# TABLE OF CONTENTS

JMLS Reference List ........................................................................................................... iv

I. PURPOSE ................................................................................................................... 1

II. ADJUNCT FACULTY PERSONNEL POLICIES ............................................... 1
    A. Adjunct Faculty Member Defined ................................................................. 1
    B. Job Description .............................................................................................. 1
    C. The Adjunct Faculty Committee .................................................................... 1
    D. Academic Freedom Policy .............................................................................. 2
    E. Arrangements with the Business Office ......................................................... 4

III. INSTRUCTIONAL AND CLASSROOM PROCEDURES........................................ 4
    A. Classroom Activity ......................................................................................... 4
    B. Assessment of Student Learning in Core Courses ......................................... 6
    C. Final Examinations ......................................................................................... 6

IV. ADMINISTRATIVE INFORMATION .................................................................. 8
    A. CLE Information .............................................................................................. 8
    B. Class Rosters ................................................................................................... 8
    C. Grading System .............................................................................................. 8
    D. Grade Reporting and Examination Return .................................................... 10
    E. CALI Excellence for the Future Award ............................................................ 10
    F. Textbooks ....................................................................................................... 10
    G. Change in Textbooks ....................................................................................... 10
    H. Purchases ....................................................................................................... 11
    I. Teaching Aids ................................................................................................. 11
    J. Class Cancellations ......................................................................................... 11

V. SERVICES AND FACILITIES ...................................................................... 11
G. Student Protection from Discrimination and Harassment Policy ............................. 29
H. Copyright Use Policy .................................................................................................. 34
I. The John Marshall Law School Student Code of Conduct ........................................ 47
K. Campus Crime and Security ..................................................................................... 55
APPENDIX I: Reservation of Rights ............................................................................ 68
JMLS Reference List

Academic Affairs (http://www.jmls.edu/directory/profiles/ruebner-ralph/)

Associate Dean for Academic Affairs, Professor Ralph Ruebner, Ext. 384, Room S-307, 7ruebner@jmls.edu

Admission-Office of Admission (http://www.jmls.edu/admission/)

Director of Admission, Melissa Hansen, Ext. 403, Room P-101, 6hansen@jmls.edu

Data Coordinator, John Estrada, Ext. 458, Room P-100, jestrada@jmls.edu

Administrative Assistant, Office of Admission, Olga Scott, Ext. 457, Room P-100, 6scott@jmls.edu

Assistant Director, Office of Admission, Jaime Newson, Ext. 123, Room P-101, jnewson@jmls.edu

Advanced Studies & Research (http://www.jmls.edu/directory/profiles/kennedy-kathryn/)

Associate Dean for Advanced Studies and Research, Professor Kathryn J. Kennedy, Ext. 515, Room C-1625, kkenedy@jmls.edu

Bookstore (http://www.jmls.edu/students/bookstore/) Bookstore Manager, Kyle, Ext. 582

Business Office

Chief Financial Officer, Cynthia Sah, Ext. 407, Room S-305, cash@jmls.edu

Controller, Marlo Atchison, Ext. 695, Room C-1500, matchis@jmls.edu

Payroll Manager, Heather Williams, Ext. 355, Room C-1500, 6williah@jmls.edu

Accounts Payable, Business Office, Gregg Mandel, Ext. 529, Room C-1500, gmandel@jmls.edu

Student Accounts Coordinator, Business Office, Jose Ortiz, Ext. 408, Room C-1500, jortiz@jmls.edu

General Accounting, Business Office, Judy Evans, Ext. 409, Room C-1500, 6evans@jmls.edu

Career Services Office http://www.jmls.edu/career-services/

Director for Career Services, Chante Spann, Ext. 502, Room P-401, espann@jmls.edu

Associate Director for Career Services, Tiffany Farber, Ext. 124, Room P-408, tfarber@jmls.edu

Associate Director for Employer Outreach Coordinator, Career Services, Nello
Gamberdino II, Ext. 345, Room P-510, ngamber@jmls.edu

Associate Director for Career Services, Sarah Levy – slevy@jmls.edu Ext. 502 Room 401

Associate Director for Career Services, Denise Loftus – dloftus@jmls.edu Ext. 450 Room 400

Associate Director for Career Services, Lauren Spira – lspira@jmls.edu Ext. 316 Room 510

Associate Director for Career Services, Joseph Kearney – jkearne@jmls.edu Ext. 221 Room 406

Associate Director for Career Services, Kim Isemann, Ext. 344, Room S-433, 6isemann@jmls.edu

Career Services Specialist, Stacia Goldstein, Ext. 532, Room P-408, 6goldste@jmls.edu

Coordinator, Career Services, Dennis Mazur, Ext. 402, Room P-405, 6mazur@jmls.edu

Office Manager, Career Services, Sue Monette, Ext. 505, Room P-405, 6monette@jmls.edu


Director, Center for Intellectual Property, Information & Privacy Law, Professor Doris Long, Ext. 651, Room C-1009, 7long@jmls.edu

Administrative Director, Center for Intellectual Property, Information & Privacy Law, Panagiota Kelali, Ext. 306, Room C-1621, 6kelali@jmls.edu

Associate Director, Center for Intellectual Property Law, Adjunct Professor William (Bill) McGrath, Ext. 489, Room C-1607, 7mcgrath@jmls.edu

Program Coordinator, Lisa Aruldoss Ext. 659, Room C-1610, 7aruldos@jmls.edu

Center for International Law

Director, Center for International Law, Professor Paul Lewis, Ext. 556, Room C-1613, 7lewis@jmls.edu

Associate Director, Center for International Law, Virginia (Ginnie) Russell Ext. 443, Room C-1617, 6russell@jmls.edu

Program Coordinator, Lisa Aruldoss Ext. 659, Room C-1610, 7aruldos@jmls.edu

Center for Real Estate Law

Director, Celeste M. Hammond Ext 366, Room C-1601, 7hammond@jmls.edu

Associate Director, Center for International Law, Virginia (Ginnie) Russell Ext. 443, Room C-1617, 6russell@jmls.edu

Program Coordinator, Lisa Aruldoss Ext. 659, Room C-1610, 7aruldos@jmls.edu

Center for Tax Law and Employee Benefits http://www.jmls.edu/academics/taxeb/
Director, Center for Tax Law and Employee Benefits, Assoc. Dean & Professor Kathryn Kennedy, Ext. 515, Room C-1625, 7kennedy@jmls.edu

Associate Director, Center for International Law, Virginia (Ginnie) Russell Ext. 443, Room C-1617, 6russell@jmls.edu

Program Coordinator, Lisa Aruldoss Ext. 659, Room C-1610, 7aruldos@jmls.edu

Center for Advocacy and Dispute Resolution http://www.jmls.edu/academics/advocacy-dispute/

Director, Center for Advocacy and Dispute Resolution, Professor Susann (Sunny) MacLachlan, Ext. 557, Room S-415, 7maclach@jmls.edu

Associate Director, Center for Advocacy and Dispute Resolution, Adjunct Professor Kelly Navarro, Ext. 146, Room S-414, knavari@jmls.edu

Assistant Director, Center for Advocacy and Dispute Resolution, Gary Watson, Ext. 473, Room S-412, gwatson@jmls.edu


Asian Alliances, Dorothy Li, Ext. 414, Room C-1619, 8li@jmls.edu

Director, Chinese IP Resource Center, Arthur Yuan, Ext. 794, Room C-1756, ayuann@jmls.edu

Dean – Office of the Dean

Dean, John E. Corkery, Ext. 412, Room S-305, 7corkery@jmls.edu

Dean's Executive Assistant, Chris Cotter, Ext. 352, Room S-309, 7cotter@jmls.edu

Dean's Administrative Assistant, Vanessa Jackson, Ext. 350, Room S-309, 6jackson@jmls.edu

Director of Administrative Support for Faculty, Teresa Do, Ext. 688, Room C-1509, tdo@jmls.edu

Diversity Affairs & Outreach (http://www.jmls.edu/diversity/)

Director of Diversity, Student Development, and Outreach, Troy A. Riddle Ext. 174, Room S-206, TRiddle@jmls.edu

Graduate Assistant, Essam Abdallah, Ext. 412, eabdall@law.jmls.edu

Graduate Assistant, Kristin Johnson, Ext. 412 KJohnso@law.jmls.edu

Elder Law Program

Director, Elder Law Program, Professor Barry Kozak, Ext. 524, Room P-324M, 6kozak@jmls.edu
Institutional Affairs:

Executive Director, Annie Krug, x393, AKrug@jmls.edu

Content Development:

Director, Content Development, Michael Huggins, ext. 660, mhuggins@jmls.edu
Publications Coordinator, Molly Backes, ext. 858
Publications Coordinator, Peter Beck, ext. 353, 6beck@jmls.edu
Email Specialist, Kenan Hebert, ext. 324
Ryan Karpeles, Web Designer ext.792
Senior Graphic Designer, Catherine Morris, ext.597
Web Developer, Randall Svea, ext 305
Digital Designer Ryan Ruffatti, ext. 586

Event Management:

Director, Elinor Kannon, ext. 573, 6kannon@jmls.edu
Event Support Coordinator, Tonya Walters, ext. 574, twalters@jmls.edu
Program Coordinator & CLE Administrator, Melissa May ,ext. 329, mmay@jmls.edu
Event Logistic Assistant, LeoLin, Lopez, ext. 642, llopez01@jmls.edu
Program Coordinator, Peggy Ziemba, ext. 578, pziemba@jmls.edu

Public Affairs:

Director, Christine Kraly, ext. 171, ckraly@jmls.edu
Public Relations Coordinator, Miller McDonald, ext. 554, mmcdona@jmls.edu

Faculty Secretaries

Supervisor & Faculty Secretary, Gwen Konigsfeld, Ext. 359, Room C-1001, 7konigsf@jmls.edu
Faculty Secretary, Diane Gordon, Ext. 475, Room C-1001, 7gordon@jmls.edu

Financial Aid– Office of Financial Aid (http://www.jmls.edu/students/financial-aid/)

Director, Office of Financial Aid,Yara Santana,Ext.  454,Room P-402, ysantana@jmls.edu
Financial Aid Counselor, Christy Urban, Ext. 510, Room P-110, curban@jmls.edu
Financial Aid Assistant, Nancy Scott, Ext. 331, Room P-110, nscott@jmls.edu
Student Financial Services Manager, Richard (Rick) Leninger, Ext. 362, Room P-110, rlening@jmls.edu
Foundation & Development (http://www.jmls.edu/foundation/)

Chief Development Officer, Bill Beach, Ext. 664, Room C14W, bbeach@jmls.edu

Director, Research, Grants & Development Assessments, Erik Fagrelius, Ext. 869, Room C-14E, 6fagrel@jmls.edu

Director, Foundation Services, Maridonna Schaal, Ext. 663, Room C-14E, mschaal@jmls.edu

Grants Administrator, Judith Hamill, Ext. 318, Room C-14W, jhamill@jmls.edu

Annual Giving Officer, Lauren Prihoda, Ext. 351, Room C-14W, lprihoda@jmls.edu

Research Analyst, Chris Beach, Ext. 640, Room C-14W, cbeach@jmls.edu

Help Desk

Help Desk – S-7th Fl. Ext 550 helpdesk@jmls.edu

Human Resources

Assistant Dean for Human Resources, Martin (Marty) D'Ambrose, Ext. 396, Room C-1505, 6dambros@jmls.edu

Fringe Benefits Manager, Human Resources, Rachel Innis, Ext. 613, Room C-1505, rinnis@jmls.edu

Administrative Assistant, Human Resources, Mary Ruane, Ext. 315, Room C-1505, 6ruane@jmls.edu

Information Technology Services (ITS) (http://www.jmls.edu/intranet/its/index.shtml)

Assistant Director of Client Services and Office Operations, Robert (Rob) O'Brien, Ext. 514, Room S-733, robrien@jmls.edu

Assistant Director of Infrastructure Operations, Jose Goris, Ext. 564, Room S-733

Appl. Developer/System Analyst, Lynne Tagatz, Ext. 791, Room S-733 6tagatz@jmls.edu

ITS Collaborations Website Manager, Chauncey Daspit, Ext. 537, Room S-733, 8daspit@jmls.edu

Journal of Computer and Information Technology Law (http://www.jcil.org/)

Lawyering Skills (Legal Writing)

Director, Lawyering Skills, Professor Anthony Niedwiecki, Ext. 370, Room S-1107, aniedwie@jmls.edu

Associate Director, Lawyering Skills, Professor Mary Nagel, Ext. 342, Room C-1124, 7nagel@jmls.edu

Library – Louis L. Biro Law Library (http://www.jmls.edu/library/)

Director, Library and Technology Services, Ramsey Donnell, Ext. 266,
Room S-710, rdonnell@jmls.edu

Assistant Director for Media Services, Academic Technology, James Loesch, Ext. 796, Room S-708, jloesch@jmls.edu

Assistant Director of Educational Technology, Academic Technology, Christopher Bevard, Ext. 723, Room S-723, cbevard@jmls.edu

Associate Director for Research and Instruction, Claire Durkin, Ext. 560, Room S-711, 8durkin@jmls.edu

Foreign & International Law Librarian (and Government Documents), Anne Abramson, Ext. 702, Room S-705, 8abrams@jmls.edu

Head of Faculty Scholarship Initiatives, Raizel Liebler, Ext. 430, Room S-707, 8Liebler@jmls.edu

Instructional and Student Services Librarian, Philip Johnson, Ext. 551, Room S-704, pjohnso@jmls.edu

Evening Reference Librarian, Victor Salas, Ext. 714, Room S-600, 8salas@jmls.edu

Head of Technical Services, Gregory Cunningham, Ext. 643, Room S-718, gcunnin@jmls.edu

Maintenance

JMLS, 55 E. Jackson-(312) 554-0100
CBA, 321 S. Plymouth-(312) 427-3989
JMLS, 315 S. Plymouth- Ext. 507

Moot Court (Herzog) http://www.jmls.edu/honors/moot-court/

Director, Moot Court, Professor Ardath Hamann, Ext. 410, Room C-1129, 7hamann@jmls.edu

Assistant Director, Moot Court, Linda McHugh, Ext. 423, Room P-604, 6mchugh@jmls.edu

Professionalism and Engagement

Director of Professionalism and Engagement, Justice (ret.) Margaret O'Mara (Peg) Frossard (ret'd.), Ext. 112, Room S-306, mfrossar@jmls.edu
Registrar- Office of Academic Services  room 301,  JMLSRegistrarOffice@jmls.edu
312.427.2737, Office Hours: Monday – Thursday 8:00 am – 7:30 pm
Friday – 8:00 am – 5:00 pm
Saturday – 10:00 am – 3:00 pm

Jodie Needham, Asst. Dean for Academic Services , Ext. 775 – 6needham@jmls.edu,
Monday-Thursday 9:30am-5:30pm, Friday 9:00am-5:00pm
Student Responsibilities:
• Academic Scheduling, Exam Scheduling, Academic Calendar
• Academic Counseling
• Student Registration changes
• Readmission Applications
• Degree Audits
• Notary

Jose C. Ortiz, Office Manager, Ext. 776 – jortiz@jmls.edu,
Monday-Thursday 10:00am-6:00pm, Friday 9:00am-5:00pm
Student Responsibilities:
• Office Manager
• Dismissal, probation, off-probation, and bottom 30% Administrator
• Degree Audits
• Academic Counseling

Melinda Kristen Moore, Accommodations Administrator, Ext. 773 – mmoore02@jmls.edu,
Monday-Thursday 11:30am-7:30pm, Saturday 10:00am-3:00pm
Student Responsibilities:
• Disability Accommodations
• Student Accommodations (Emergency, Temporary, Permanent)
• Evening & Saturday office administrator
• Prints and distributes Diplomas/Certificates
• Commencement
• Notary

Natalie Wilson – Registration Coordinator, Ext. 772 – nwilson@jmls.edu,
Monday-Friday 9:00am-5:00pm
Student Responsibilities:
• Registration Counseling
• Course material distribution
• Transfer Student Administrator
• Loan Deferment and National Clearinghouse Administrator
• CLE Certifications
• Course Evaluations

Jim Farrell – Recorder, Ext. 778 – jfarrell@jmls.edu, Monday-Friday 8:00am -4:00pm
Student Responsibilities:
• Midterm/Final Exams
• ExamSoft
• Make-Up Exams
• Grade Collection/Processing
• CALI
Student Responsibilities:

- Transcripts/Transfer Packet Request Fulfillment
- Study Abroad & Visiting (Away) Student Applications
- Dean’s Certificates & Character & Fitness Applications
- Locker Assignments
- 711 Applications
- Letters of Good Academic Standing
- Amendment to Applications
- Verification Letters
- Update Student Demographics
- Notary

Security (http://www.jmls.edu/security/)

Director, Campus Safety and Security, (312) 427-2737 x339, Room P-103, ahaleem@jmls.edu

Security Supervisor (Day), Jason Dalmer, Ext. 309, Room S-215, jdalmer@jmls.edu
Evening Shift Supervisor, Daniel Flemming, Ext. 309, Room S-209 dflemmi@jmls.edu

Security Management email distribution list to be used to schedule events and advise of incoming guests: www.jmls.edu/security

Security Desk Locations and Extension:

- 304 S. State Street Desk (Main Security Desk) Ext. 501
- 315 S. Plymouth Ct Desk Ext 507
- 19 W. Jackson Desk Ext 503
- 321 S. Plymouth Ct (CBA Security non JMLS personnel) 312-427-3989

Student Affairs (http://www.jmls.edu/students/)

Associate Dean for Student Affairs, William Powers, Ext. 435, Room S-208, 6powers@jmls.edu

Administrative Assistant, Student Affairs, Ms. Marilyn Criss, Ext. 576, Room S204, 6criss@jmls.edu

Student Bar Association (SBA) (http://www.jmls.edu/students/sba)

I. PURPOSE

The purpose of the *Adjunct Faculty Handbook* is to provide members of the adjunct faculty at The John Marshall Law School a resource about the law school's academic and administrative departments. All general reference to "faculty" applies to members of both the full-time and adjunct faculty.

