosis and Psychological test results, where appropriate
- \* Summary of treatment and medication recommendations
- \* Learning areas impaired by the mental disorder
- \* Evaluation of ability to function in a college environment
- \* Recommendation for continued treatment

All acceptable documentation should be on official letterhead.

### **6.5.04 Determinations by Disability Services Coordinator**

Once you have secured your documentation, please bring your documentation to the Disability Services Coordinator at the Law School. The Disability Services Coordinator and the Associate Dean of Academic Affairs will then determine what accommodations can be provided by the Law School.

Upon receiving the disability evaluations, the Disability Services Coordinator will review the recommendations for accommodations and support services. Appropriate accommodations will be offered only after meeting with the student and may require further contact with selected members of the University's administrators and/or faculty.

Following this determination; the Office of Multicultural Affairs will then work with the rest of the Law School to ensure that your accommodations are in place. The Disability Services Coordinator and the

Office of Multicultural Affairs will be your point of contact concerning all of your accommodated exam and class needs. Please do not contact your professor directly concerning your accommodations. Your professor does not know what your accommodations are and will not know, unless you choose to share that information. The Office of Multicultural Affairs will be able to answer any questions that you might have about your accommodations once they have been determined. Students requesting exam accommodations should notify the Office of Multicultural Affairs 30 days prior to the first day of each final exam period and 14 days prior to any midterm exams to provide adequate time for scheduling of the accommodation.

If a student needs accommodations that require the Disability Services Coordinator to contact faculty, administrators or outside agencies, the student will be asked to sign a release form. The signed form allows the Disability Services Coordinator to share information relative to the student's disability(ies) with appropriate professionals.

It is the individual student's duty to notify the Office of Multicultural Affairs that they will be using their accommodations or we will assume that the student does not need any accommodations. A few weeks prior to final exams, the Office of Multicultural Affairs will contact students by e-mail with instructions about test accommodation procedures. Please keep track of any issues that may arise regarding your accommodations and share those issues with the office of Multicultural Affairs as soon as possible. Note: Students do not have to use their accommodations in every class if they feel that an accommodation is not needed for a particular class or exam.

Accommodations are made only during the semester(s) when a student is actively participating in course work. A student will not be granted accommodations if his/her accommodation request pertains to academic performances prior to the diagnoses of a learning disability(ies). No retroactive accommodations will be granted.

### **6.5.05 Resource Limitations**

Capital University and its Law School may not have all of the resources that are requested by disabled students. For example, tutoring is not provided to students by the university and thus is available only at student expense. Similarly, books on tape, to the extent available at all, are purchased by students.

### **6.5.06 Complaint Procedure**

Students with a claimed handicap or disability who feel that their requests for accommodations or exceptions or Law School academic policies and procedures have not been appropriately addressed by the Dean or Dean's delegate may direct their complaints to the Dean or Dean's delegate.

### **6.5.07 Requests for accommodations or exceptions to other non-academic policies and procedures**

Requests for accommodations or exceptions to other non-academic policies and procedures are submitted to the Dean or Dean's delegate, who resolves the matter or forwards them to the appropriate persons or offices. Students who feel that their requests have not been appropriately addressed by the Dean or Dean's delegate may direct their complaints to the Dean or Dean's delegate.

### **6.5.08 Orientation Announcement**

The following announcement shall be sent to all beginning law students prior to orientation, shall be included at least annually in registration packets, and shall periodically be posted at appropriate locations on law school bulletin boards:

## Announcement

It is the policy of Capital University Law School to provide reasonable accommodations for handicapped and disabled students, including learning disabled students and those with health impairments, as well as those with other disabilities.

Students whose handicap or disability may require some academic accommodation or exception to academic policies and procedures are encouraged to discuss these with the Dean or Dean's delegate as early as possible.

Students whose handicap or disability may require some non-academic accommodation or exception to non-academic policies and procedures are encouraged to discuss these with the Assistant Dean of Student Administration as soon as possible.

Appropriate modifications and accommodations will be worked out on a case--by-case basis.

Students with certain disabilities, such as learning disabilities and health impairments, will be required to provide appropriate documentation of the disability.

A copy of the Law and Graduate Center's guidelines on students requests for exceptions to policies and procedures based on physical or mental handicap or disability is included in the Student Manual, a copy of which is given to every student who so requests. Copies also are available from the Dean or Dean's delegate, and Assistant Dean of Student Administration.