II. ADJUNCT FACULTY PERSONNEL POLICIES

A. ADJUNCT FACULTY MEMBER, DEFINED

The John Marshall Law School's adjunct faculty is comprised of more than 325 lawyers and judges who share their expertise with the law school's community while enhancing the educational experience. "Adjunct Faculty Member" refers to a member of The John Marshall faculty who has been selected by the full-time faculty and the Dean of the law school to teach on a part-time, non-permanent contract basis and has taught a course within the previous five (5) years and is in good standing. Members of the adjunct faculty are not eligible for tenure consideration. However, members of the adjunct faculty may apply for openings on the full-time faculty for both non-tenure-track and tenure-track positions. Selection of all faculty members, both full-time and adjunct, is based on a complete review of the academic credentials, experience, and where appropriate, scholarly potential of the applicants.

B. JOB DESCRIPTION

The proper title for members of the adjunct faculty is "Adjunct Professor of Law." Adjunct faculty is expected to fulfill the same responsibilities as members of the full-time faculty who are assigned to teach courses in all law school programs. These responsibilities include, but may not be limited to: class preparation; providing availability to students who are enrolled in your class; attendance at and completion of the course as scheduled by the law school administration; examination of students; compliance with all administrative rules for the conduct of all and/or particular course; and examination review upon request.

C. THE ADJUNCT FACULTY COMMITTEE

The Adjunct Faculty Committee was created to serve as a liaison between the law school and the adjunct faculty community. In part, the committee: 1) informs the adjunct faculty member of the law school’s procedures; 2) evaluates and reports class performance; and, 3) recruits members of the legal community to serve as adjunct faculty members.

The committee also: 1) recommends to the Dean the appointment of all adjunct faculty members, including adjunct clinical faculty and also those who teach in LL.M. and M.S. programs; 2) Ensures that the *Adjunct Faculty Handbook* is current; 3) prepares handbook amendments; and 4) conducts, from time to time training/informational conference for all adjunct faculty members. The committee keeps the adjunct faculty informed of the law school's current changes, and listens to adjunct faculty members’ overall recommendations and/or suggestions.
In order to communicate and support the adjunct faculty, from time to time, members of the full-time faculty will contact you to schedule class visits during the semester. Additionally, you are encouraged to contact members of the full-time faculty who teach the same courses to discuss pedagogy and administration of your course.

D. ACADEMIC FREEDOM POLICY (There are three sources.)

(1) [SECTION 3] Faculty Personnel Policies: Contractual
The personnel policies of The John Marshall Law School, particularly those involving academic freedom, promotions and tenure, are designed to protect the individual faculty members, to provide conditions of security and an atmosphere in which scholarly research can be pursued that will enrich both the individual faculty member and the students he/she teaches.

Faculty members are entitled to freedom in their classrooms and freedom to pursue appropriate academic research, subject to the adequate performance of other academic duties. Controversial topics not related to the subject matter should not be discussed in the classroom.

The faculty member is at the same time a private citizen, a member of a learned profession, and a representative of the Law School. As a private citizen the faculty member retains and should exercise, when appropriate, his/her freedom to speak on issues of the current moment. However, he/she should bear in mind the fact that as a member of a learned profession and as a faculty member his/her behavior will frequently reflect upon the school as well as upon him/her.

When the subject matter necessarily involves discussion or analysis of a controversial issue, the faculty member in expressing his/her opinion thereon should advise the students that the views he/she expresses are his/her own.

(2) [SECTION 9] Board of Trustees Tenure Policy
[Article One- Academic Freedom] The John Marshall Law School accords the deepest respect and support for the dignity and rights of each person, regardless of race, religion, creed, nationality, ethnic background, sex, age, disability or sexual orientation. Academic freedom is pre-eminent among the rights of persons engaged in learning. In addition, scholarly achievement depends upon the spirit of free inquiry characteristic of the best traditions prevailing in institutions of higher learning. The intellectual and personal maturity and responsibilities of law students is equally dependent upon their participation in this tradition of freedom.

The John Marshall Law School supports academic freedom and strives continually to create an environment conducive to the exercise of this freedom. This environment encourages open discussion, debate, assent and dissent. It recognizes that independent but disciplined minds may be prepared to follow uncharted paths to knowledge, propound theories, set forth ideas, and gather evidence contrary to accepted thoughts and concepts, challenge the ideas of fellow scholars, and express opinions and beliefs honestly, firmly, and sincerely. In the classroom and in their scholarly pursuits, the members of the faculty are free to introduce controversial issues that are relevant, and each student is free to disagree.

Each faculty member may, as a private citizen, speak or write freely without institutional control, however mindful, at the same time, of the ethics of the legal profession which he or she is duty-
bound to observe and of the fact that he or she is a member of a learned institution but not a spokesman for it. In protecting the faculty members right to seek truth, The John Marshall Law School also protects the right of all to adhere to deeply held personal commitments. At The John Marshall Law School, therefore, responsible academic freedom does not encompass the deliberate abuse or ridicule of individual persons, racial, religious or ethnic groups, or members of a sex.

(3) Contract Right to Academic Freedom Reaffirmed (April 16, 2008)

As you know, the faculty has expressed its concern over the litigation position taken by the Law School in a specific matter on the issue of academic freedom. I have been working with the Faculty Executive Committee and the Board of Trustees on this issue. Based on discussions with both groups, I would now like to reaffirm the faculty’s right to academic freedom and the school’s commitment to it.

The Law School has always supported the principle of academic freedom. That support was formally recognized by the Board of Trustees when it established The Tenure and Promotion Policy and the accompanying Faculty Policies and Procedures which are contained as Appendix I to the Faculty Handbook. Article one of the Policy and Procedures reflects the Law School’s commitment to that principle.

The Law School considers Article One to reflect contractual rights and responsibilities of the School and its faculty. At The John Marshall Law School faculty members have a contractual right to academic freedom. As with other rights, this right is subject to ethical duties and other rights enjoyed by faculty, students and other members of the Law School community; for example, academic freedom does not encompass the deliberate abuse or ridicule of individual persons, racial, religious or ethnic groups, or members of a sex.

I am happy therefore to take this opportunity to reaffirm the law school’s support for academic freedom. I thank everyone for their thoughts and comments on this important matter.

Dean John E. Corkery

As of May 2008
E.  ARRANGEMENTS WITH THE BUSINESS OFFICE

(1) NEW ADJUNCT FACULTY

Each new adjunct faculty member will receive a letter from the Dean confirming appointment. Each new adjunct faculty member also will receive a welcome from the Director of Human Resources with federal and state W-4 forms and the I-9 forms attached. No one is considered a regular member of the adjunct faculty unless these forms have been completed and delivered to the Business Office. We ask that new faculty do this within three working days of their very first class day. Adjunct faculty will receive a letter of assignment before the beginning of each semester in which they are asked to teach.

(2) SALARIES

Adjunct faculty will be paid at the end of the semester after the final grades have been submitted. Federal and state income taxes will be withheld from salaries based on exemption certificates filed with the Business Office.

III. INSTRUCTIONAL AND CLASSROOM PROCEDURES

A. CLASSROOM ACTIVITY

(1) Faculty Responsibility

The primary responsibility of the faculty is teaching the appropriate subject matter in an interesting, informative manner. The application of the academic standards of the Law School established by the faculty and approved by the administration is equally important and should be reflected in the quality of teaching, quantity of work required for the students, and also in the distribution of grades. These standards must be, as in any educational institution, related to the applicable admission standards of the Law School expects to meet its obligation to its students. It is, therefore, the responsibility of the faculty to work with the student body to afford a reasonable opportunity, applicable within the framework of the standards of the Law School, for the students to reach their intended goal of graduation.

(2) Class Sessions

A one credit hour course must meet for 770 minutes a semester. A two credit hour course will meet for 1540 minutes a semester. A three credit hour course will meet for 2240 minutes a semester. And a four credit hour course will meet for 3380 minutes a semester.

Day division classes will usually be scheduled between 9:00a.m. and 5:30p.m. Professors who are scheduled to teach from 6:00 to 9:00p.m. may take a fifteen minute break. Those teaching a two-hour course may prefer to eliminate the break and teach from 6:00-7:50 p.m. Classes may be scheduled on Saturdays or at other hours.

(3) Syllabus

Adjunct faculty should prepare a syllabus of the content and rules for each course. The syllabus should be posted on eCommons no later than one week prior to the 1\textsuperscript{st} class of the semester.
(4) Make-up Classes

The school observes (if the Academic Calendar has scheduled class sections) only Labor Day, the Tuesday through Sunday of Thanksgiving, Martin Luther King's Birthday, Memorial Day and Independence Day.

(5) Class Attendance & Absences

Faculty are required to take roll. Absences in excess of 25% of class sessions will result in the student's dismissal from a course. As a general policy the individual faculty member will determine the penalty, if any, for tardiness and early departures. Individual faculty may reduce the number of permissible absences after notice to the students.

The John Marshall Law School recognizes the diversity of religious practices of its students, faculty and staff. Therefore, we have established a new policy of attendance to accommodate religious observance. In addition to the 25 % allowed absences, students will be excused without penalty for two class sessions in each course enrolled every semester. Students must notify professors that the absence is due to religious observation. Faculty must allow at least 2 absences per the religious accommodation attendance guidelines.

Professors are responsible for tracking and notifying students of any attendance issues. The absences allowed per semester are as follows:

Course meeting one hour per week:
   4 one-hour sessions

Courses meeting two hours per week:
   8 one-hour sessions or
   4 two-hour sessions

Courses meeting three hours per week:
   12 one-hour sessions,
   4 three-hour sessions, or
   7 one hour and 20 minute sessions

Courses meeting 4 hours a week:
   15 one-hour sessions or
   7 two-hour sessions

(6) Warning Letters for Excessive Absences

If any student is close to meeting the allowable absences in a class, the faculty member is responsible for notifying and sending a warning letter to the individual student. The letter should notify the student of the impending danger of being unable to write the final examination. Faculty should cc the Registrar’s Office (JmlsRegistrarOffice@jmls.edu) on all such correspondence.
B. ASSESSMENT OF STUDENT LEARNING IN CORE COURSES

“In the JD core curriculum and, in particular, in those courses subject to Curve I (Civil Procedure I, Constitutional Law I, Contracts I and II, Criminal Law, Property, and Torts), faculty should strive to employ multiple formative or summative assessments over the course of the semester and to utilize a variety of approaches (such as essay questions, short answer questions, and multiple choice questions) in those assessments and the final examination.”

C. FINALS EXAMINATIONS

(1) Faculty Responsibilities

A written examination, take-home examination and/or paper at the conclusion of each course will ordinarily be the final determinant of a student's grade. However, interim examinations, briefs of cases and other assignments or forms of assessment particularized to the class may be taken into account.

Class preparation and participation are essential components of the educational process. Individual professors may develop class rules and grading procedures which take into account a student's fulfillment of those responsibilities. Professors should include in his/her syllabus any special rules governing classroom participation and grading and have it available on eCommons at the beginning of each semester. Faculty members are responsible for preparation and grading (within the designated amount of time) of final examinations. Final examinations are normally relational to the course hours. Although Faculty members do not proctor their own exams, they are expected to be either in the building or reachable by phone during the exam. It is advised to have your exam proofread.

(2) Preparation of Examinations

The faculty member types his/her own examination. If needed, the faculty secretaries are available to help. A form will be sent out to all faculty members about their respective examinations, the date they are due, and the date the grades are due. This schedule must be followed. Failure to give the faculty secretaries sufficient time to type the examination places a burden on both the secretaries and Academic Services. Faculty members must transpose their grades from the booklets to the grade sheets provided by the Registrar. The Academic Services staff will not transpose grades from the books to the exam authorization sheet. Faculty members who give take-home exams must notify their students in writing exactly where, when, and during what hours the exams are to be picked up and where they are to be delivered when they are completed. Academic Services should be given the same copy of instructions as is given to the students.

(3) Examination Scheduling

Final examinations must be given on the date and time scheduled by the Registrar unless other arrangements have been made in advance by the Academic Services Office.
(4) Make-up Examinations

Faculty may choose to either give the same exam or create a different exam for those students taking the exam at an alternate time. An exam schedule for each semester is published with the registration materials. If an exam is to be administered at a separate day/time, the matter of whether to give an alternative exam rests in the hands of the instructor. The Associate Dean will not intervene absent extraordinary circumstances.

(5) The John Marshall Law School Final Exam Policy

The use and/or possession of any unauthorized electronic device is strictly prohibited and will be treated as a violation of the student code of conduct. Any authorization must be granted in writing by your professor, Dean Needham, Dean Powers, or Dean Ruebner.

Students are only granted permission to take an alternative exam if they qualify for an exam conflict or disability.

Please examine the final exam schedule carefully and retain it for your information. Each student is responsible for verifying the date, time and place of his/her examinations and for taking them as scheduled by the law school.

During the exam period, students may check the monitors throughout the school two hours before each scheduled exam time to verify assigned room numbers.

- **Conflicts:** Defined as two examinations taking place (1) on the same calendar day or (2) at 6 p.m. one evening and 9:30 a.m. the next morning, OR three examinations taking place within four consecutive calendar days.
- **Disability:** Granted after the student has contacted Melinda Moore, the Disability Accommodations Coordinator, at 312.427.2737 ext. 773, completed the disability accommodation process, and received approval for accommodations. You will receive an email from Ms. Moore if you are granted disability accommodations for exams.
- **Personal Emergency:** Includes hospitalization or a death in the family. Authority to grant/deny accommodation requests reside within the office of Academic Services.
- **Documentation is required.** Please contact Jim Farrell at jfarrell@jmls.edu for rescheduling exams due to personal emergencies.

Students who fail to take an examination or complete requirements for their course will receive a grade of "WF," unless prior accommodations have been granted due to personal hardship. If accommodations have been granted, the grade of "NG" (incomplete) shall stand on the student record for no longer than one semester. The grade of Incomplete shall automatically convert to an "F" at the end of classes for the following semester unless the student has taken, before such date, the examination or has arranged for a definite date to take the examination.

(6) Law School Policy Requiring Faculty to Engage in Reasonable Post-Examination Review With Students

In accordance with an ABA recommendation, the Law School has a policy requiring faculty members to engage in reasonable post-examination review with students, preferably individual review upon request. Absent good cause, students should also have a right to reasonably review
their examination papers. This does not mean that faculty members are obligated to review examinations individually with all students in every course. A reasonable policy may take into account the workload of individual teachers, the number of examinations in the course, the academic needs of the particular students requesting review, and the availability of review in courses throughout the school. Faculty members may choose to carry out such a policy using alternative means, including engaging in individual review of examinations upon a student's request, by holding a general review concerning the examination open to all students, or by providing an outline or exemplar of good examination answers.

(7) Midterm Examinations

Adjunct faculty are highly encouraged to engage in multiple assessment tools including a midterm exam.

IV. ADMINISTRATIVE INFORMATION

A. CLE INFORMATION

At the completion of every semester Adjunct Faculty receive a CLE certificate from their affiliated Center. This certificate will be sent to your JMLS e-mail account. You will receive 14 contact hours for every course credit taught, i.e. if you teach a 2 hour course you will receive 28 CLE hours.

B. CLASS ROSTERS

Faculty members are expected to retrieve their class roster from eCommons each semester. Students have the first two weeks of a semester to add or drop classes. After that time, any student whose name does not appear on the permanent roll should be directed to see the Assistant Dean for Academic Services or the Registrar. No student is to be admitted to class unless his/her name is included in the roster or he/she shows evidence of having completed registration by presenting his/her eCommons schedule. If any student is close to exceeding the allowable absences in a class, the faculty member should notify the student directly. If a student has exceeded the allowable absences, the faculty member should inform the Academic Services office immediately.

C. GRADING SYSTEM

(1) Required Grades for Required Courses (CURVE I)

In Civil Procedure I, Constitutional Law I, Contracts I & II, Criminal Law, Property, and Torts, provided the enrollment is 20 or more students, faculty shall conform their grades to the following standards:

Required Grades

Grades of A+, A, and A- shall be awarded to no fewer than 20% and no more than 30% of the class.

Grades of B+, B, and B- shall be awarded to no fewer than 35% and no more than 45% of the class.
Grades of C+, C, and C- shall be awarded to no fewer than 15% and no more than 25% of the class.

Grades of D and F shall be awarded to no fewer than 10% and no more than 20% of the class.

*Required Cumulative Average*

For the class as a whole, the cumulative average grade shall fall between 2.40-2.80, inclusive.

**(2) Required Grades for Elective Courses (Curve II)**

In every JD course not subject to Curve I, other than Lawyering Skills and Trial Advocacy, provided the enrollment is more than 30 students, faculty shall conform their grades to the following standards:

*Required Grades*

Grades of A+, A, and A- shall be awarded to no fewer than 25% and no more than 40% of the class.

Grades of B+, B, and B- shall be awarded to no fewer than 35% and no more than 50% of the class.

Grades of C+, C, and C- shall be awarded to no fewer than 10% and no more than 25% of the class.

Grades of D and F shall be awarded to no fewer than 0% and no more than 10% of the class.

*Required Cumulative Average*

For the class as a whole, the cumulative average grade shall fall between 2.70 and 3.10, inclusive.

**(3) Grading System**

The grading system of The John Marshall Law School (at all academic levels, including JD, LLM, and MS programs) shall be:

A+ 4.01
A+ 4.00
A- 3.67
B+ 3.33
B 3.00
B- 2.67
C+ 2.33
C 2.00
C- 1.67
D. GRADE REPORTING AND EXAMINATION RETURN

The grading of examination booklets is anonymous. All booklets are numbered. The examination authorization sheets accompanying them are also numbered. Instructors should indicate the grade each booklet received by placing the individual's grade on these sheets. The identity of each student will remain anonymous until all grades of a course have been submitted by the professor. All grades are confidential.

All professors should recheck their addition for accuracy. Academic Services cannot assume this responsibility because the volume of examinations is so great. Only in case of an error in arithmetical may a grade be changed without the permission of the full-time faculty. However, any grade change, even when caused by an arithmetical error, needs the approval of the Associate Dean for Academic Affairs.