### **6.5.09 Promotional Announcement**

The viewbook and other promotional material (where appropriate) shall contain a statement similar to the following:

Capital University Law School does not discriminate against otherwise qualified students with handicaps or disabilities. It is our desire to ensure that applications for admission are reviewed appropriately. If an applicant believes that he or she has a handicap or disability that significantly bears upon the fact that the undergraduate GPA, LSAT score, or other credentials do not reflect the applicant's ability, we welcome a statement on that issue. On the other hand, if an applicant believes that his or her performance demonstrates excellence in light of the handicap or disability, we would like to know about that also. It is not mandatory that this information be provided.

Any applicant, who would like to discuss the availability of accommodations, or any other matter relating to his or her disability, is invited to contact the Admissions Office. If a handicapped or disabled applicant is accepted for admission, we will want to know of the handicap or disability in case of any accommodation in appropriate.

### **6.5.10 Application Announcement**

The application for admission to Capital University Law School shall include a statement similar to the following:

Please describe any special circumstances in your background that would help us evaluate your application.

## **6.6 Student Complaint and Appeal Procedures**

If a student complaint falls under a specific provision in the Manual of Policies and Procedures designed to address complaints of that nature, such as, but not limited to, sexual harassment and grade appeals, the student must file a complaint under the specific governing policy.

Student Complaint Form PDF

### **6.6.01 Student Complaint Procedure**

Students with complaints against the law school or any of its faculty members, administrators, or staff persons may file a written complaint on the "Student Complaint Form" with the Assistant Dean of Student Affairs. If the complaint concerns the Assistant Dean of Student Affairs, the complaint shall be filed with the Associate Dean. The Assistant Dean of Student Affairs or Associate Dean shall forward the complaint, or direct the complaining student, to the appropriate person, committee, or office for response. The person, committee, or office to whom a complaint under this section is referred shall respond to the complaining student, or to the referring dean as appropriate, within 30 days of receiving the complaint.

### **6.6.02 Appeals to Dean from Decisions of Law School Directors or Assistant Deans**

Decisions made by the Law School Directors or Assistant Deans involving students are final, except that decisions having a material adverse impact on students may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The Dean will issue his or her decision within 30 days of receiving the student's appeal. The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Director or Assistant Dean abused his or her discretion and whether there was a material adverse impact on students. Example of decisions not having a material adverse impact includes, but are not limited to: parking fines, late fees, computer lab charges, and library fees. If the Law School Dean finds that the decision was an abuse of discretion, the Dean may, at the Dean's discretion, remand the decision to the applicable Director or Assistant Dean for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The dean may confine the review to written materials submitted by the student and written materials submitted by the Director or Assistant Dean. The Dean may refer the appeal to the Associate Dean, who shall proceed consistent herewith. The determination by the Dean or Associate Dean hereunder is final, as to the decision in question.

Decisions regarding admissions to the Law School and financial aid are final and not appealable.

### **6.6.03 Appeals to Dean from Academic Decisions of the Associate Dean**

Academic decisions made by the Associate Dean involving students are final, except that decisions may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The Dean will issue his or her decision within 30 days of receiving the student's appeal. The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Associate Dean abused his discretion. If the Law School Dean finds that the Associate Dean abused his/her discretion, the Dean may, at the Dean's discretion, remand the decision to the Associate Dean for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The Dean may confine the review to written materials submitted by the student and

written materials submitted by the Associate Dean. The determination by the Dean hereunder is final, as to the academic decision in question.

#### **6.6.04 Appeals to Dean from Academic Decisions of the Graduate Council**

Academic decisions made by the Graduate Council involving students are final, except that the decision may be appealed, in writing, to the Law School Dean within 14 days of the notice of the decision being transmitted to the student. The Dean will issue his or her decision within 30 days of receiving the student's appeal. The review of the decision by the Dean is a limited appeal. The Dean will review the decision only to determine whether the Graduate Council violated its own procedures or another Law School or University policy and the student was prejudiced by such violation. If the Law School Dean finds that the decision of the Graduate Council violated its own procedures or another Law School or University policy and finds the student was prejudiced by such violation, the Dean may, at the Dean's discretion, remand the decision to the Graduate Council for action consistent with the Dean's determination, reverse or modify the decision, or make the appropriate referral of the matter to another appropriate law school or university office. The Dean may confine the review to written materials submitted by the student and written materials submitted by the Graduate Council.