If a professor is unable to grade his/her examinations because of extreme illness or other extraordinary circumstances, the examinations will be graded on a pass/fail basis by another faculty member.

Faculty members will receive notice, as always, when grades are due. The students will be advised the date grades are due for exams taken on certain dates. If the professor's grades are not in on time, Academic Services will, as always, check with the professor. Absent a reasonable excuse for not getting the grades in on time, Academic Services will post the names of those faculty members whose grades are late. Student complaints will be directed to those who are late. Professors are required to retain all exam booklets for one calendar year after the exam date.

E. CALI EXCELLENCE FOR THE FUTURE AWARD

The CALI Excellence for the Future Award, sponsored by the Center for Computer-Assisted Legal Instruction, is given each semester to the student or students who receive the highest grade in each section of an JD exam course. An instructor may elect not to designate a CALI winner.

F. TEXTBOOKS

Faculty members requiring desk copies for the next academic year should request the books directly from the publisher. Publisher addresses may be obtained from the Bookstore Manager.

G. CHANGE IN TEXTBOOKS

Experience with publishers has led us to adopt the policy that changes in textbooks, materials, and equipment for the ensuing semester must be submitted to the Bookstore Manager on or before July 1 for the Fall semester and November 15 for the Spring semester.
H. PURCHASES

Faculty supplies and equipment, not available in the bookstore, must be requisitioned through the faculty secretaries.

Materials to be reproduced for class use should be ordered through the faculty secretaries. The faculty member must provide one week's advance notice when requesting the reproduction of class material. Materials fees may be charged for some courses.

Initial requirements for texts and other student needs are ordered by the Bookstore Manager based on requirements submitted by faculty members.

I. TEACHING AIDS

For information on the technological resources offered by the Law School, please contact Academic Technology (ext. 498 or jmlsmediaservices@jmls.edu) for classroom technology needs and Information Technology (ext. 419 or helpdesk@jmls.edu) for office technology needs.

J. CLASS CANCELLATIONS

Faculty members should cancel classes only in case of illness or for other good cause. Academic Services must be notified as early in the day as possible if a class must be canceled. A notice will then be posted on the monitors. Professors should also send out an e-mail to the entire class roster via eCommons, notifying students of the class cancellation. Make-up sessions should be scheduled immediately with Academic Services. Faculty members should not change classrooms or meeting times without prior authorization from Academic Services.

V. SERVICES AND FACILITIES

A. LIBRARY

The Louis L. Biro Law Library supports the research needs of the students, and faculty, of The John Marshall Law School. The Library is also open to alumni of JMLS, active members of the Chicago Bar Association and students from area law schools. The Library is located on Floors 6 through 10 in the State Street Building of the Law School, with most librarian offices on 7. The library holds over 410,000 volumes and microform equivalents and provides on-campus and remote access to over 25,000 titles via our specialty electronic databases.

(1) Hours

Regular Hours

Monday – Thursday: 8:00 am to 11:00 pm
Friday: 8:00 am to 8:00 pm
Saturday: 9:00 am to 8:00 pm
Sunday: 9:00 am to 10:00 pm

Library hours are subject to change during holiday and intersession break periods. Upcoming changes in hours, including closures, are noted on the Library homepage.
**Reference Desk Hours:**

- Monday – Friday: 10:00 am to 7:00 pm
- Saturday: 10:00 am to 4:00 pm
- Sunday: None

**Library Telephone Numbers**

- Circulation: (312) 427-2737 ext. 710
- Reference: (312) 427-2737 ext. 729

(2) Services

**Circulation Services**

- Library materials may be checked out with a JMLS ID at the circulation desk located on the 6th floor of the Library.

- Items in the Popular Reading collection on the 6th floor and most treatises and monographs on the 9th and 10th floors circulate for three weeks. Books and CDs in the Academic Success and Career Success collections on the 6th floor and Popular DVDs circulate for three days.

- Certain materials do not circulate, including code volumes, reporters, and digests; loose-leaf materials; and microforms.

- Materials on General Reserve (high-demand materials) and Course Reserve circulate for three hours.

- Library materials may be renewed once per item, provided no other patron has placed a hold on them. Items may be renewed online, in person or by phone. The materials need not be physically present to be renewed; however, Circulation staff will need call number, author, title, volume number, and the borrower’s name to process the renewal. To renew online, visit this page, [http://catalog.jmls.edu/patroninfo](http://catalog.jmls.edu/patroninfo), and enter your name and John Marshall ID number. The ID number will typically be the first five digits on the back of your John Marshall-issued ID card.

**Course Reserve**

- Course Reserve consists of books, DVDs and other materials that have been selected by professors for their courses; the materials may contain required or suggested readings. Items owned by the library and professors’ personal copies of materials can be placed on Course Reserve. If you are interested in placing materials on Course Reserve, contact Gregory Cunningham at gcunnin@jmls.edu, or at extension 643.

**Exams on Reserve**

The library maintains an online database of professors’ exams from prior semesters. Some professors elect to include sample or model answers. Students can access this database by following the Exams on Reserve link on the library’s home page; login is required. If you are interested in placing your exams on reserve, contact Gregory Cunningham at gcunnin@jmls.edu, or at extension 643.
Research and Reference Services

- **On-duty Reference Librarian**

  An on-duty reference librarian is stationed at the reference desk on the 6th floor, ext. 729, during hours listed above. Reference Librarians are available to locate hard to find sources and provide general guidance on use of library resources.

- **Interlibrary Loan**

  - The interlibrary loan system is a cooperative, voluntary arrangement among libraries that allows us to borrow items from other libraries on your behalf. If you request an ILL, please return it to the JMLS library by the due date. If we fail to return books borrowed through interlibrary loan on time, we may be fined or billed the replacement cost of the item, and the lending library may refuse to loan to anyone at JMLS in the future.

  - The easiest way to request an item through interlibrary loan is to follow the WorldCat link from the Library’s home page and search for the book or other item. Upon locating the appropriate record, simply click the “Borrow this item from another library” link and complete all relevant fields. Be sure to include your e-mail address. If you prefer, you can email the information you know about the item to the interlibrary loan coordinator at ill-jmls@jmls.edu.

Electronic Resources

- The Library describes many of its available services on the Library website, [http://library.jmls.edu/](http://library.jmls.edu/). From the Library home page, you can search the Library’s catalog and locate information on Library hours, access and policies.

- The Library subscribes to a wide array of online databases and electronic research services. You can access most by following the links on the Library’s website. Others, such as Westlaw, Lexis and Bloomberg Law, require individual logins.

Services from home

- Most of the Library’s online research resources can be accessed from home by logging in through the JMLS proxy server. When you are online outside the JMLS network and follow one of the database links, you will be prompted to enter your JMLS username and password. You will then be directed to the database. Proxy server login is not necessary to access resources requiring individual usernames and passwords.

Need more information? See the Library web page or email library@jmls.edu.

B. DISTANCE EDUCATION

If you're teaching an online graduate course (as well as any other course), you will need to contact Chris Bevard (x 723) in the Academic Technology department for a tutorial in how to use Moodle, our course management system. Additional resources and materials for Distance Education courses can be found at library.jmls.edu/de/index.php
C. MEDIA SERVICES DEPARTMENT

The Media Services Department provides a variety of services to faculty, students and outside organizations. The department facilitates the instructors’ and presenters’ delivery of multimedia to students and audience members through the use of classroom technology. The department provides critical support to law school sponsored events and conferences, as well as to outside organizations. If you will be using equipment for your class and are unsure of operating procedures, please inform the Media Services Department (ext.498) about the desired equipment and request a training session or an appointment for a walkthrough of the equipment.

Law school personnel should make reservations as far in advance of the date needed as possible. Generally, a two business day minimum advance notice is required. Students can only reserve services through a faculty member. Faculty and staff are encouraged to discuss their media needs prior to making reservations for services. For details call ext. 498, or e-mail jmlsmediaservices@jmls.edu.

Operating hours for the Media Services Department:
Monday-Thursday 8:00am to 9:00pm
Friday- Saturday 9:00am to 5:00pm
Sunday - Closed

(1) Video Services

Video production - The Media Services Department is capable of delivering high quality recordings for online delivery. They can be either "live" coverage of an event, such as a conference, or can be developed from an original script. Live events are required to take place in select rooms around the school and original projects requiring this level of support should be discussed in detail with media services personnel. Completion of speaker consent forms are required for any recording made for external clients and patrons not affiliated with The John Marshall Law School. The current consent form can be found at http://library.jmls.edu/classroom-technology.php.

Video conferencing - Collaborative video conferencing is available by request with the use of Adobe Connect Pro, an online meeting forum. Adobe Connect Pro has the ability to share documents and presentation materials such as PowerPoint, as well as screen sharing of a computer desktop for guided walkthroughs of software between participants. This is an excellent tool for collaboration and instruction from a distance. These video conferences can be recorded for later review. Please provide a minimum of 48 hours advance notice for video conferencing requests.

(2) Audio Conferencing

Audio conferencing – The Media Service Department has conference phones available for set up that can accommodate multiple callers from a single phone. Please provide a minimum of 24 hours advance notice for audio conferencing requests.
(3) Projection Services & Classroom Technology

Computer and/or video projection - Documents and digital media can be projected from classroom computers and Document Cameras that are located in standard classrooms. Touch screen controls are present in every classroom that is outfitted with this equipment and are accompanied by instruction sheets on their operation. For a complete listing of standard equipment by room, please visit http://library.jmls.edu/classequipment.php. Classroom computers are able to show videos and films from the CD/DVD drive located in each computer. The Media Services Department does not support classroom computer issues including software or hardware maintenance and troubleshooting. For assistance with these matters, please contact the ITS Help Desk at ext. 550 option 4.

(4) Lecture Capture

Audio recordings of a lecture, review or make-up class - These recordings are added to an online storage space and available through faculty class sites within Moodle, accessible via eCommons. The recordings are removed from the site at the end of each semester unless otherwise requested. Media Services will need a minimum of 24 hours for a request to record a lecture, review session or make-up class.

These recordings also capture materials and media present on the classroom computer desktop – such as a PowerPoint presentation or video clip that is played from an Internet browser or flash drive. Document Camera capture is also included when the camera is previewed through the computer (shortcut is available on all desktop computers labeled "Document Camera").

A copy of the current Media Services Recording Policy can be viewed at http://library.jmls.edu/classroom-technology.php.

(5) Event Preparation

Event media and amplification - The Media Services department provides setup and take down of equipment such as microphones and amplifiers for events sponsored by both internal and external clients. Room reservations for large-scale events such as conferences, symposia, or seminars should be requested of the Events Department at ext. 578. Requests for media equipment necessary for these events should be made at a minimum of 4 business days prior to the event to ensure equipment availability and staffing resources. External clients wishing to use classroom technology will be charged a fee according to the amount of equipment and time necessary for setup and take down. A pricing guide can be sent in response to inquiries for these services.

D. E-MAIL

The John Marshall Law School has established e-mail as a primary vehicle for official communication with students, faculty and staff. Each registered student and active faculty and staff member is assigned an official John Marshall e-mail address by Information Technology and Services (ITS) according to a naming convention regulated by ITS. All official The John Marshall email communications will be sent to the assigned@ law.jmls.edu or @jmls.edu address.
John Marshall expects that adjunct faculty will receive and read e-mail in a timely manner. Failure to receive and read John Marshall communications delivered to an official JMLS e-mail address in a timely manner does not absolve recipients from knowing and complying with the content of such communications. Each faculty and staff member is responsible for the timely retrieval of messages in their email account, arranging for training/instruction on the use of the email software and maintaining established space limits of the e-mailbox, by deleting unnecessary messages on a regular basis. Messages that remain in the "Sent Items" and "Deleted Items" folder for over 365 days will be deleted by an automated process, unless they are moved to another folder, for storage.

It is the responsibility of the faculty member to do the following tasks:

- Arrange, through the John Marshall Help Desk (ext. 550), for appropriate instruction in operating the e-mail account, if necessary.
- Maintain the timely retrieval of messages from that account. It is mandatory that you check your e-mail for updates and/or messages.
- Maintain established space limits of the personal e-mail boxes by deleting unnecessary messages on a regular basis. Messages that remain in the "Sent Items" and "Deleted Items" folder for over 365 days will be deleted by an automated process, unless they are moved to another folder, for storage.
- Forward e-mails to another e-mail account if the faculty member is not going to check their John Marshall account.

E. FACILITIES

Security: During the hours the building is open a security guard is at the desk on the First Floor entrance of the Plymouth Court building and the State Street building. He can be reached at ext. 507 (Plymouth) or 501 (State) or by calling (312) 427-9201.

Bookstore: The Bookstore is located on the first floor of the State Street building. It carries a complete line of textbooks and supplies. Normal bookstore hours are Monday through Thursday, 10:00 a.m.-6:00p.m., Friday, 10:00 a.m.-5:00p.m. During breaks and holidays, the bookstore will have amended hours, please call to confirm (312) 913-0650.

Telephones: There is a telephone available in the faculty lounge as well as in each faculty office. The school has equipped all offices with ShoreTel Communicator. This is an automated answering service equipped with up-to-date voicemail features. While it is recognized that some personal use of telephones is necessary, it should be remembered that charges on our telephone system are based on the number of calls made and personal use should be limited.

Faculty Rooms: There is an Adjunct Faculty Lounge on the 11th floor in the State Street building. The Adjunct Faculty Lounge serves as a meeting place for adjunct faculty before and after classes. This room is equipped with individual mailboxes for each instructor and will contain mail and memoranda directed to the instructor's attention, together with the class roll books for that day's classes. Instructors should consult the bulletin board in the Adjunct Faculty Lounge each week for important notices and schedules.
Snack Facilities: Food and snacks can be purchased in the Boiler Plate Cafe located on the first floor of the State Street building. Vending machines are also located near the student lounge on the second floor of the State Street building.

VI. INSTITUTIONAL AFFAIRS

A. PUBLICITY

School-connected news items are publicized as follows:

In the Loop

News of faculty and adjunct faculty activities in professional, civic, philanthropic, and charitable organizations, including election and appointment to office, participation in seminars, publication of articles, etc., is posted as a matter of course in the school's monthly newsletter, In the Loop, linked through the law school's website. The newsletter notifies the Board of Trustees, the Board of Visitors, the local media, the alumni association, and The John Marshall community about the activities of the faculty, staff and the school in general. Submissions must be made by noon each Wednesday and should be emailed to Christine Kraly, Public Affairs Director, at ckraly@jmls.edu. Please use your name in the title of the submission.

Briefcase

Briefcase, a publication for The John Marshall Law School alumni, is currently distributed to more than 15,000 alumni, as well as a number of constituents, including students, friends, judges, hiring and managing partners of Chicago law firms, as well as all law school deans and Midwest law professors. News of alumni activities is submitted to the Office of Alumni Relations and printed under "Class Notes."

B. PUBLIC AFFAIRS

The Office of Public Affairs maintains a close relationship with local and national and niche legal media, in part by distributing and promoting news about school functions, special events, faculty appointments and activities. Faculty should contact Public Affairs Director Christine Kraly, at extension 171 when they know of their participation in a newsworthy activity or event. This will enable Public Affairs to help determine the best course of any timely and appropriate promotion of faculty activities.

C. WEB SITE

While John Marshall's website offers all visitors helpful information regarding academic programs, its primary audience is prospective students. Adjunct faculty looking for links to school news, events, announcements, administrative forms, class sites, and email should use eCommons at https://ecommons.jmls.edu. eCommons is John Marshall's password-secured, intranet portal, which is intended to offer quick access to work-related tasks, processes, and forms. For concerns related to eCommons, please contact the ITS department at helpdesk@jmls.edu.

D. SOCIAL FUNCTIONS

The adjunct faculty is urged to attend the various luncheons, meetings, and dinners sponsored by the law school, alumni, and student organizations. Examples include graduation and Faculty
A. EMERGENCY EVACUATION GUIDE

The purpose of this document is to describe the procedure for the safe evacuation of The John Marshall Law School facility in the case of an emergency. This is accomplished by everyone learning how to exit the building quickly and calmly, ensuring unobstructed exit paths, appropriate emergency lighting, prompt evacuation, allowing immediate access for emergency response personnel and identifying designated personnel to assist in the evacuation.

B. BACKGROUND

It is the policy of the law school to take reasonable steps to protect the safety and health of every student, faculty, staff, contractor, guest, and visitor. Evacuation of the building may be required for a number of reasons including fire or smoke, utility failure, chemical spill, explosion, bomb threat, or gas leak. This plan describes the evacuation procedures for the John Marshall buildings and the responsibilities of all personnel involved in the evacuation.

The John Marshall Law School has a Fire Safety Plan, a Building Evacuation Team (Floor Wardens, Sweepers, and Elevator Monitors), smoke detectors, fire extinguishers, alarm pull stations, and evacuation routes. Scheduled building evacuation drills will be held twice per year.

C. EVACUATION GUIDE- FIRE

*In case of fire on campus, dial 9-911, then security at ext. 507.*

*Stay calm, keep others calm.*

1. Learn the location of fire extinguishers, fire exits, and alarm pull stations in your area and know how to use them. Fire extinguishers are usually near the elevators or stairwells.

2. If a minor fire appears controllable, **IMMEDIATELY** contact the fire department (9-911) and security (ext. 507). Then pull the fire extinguisher from the wall and promptly direct its discharge at the base of the flame, sweeping back and forth. Begin at a safe distance (6-8 feet), and never let a fire get between you and your exit. Even if you are able to completely extinguish a fire, the fire department still needs to be notified for an inspection.

3. If an emergency exists, activate the building alarm.

4. For large fires that do not appear controllable, **IMMEDIATELY** notify the fire department by calling 9-911. Give the address, floor, and nature of the emergency. Do not enter a room with fire; close all doors to confine the fire and reduce oxygen. **DO NOT LOCK DOORS.** Pull the fire alarm if the alarm is not already going off.