#### **6.6.05 Record of Complaints**

A record of the complaint, and any appeal, will be kept on file with the Assistant Dean of Student Administration for seven years.

### **6.7 A Procedure to Ensure Compliance with Non-discrimination Policies**

The use of career services is restricted to those who agree to abide by career services office policies and procedures including the University non-discrimination policy. Capital University Law School provides equality of opportunity in legal education for all persons including faculty and employees with respect to hiring, continuation, promotion and tenure, applicants for admission, enrolled students and graduates without discrimination or segregation on the grounds of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation. Capital University Law School pursues a policy of providing its students and graduates with equal opportunity to obtain employment without discrimination or segregation on the grounds of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation except as mandated by Ohio or Federal Law.

#### **6.7.01 Complaint Procedure**

A law student who has reason to believe that a prospective employer, who interviews on campus, does not comply with Capital University and other applicable regulations concerning employment practices, may file a complaint with the Office of the Dean.

Student Complaint and Appeal Procedure Form PDF

#### **6.7.02 Dean's Actions**

The Dean or Dean's delegate will talk informally with the prospective employer in an attempt to ascertain the precise nature of that employer's policy.

#### **6.7.03 Suspicion of Non-compliance**

If, based on the prospective employer's response, the Dean or Dean's delegate has reason to believe that the prospective employer is not in compliance with the relevant regulations, the Dean or Dean's

delegate will appoint an ad hoc committee to make a more formal inquiry to determine the facts. The committee will submit a report to the Dean within a reasonable period of time.

#### **6.7.04 Decision**

The Dean or Dean's delegate will decide whether the prospective employer is in compliance with the relevant regulations. If not, the Dean or Dean's delegate will attempt to use mediation to attempt to bring the prospective employer into compliance. After mediation, the Dean or Dean's delegate will determine whether a sanction should be imposed, or the Dean or Dean's delegate can refer the entire matter to the faculty for decision. The sanction can range from the filing of a formal objection (most likely in the case of an inadvertent violation not likely to recur) to a denial of the privilege to use law school premises, offices, or both for recruitment purposes.

#### **6.7.05 Report**

The Dean or Dean's delegate will report the matter, on a confidential basis, to the faculty. If a faculty member disagrees with the Dean's or Dean's delegate's decision, he or she may appeal that decision to the faculty, which may modify the sanction imposed by the Dean or Dean's delegate.

### **6.8 Policies of Capital University Applicable to Faculty, Staff, and Students in All Divisions of the University**

All policies of Capital University are applicable to all faculty, staff, and students. All handbooks and policies are made available via the Human Resources Office and may be found online at <http://www.capital.edu/Policies-and-Handbooks/>.

Any questions regarding handbooks and policies should be directed to the following individuals:

- Dean, Associate Dean, or Assistant Deans
- Direct Supervisors
- Director of Human Resources

### **6.9 Policy on Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct**

The Capital University Policy on Sex or Gender-Based Harassment, Discrimination, and Sexual Misconduct applies to all student, faculty, staff, administrators, visitors, and guests.

#### **A. Policy Statement**

The University is committed to ensuring a safe environment free from all forms of sex or gender-based harassment, discrimination, and sexual misconduct. All members of the University community, including students, faculty, staff, guests, and visitors, are expected to conduct themselves in a manner that does not infringe upon the rights of others. The University takes the position of zero tolerance for sex and gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the individual whose rights have been violated as well as the effects on the community are remedied, including serious sanctions when a responding party is found to have violated this policy.

This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Capital University uses preponderance of the evidence (also known as “more likely than not”) as the standard of proof to determine whether a violation of this policy occurred. Legal terms, such as “guilt,” “innocence,” and “burdens of proof” are not applicable, as individuals are either found “responsible” or “not responsible” for a violation of this policy and it is neither party’s burden to prove their case. The University never assumes a responding party is in violation of the University policy. Rather, trained investigators conduct a thorough, neutral, and impartial investigation into the incident, and the totality of all available evidence and information from all relevant sources are considered before rendering a decision regarding responsibility.