5. If you hear the building alarm, or are instructed to evacuate, walk quickly to the nearest marked exit and alert others to do the same.
6. In-class faculty members are responsible for directing students to the nearest exit and confirming that all students have exited. If you are not in a classroom when an alarm sounds, evacuate the building via the nearest interior staircase. An open staircase is a better choice than a closed staircase. Fire drills will be conducted semiannually to help building occupants learn their escape routes. Evacuation maps are posted near the elevator lobbies on each floor.

7. ONLY USE THE EXTERIOR FIRE ESCAPE IF ALL INTERIOR ESCAPE ROUTES ARE BLOCKED BY SMOKE OR FLAME.

8. Remember that elevators are reserved for disabled persons. DO NOT USE AN ELEVATOR IN CASE OF FIRE. STAY CALM. KEEP OTHERS CALM. Many building occupants do not recognize their own need for assistance. Encourage your friends and colleagues to identify themselves, if you think they may need specific assistance during an emergency. Let people know that while self-identification is voluntary, you can ask that the information be kept confidential and that it only be shared with those who have responsibilities for emergency response.

9. Once outside, move to the designated meeting area, which is in the alley between the park and the parking garage. If the gate is unlocked, proceed into the field area.

10. Follow the directions of faculty and Building Evacuation Team members until you are outside and at the meeting point. Building Evacuation team members can be identified by a neon-orange arm band labeled "Evacuation Team."

11. DO NOT RETURN TO AN EVACUATED BUILDING unless told to do so by an authorized school official.

*Note: If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews. If there is no window, stay near the floor where the air will be less toxic. Shout at regular intervals to alert emergency crews of your location.

D. UTILITY FAILURE

In the event of any building-wide loss of power or water, all students, faculty, and staff are to evacuate the law school immediately and efficiently.

Use the interior stairs to evacuate the building. If you hear someone trapped in an elevator, please inform security as soon as possible. Ask persons who are disabled how you can best assist them in the evacuation.

In the event of a power loss, emergency lighting will provide sufficient illumination in corridors and stairs for safe exiting for a short time, though elevators will not function. Everyone must evacuate the law school if a power loss occurs.

Once outside, move south to the alley area between the parking garage and the park (the designated area). Keep the walkways, fire lanes, and hydrants clear for emergency crews.

DO NOT RETURN TO AN EVACUATED BUILDING unless told to do so by an authorized
school official. Information about the evacuation and possibility of reentering the building will be announced in the designated area.

E. LOST AND FOUND

The law school is not responsible for lost or stolen property. If an item is lost or found, it should be reported to the security guard on the main floor. All items that are turned in to the security guard will be placed in a locked room by the maintenance staff. When trying to locate an item that is lost, please contact the security guard.

F. ID CARDS

Each adjunct faculty is issued an official student identification card. The card is also used to withdraw books from the library. Please see Security for any issues relating to your ID Card.

G. SCHOOL CLOSING/EMERGENCY NOTIFICATION

For information on school closing, listen to AM radio stations WMAQ 67, WGN 720, WBBM, or FM stations B96, or US 99. Closings will also be announced on Channel 32 Fox television station.

The John Marshall Law School has also adopted a voluntary Emergency Notification System [ENS] that gives you emergency notification of urgent John Marshall community notices. Once a student signs up for ENS, the school can text the student's cell phone with timely information about emergencies. Students can also receive urgent voicemails to their cell phone though ENS. Additionally students can opt to receive these alerts via e-mail. These alerts would be of a critical nature only. The natures of the alerts are below:

- Emergency Broadcasts
- Terrorist Alerts
- Weather Advisories
- School Closings
- All-Points-Bulletin (APB)

H. SMOKING POLICY

The John Marshall Law School is a smoke-free environment. The smoking, inhaling, exhaling, burning, or carrying of a lighted cigar, pipe, or cigarette is not permitted anywhere on The John Marshall Law School premises or within 15 feet of the school’s entrance.

VII. GENERAL POLICIES

A. RECORDING POLICY

(adopted November 2011)

Application: This policy applies to the recording of any live or online class except mock depositions, oral arguments and trials where recording is part of the pedagogical process.

(1) Definitions
Attendance. For the purpose of this policy, attendance means in-class presence for traditionally taught (i.e., live) courses or synchronous and/or asynchronous participation for distance education courses as required by the American Bar Association, JMLS and the course instructor.

Recording. Unless specifically noted, this policy applies to both audio and video recording on any medium through the use of any technology.

(2) Recording by Students

Consistent with our mission of training lawyers who act with the highest standards of professionalism and honesty, students are not permitted to audio or video record a class, seminar, meeting or teacher conference without authorization obtained in accordance with this policy. The unauthorized or surreptitious recording, copying, uploading, downloading, distribution, or use of all or any portion of an unauthorized recording will be deemed a violation of the JMLS Student Code of Conduct. It is further prohibited for any JMLS student to record any communication with another person at the School or in connection with any School-related activity without the knowing consent of all persons who are being recorded.

(3) Recording at the Request of an Individual Student

All students are expected to attend class regularly and to miss class only in exceptional circumstances. Students may request that classes be recorded only for the reasons set forth below:

(1) absence because of serious medical situation or family emergency;
(2) absence because of religious observance;
(3) other exigent circumstances which does not include job interviews, vacations, minor illness, or work conflicts.
(4) as a reasonable accommodation for a student with a disability.

A student who wishes to have a class recorded for the reasons set forth in (1), (2), or (3) above shall make such request to the faculty member who is responsible for teaching the class. Absent good reason to disapprove, the faculty member should grant such request and, in all cases, should decide such requests on a consistent and fair basis taking into account the individual circumstances.

A student who wishes to have a class recorded for the reason set forth in (4) above shall make such request to the School's Disability Accommodations Coordinator or Assistant Dean for Student Services. Such requests shall be treated in confidence and, if allowed, shall be implemented to the extent possible in a manner that is designed to protect the identity of the student requiring the accommodation. The faculty member teaching the class must abide by the decision of the Disability Accommodations Coordinator or Assistant Dean for Student Services. A student who is permitted to record a class under this provision shall not copy, share or
distribute the recording or any portion thereof to other persons not authorized to receive it.

(4) Recording by a Faculty Member or Administrator

A faculty member, or JMLS administrator, with the faculty member's permission, may record his/her own class or classes for a legitimate purpose related to the School's educational mission. A faculty member's consent is not required if the recording is necessary to comply with the School's obligation to provide reasonable accommodation.

A faculty member who records a class and provides it to one or more students for a reason other than the four reasons set forth in section 2, shall make the recording available to all students enrolled in the class. Students are prohibited from recording, copying, uploading, downloading, distributing, and/or sharing the recording or any portion thereof to persons not authorized to receive it.

(5) Retention of Recordings

Except for distance education courses, the default rule is that class recordings will be made available to students only until they have taken their final exam or submitted their final semester project in that course.

Recording may be retained for a longer period only if a faculty member specifically asks the Associate Dean of Academic Affairs to retain the recording for a longer, reasonable period of time.

(6) Notice and Consent to Recording

JMLS students will be informed at registration every semester that live and online classes may be audio recorded for legitimate educational purposes without further notice and that any student who objects to being audio recorded should inform the Assistant Dean for Student Services. The Assistant Dean and faculty member will work with the student on alternative arrangements.

(7) Recording for Security Purposes

Nothing in this policy shall prohibit or restrict the Administration from video recording any School-related activity for security purposes or require the Administration to provide notice or obtain consent prior to such recording.

(8) No Transfer of Property Rights

Nothing in this policy is intended by the School to waive or transfer any of its interest in copyrighted material or works for hire.

B. PLAGIARISM POLICY

Plagiarism is an extremely serious offense that may result in disciplinary action. There are two major types of plagiarism:

1. Failure to cite the source of an idea; and
2. Failure to use quotation marks around a direct quote.

a. Use of an idea. If you use the idea (or an organization) of another author, you must attribute that idea to the other author. Merely paraphrasing the other author's words is not sufficient. You must also cite to the other source.

b. Use of the same words. If you use the idea and the words of another author, you must put quotation marks around those words and cite to the source. Both are required. If either the quotation marks or the citation is missing, you have plagiarized the other author's work.

Intent is not required for a writing to be plagiarized.

Using the ideas or words of another student may also be plagiarism.

Regardless of what rules you may have followed on this subject before law school, or what practices you may observe elsewhere, this is the standard that you must adhere to in all of your Lawyering Skills classes, in all seminar papers, and in all honors programs. This definition may be supplemented for Lawyering Skills classes.

C. POLICY CONCERNING PRIVATE PRACTICE

Private practice is not part of your job as an adjunct faculty member. The school will not provide any resources for private practice, including, but not limited to, secretarial skills and mailroom support. The school also does not provide any professional malpractice insurance for your private practice.

D. POLICY CONCERNING POLITICAL OFFICE

Any faculty members, administrative officers, or staff members of The John Marshall Law School who run for or hold a major political elective or appointive office shall take a leave of absence while running for or holding office. Under no circumstance shall school support services be used by any employee of the school to run for or hold political office.

No political campaigning by a candidate is permitted on the school premises without permission of the Dean or his or her representative and then only if other candidates are offered an equal opportunity to campaign.

E. AFFIRMATIVE ACTION MINORITY POLICY

(Adopted Fall 1987) (Amended Summer 2012)

The John Marshall Law School is one hundred and fifteen years old. Through the course of its existence, the school has sought to enroll minorities and provide minority representation to the profession. In fact, the Law School has an excellent reputation within the city of Chicago for affording minority students an opportunity to enter the legal profession.

Pursuant to the American Bar Association's Standard 212* and its Interpretations, this policy is drafted to demonstrate the Law School's commitment to affirmative action.
As a concrete means of demonstrating the Law School's commitment to providing equal opportunities for the study of law and entry into the profession by qualified members of groups that have been victims of discrimination in various forms, the Law School will seek to do the following:

1. With respect to the area of admissions, the Law School will:
   a. Promote programs to identify outstanding minority high school students and college undergraduates and encourage them to study law.
   b. Consciously plan law school recruitment of minority applicants.
   c. Effect contact with colleges having substantial numbers of minority students.
   d. Support the activities of the Council of Legal Education Opportunity (CLEO).
   e. Develop programs that assist in meeting the unusual financial needs of minority students.

2. With respect to the law school educational experience, the School will seek to create a favorable law school environment for minority students. The School will seek to provide academic support services, support minority student organizations, seek to promote contact with minority lawyers and be conscious of the need to hire minority administrators.

3. With respect to the area of Career Services, the Law School will:
   a. Participate in job fairs and other programs designed to bring minority students to the attention of employers.
   b. Establish procedures to review the experiences of minority graduates to determine whether their employers are affording equal opportunity to members of minority groups for advancement and promotion.

4. With respect to the area of Faculty Development, the Law School will seek to obtain minority representation on the faculty through strong affirmative action recruiting for available tenure-track positions in the school.

*ABA Standard 212. EQUAL OPPORTUNITY AND DIVERSITY

(as excerpted from ABA Standards for Approval of Law Schools 2011-2012)

(a) Consistent with sound legal education policy and the Standards, a law school shall demonstrate by concrete action a commitment to providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.

(b) Consistent with sound educational policy and the Standards, a law school shall demonstrate by concrete action a commitment to having a faculty and staff that are diverse with respect to gender, race, and ethnicity.

Interpretation 212-1

The requirement of a constitutional provision or statute that purports to prohibit consideration of gender, race, ethnicity or national origin in admissions or employment decisions is not a
justification for a school's non-compliance with Standard 212. A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 212 by means other than those prohibited by the applicable constitutional or statutory provisions.

ABA Standards for Approval of Law Schools 2011-2012 17

Interpretation 212-2

Consistent with the U.S. Supreme Court's decision in Grutter v. Bollinger, 529 U.S. 306 (2003), a law school may use race and ethnicity in its admissions process to promote equal opportunity and diversity. Through its admissions policies and practices, a law school shall take concrete actions to enroll a diverse student body that promotes cross-cultural understanding, helps break down racial and ethnic stereotypes, and enables students to better understand persons of different races, ethnic groups and backgrounds.

Interpretation 212-3

This Standard does not specify the forms of concrete actions a law school must take to satisfy its equal opportunity and diversity obligations. The determination of a law school's satisfaction of such obligations is based on the totality of the law school's actions and the results achieved. The commitment to providing full educational opportunities for members of underrepresented groups typically includes a special concern for determining the potential of these applicants through the admission process, special recruitment efforts, and programs that assist in meeting the academic and financial needs of many of these students and that create a more favorable environment for students from underrepresented groups.

F. EMPLOYEE AND FACULTY PROTECTION FROM DISCRIMINATION AND HARASSMENT
(adopted administratively July 13, 2012)

It is the policy of The John Marshall Law School (the "Law School") to provide a work environment for our employees and faculty members free from discrimination and harassment based on race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law.

1. Discrimination Is Prohibited.

The Law School does not tolerate discrimination against any employee or faculty member based on race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law. This policy applies to all aspects of employment, including but not limited to recruiting, hiring, promotion, compensation, tenure, discipline and termination.

Civility and professionalism are not only requirements of the legal profession but are critical to the success of a vibrant educational environment. The Law School will not tolerate conduct that objectively and subjectively limits or interferes with an employee's ability to participate in or
benefit from the Law School's employment opportunities because of race, color, sex, religion, national origin, ancestry, age, disability, veteran status, marital status, genetic characteristics, sexual orientation, gender identity or any other characteristic protected by applicable law. Although freedom of expression is vital to the educational process, it does not excuse harassment targeted at specific persons or groups because of characteristics not relevant to the Law School's educational mission.

2. Harassment is Prohibited.

The Law School does not tolerate offensive or otherwise harassing behaviors and/or communications towards any employee or faculty member based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation, gender identity or any other characteristic protected by applicable law. Prohibited harassment under this policy is unwelcome behavior based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation, gender identity or any other characteristic protected by applicable law where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.


An essential element of this policy is the prohibition of sexual harassment. Sexual harassment under this policy are sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(i) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment;
(ii) submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individual; or
(iii) the conduct has the purpose or effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Prohibited behaviors can be verbal, non-verbal, or physical. This policy applies to behavior that occurs on- or off-campus, if the behavior interferes with or limits an employee's ability to participate in, or benefit from, employment opportunities. Examples of prohibited verbal behaviors include but are not limited to, unwelcome sexual innuendo, gender stereotyping, sexual propositions and comments, insults, threats, and jokes about gender-specific traits including when communicated through electronic media. Examples of prohibited non-verbal behaviors include but are not limited to unwelcome sexually suggestive or insulting noises, obscene gestures and display of sexually suggestive objects or pictures. Examples of prohibited physical behaviors include, but are not limited to, stalking, physical aggression, unwelcome touching, coercive sexual contact, and sexual assault. This policy may be violated by one or more prohibited behaviors or incidents. A violation of policy may not necessarily rise to the level of a violation of law.

4. Application to All Employees and Faculty Members.

This policy protects all employees and faculty members from discrimination and harassment by other employees, faculty, students, and third persons.
5. Making a Complaint.

Individuals may report violations of this policy or submit complaints in the following ways.

(i) Anyone may call the JMLS Harassment Prevention Hotline at (312) 427-2737 ext. 506.
(ii) Faculty may contact the Associate Dean for Academic Affairs or the Dean.
(iii) Non-faculty staff may contact their manager, department head, the offending employee's manager or the Assistant Dean for Human Resources.
(iv) Anyone may contact the Associate Dean for Outreach and Planning.
(v) Requests for accommodation due to a disability should be directed toward the Assistant Dean for Human Resources.

Reports of violations of this policy or complaints should be made promptly after the alleged violation occurs. Complainants are encouraged to submit their complaint in writing but the Law School will investigate oral or anonymous complaints to the extent practicable.

Any dean, department head or manager who knows or has reason to believe that a violation of this policy has occurred has an obligation to report the matter, whether or not the victim has complained.

The submission of an internal complaint does not preclude the complainant from seeking relief elsewhere.

6. Confidentiality.

The Law School will take reasonable measures to maintain the confidentiality of information obtained during the processing of a report or complaint and will make disclosures only on a need to know basis. The Law School will attempt to protect the anonymity of the alleged victim and witnesses. However, the Law School cannot guarantee anonymity or confidentiality and may make disclosures as necessary to conduct a full and fair investigation and implement appropriate remedial measures.

7. Investigation and Remediation.

a. Complaints against a faculty member.

The Associate Dean for Academic Affairs or his designee will be responsible for investigating complaints against a faculty member. Other administrators or persons may participate in the investigation as appropriate.

b. Complaints against non-faculty staff.

The Assistant Dean for Human Resources or his designee will be responsible for investigating complaints against a non-faculty staff member. Other administrators or persons may participate in the investigation as appropriate.
c. Complaints against a student.

The Associate Dean for Admission and Student Affairs or his designee will be responsible for investigating complaints against a student. Other administrators or persons may participate in the investigation as appropriate.

The Dean or other person charged with investigating the report or complaint will determine the scope and method of the investigation but in most cases, the investigation should include an interview with the alleged victim, alleged perpetrator and any direct witnesses. The investigator must be neutral and have no conflict of interest. Both the alleged victim and perpetrator will be afforded an opportunity to identify relevant witnesses and provide evidence to the investigator. The alleged perpetrator will not be permitted to question the alleged victim. The investigator will attempt to complete his/her investigation within 30 days following receipt of a report or complaint, although additional time may be required for good reason. Interested parties may be represented by counsel but counsel may not attend investigatory interviews and the parties are expected to cooperate with the investigation and speak for themselves.

The investigator will determine whether there is a reasonable factual basis to conclude that the policy was violated. The investigator is not responsible for determining whether there was a violation of any law. The investigator should prepare a written report of his/her findings. The dean responsible for the investigation will make recommendations for remediation, if appropriate, which may include but are not limited to corrective counseling; formal discipline against a non-faculty staff member; initiation of permanent expulsion or dismissal proceedings against a student perpetrator under the Student Code of Conduct and Student Disciplinary Proceedings or against a faculty perpetrator under the Tenure and Promotion Policy as provided herein; separating the victim and perpetrator; providing employee assistance; or taking or rescinding an employment action. The appropriate dean may consult with the Dean or other appropriate administrators before making a final decision on appropriate remedial measures to be taken. The alleged victim and perpetrator will be informed of the final decision.

8. Interim Measures.

The Law School may take whatever interim measures it deems appropriate to protect an alleged victim or witnesses as soon as a report or complaint is received. Such measures may include prohibiting the alleged perpetrator to have any contact with the victim or witnesses and/or denying on-campus access to the alleged perpetrator. The alleged victim should be informed immediately of the Law School's policy against retaliation and told that any form of retaliation should be promptly reported immediately to any dean.

9. Coordination with Other Policies.

Disciplinary or other corrective action taken against a student for violation of this policy will not be subject to review or approval under the Rules for Student Disciplinary Proceedings unless the recommended disciplinary action is the permanent expulsion or dismissal of a student from the Law School. In that event the student may request review by a Hearing Panel within 15 days after being informed of the Law School's intent to permanently expel or dismiss the student. The Hearing Panel will be constituted under Section E.1 of the Rules for Student Disciplinary Proceedings. The sole issue for the Hearing Panel will be whether the student should be expelled or dismissed from the Law School. The Associate Dean for Admission and Student Affairs or his
designee will provide the Hearing Panel with the investigatory findings and recommendations and will make a presentation to the Hearing Panel. The student facing expulsion or dismissal will have an opportunity to be heard. The Chair of the Hearing Panel will decide in his/her sole discretion whether to hear any other witnesses or evidence and will decide all procedural issues, with a view toward protecting the victim from embarrassment, loss of privacy and humiliation. In no event will there be any examination or cross-examination of any witnesses by the alleged perpetrator or his/her counsel. The Hearing Panel will not have authority to rescind any remedial action taken under this policy. The Hearing Panel will not include any person who participated in the investigation under this policy; provided, however, that the Dean will retain authority to review the Hearing Panel's recommendation and to make the final decision.

The Law School reserves the right to take any appropriate disciplinary action including termination against an employee who violates this policy; provided, however, that a disciplinary action taken against a tenured faculty member for violation of this policy may be reviewed under Articles Seven, Eight or Nine of The John Marshall Law School Board of Trustees Tenure and Promotion Policy; provided, further, that any remedial action intended to protect the victim or prevent further violation of this policy will not be subject to review.


It is a violation of this policy for any member of the Law School community to retaliate against a person who makes a good faith report or complaint under this policy, or who participates in good faith in an investigation. The Law School will respond to allegations of retaliation in accordance with the procedures contained in this policy.

11. Dissemination.

This policy will be published in the Student Handbook, posted in areas where all persons may review it, including the Law School's Intranet site, and obtained upon request from any dean, department head, or supervisor.

This policy will be published electronically on The John Marshall Law School website, eCommons, in print in the Faculty Handbook, and posted in areas where all persons may review it, including the Law School's Intranet site.

G. STUDENT PROTECTION FROM DISCRIMINATION AND HARASSMENT POLICY
(adopted administratively May 7, 2012)

The Law School has been embracing diversity and equal opportunity since its founding in 1899. Our founders believed that a legal education should be available to any qualified person regardless of their economic station in life, or their "racial origin, sex, color or religious affiliation." That tradition continues.

It is the policy of The John Marshall Law School ("JMLS" or the "Law School") to provide an educational environment for our students free from sexual discrimination, harassment and sexual violence and from discrimination and harassment based on race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational process including academic and extracurricular activities.
1. Discrimination and Harassment Is Prohibited.

The Law School does not tolerate discrimination against any student based on his or her race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. This policy applies to all aspects of the educational environment including admissions, educational programs and services and extracurricular activities.

Civility and professionalism are not only requirements of our profession but are critical to the success of a vibrant educational environment. The Law School will not tolerate conduct that objectively and subjectively limits or interferes with a student's ability to participate in or benefit from the Law School's programs because of the student's race, color, sex, religion, national origin, ancestry, age, disability, sexual orientation and gender identity. Harassment can consist of words or conduct. Although freedom of expression is vital to the educational process, it does not excuse harassment targeted at specific persons or groups because of characteristics not relevant to the Law School's educational mission.

2. Sexual Harassment and Sexual Assault.

An essential element of this policy is the prohibition against offensive, disrespectful, demeaning, or violent behaviors and/or communications because of a student's gender or that is sexual in nature or context. Prohibited behaviors include, but are not limited to:

Making unwelcome sexual advances or requests for sexual favors.

Engaging in offensive or violent verbal or physical conduct of a sexual nature when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational activity, or it creates a hostile educational environment.

Explicitly or implicitly conditioning a student's participation in an educational program or activity, or basing an educational decision on a student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Prohibited behaviors can be verbal, non-verbal, or physical. This policy applies to behavior that occurs on- or off-campus, if the behavior interferes with or limits a student's ability to participate in, or benefit from, school programs. Examples of prohibited verbal behaviors include, but are not limited to, unwelcome sexual innuendo, gender stereotyping, sexual propositions and comments, insults, threats, and jokes about gender-specific traits including through electronic media.

Examples of prohibited non-verbal behaviors include, but are not limited to, unwelcome sexually suggestive or insulting noises, obscene gestures and display of sexually suggestive objects or pictures. Examples of prohibited physical behaviors include, but are not limited to, stalking, physical aggression, unwelcome touching, coercive sexual contact, intimate partner violence and sexual assault.

This policy prohibits the conduct described herein whether or not it violates Title IX of the Education Amendment of 1972.
3. Application to all Members of the Law School Community

This policy prohibits all students, employees, and faculty from engaging in behaviors that violate this policy and protects all students from such behavior by other students, employees, faculty, or third persons. The Law School is committed to taking prompt and effective action when it knows or has reason to know that a violation of this policy may have occurred.

4. Policy Coordinator

The Associate Dean for Student Affairs shall be responsible for the administration of this policy.

5. Making a Complaint

A student, employee or faculty member may submit a complaint or report a violation of this policy by:

1) Calling the JMLS Harassment Prevention Hotline at 312.427.2737 x506
2) Contacting the Associate Dean for Student Affairs or
3) Contacting any dean or faculty member.

Reports of offensive behaviors inconsistent with this policy should be made promptly after the alleged policy violation occurs. The submission of an internal report does not preclude the complainant from seeking relief elsewhere.

Any faculty member, administrator and manager who knows or has reason to believe that a violation of this policy has occurred has an obligation to report the matter to the Associate Dean for Student Affairs, whether or not the victim has complained. Once a report or complaint has been made, the individual receiving the report or complaint should advise the Associate Dean for Student Affairs. The Policy Coordinator will have responsibility for processing the report or complaint as described below.

The Law School shall inform an alleged victim of the right to file a criminal complaint or police report in cases of sexual violence. However, the Law School shall not wait for a criminal or other external investigation to conclude before taking immediate steps to protect the victim or, absent special circumstances, to conduct an investigation under this policy.

6. Confidentiality

The Law School shall take reasonable measures to maintain the confidentiality of information obtained during the processing of a report or complaint and shall make disclosures only on a need to know basis. The Law School will attempt to protect the identity of the alleged victim and witnesses. However, the Law School cannot guarantee anonymity or confidentiality and may make disclosures as necessary to conduct a full and fair investigation.

7. Informal Processing

The Associate Dean for Student Affairs will consult with the alleged victim to determine whether the matter initially can be handled through informal processes. The informal process may consist of mediation, counseling or other efforts by the Law School to resolve the matter to the satisfaction
of the alleged victim. In no event will a student victim be required to work out a problem directly with the alleged perpetrator without participation by a representative of the Law School. Informal processing shall never be appropriate in cases involving allegations of sexual violence. The alleged victim should be made aware of the option to request formal processing at any time. If the matter is resolved during informal processing, a report containing the allegations and disposition shall be made and maintained by the Associate Dean for Student Affairs.

8. Formal Processing and Investigation

If informal processing is not successful or appropriate, the matter will be formally processed. The Associate Dean for Student Affairs shall be responsible for the process.

The Associate Dean for Student Affairs or his/her designee should interview the alleged victim and obtain as much detail as possible concerning the alleged policy violation.

The alleged victim may be asked to provide a written statement but a written complaint or statement is not required to proceed.

The scope and method of the investigation will be at the discretion of the Associate Dean for Student Affairs. Either the Associate Dean for Student Affairs or his/her designee may conduct the investigation so long as the investigator is neutral and has no conflict of interest. Both the alleged victim and perpetrator will be afforded an equal opportunity to identify relevant witnesses and provide evidence to the investigator.

Under no circumstances shall the alleged perpetrator be permitted to question directly the alleged victim. The investigator shall attempt to complete his/her investigation within 60 days following receipt of a report or complaint, although additional time may be required for good reason. Interested parties may be represented by counsel but counsel may not attend investigatory interviews and the parties are expected to cooperate with the investigation and speak for themselves.

The investigator will determine whether there is a preponderance of evidence to find a policy violation. If so, the investigator, in consultation with the Associate Dean for Student Affairs and other appropriate persons (e.g., any dean, security), shall make recommendations to remediate the situation including, as appropriate, the initiation of additional proceedings against a student perpetrator under the Student Code of Conduct and Student Disciplinary Proceedings or against a faculty perpetrator under the Tenure and Promotion Policy as provided herein; providing an escort for the victim; separating the victim and perpetrator; providing counseling services; providing academic support services; and allowing a student to retake a course or withdraw from a class without penalty. The investigator shall prepare a written report of his/her findings and recommendations and shall inform the alleged victim and perpetrator in written summary form of the findings and recommendations including any remedial measures being recommended.

Either party may appeal the findings or recommendations to the Dean within seven calendar days. The Dean (or designee) may review the investigatory file; determine whether additional investigation is necessary and/or whether other or additional remedial measures are appropriate. The Dean shall complete his/her review and shall issue a final decision within 30 days.
9. Interim Measures

The Law School may take whatever interim measures it deems appropriate to protect an alleged victim or witnesses as soon as a report or complaint is received. Such measures may include prohibiting the alleged perpetrator to have any contact with the victim or witnesses and/or denying on-campus access to the alleged perpetrator. The alleged victim should be informed immediately of the Law School's policy against retaliation and told that any form of retaliation should be promptly reported to the Associate Dean for Student Affairs.

10. Coordination with Other Policies

Any disciplinary or other corrective action taken against a student for violation of this policy shall not be subject to review or approval under the Rules for Student Disciplinary Proceedings unless the recommended disciplinary action is the permanent expulsion or dismissal of a student from the Law School. In that event the student may request review by a Hearing Panel within 15 days after being informed of the School's intent to permanently expel or dismiss the student. The Hearing Panel shall be constituted under Section E.1 of the Rules for Student Disciplinary Proceedings. The sole issue for the Hearing Panel shall be whether the student should be expelled or dismissed from the Law School. The Associate Dean for Student Affairs or his designee shall provide the Hearing Panel with the investigatory findings and recommendations and shall make a presentation to the Hearing Panel. The student facing expulsion or dismissal shall have an opportunity to be heard. The Chair of the Hearing Panel shall decide in his/her sole discretion whether to hear any other witnesses or evidence and shall decide all procedural issues, with a view toward protecting the victim from embarrassment, loss of privacy and humiliation. In no event shall there be any examination or cross examination of any witnesses by the alleged perpetrator or his/her counsel. The Hearing Panel shall not have authority to rescind any remedial action taken under this policy. The Hearing Panel shall not include any person who participated in the investigation under this policy; provided, however, that the Dean shall retain authority to review the Hearing Panel's recommendation and to make the final decision.

The Law School reserves the right to take any appropriate disciplinary action including termination against an employee who violates this policy; provided, however, that a disciplinary action taken against a tenured faculty member for violation of this policy may be reviewed under Articles Seven, Eight or Nine of the Faculty Tenure and Promotion Policy; provided, further, that any remedial action intended to protect the victim or prevent further violation of this policy shall not be subject to review.

11. Non-Retaliation

It is a violation of this policy for any member of the Law School community to retaliate against a person who makes a good faith report or complaint under this policy, or who participates in good faith in an investigation. The Law School shall respond to allegations of retaliation in accordance with the procedures contained in this policy.

12. Dissemination

This policy shall be published in the Student Handbook, posted in areas where all persons may review it, including the Law School's Intranet site, and obtained upon request from any dean, department head, or supervisor.
H. COPYRIGHT USE POLICY
(approved by the Assembly May 4, 009)

1. The copyrights of authors and other creators must be respected. Any use of copyrighted materials in violation of copyright law is a violation of school policy.

2. Copyright protected materials should not be used for educational purposes, including use in a classroom setting, as instructional materials, or otherwise unless the educator has either obtained permission of the copyright owner for the use in question, or the use is a privileged under copyright law.

3. Where time and circumstances permit, educators should obtain the permission of the copyright owner for the use of the materials in question unless such use is clearly privileged.

4. Use of work is privileged if it either qualifies under a statutory exemption such as the TEACH Act (granting extended use rights for various class uses of instructional materials under Section 110 of the Copyright Act), or qualifies as a fair use, and meets the Law School's Copyright Use Policy. Use of a work is also privileged if the use is within the scope of an applicable license for use of the work.

5. Educators cannot direct third parties, including without limitation staff, faculty or students, to use a copyrighted work in a manner which violates copyright laws and/or this Policy.

6. In order to avoid violating this Policy each educator must evaluate each work which s/he intends to use in connection with educational activities, using the guidelines set forth in this Policy.

7. When copyrighted materials are provided to students, including through posting of materials on websites associated with a course, a notice regarding the copyright protectable nature of such materials must be provided. The Administration shall promptly establish procedures regarding the form and placement of such notices and shall be responsible for revising any such form and placement in accordance with legal obligations under copyright law.

8. When in doubt as to whether a proposed use complies with this Policy, educators must contact the individual[s] designated by the Administration to determine if their proposed use complies with the Policy. The Administration shall designate individual[s] to develop and thereafter assume responsibility for establishing and managing a set of procedures that will allow individual faculty members who may need permission to use copyrighted materials in their classes to obtain permission from the pertinent copyright holders. At the individual faculty member's option, this designated person (or his or her delegates), rather than individual faculty members, shall handle the ministerial task of obtaining necessary copyright permissions.

Where materials are used for in class instruction, JMLS itself, rather than individual faculty members, shall bear the reasonable cost of obtaining needed copyright permissions. For materials which are used as outside class study materials, the students shall bear the reasonable costs of necessary permissions. The arrangements for such costs shall be made by person[s] designated by the Administration and shall not be the responsibility of the individual faculty member.
9. The policy only applies to the ability to use materials under copyright law and does not address other laws which may prohibit or restrict the intended use, including, for example, privacy, right of publicity and contract. The policy does not confer legally enforceable rights upon any third party, and shall not be interpreted to expand the scope of copyright protection or prohibit any otherwise legal use of copyright protected materials.

**Guidelines for Copyright Use for Faculty, Staff and Other Educators**

These guideline are provided to assist individuals who are engaged in educational activities, whether via the classroom, distance learning or in a clinical setting, at The John Marshall Law School ("Law School"), including any educational activities that take place under the auspices or with the sponsorship or affiliation of the Law School, regardless of their location, content or method of delivery to comply with US copyright laws in the creation, distribution and other use of copyrighted materials in connection with their educational activities.

**Guidelines for Applying the Policy**

Because of the complex nature of copyright protection use issues as they apply to the educational environment, it is impossible to establish black letter "rules" governing such uses. What this policy does is establish general rules of thumb regarding the types of uses that are appropriate in the educational setting. In the event that you have questions about the application of these policies to a particular use of a copyrighted work in connection with educational activities at The Law School, you must contact the individual[s] designated by the Administration to provide assistance in copyright use issues before you use the work. If you need to obtain permission to use the work, you must contact the individual[s] designated by the Administration to help obtain such permission for you. In accordance with school policy, JMLS will bear the reasonable costs of obtaining permission for use of materials in class and will take the necessary steps to charge the students the reasonable cost of permission for materials used for outside class study, including for example, in course packs.

**Why Bother?**

It is a violation of school policy to use copyrighted works in violation of copyright law. Failure to comply with this policy can result in administrative sanctions. Furthermore, individuals, including educators, are liable for copyright infringement and have in the past been successfully sued for violating copyright. Present US copyright law provides for significant penalties, including awards of statutory damages of up to $150,000 per work infringed. Ignorance of copyright law is no defense.

As described more fully below, just because you are using a copyrighted work for educational purposes does not exempt your activities from copyright liability. All educational uses do not qualify as a fair use under copyright. Instead each use is judged on a case by case basis. Consequently, you must evaluate each educational use of materials created by a third party to determine if the work is copyright protectable. If it is then you must determine if your proposed educational use is privileged under copyright law. If your proposed use is not privileged, you must either obtain the permission of the copyright owner for use of the work in question, or YOU MUST NOT USE THE WORK. If you follow the guidelines set forth in this
policy, it is more likely that your use will be considered a fair (privileged) use and you will be in compliance with School Policy.

In order to determine whether you need to obtain prior permission of the copyright holder to use a work for educational purposes, you should ask yourself the following questions:

1. Is the work that I want to use protected under copyright?

2. Does my use potentially violate one of the copyright owner's exclusive rights?

3. Is my use exempted or excused from liability for infringement?

You should note that these guidelines only address issues of copyright law. There may be other laws that prohibit your use of materials, including privacy law.

To assist in determining whether your proposed use violates copyright, this policy sets forth a series of questions to help you answer the questions, as well as rules of thumb to apply in determining your need to seek permission of the copyright owner for the work in question.

What works are protectable under copyright?