#### B. Notice of Nondiscrimination

The University is committed to providing a safe and nondiscriminatory environment for all students and employees. The University does not discriminate on the basis of race, color, national and ethnic origin, sexual orientation, religion, sex and gender, age, disability, veteran status, or any other characteristic protected by law in its admission policies, scholarship and loan programs, athletic and other university-administered programs or activities, in employment, or in its policy administration. The University reaffirms its long-standing philosophy and principles of non-discrimination, non-harassment and non-retaliation for protected characteristics for all members of the University community. This policy addresses discrimination on the basis of sex and gender. Please refer to the University’s Nondiscrimination Policy for all other forms of discrimination.

The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment, as defined in this policy is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, which requires that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964.

#### C. Title IX Team

The University’s Title IX Coordinator oversees compliance with all aspects of the sex or gender-based harassment, discrimination, and sexual misconduct policy. The Title IX Coordinator reports directly to the Provost and Vice President for Academic and Student Affairs. Title IX Deputy Coordinators support the Title IX Coordinator in compliance efforts. Members of the University community are encouraged to contact a member of the Title IX team if they have any questions regarding Title IX or this policy. Confidential and non-confidential reporting options are outlined later in this policy.

Title IX Coordinator:

Assistant Provost and Title IX Coordinator

Jennifer Speakman, Ph.D.

[jspeakman@capital.edu](mailto:jspeakman@capital.edu)

(614) 236-7127

Title IX Deputy Coordinator (Main Campus):

Dean of Students

Jennie Smith  
[jsmith13@capital.edu](mailto:jsmith13@capital.edu)  
(614) 236-6367

Title IX Deputy Coordinator (Main Campus):  
Director of Human Resources  
Theresa Feldmeier  
[tfeldmei@capital.edu](mailto:tfeldmei@capital.edu)  
(614) 236-7130

Title IX Deputy Coordinator (Main Campus):  
Senior Women's Athletics Administrator  
Dixie Jeffers  
[djeffers@capital.edu](mailto:djeffers@capital.edu)  
(614) 236-6551

Title IX Deputy Coordinator (Law School):  
Assistant Dean of Student Affairs  
Robin Goodstein  
[rgoodstein@law.capital.edu](mailto:rgoodstein@law.capital.edu)  
(614) 236-6402

#### D. Summary of Process

Upon receipt of a complaint of sex or gender-based harassment, discrimination or sexual misconduct, the University's process involves an immediate initial investigation to determine if there is reasonable cause to believe this policy has been violated. If so, the University will initiate a prompt, thorough, fair and impartial investigation. This investigation is designed to provide a fair and reliable determination about whether the University's Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy has been violated. If so, the University will implement a prompt and effective remedy designed to end the misconduct, prevent its recurrence, and address its effects. After the initial investigation, and prior to a finding of Responsible or Not Responsible, the parties may have an opportunity to resolve the complaint through an Informal Administrative Resolution process. The informal process may be utilized only when the Title IX Coordinator determines that this is a suitable option for resolving the concern, and both the Complainant and Respondent agree to use of the informal administrative resolution process. The informal process cannot be used to resolve sexual assault (non-consensual sexual intercourse or contact) or sexual violence allegations.

Through the publication and dissemination of this policy, the University provides written notification to students and employees about existing counseling, health, mental health, survivor advocacy, and other services available both within the University and in the community for survivors of sexual misconduct.

For the complete policy, see Capital University Policies and Handbooks  
(<http://www.capital.edu/Policies-and-Handbooks/>).

## 6.10 Student Records

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights in connection with educational records maintained at Capital University. For purposes of compliance with FERPA, the University considers all students independent.

Capital University's Policy on Student Records is available in its entirety online at: <http://www.capital.edu/Student-Rights/>.

## 6.11 Student Right To Know And Campus Security Act

Capital University complies with the federal Student Right to Know and Campus Security Act of 1990 which provides for the collection and reporting of graduation rates, campus crimes statistics, and for the development of annual campus security reports including campus security policies. Appropriate information and materials may be obtained from the offices of the Administration and Finance, Student Affairs, Professional Development, and Admission and Financial Aid.

## 6.12 Electronic Copyright Infringement

Peer-to-Peer (P2P) file sharing has become an issue on campus over the last few years. Peer to peer programs are generally used to find and download various media files such as music MP3s, movies, and images. What many users do not know is that most of these programs also set themselves up as servers when they are installed and run. The programs download into a "Shared" folder (the user can define a different folder to download into). Anything in this folder, is subsequently shared to others using similar programs on the Internet.

Representatives of copyrighted materials often use available peer-to-peer programs such as Kazaa, Morpheus, Limewire, Bittorrent, Bearshare, and others, to find illegal peer-to-peer files. These programs provide the IP address of the machine from student computers with the illegally downloaded files. These companies have no special access and they are not violating student's rights to privacy as they own the copyright. Thus, it is the student's responsibility to know what programs are being installed on personal computers at all times.

### 6.12.01 Intellectual Property

Intellectual property rights protect the interests of creators. Intellectual property is usually divided into two categories:

1. Industrial property such as inventions, trademarks and commercial names; and
2. Copyright such as books, musical compositions, movies and artistic works

The Recording Industry Association of America (RIAA) and the Motion Picture of America Association (MPAA) are using the legal tools provided by the U. S. Digital Millennium Copyright Act (DMCA) of 1998 to track down and legally confront those who commit copyright infringement.

### 6.12.02 Copyright Infringement

Copyright infringement occurs when intellectual property is used without authorization from the owner. Downloading, uploading or sharing copyrighted material without permission is illegal. The most common offenses include downloading movies from an unauthorized source and sharing music peer-to-peer

(P2P). These actions are considered a form of theft of the copyrighted work of a director, producer or artist.

Capital University is legally required by the Higher Education Opportunity Act to take action against such activities when we receive a notice of violation for electronic copyright infringement.

### **6.12.03 Notification Process for Copyright Infringement**

Capital University will receive a formal notice of copyright infringement from a copyright owner or person representing the owner. The notice will state the specific claim and/or identify the information residing on the Capital University computer systems or network.

The Department of Information Technology will retrieve the illegally downloaded information, and send a formal written "Notice of Alleged Copyright Infringement" with detailed evidentiary information to the account holder. The account holder's network access will be temporarily suspended pending the outcome of the student administration conduct process.

### **6.13.04 Removal of Copyright Information**

The university reserves the right to remove or block access to any copyrighted materials, and/or temporarily disable access to the campus network pending the outcome of an investigation of an alleged copyright infringement violation. Capital University will inform the account holder of any action taken to maintain compliance with federal and state copyright infringement laws.

### **6.12.05 University Consequences**

Capital University takes copyright infringement very seriously and will not condone this type of behavior. All alleged violations will be addressed by the Capital University conduct administration process.

### **6.12.06 Notification to Copyright Owner**

The university designated agent will draft a summary response to the copyright owner indicating the outcome of the investigation as appropriate. All removed materials and/or disabled network access will be restored to the account holder within 10 business days of the case outcome.

### **6.13.07 Legal Consequences for Continued Violations**

Violations of the copyright infringement laws may result in a formal criminal charge for a violation of law, formal court case proceedings, and fines up to \$150,000 per work/property misappropriated.

### **6.12.08 Report Copyright Infringement**

All members of our community are expected to exemplify honesty, respect for truth, and congruence with university values and behavior expectations in all exchanges and interactions. Students may confidentially report an electronic copyright infringement violation via [copyright@capital.edu](mailto:copyright@capital.edu) or via EthicsPoint located on the Capital University Web site via ONLINE SERVICES on the CURRENT STUDENTS link([https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=17194](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17194)). EthicsPoint provides a simple, anonymous way for employees and students to report improper and illegal conduct.

## **6.13 Student Printing in Computer Labs**

Students may use the printers in the computer lab under the following conditions:

### **6.13.01**

Law students receive an annual printing allotment of \$100 (the equivalent of 1,000 single-sided pages). This allotment begins at the start of Fall semester.

#### **6.13.01.1**

Printing that exceeds the annual allotment will be billed to the student at the rate of ten cents (\$0.10) per sheet for single-sided copies and twelve cents (\$0.12) per sheet for double-sided copies.

### **6.13.02**

Unused amounts are not refunded to the student, do not roll over to the next academic year, and may not be donated to other students.

### **6.13.03**

Except as provided herein, all overage charges will be billed to the student's account at the end of the academic year.

#### **6.13.03.1**

Students who are studying for the bar exam will receive a 90-day grace period after graduation. During this grace period they may continue to use their print allotment and their print balance will be allowed to go negative.

#### **6.13.03.2**

At the end of the 90-day grace period, accounts with negative balances will be forwarded to Student Accounts for billing.