Under US copyright law, copyright protection is extended to "original works of authorship fixed in any tangible medium of expression now known or later developed from which they can be perceived, reproduced or otherwise communicated..." (17 U.S.C. §102(a)) Copyright protection does not extend to "any idea, procedure, process, system, method of operation, concept, principle or discovery." (17 U.S.C. §102(b)) In essence, so long as a work has been recorded, filmed, written or otherwise set out in a tangible form, it may be subject to protection under U.S. Copyright law. Consequently, literary, dramatic, musical, artistic or other intellectual works, including original collections of information may be protected. Thus, under US copyright law, virtually any type of material which you may seek to use for instructional purposes, texts, sound recordings, power points, images, videos, music and the like are potentially copyright protectable.

The absence of a copyright notice does not mean that the work is not subject to copyright protection. Copyright notices are not required. The presence of such a notice, however, may be considered strong evidence of copyright protection for purposes of this policy.

For purposes of legal education, however, there is a significant body of work that falls outside the scope of copyright protection. Works of the US government are not subject to copyright protection. This category of excluded work does not include every work that is published or distributed by the US Government but only those which are created by employees of the US Government within the scope of their employment. Among this category of generally unprotected works are cases, statutes and regulations. However, only the unannotated versions of such governmental materials are outside the scope of copyright protection. Headnotes and other annotations such as appear in Westlaw and Lexis versions of cases are potentially copyright protectable. Similarly edited versions of cases created by someone other than a governmental employee within the scope of his/her employment are potentially copyright protectable.
Are some works too old to be protected under copyright?

Under present law, copyright protection lasts for the life of the longest lived author plus an additional 70 years. Due to historical statutory term extensions, however, the earliest work that can be generally assured to be outside the scope of copyright protection in the United States is one created on or before 1923. Every other work is potentially copyright protectable and should be treated that way. Moreover, while a work may have been created before 1923 and therefore falls outside the term of copyright protection, any annotations or arrangements of the work may still be protected. Thus, for example, if you intend to use a sound recording of Beethoven's Fifth, the composition is not subject to copyright protection because it was composed before 1923. BUT if the sound recording was created before 1923, then you can perform that recording in class unless you have either obtained permission from the copyright owner, or your use is privileged.

What rights are authors granted under US copyright laws?

Upon the creation of a copyright protectable work the author (or copyright owner) is entitled to a bundle of six rights. These rights include the exclusive right to do or authorize the following acts:

- The right to reproduce, in whole or in part, the work in copies;
- The right to prepare derivative works based upon the original;
- The right to distribute copies of the work to the public;
- The right to perform the work publicly;
- The right to display the work publicly;
- In the case of sound recordings, the right to perform the work publicly by means of a digital audio transmission.

Neither copyright registration, nor a notice of copyright is required for copyright protection to attach. Furthermore, you do not need to reproduce an entire work to violate an author's copyright. Reproduction of a book chapter or even smaller portion of the work is sufficient to give rise to a potential copyright infringement claim.

Public performance includes, for example, the playing a song or a video for the class, or even the public recitation of a copyrightable work. Any unauthorized use of a copyrighted work that violates any of the author's rights is a potential copyright violation. Without permission of the copyright owner or a privilege to use such work such as fair use or through a statutory exemption is a violation of copyright and is prohibited under this policy.

US Copyright law provides for a complete panoply of remedies for copyright infringement, including injunctive relief, seizure and destruction of the infringing copies as well as all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which infringing copies or phonorecords may be created, actual damages (including lost profits), statutory damages, up to $150,000 per infringement for willful infringement...costs and reasonable attorneys’ fees. The parties that may be held liable for copyright infringement include the party which committed the infringing act (referred to as a "direct infringer"), the party which knew of the infringing activity and induces, causes or materially contributes to it (referred to as a contributory infringer) and the party which has the right and ability to supervise the parties engaged in the infringing activities and who had a direct financial interest in the exploitation of the copyrighted material (referred to as "vicarious liability").
Thus, for example, you may be liable for copyright infringement if you either make an unauthorized copy of a copyright protected work, or if you direct others (including your students or other school personnel) to make such a copy. You will violate this policy by directing others to do what you cannot do under the policy, and you will also face potential liability under copyright laws.

**What rights do I get under copyright if I own a legitimately purchased copy of a work?**

If you have obtained a legal copy of a copyrighted work, you have the right to further distribute that work. This means you generally have the right to loan your copy or even sell it, unless you have agreed to the contrary in a license agreement regarding the use of such copy. You do not have the right to make copies of these works unless it is authorized by a governing license agreement or unless such copies are privileged under copyright, either by statutory exemption or fair use.

**Do I violate copyright by placing a legitimate copy of the materials on reserve in the library for the students to read before class?**

No. So long as the copy is a legally created version which has been legally obtained and making it available to others does not violate any license limitations that may apply, and the student is using it for private study purposes, such reservation should be acceptable. Thus, for example, if you have purchased a legal copy of a magazine and you want your students to read a particular article, you may place the original version of the article on reserve for them to read. You may not, however, make a copy of the article or advise students to copy the article, unless such copying has been authorized by the copyright owner, or is privilege. In the event of questions about library reserve policies, you should always check with the library staff.

**Do I violate copyright by posting someone's law review article on the associated website for the course?**

You may. Whether you post the article yourself or direct someone else to post it for you, absent permission of the copyright owner, you may be violating the author's copyright since such posting might be considered either an unauthorized reproduction or an unauthorized distribution. Such use is only permissible if it either qualifies as a fair use or is otherwise privileged under US copyright law. While US copyright law recognizes a privilege to use a copyrighted work without the author's permission, as discussed more fully below, there is no absolute or categorical fair use defense for educational uses of copyrighted materials. Each use must be judged on its own merits.

**What qualifies as a privileged use under this policy?**

A privileged use is one which has not been authorized by the copyright owner but is either exempt from copyright liability under the statute, or which qualifies as a "fair use" under the statute.

**How do I decide if a proposed use is exempt from copyright liability?**

Exemptions for the use of copyrighted works for purposes of education are set forth in Sections 110(1) & (2) of the Copyright Act. (17 USC 110(1) & (2)) Your ability to use a work, and the
types of uses that are permitted under Section 110(1) & (2) depend upon a variety of factors, including whether you intend to use the materials in face to face (classroom) teaching, study materials for individual student use, or in distance learning settings (including through websites and streaming video).

**What exempted uses exist for face to face (classroom) teaching?**

Section 110 only exempts certain uses involving the performance and display of copyrighted works. All other uses for classroom teaching, including the preparation of instructional materials and their distribution to students are governed by the fair use doctrine discussed below.

The performance or display of a copyrighted work in a classroom or similar place devoted to instruction is generally permissible provided that a lawful copy of the work is being used for such performance. Thus, for example, if you want to show a video or play a movie as part of classroom instruction such use is permissible so long as you are using a lawful copy of the work for such performance. This means the copy you intend to perform or display must have been lawfully acquired and the use in question cannot exceed that of any license provided in connection with the copyrighted work.

In connection with any such performance or display you should always be conservative in the amount of the work performed or displayed. You should display any copyright notice found on the original as well as any other appropriate citations and attributions to the source of the work, and you should NOT provide any copies of the displayed materials unless such copies are permitted under a separate privilege (such as under fair use). The performance and display right exempted in this section is limited to those uses.

Such permitted uses however do not include any performance which is achieved by circumventing any electronic encryption, copy code, or other technological protection which has been placed on the copyrighted work to prevent unauthorized performances. Thus, for example, this Section does not authorize the "ripping" of DVD protection codes for purposes of creating digital clips.

**How do I know if the copy of the work I am using is lawful?**

To qualify as a lawful copy, the work must have been obtained through lawful channels. This means that the copy of a song that you have downloaded from a peer to peer file trading network does not qualify unless the download was authorized by the copyright owner. Lawful copies of works may include not only legally purchased works, but also works that have been borrowed from the library, through interlibrary loan or from colleagues so long as the original copy was lawful. In addition if you are using materials that are governed by a license or agreement establishing restrictions on its use, you must abide by those restrictions to fall within the copyright liability exemption of Section 110.

**If I own a lawful copy of a work can I make copies of the work for my students or post it on a website for them to read without obtaining the permission of the copyright owner?**

You do not have the right to make a copy of a lawful work absent the permission of the copyright owner unless such copies are privileged. Section 110 does not authorize the making of a copy to
facilitate the performance or display of a work. However, such copies for purposes of performance or display are authorized under Section 111 which authorizes the creation of copies for secondary transmissions the creation of ephemeral copies. Thus, to the extent you must make a copy of a work in order to display or perform it in face to face classroom teaching, such copy is authorized. Furthermore, under Section 112, you may keep one archival copy of the work. You may not, however, provide copies of the performed work to students, including its posting on a website connected with a class or for distance learning unless such reproductions qualify as a fair use.

What about the performance of power points and other materials that I have created using other works, including video clips, photos and the like?

The use of power points and other's materials in the performed works is not covered by Section 110. Such uses are governed by Fair Use.

What about materials that I create for students to study, read, listen or watch on their own time, outside of class?

Section 110 does not deal with materials which are created for use by individual students outside the classroom. The creation of instructional materials, including the posting of video or audio materials for the students to review or study outside of class are governed by the doctrine of fair use, discussed below.

What are exempted uses for distance learning (non face-to-face or mediated) instructional activities?

The right to use materials in connection with mediated or distance learning activities is more limited under Section 110 than the right to use materials in face to face classrooms settings. For example, while Section 110 does not restrict face to face classroom performances to any particular medium, for mediated instruction, audio visual and dramatic musical works may only be shown in "reasonable and limited portions." In other words, only the performance of clips of such works is exempted.

For any work used in connection with distance learning, the display of any such work on, for example, an associated webpage must be limited to an amount "which is typically displayed in the course of a live classroom session." Furthermore any performance or display of works must be "directly related and of material assistance to the teaching content" of a course.

The use of materials specifically marketed for distance or digital education are specifically excluded from the exemptions provided under Section 110. So are course packs, textbooks, electronic reserves and similar materials which are typically purchased by students for independent review outside the classroom. Such uses are only permissible if they qualify as a fair use. (See discussion below)

Receipt of any transmission of copyrighted materials for distance learning must be made solely for "students officially enrolled in the course" and its receipt must be limited to such students by "reasonable" technological measures. Furthermore, even these limited exceptions do not apply unless the educational institution "institutes policies regarding copyright, provides informational materials to faculty, students, and relevant staff members that accurately describe, and promote compliance with, the laws of the United States relating to copyright, and provides notice to
students that materials used in connection with the course may be subject to copyright protection." For materials that are transmitted digitally, the educational institution must also apply technological measures that "reasonably prevent ... retention of the work in accessible form by recipients of the transmission ...for longer than the class session." Such measures must also "reasonably prevent" "unauthorized further dissemination of the work in accessible form by such recipients to others."

In creating and transmitting materials for intermediated instruction, you cannot interfere with any technological measures used by copyright owners to prevent such retention or unauthorized further dissemination. Thus, for example, while you must use a video clip to qualify for the distance learning exemption under Section 110, you cannot rip or otherwise circumvent any technological measures the copyright holder has placed on the DVD from which you wanted to obtain the clip. Thus, you may need to make your video clips from an analogue copy of the film if the digital version is protected by a technological measure designed to protect against ripping.

What is fair use?
Fair use is one of the most significant defenses to a claim of copyright infringement under US law. In certain limited situations, the doctrine of fair use permits the use of a copyrighted work without the permission of the copyright owner and without compensation. Where your use of a copyright work is not exempted under Sections 110, 111 or 112, fair use is the only other basis on which you can use a copyrighted work without violating copyright. Fair use is an equitable doctrine. The less that you use of a work generally the more likely your use might qualify as a fair one.

The fair use doctrine is presently codified in Section 107 of the Copyright Act. Section 107 establishes four statutory factors to consider in determining whether a particular use qualifies as a fair one. They are:

The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (however educational purposes alone do not automatically make a use a fair one). The nature of the copyrighted work, including whether it is factual in nature;

The amount and substantiality of the portion used in relation to the copyrighted work as a whole; (the less that you use of a work, the more likely your use will be considered fair)

The effect of the use upon the potential market for, or value of, the copyrighted work. (17 U.S.C. §107)

Each of these factors must be considered in determining whether a particular use qualifies as privileged fair use. They are not, however, the only factors that courts consider to determine if a particular use is a fair one. To the contrary, courts often consider additional factors, including, for example, whether the use in question is protected under the First Amendment's free speech protections.

Although the statutory language states that "the fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright" there are no categorical fair uses in US copyright law. Even the use of copyrighted materials for purposes of education may
fail to qualify as a fair use. Fair use determinations must be made on a case by case basis.

The best rule of thumb in any fair use determination is to be as conservative as possible in the amount of others' works that you use without permission. Use only as much as you need and only for the uses that are necessary if you intend to rely upon fair use as a defense to a charge of copyright infringement. Furthermore, regardless of the use you make, you should always use only lawful copies of the works you are using in creating or in using another's work. And you should always reproduce any copyright notice on the original work, as well as any other source attributions that may apply. Credit and conservative uses are some of the hallmarks of fair use determinations.

As a general rule, literary works are subject to a greater amount of protection than factual works such as telephone directories and other factual compilations. Consequently, it is generally harder to obtain a fair use exception for the unauthorized reproduction of a literary work than for a fact work.

There is no bright line rule for the amount of copying which automatically qualifies as outside the parameters of a fair use. Courts have found copying of as little as 55 seconds out of a 1 hour and 29 minute film to qualify as outside the scope of fair use. See, e.g., Roy Export Co. Establishment v. Columbia Broadcasting System, Inc., 503 F. Supp. 1137 (S.D.N.Y. 1980), atd, 672 F.2d 1095 (2d Cir.), cert. denied, 459 U.S. 826 (1982). Similarly, copying the "heart of the matter" even if quantitatively small is sufficient to place such copying outside the scope of fair use. Thus a good rule of thumb is to be conservative in the amount of material which you are using. If you must use another's work, do so sparingly.

The key to fair use is really a four part rule of thumb - small portions, limited times, limited access and with appropriate copyright notices and source attributions. Thus, if you are incorporating others' works into your classroom materials, for such incorporation to qualify as a fair use, you should incorporate such works sparingly and only if you or the Law School possess a legal copy of the work. You should use the smallest portion of the copyrighted work that you need for educational materials. You should limit access to such materials to students enrolled in the class and administrative staff as needed. You should terminate access to the materials at the end of the class term.

If you are going to use the materials for the same class each time you teach it, you must obtain permission for those materials. Thus, for example, if you always assign an excerpt of a law review article as part of the classes reading materials, you must obtain permission from the copyright holder to use those materials. Fair use in an educational setting is based on equitable considerations, including to a certain extent the spontaneous nature of the use in a classroom setting. Repetitive use of another's work generally does not support fair use. Thus, if you intend to use the article as part of the students' study materials outside the classroom, you must obtain permission for such uses before you use the materials.

Is there a difference in fair use if I use others' works for performance (such as in a power point) and if I provide or post copies of such works as part of the instructional materials for the course?

Yes. Generally performance in a classroom setting, limited to enrolled students in a course is
more likely a fair use, or privileged under Section 110 (discussed above), than the provision of copies of such materials to students.

Are there copyrighted materials whose use is more difficult to defend as a fair use?

Yes. Unauthorized uses of materials that have been created for educational instruction, such as text books and their accompanying video or audio discs, generally do not qualify for fair use or a copyright exemption. Thus, for example, even the permitted performance or display of materials for distance learning under Section 110 does not apply to materials created by others for such purposes. The use of such materials would generally be considered to have an adverse impact on their market and cannot be used absent permission of the copyright owners.

Do I violate copyright by simply providing a link to the website containing the materials?

Generally providing a link to lawful site containing the materials, such as a link to a law review's web site containing downloadable copies of a law review, does not raise issues of copyright liability. Where such a lawful site exists, this is one of the preferred methods for providing digital access to copyrighted materials for educational purposes.

Do I violate copyright by digitizing images of others to include in multimedia materials for classroom uses?

You may. Digitization is generally perceived to qualify as a "reproduction" under copyright law. Your ability to use such digitized copy as a fair use will depend on the purposes for which you are creating the digitized copy. If you are creating such copy for purposes of performing a multimedia work (such as a power point or audio or video clip), such uses will more readily qualify as a fair use. The same general rules of thumb apply for determining fair use outlined elsewhere in this policy.

Do I violate copyright by using materials downloaded from P2P filing networks?

You may. Unless such download has been authorized by the copyright owner such material would not qualify as a lawful copy and could not be the basis for a fair use defense or exemption under Section 110.

Where can I read more about statutory exemptions and fair use?

The US Copyright law is codified in Title 17 of the US Code. A downloadable copy of this law is available from the website of the US Copyright Office at www.copyright.gov. The Copyright Office also has a downloadable Circular 21 that directly addresses the use of copyrighted materials in an educational setting and contains excerpt from the critical legislative history dealing with the Agreement on Guidelines for Classroom Copying. It does not presently address rights under Section 110.

There are numerous sources for additional information regarding the application of copyright laws to educational materials. The Library has several books on reserve which you may wish to read, including:

Marc Lindsey, Copyright Law on Campus
For information regarding obtaining licenses for copyrighted material for academic uses, see generally The Copyright Clearance Center website at www.copyright.com.

You should also check with the library staff to determine if your use is already covered by a pre-existing license.

Finally, there are several online websites maintained by other educational institutions which may provide additional useful information. Among those sites which provide useful information are:

Brown University
Catholic University
Columbia University
Cornell University
Indiana University
Stanford University
University of Texas

These materials are listed here for informational purposes only. They are not incorporated into the Copyright Use Policy but are merely intended to give further guidance on the complex issue of copyright and educational uses.

If I use copyrighted materials as part of a fair or exempted use, what type of notice should I provide?

It is always preferable to place a notice or give appropriate credit for the source of the copyrighted materials you are using at the time of use. The type of notice may be specified in any license or other agreement authorizing you to use the materials. At a minimum such notice must generally identify the holder of the copyrighted materials, the fact that the work is copyright protectable, and the year of first publication of the work. Standard notice generally takes the following forms: Copyright [date of first publication] [name of author or holder] or Copyright [name of author or holder] [date of first publication]. For example: Copyright 2009 JMLS or Copyright JMLS 2009. Where materials are distributed to students as hard copies or as downloadable copies, the notice should generally appear on the first page of the materials.