### **6.13.04**

Unpaid print balances will be handled according to the following:

#### **6.13.04.1**

Any graduating student with outstanding print charges will not receive his or her diploma.

#### **6.13.04.2**

Graduates with an unpaid print balance will not be able to receive transcripts until the bill is paid. Additional information about Print and Copy Services is available at [www.capital.edu/print-copy/](http://www.capital.edu/print-copy/).

## **6.14 Acceptable Use Policy**

### **6.14.01 Overview**

The computing and electronic communication resources that Capital University provides for faculty, staff, and students are essential to carrying out the University's primary mission. Protecting and preserving University computing and electronic communication resources is a cooperative effort that requires each member of the University community to act responsibly and guard against abuses.

Thousands of users share the computing resources at Capital University. These resources must be used responsibly by everyone, since misuse by even a few individuals has the potential to disrupt University business or the work of others. Users are required to exercise responsible, ethical behavior when using the University's computing resources.

Acceptable use of University computing and electronic communication resources demonstrates respect for unobstructed access, intellectual property rights including copyright, trademark, and applicable licenses, truth in communication, ownership of data, system security and integrity, and individuals' rights. Acceptable use includes, but is not limited to, respecting the rights of other users, sustaining the integrity of systems and related physical resources, and complying with all relevant policies, laws, regulations, and contractual obligations.

### **6.14.02 Purpose**

The University is committed to protecting Capital University faculty, staff, students, and guests from illegal or damaging actions by individuals, either knowingly or unknowingly. The Acceptable Use Policy was written to support and protect university computing and electronic communication resources, and all users of those resources, by defining the Standards for Acceptable Use.

### **6.14.03 Scope**

The scope of this policy applies to all users of Capital University computing and electronic communication resources, including faculty, staff, students, contractors, guests, individuals not otherwise affiliated with the University, and external organizations and individuals accessing external network services, such as the Internet, through University facilities.

The University's computing and electronic communication resources include its servers, network (wired and wireless) and networking facilities, e-mail system, personal computers and peripherals, software, classroom technology, multi-media equipment, websites, mobile devices and telecommunication system. These systems are the property of Capital University and are to be used for the purposes of carrying out the University's missions.

### **6.14.04 Policy**

The use of the University's computing facilities in connection with University activities and minimal personal use is a privilege extended to various members in good standing of the Capital University community; it is not a right. Users of the University's computing resources are required to comply with the Acceptable Use Policy. By using these resources, all users are also subject to, and required to comply with, the User Accounts Policy, Password Policy, Information Security Policy, and other policies that apply to their specific role with the University. Users also agree to comply with all applicable federal, state, and local laws and to refrain from engaging in any activity that is inconsistent with the University's tax-exempt status or would subject the University to liability.

System Administrators and IT Support Staff must also comply with the IT Privileged Access Policy and sign the university Confidentiality Statement.

The University reserves the right to amend this Policy at any time without prior notice and to take such further actions as may be necessary or appropriate to comply with applicable federal, state, and local laws.

#### **6.14.04.1 Standards of Acceptable Use**

Use of University computing and electronic communication resources requires each user to adhere to the following standards of acceptable use:

Observe all federal and state laws, as well as policies of Capital University in the use of University computing and electronic communication resources. Do not use the University's computer resources for

any unlawful purpose, such as the installation or distribution of fraudulently or illegally obtained software. The University may take any immediate steps necessary to deal with alleged violations of law or policy, including removing illegal material from the University server or other University computing or electronic communication resources.

Respect the privacy and personal rights of others by ensuring that use of University computing and electronic communication resources does not constitute invasion of privacy, harassment, defamation, threats, intimidation, unwarranted annoyance or embarrassment, or discrimination based on race, sex, national origin, disability, age, religion, or sexual orientation.

Respect and preserve the performance, capacity, integrity, and security of University computing and electronic communication resources. Ensure that use of those resources does not circumvent system security and does not achieve or aid others to achieve unauthorized access. The University may take any immediate steps necessary to deal with threats to performance or degradation of its computing and electronic communication resources.

Protect the purpose of University computing and electronic communication resources to carry out the University's primary mission. Use the University's computer resources only for the University-related purposes for which they were authorized. As with all University equipment, use of the computer resources, including the University Network, for private or commercial purposes is prohibited, except as expressly authorized. Reasonable minimal personal use is permissible within the guidelines of this policy when it does not consume a significant amount of those resources, does not interfere with the performance of the user's job or other University responsibilities, and is otherwise in compliance with University policy. Further limits may be imposed on personal use by units or departments. Use of those resources by faculty or staff for approved consulting or other approved professional activities is not a violation of this policy.