Clearance Checklist for Use of Copyrighted Works

1. Is the work that I want to use protected under copyright?
   - Does it Lack originality?
   - Unoriginal reprint of public domain work?
   - Logical, comprehensive factual compilation (like a phone book)?
   - Is it a work in the public domain?
• Term of copyright has expired?

• Author has expressly chosen to make publicly available without restrictions?


• Ideas, processes, methods and systems described in copyrighted works?

2. Does my use potentially violate one of the copyright owner's exclusive rights?

• Make a copy (reproduce)?

• Use a work to create a new work (create a derivative work)?

• Electronically distribute or publish/post copies of the work?

• Publicly perform music, prose, poetry, or a play or play a video or audio tape, or a CD-ROM or provide streaming video?

• Publicly display an image on a computer screen or on an associated projection screen (publicly display a work)?

3. Have I obtained the necessary permissions to use the materials under copyright and other applicable laws?

4. If not, is my use exempted or excused from liability for infringement?

• Is the class for which you are creating/using the materials part of the regular (approved) offerings by the Law School? If not, your use is not exempted or excused from liability.

• Do you have a lawful copy of the materials you intend to incorporate into your teaching? If not, your use is not exempted or excused from liability.

• Does the original, lawful copy contain encryption or other technological protection measure that you must circumvent to make the use you intend? If so, your use is not exempted or excused from liability.

• Regardless of the use, do you intend to use these materials each time you teach the class or have you used in previous years to teach the same class? If so, you must obtain permission of the copyright owner for the repeated use you intend to make of the materials.

• Are the materials you intend to use marketed as education or instructional materials, such as textbooks, educational videos and otherwise? If so you must obtain permission of the copyright owner for your use unless it is allowed under fair use doctrines.

• Do you intend to use the materials for face to face classroom instruction?
i. If yes, do you intend to use the materials every time that you teach the course? If so, you must obtain permission per the Policy.

ii. If not, have you restricted use of the materials only to enrolled students and administrative staff required to assist in delivering those materials?

   • Have you further restricted access so that students will only have access for a period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

   • Have you included the appropriate notice of copyright and other required attributions on your materials?

   • Have you used only those portions of others' works in accordance with the Law School Policy?

   • Do you intend to use the materials for distance learning (mediated) instruction?

i. If yes, do you intend to use it for students to study, view review or use for instructional purposes beyond what you would use in face to face classroom instruction?

ii. Have you restricted access so that students will only have access for a period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

   • Have you included the appropriate notice of copyright and other required attributions on your materials?

   • Have you used only those portions of others' works in accordance with the Law School Policy?

   • If you intend to use the materials in distance learning as a replacement for what you would normally use in a class to class setting, have you further restricted access so that students will only have access for a period of time relevant to the classroom instruction and so that no copies will be distributed to the students?

   • Have you included the appropriate notice of copyright and other required attributions on your materials?

   • Have you used only those portions of others' works in accordance with the Law School Policy? If you are uncertain of whether your use is permitted, contact the appropriate administrative staff for guidance before you use the materials.

This checklist is designed to assist you in determining whether your use of copyrighted materials by others violates copyright law. It does not take the place of the Copyright Use Policy on this subject. The Policy and these accompanying Guidelines should always be consulted in determining what uses are authorized. When in doubt, seek permission.
I. THE JOHN MARSHALL LAW SCHOOL STUDENT CODE OF CONDUCT

A. Preamble

1. Each student is admitted to the John Marshall Law School on the condition that his or her conduct meets the standards of conduct established by the law school.

B. Standards of Conduct

1. Examinations

It is a violation of this student code to:
(a) Seek, receive, reproduce or circulate what the student knows to be unauthorized information concerning the content of an examination prior to such examination or a copy of an examination prior to its administration.
(b) Bring into an examination room any unauthorized materials.
(c) Fail to comply strictly with any examination instructions or procedures including, but not limited to, the use of materials, collaboration with other students, and time limitations.
(d) Use a false excuse to avoid taking an examination at its scheduled time.
(e) Engage any person to take an examination in place of oneself or to take an examination for another.
(f) Disrupt an examination.
(g) Divulge grades or examination numbers without authorization.

2. Academic Honesty

It is a violation of this student code to:
(a) Submit for credit work not originally prepared for the course for which it is submitted without explicit permission of the instructor of the course after the instructor has been advised of the origins of the work.
(b) Engage in plagiarism as defined and explained in Section XVI of The John Marshall Law School Student Handbook.

3. Class Attendance and Course Requirements

It is a violation of this student code to:
(a) Purposely indicate the presence in class of another student whom the student knows not to be actually present in class, or to misrepresent his or her own presence or absence.

4. Misappropriation and Misuse of Property
It is a violation of this student code to:

(a) Damage, hide, or otherwise exert unauthorized control over property belonging to another person or the law school.

(b) Obtain or attempt to obtain unauthorized access to any school record, database, or communication to or from law school personnel, or any student e-mail sent, received, or stored on school servers or computers.

(c) Use or attempt to use the law school's computer or e-mail systems in violation of the school's regulations or in furtherance of any conduct that would constitute a violation of this code of conduct.

5. Honesty and Integrity

It is a violation of this student code to:

(a) Furnish false information or records including, but not limited to information relating to admissions, registration, computer services, career services, financial aid, or other law school sponsored activities or programs.

(b) Forge or alter school documents, records, or identification cards or use or attempt to use forged or altered documents, records or identification cards with intent to defraud.

(c) Falsify a signature on any form, document, or paper.

(d) Furnish to any person information or records knowing them to be false or inaccurate relating to the student's academic record or the student's activities at the law school.

(e) Falsify or misrepresent academic standing or participation in curricular or extracurricular activities in the securing or continuation of employment, externships or benefits.

(f) Engage in other acts of dishonesty, fraud, deceit or misrepresentation that are prejudicial to the mission or operation of the law school.

6. Respect for Others

It is a violation of this student code to:

(a) Engage in threatening, intimidating, or disruptive conduct or comments of any kind on campus or engage in such conduct off-campus if it interferes with the rights of others to participate fully and freely in the educational process.

(b) Engage in conduct or comments which reasonably could be expected to and which do result in the harassment, intimidation or stigmatization of an individual because of race, national origin, ethnicity, religion, sex, sexual orientation, immigrant status, or disability. Statements made in the context of a class discussion or exchanges of ideas are not sanction able.
(c) Obstructs, impairs, or interferes with sponsored or authorized activities, including classroom discussion, in a manner likely to deprive others of the benefit or enjoyment of the activity.

(d) Use or attempt to use force against any member of the law school community or his or her family or to threaten the use of force against any member of the law school community or his or her family in circumstances which create a reasonable fear that actual force is likely to follow.

(e) Engage in conduct which threatens or endangers the health or safety of any person on school premises, or at school sponsored or school-supervised functions at any place.

7. Illegal and Criminal Conduct

It is a violation of this student code to:

(a) Possess, use, or distribute illegal drugs on law school property or during law school sponsored activities.

(b) Violate the Illinois Criminal Code or other penal laws of the State of Illinois, or of any other state, or of the federal government. A judgment of conviction is conclusive for purposes of this section.

(c) Fail to report a criminal conviction to the Dean or Associate Dean for Academic Affairs within five (5) days of judgment.

8. Obstruction of Disciplinary Proceedings

It is a violation of this student code to:

(a) Testify falsely or provide false information during a disciplinary violation process.

(b) Bring a charge in bad faith under this Code and the Rules for Student Disciplinary Proceedings.

(c) Harass any person who provides information or testimony pertaining to an alleged violation of this Code or who participates in the enforcement of this Code.

(d) Submit to persons participating in a disciplinary investigation any allegation of misconduct that is false and that the complaining student knew to be false at the time it was submitted.

(e) Breach the confidentiality requirements relating to disciplinary proceedings under this Code.

9. Disciplinary Code Standards and Ethical Obligations

It is a violation of this student code to:

(a) Violate published law school regulations or policies or engage in conduct that is prejudicial to the mission or operation of the law school or the rights of others in the law school community to participate fully and freely in the educational process.
(b) Assist any other student in any violation or attempted violation of this Code, or to combine, agree or confederate with other students to engage in conduct that violates this Code.

J. THE JOHN MARSHALL LAW SCHOOL RULES STUDENT DISCIPLINARY PROCEEDINGS

(as Amended May 7, 2012)

A. Application of Rules

1. These Rules are intended to provide a procedure to receive, investigate and decide charges alleging violation of the Student Code of Conduct. Any time limits under these Rules may be waived or extended by the Dean or chair of the Discipline Committee. These Rules shall not apply to conduct that is prohibited by the Student Protection from Discrimination and Harassment Policy. All such conduct shall be handled under that policy.

2. These Rules apply to all students and former students if the charge against them relates to their conduct while they were students of the Law School. The Law School administration retains the right consistent with these Rules to initiate or continue an investigation notwithstanding a change from student to non-student status, and to take appropriate action including deferring, revising or revoking retroactively grades or matriculation and amending a student file to reflect disciplinary action.

3. These Rules apply to conduct occurring on and off-campus so long as any off-campus conduct complained of has a substantial impact on the Law School or a member of the Law School community.

4. The Dean or, if the matter is pending before it, the chair of the Discipline Committee, shall have the authority to stay in appropriate cases an investigation or proceeding under these Rules due to the pendency of external proceedings related to the same subject matter; provided, however, that it is usually in the interests of the Law School community not to delay proceedings alleging violation of the Student Code of Conduct; provided, further, that the Law School shall not be bound by the results or determinations made by any other entity or forum. The Law School may also refer a matter to other appropriate authorities, including but not limited to, a criminal justice agency or an attorney disciplinary committee and, in such a case, may decide not to proceed or to stay an investigation or other proceeding under these Rules.

5. All persons involved in this process have the right to be represented by counsel or other representative at all stages of this procedure; provided, however, that no person employed full-time by the Law School or any adjunct faculty member may act as a student's representative. The Law School shall have no responsibility to pay the legal fees of any student or former student.

B. Initiation of Discipline Proceeding

1. Any member of the faculty, administration, staff, or student body may initiate a discipline proceeding (hereinafter referred to as the "Complainant") against a student or former student (hereinafter referred to as the "Respondent") by filing a charge with the Dean or Associate Dean for Academic Affairs. A charge may be filed by more than one Complainant.
2. The charge shall be filed in writing within 180 days after the Complainant knows or should have known about the conduct complained of. The charge shall identify the Complainant, the Respondent and state in plain language and with reasonable particularity the date, place and act complained of, and if possible, identify the standard of conduct which had been violated.

3. Within 20 days after a charge is filed, the Dean or Associate Dean for Academic Affairs should inform the Respondent of the charge against him/her by providing a copy of the charge to his/her last known address or, if appropriate to protect the confidentiality of the Complainant or third persons, a summary of the charge allegations.

C. Investigation and Resolution by The Dean

1. The Dean may attempt, in the exercise of his/her discretion, to investigate and resolve the charge before referring it to the Discipline Committee for formal investigation. If the Dean resolves the charge at this stage, the matter shall be concluded subject to the provisions in this Paragraph. If not resolved, the Dean shall refer the charge to the Discipline Committee no later than 60 days after the charge is filed.

The Dean shall inform the chair of the Discipline Committee of any charge intended to be resolved at this stage of the process and seek his/her counsel before entering into a final resolution. Any student or former student who the Dean believes should be suspended, expelled, or subject to revocation of a degree has the right to have the charge referred to the Discipline Committee for investigation and subsequent proceedings in accordance with these Rules.

2. The Dean, after consultation with the chair of the Discipline Committee, shall have the discretion and authority to take any interim action s/he believes is in the best interests of the Law School or any member of the Law School Community after a charge is filed and before it is finally resolved. Such interim action may include but is not limited to removing the Respondent or other student from a particular class or from School.

D. Referral to the Discipline Committee for Investigation and Reasonable Cause Determination

1. There shall be a Student Discipline Committee comprised of 9 members: 6 from the full-time faculty and 3 students in good standing. The Student Discipline Committee shall elect a faculty member as the chair. The 3 student members shall be selected by the Student Bar Association President-Elect for one-year terms. The 6 faculty members shall be appointed by the faculty's Executive Committee for two-year terms.

2. When a charge is referred from the Dean to the Discipline Committee, the chair of the Discipline Committee shall appoint one faculty member on the Committee (which may include the Chair) as the "Investigator" who, along with the Associate Dean for Academic Affairs, shall have responsibility to investigate the charge allegations. Their investigation may but is not required to include interviews with the Complainant, Respondent, and other witnesses and to review documents, including any investigation previously conducted. The Complainant and Respondent have a duty to cooperate in the investigation of the charge.
3. The Investigator and Associate Dean for Academic Affairs should attempt to complete their investigation within a reasonable time but in no event more than 120 days. After they complete their investigation, the Investigator and Associate Dean for Academic Affairs shall make a written determination whether there is reasonable cause to believe a rule violation or other misconduct has occurred and shall send their determination to the Dean and chair of the Discipline Committee. There shall be no reasonable cause determination made without first providing the Respondent an opportunity to respond in writing or orally to the charge allegations. If it is determined there is not reasonable cause, the matter shall be terminated. If reasonable cause is found, the chair of the Discipline Committee shall convene a Hearing Panel.

4. The Respondent should be informed in writing within 20 days after a reasonable cause determination is made.

E. Referral For Hearing

1. If reasonable cause is found, the chair of the Discipline Committee shall select by lot 2 faculty members (which may include the Chair) and 1 student member from the Discipline Committee to constitute a Hearing Panel; provided, however, that the Investigator who conducted the reasonable cause investigation shall be excluded from consideration.

The Hearing Panel shall select one of the faculty members to chair the Hearing Panel. Any member of the Discipline Committee who may be a witness shall be excluded from consideration for the Hearing Panel and shall not participate in any decisions made by the Hearing Panel. The chair of the Discipline Committee has the discretion to appoint interim members to the Discipline Committee in the event members are excluded under this Paragraph.

Within 10 days after the Respondent is informed of a finding of reasonable cause, s/he shall respond in writing to the Hearing Panel by admitting, denying, or otherwise responding to each factual matter charged. The chair of the HP may extend the time for such response.

3. The chair of the Hearing Panel shall set a date for hearing within a reasonable time after issuance of the reasonable cause determination; provided, further, that the hearing date may be extended by the chair in his/her discretion for good cause shown.

4. Either the Associate Dean for Academic Affairs or Investigator shall be responsible for presenting the facts and evidence in support of the charge to the Hearing Panel. (hereinafter referred to as the "Presenter").

5. Pre-hearing discovery shall be limited to the following. Upon request to the chair of the Hearing Panel, the Respondent shall be given all evidence which support the reasonable cause determination and any evidence which will be offered at the hearing to support the charge, except for evidence protected by attorney-client privilege or otherwise prohibited from disclosure by law. Upon request by the Presenter to the respondent, the Respondent shall provide to the Presenter all evidence which support any denial of the charge allegations and any evidence which the Respondent will offer at the hearing in his/her defense, except for evidence protected by attorney-client privilege or otherwise prohibited from disclosure by law. The chair of the Hearing Panel may place restrictions on the use and disclosure of any evidence as a condition to the production of such evidence to protect the confidentiality or privacy interests of the Law School or members of the Law School community, or for other bona fide reason.
Unless the chair of the Hearing Panel sets a different date, the production of information required under this Paragraph should occur no later than 10 days after the request for production is made or 5 days prior to hearing, whichever comes first. The Hearing Panel may draw an adverse inference from the failure to produce any evidence required under this Paragraph.

6. The Investigator, Presenter or Associate Dean for Academic Affairs shall have the authority at any time prior to Final Decision to discuss with the Respondent a stipulated disposition of the charge. Any stipulated disposition after a charge is referred to the Discipline Committee but before a reasonable cause determination is made must be approved by the Dean and the chair of the Discipline Committee after consultation as appropriate with the Associate Dean for Academic Affairs, Investigator and/or Presenter. Any stipulated disposition after reasonable cause is found and prior to a Final Decision under these rules must be approved by the Dean and a majority vote of the Discipline Committee members, excluding members sitting on the hearing Panel who shall not participate in any consideration of a stipulated disposition. If a stipulated disposition is approved as provided in this paragraph, the matter shall be concluded. If a stipulated disposition is not approved, the matter shall proceed in accordance with these rules.

F. Hearing and Recommended Decision

1. The hearing shall be conducted in such manner as to provide a full and true disclosure of the facts and do substantial justice. The rules of evidence shall not apply at hearing and the Hearing Panel may consider written and oral statements and documents which may be hearsay. The chair of the Hearing Panel has the discretion and authority to decide all procedural issues that may arise in connection with the hearing process.

2. The hearing shall not be open to third persons.

3. The Respondent, Presenter and Hearing Panel members or their attorneys or representatives may question witnesses and offer other evidence during the hearing. No person may be compelled to present evidence at hearing; provided, however, that an adverse inference may be drawn by the failure of the Respondent to speak on his/her own behalf at hearing. The chair of the Hearing Panel has discretion to limit the number of witnesses and questions. The chair may allow opening and closing statements and such other presentation of evidence or argument that s/he believes would be useful to the Hearing Panel.

4. Hearings shall be recorded on tape or stenographically, shall remain the property of the Law School and shall be made available to the Respondent for review or copying, subject to any restrictions the chair of the Hearing Panel may impose to protect the confidentiality or privacy interests of the Law School or members of the Law School community, or for other bona fide reason. The transcript shall not be made available to third persons except as required by legal process.