Respect the intellectual property rights of others by ensuring that use of University computing and electronic communication resources does not violate any copyright or trademark laws, or University licensing agreements (including licensed software).

#### **6.14.04.2 Authorization**

The University provides authorization to use University computing resources with the creation of a user account and password per the guidelines of the User Account Policy. Students, faculty, and staff obtain a user account when they register for classes or begin employment at the University.

The user account will provide access to basic computing services such as use of email, access to office automation software, the Internet, and access to systems and information that are provided based on the group the person belongs to or the position he or she holds at the University.

#### **6.14.04.3 Appropriate Uses**

Examples of computer and network uses that are encouraged, with the appropriate authorization if necessary, include, but are not limited to:

1. Use of microcomputers in student labs for class assignments;
2. Instructor preparation;
3. Thesis research support;
4. Personal computing to improve computing literacy, or to learn new computer hardware and software;

5. Use of public computers for review of generally available individual or campus information;
6. Use of computers provided by the university to faculty and staff in support of their work;
7. Approved use of the university's information and administrative systems; and
8. Use of Internet resources to promote collegial interaction and research.

#### **6.14.04.4 Violation of Policy**

Violations of acceptable use of University computing and electronic communication resources include, but are not limited to:

1. Use of another person's User account;
2. Providing one's user account and password to someone else to use;
3. Accessing or transmitting information that belongs to another user or for which no authorization has been granted;
4. Any attempt to make unauthorized changes to information stored on the University's computer systems;
5. Viewing data that one does not have security rights to, or should not have rights to view;
6. Unauthorized copying of information stored on the University's computer systems;
7. Any action that jeopardizes the availability or integrity of any University computing, communication, or information resource;
8. Use of IT resources that interferes with work of other students, faculty, or staff or the normal operation of the University computing systems;
9. Any attempt to bypass the University IT security systems including the Network Access Control system (NAC);
10. Copying or distributing software licensed to Capital University without proper authorization;
11. Stating or implying that one speaks on behalf of the University or using the University name, marks or logos without proper authorization, and not using suitable disclaimers on personal websites and other electronic communications;
12. Violation of federal, state or local laws, including copyright infringement;
13. Use of University-owned IT resources for personal commercial purposes; and
14. Using University computing resources irresponsibly or in a way that might needlessly interfere with the work of others. This includes transmitting or making accessible offensive, annoying, or harassing material, or materials such as chain letters, unauthorized mass mailings, or unsolicited advertising; intentionally, recklessly, or negligently damaging any system, material, or information not belonging to the user; intentionally intercepting electronic communications or otherwise violating the privacy of information not belonging to or intended for the user; intentionally misusing system resources or making it possible for others to do so; or loading software or data from untrustworthy sources on to administrative systems.

#### **6.14.05 Enforcement**

Failure to use Capital University computing and electronic communication resources responsibly in accordance with the standards set forth in this policy threatens the atmosphere for the sharing of information, the free exchange of ideas, and the secure environment for creating and maintaining information. Any member of the University community who violates this policy may be subject to disciplinary action under appropriate University disciplinary procedures including provisions in relevant handbooks (student, faculty, administrator, and support staff).

The University may take such action as may be necessary in its discretion to address any use violation(s) under this policy, up to and including termination of a user's account. IT may temporarily suspend or block access to an account when it reasonably appears necessary to protect the integrity, security, or

functionality of computing resources, or to protect the university from liability. In addition, Capital University reserves the right to limit or restrict the use of its computing and electronic communication resources when there is evidence of a violation of applicable University policies, contractual agreements, or state or federal laws. The University may refer suspected violations of applicable law to the appropriate law enforcement agencies.

### **6.14.06 Definitions**

NAC

Network Access Control - NAC software tests and verifies that all computers connected to the university network have current virus protection and operating systems updates applied in order to protect the network.

6/16/07 Revision History

5/6/08 Draft submitted to IT Department for review

5/27/08 Draft submitted to legal for review

6/2/08 Comments received from legal

6/3/08 Approved by the President's Cabinet

Additional information about the Acceptable Use Policy