5. After the presentation of evidence, the Hearing Panel shall decide by majority vote whether the charge allegations have been proven by clear and convincing evidence, shall issue a Recommended Decision and shall send the decision to the Respondent, Presenter, Associate Dean for Academic Affairs, Dean and Dean. The Hearing Panel should attempt to issue its decision within 30 days after the hearing concludes.
6. If the Hearing Panel finds against the Respondent, it may but is not required to recommend a sanction. The recommended sanction shall be included in the Hearing Panel's Recommended Decision. The Hearing Panel may seek the input of any relevant faculty member, student or administrator before recommending a sanction which may include but is not limited to:

   a. Written Warning or Censure.

   b. Disciplinary Probation: Exclusion from participation in school privileges or extracurricular activities for a specified period of time.

   c. Change in Grade: Entry of a reduced or failing grade in a course.

   d. Restitution: Financial reimbursement for damage or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

   e. Suspension: Exclusion from classes and other privileges or activities for a specified period of time.

   f. Expulsion: Termination of the student’s status for an indefinite period of time. The conditions for readmission, if readmission is contemplated, shall be stated in the order of expulsion.

7. A Recommended Decision by the Hearing Panel in favor of the Respondent shall terminate the proceeding and constitute a Final Decision.

G. Review by Dean and Final Decision

1. A Recommended Decision by the Hearing Panel against the Respondent shall be reviewed in all cases by the Dean. The Respondent shall have 7 days after receipt of the Recommended Decision to state his/her position in writing to the Dean concerning the decision. Failure by the Respondent to object to the Recommended Decision may be construed by the Dean as Respondent's agreement with the Recommended Decision. The Dean may review the entire record presented to the Hearing Panel as part of his/her review.

2. The Dean shall make a non-reviewable Final Decision, giving appropriate deference to the factual findings of the Hearing Panel; provided, however, the Dean has the authority to reject or revise the Recommended Decision and/or sanctions of the Hearing Panel and, if necessary, to remand the matter to the Hearing Panel to consider additional evidence or to cure a material procedural error. If the Hearing Panel has not recommended a sanction, the Dean shall make that decision. The Dean may seek the input of any relevant faculty member, student, or administrator before deciding a sanction. The Dean shall issue a Final Decision within a reasonable time after receipt of the Recommended Decision of the Hearing Panel.

3. The Dean shall send his/her Final Decision in writing to the Respondent, Discipline Committee, Dean and Associate Dean of Academic Affairs and, as appropriate, any other member of the Law School Community who has a legitimate interest in knowing the Final Decision.
H. Effect and Disclosure of Disciplinary Decisions

1. The Dean or Associate Dean for Academic Affairs may publish a written summary of the charge and Final Decision to faculty, students, and/or administrators. In such event the names of the Complainant and Respondent shall not be disclosed.

2. The Law School reserves the right to (i) make full disclosure about disciplinary charges and findings to administrators, trustees, faculty, staff and students (including all Disciplinary Committee Members) who need to know to process any disciplinary charge and disposition; (ii) advise all or select administrators, trustees, faculty members, students and media of the charges, process, and disposition of a disciplinary matter without disclosing the name of the Respondent; (iii) make full disclosure in the context of any litigation involving or relating to a disciplinary matter; and (iv) make full disclosure in response to legal process.

Any charge, resolution, stipulated disposition, Final Decision and sanction shall be placed and retained in a student’s official Law School file. Any suspension from attending school, expulsion or revocation of a degree for disciplinary reasons shall be recorded on a student's transcript. Further, the Law School will respond truthfully to questions or other inquiries from other law schools, educational institutions, courts, bar admission committees, employers or other parties who have a legitimate interest in learning about any disciplinary charges, findings and sanctions involving a student or former student and, in that respect, will respond truthfully to questions about allegations of dishonesty, character, or disciplinary proceedings brought against a student or former student.

K. CAMPUS CRIME and SECURITY

(adopted July 29, 2014)

In accord with the federal law entitled Campus Sexual Violence Elimination Act, or Campus SaVE Act, enacted as part of the Violence against Women Reauthorization Act of 2013, The John Marshall Law School (JMLS) adopts the following policy.

Sexual Assault, Relationship Violence (including Domestic Violence and Dating Violence) and Stalking are unacceptable and are not tolerated at JMLS. Retaliation, as defined below, is also prohibited.

JMLS encourages anyone who has been subjected to Sexual Assault, Relationship Violence and/or Stalking to seek appropriate treatment and to report the incident promptly to the police and/or JMLS officials. JMLS has professional staff that will assist student victims in obtaining help, including immediate medical care, counseling and other essential services. Specific policies, methods for reporting and seeking treatment, and resources are described below.

If the alleged offender is a member of the JMLS community, JMLS will take prompt action to investigate and, where appropriate, to impose sanctions. Students, Faculty and Staff who violate school policy are subject to Code of Conduct Procedures and may also be the subject of a criminal prosecution and/or a civil lawsuit. Procedures applicable to staff are found in the Employee Guidelines and procedures applicable to faculty are found in the Faculty Policy.
(1) Definitions

Sexual Assault is any touching, fondling, or penetration by the accused, either directly or through the clothing, of the person’s breasts, anal or genital areas, or other intimate parts, without Affirmative Consent, as defined below. Sexual Assault is an extreme form of sexual harassment. See Policy on Discrimination, Harassment, and Retaliation in the Student, Faculty, and Staff Handbooks.

Affirmative Consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual interactions. Consent to sexual activities must be freely given and must be clearly and unambiguously expressed, by word or actions. Silence, lack of protest, manner of dress, or an existing or prior relationship between the individuals does not necessarily indicate that consent has been given. Intoxication of the alleged offender is not a defense to sexual assault. See also the definition of consent under Illinois law 720 ILCS 5/11-1.70.

A person cannot give consent if they are underage (in Illinois, the age of consent is 17), incapacitated by drugs or alcohol, or temporarily or permanently mentally or physically unable to do so. If a person is asleep, drunk, or under the influence of drugs, that person cannot give consent and a sexual act with that person would constitute sexual assault.

The following points are important aspects of affirmative consent:

- Consent must be ongoing throughout a sexual encounter and can be revoked at any time;
- Consent can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect;
- Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent;
- Silence alone (absent a non-verbal action clearly demonstrating consent) is not considered consent. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary;
- Affirmative consent can never be given by minors, mentally disabled individuals, or incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. Engaging in sexual activity with a person whom you know or reasonably should know to be incapacitated constitutes sexual assault;
- Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

Relationship Violence is a pattern of physical, emotional, verbal and/or sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Relationship Violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person. Relationship Violence includes both Domestic Violence and Dating Violence.

Domestic Violence is Relationship Violence that occurs in the context of a family, roommate or
caretaker relationship.

**Dating Violence** is Relationship Violence that occurs between individuals who are in, or have been in, a romantic or intimate relationship.

**Stalking** is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer emotional distress.

**Retaliation** against anyone reporting, participating in, or thought to have reported or participated in, an allegation or investigation regarding Sexual Assault, Relationship Violence or Stalking is also prohibited. Retaliation will be treated as a violation of this policy regardless of whether any report of Sexual Assault, Relationship Violence or Stalking is substantiated. Retaliation is defined as any adverse or negative action against an individual because that individual has:

- Complained about Sexual Assault, Relationship Violence or Stalking;
- Participated as a party or witness in an investigation related to such allegations; or
- Participated as a party or witness in a proceeding related to such allegations.

Knowingly false accusations are prohibited and will be treated as violations of this policy. Submission of a good faith complaint or report of Sexual Assault, Relationship Violence or Stalking that turns out to be unsubstantiated is not a violation of the policy.

**Intoxication/Drug Protection**: JMLS will not find a student responsible for violating the JMLS Rules of Conduct if they are sexually assaulted while under the influence of alcohol or other drugs. JMLS may provide referrals to counseling and may require educational options, rather than pursue conduct proceedings, in such cases. Excluded from this protection are all students accused of encouraging or voluntarily participating in the assault/sexual assault.

(2) Reporting

Victims of Sexual Assault, Relationship Violence and/or Stalking are encouraged to report these incidents to the police by dialing 911 or to seek immediate assistance by going to a local emergency room. Another non-school resource is the Rape Crisis Hotline 888.293.2080. (See “What to Do if you are the Victim of Sexual Assault” for more information).

Victims are also encouraged to report these incidents to Campus Safety and Security Department or the Associate Dean of Student Affairs. A JMLS staff member will offer to accompany a student to a medical facility or to speak to the police.

Although JMLS encourages all members of its community to report any incidents of Sexual Assault, Relationship Violence and/or Stalking to the police, it is the victim’s choice whether to make a report and victims can decline involvement with the police.

JMLS does not publicize the name of crime victims nor does it include identifiable information in the Campus Security’s Daily Crime Log.

(3) Assistance in the Event of Sexual Assault, Relationship Violence or Stalking

Regardless of whether the student chooses to make a report to the police, JMLS will work with students to provide the assistance (if these measures are requested and are reasonably available),
including, but not limited to:

- Change in academic class schedule;
- Change in on-campus working situation
- No-contact instruction if the alleged offender is a student, faculty or staff member at JMLS.
- Additional security measures while on campus
- Additional security measures when arriving and leaving campus such as escort services
- Working with other institutions if the offender is an employee or student at another institution or organization

These measures may be applied to one, both, or multiple parties involved.

Students may request that directory information on file be removed from public sources by submitting a written request to JMLS’s Office of Registration and Records.

(4) JMLS Complaint Process

This section of the policy sets forth an internal administrative policy to address Sexual Assault, Relationship Violence and/or Stalking alleged to have been committed by a member of the JMLS community. It is not a legal proceeding. This process can take place before, during or after criminal and/or civil proceedings related to the same incident.

As noted above in “Reporting”, members of the JMLS community are urged to promptly report Sexual Assault, Relationship Violence and/or Stalking. If the alleged offender is a member of the JMLS community, the victim will be informed of JMLS’s policy prohibiting such behavior and of their right to pursue a complaint pursuant to this JMLS policy. Under some circumstances, the School may decide to pursue an investigation into the reported conduct if it decides the safety of the community is at risk. The School will inform the victim should it make that decision. If the victim does not inform JMLS of the name of the alleged offender, the School’s ability to investigate and take appropriate action will be limited.

A. Review of Complaint

All complaints of Sexual Assault, Relationship Violence and/or Stalking will be investigated as promptly as possible with a goal of completing the investigation within 60 days. The administrator responsible for the prompt investigation and appropriate resolution will depend on the status of the alleged offender. If the alleged offender is a:

- Student, the Associate Dean of Student Affairs (or designee) shall be responsible for the investigation and resolution;
- Faculty member, the Associate Dean for Academic Affairs (or designee) shall be responsible for the investigation and resolution; and
- Staff member, the Assistant Dean of Human Resources (or designee) shall be responsible for the investigation and resolution.
- Persons involved in the investigation or resolution of complaints of Sexual Assault, Relationship Violence and/or Stalking will receive annual training on these issues.

B. Investigation and Resolution

If the alleged victim is a student, the process for investigating and resolving complaints under the
Student Protection from Discrimination and Harassment Policy will be used. Please refer to this policy in the JMLS Student Handbook for details regarding these procedures. The standard of proof in all cases is “preponderance of the evidence.”

In some cases, a student may also have a staff position or a teaching assignment or a complaint may involve students, faculty, and/or staff members. These different roles may involve more than one administrator and JMLS administrators may coordinate the investigation and resolution of the complaint. JMLS administrators have the discretion to use an existing review process or to coordinate processes in a manner suited to the particular complaint presented. The complainant and the alleged offender will be advised of the applicable process as well as the outcome of the investigation and resolution.

C. Confidentiality.

A person making a complaint or report under this policy has the right to request that his/her name not be disclosed to the offender or that no investigation ensue. All such requests will be given serious consideration and will be honored to the extent possible so long as the request does not compromise the safety of the victim, other students or the law school community. Further, persons who choose not to disclose information or who request strict confidentiality from the alleged offender or relevant witness should understand that this request may compromise the ability of JMLS to fully investigate a complaint or report.

Whether a person requests confidentiality or not, all persons who make a complaint or provide information under this policy will be protected from retaliation and severe sanctions will be administered against any member of the law school community who retaliates or harms any person who makes a complaint or provides information under this policy.

In all cases, JMLS will maintain the confidentiality of complaints and information provided under this policy by disclosing information only on a strict need to know basis to properly investigate and resolve the matter.

D. Sanctions

In addition to remedial action designed to assist the victim, an offender will be subject to disciplinary sanctions for violating this policy. Sanctions include, if the offender is a student: expulsion; suspension; probation; disciplinary warning; restitution, restricted access, mandatory counseling, or some combination of the foregoing. Sanctions include, if the offender is an employee, termination of employment, suspension; probation; salary reduction; demotion; transfer; disciplinary warning; restitution; restricted access; mandatory counseling, or some combination of the foregoing.

(5) Information Regarding Sexual Assault, Relationship Violence and Stalking

A. What to do if You are the Victim of Sexual Assault

- Get to a safe place as soon as possible.
- To get help, call the police at 911 or if you are on campus, contact Campus Security (312.427.2737 ext. 501 M-Fri 7am-11pm Sat-Sun 8am-10pm) or the Associate Dean of Student Affairs (312.427.2737 ext. 435 during office hours).
• Seek immediate medical attention, preferably at an emergency room. Medical personnel are trained to perform a "rape kit" exam, where they are able to gather evidence while examining the victim to help police and prosecutors find and charge the perpetrator. If you might ever want to report the assault, it is important that you do not shower, change clothes, or clean up in any way before going to the hospital, in order not to disturb any evidence medical staff might be able to collect for the police. Sometimes this process can be easier if you have a trusted friend or victim advocate with you.

• Even if you don't want to report the assault to police right now, it is still important to have a medical exam to make sure you are all right. Sometimes people change their minds and want to report to the police later. Also, in addition to treating injuries, medical personnel can test for pregnancy and whether or not you may have been drugged. They can also give you drugs to reduce your chances of contracting sexually transmitted diseases (STDs) or getting pregnant.

• Try to preserve all evidence. Do not throw away clothes or wash, douche, or change. If you must change clothing, put all clothing you were wearing at the time of the attack in a paper (not a plastic) bag.

• Contact the Rape Crisis Hotline (888-293-2080) or the National Sexual Assault Hotline (800-656-Hope) for more support. They can give you counseling, and help you understand your options, such as what medical staff will do during a "rape kit" exam or what might happen while going through the criminal justice system.

• Try to avoid being alone, especially with your attacker, and be alert to your surroundings.

• Get help making a safety plan to avoid or escape a dangerous situation, especially if you know your attacker.

• Make sure you have a safe place to stay.

Adapted from the National Center for Victims of Crime

B. Relationship Violence—Warning Signs and How to Get Help

Relationship violence can happen to anyone of any race, age, sexual orientation, religion or gender.

It can happen to couples who are married, living together or who are dating. Relationship violence affects people of all socioeconomic backgrounds and education levels.

Abuse is a repetitive pattern of behaviors used to maintain power and control over an intimate partner. These are behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want. Abuse includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation. Many of these different forms of abuse can be going on at any one time.

You may be experiencing physical abuse if your partner has done or repeatedly does any of the following tactics of abuse:

• Pulling your hair, punching, slapping, kicking, biting or choking you

• Forbidding you from eating or sleeping

• Damaging your property when they’re angry (throwing objects, punching walls, kicking doors, etc.)

• Using weapons to threaten to hurt you, or actually hurting you with weapons

• Trapping you in your home or keeps you from leaving

• Preventing you from calling the police or seeking medical attention
You may be in an emotionally abusive relationship if your partner exerts control through:

- Calling you names, insulting you or continually criticizing you
- Refusing to trust you and acting jealous or possessive
- Trying to isolate you from family or friends
- Monitoring where you go, who you call and who you spend time with
- Demanding to know where you are every minute
- Punishing you by withholding affection
- Threatening to hurt you, your family or your pets
- Humiliating you in any way
- Blaming you for the abuse
- Accusing you of cheating and being often jealous of your outside relationships
- Serially cheating on you and then blaming you for his or her behavior
- Cheating on you intentionally to hurt you and then threatening to cheat again
- Cheating to prove that they are more desired, worthy, etc. than you are
- Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.
- Telling you that you will never find anyone better, or that you are lucky to be with a person like them

Adapted from the National Domestic Violence Hotline

How to get help:

- Contact the Chicago Police Department (311), Campus Security (312.427.2737 ext.501), or the Domestic Violence Hotlines (national: 800.799.7233; Chicago/local: 877.863.6338) to get information on campus and local resources as well as your legal options.
- Identify your partner's use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
- If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women's shelter. If your safety is at risk, call the Chicago Police Department (911).
- Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

Adapted from the National Domestic Violence Hotline

C. Stalking—Warning Signs and How to Get Help

Stalking is a crime. A stalker can be someone you know well or not at all. Most have dated or been involved with the people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men.

Stalkers may:
• Repeatedly call you, including hang-ups or contact you repeatedly through electronic communication and social media.
• Follow you and show up wherever you are.
• Send unwanted gifts, letters, texts, or e-mails.
• Damage your home, car, or other property.
• Monitor your phone calls or computer use.
• Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
• Drive by or hang out at your home, school, or work.
• Threaten to hurt you, your family, friends, or pets.
• Find out about you by using public records or on-line search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
• Other actions that control, track, or frighten you.

How to get help if you are being stalked:

Stalking is unpredictable and dangerous. No two stalking situations are alike. There are no guarantees that what works for one person will work for another, yet you can take steps to increase your safety.

• If your safety is at risk call 911.
• Trust your instincts. Don’t downplay the danger. If you feel you are unsafe, you probably are.
• Take threats seriously.
• Contact Campus Security, a crisis hotline, victim services agency, or a domestic violence or rape crisis program. They can help you devise a safety plan, give you information about local laws, refer you to other services, and weigh options such as seeking a protection order. (See the resources section below for more info.)
• Develop a safety plan, including things like changing your routine, arranging a place to stay, and having a friend or relative go places with you. Also, decide in advance what to do if the stalker shows up at your home, work, school, or somewhere else. Tell people how they can help you.
• Don’t communicate with the stalker or respond to attempts to contact you.
• Keep evidence of the stalking. When the stalker follows you or contacts you, write down the time, date, and place. Keep e-mails, phone messages, letters, or notes. Photograph anything of yours the stalker damages and any injuries the stalker causes. Ask witnesses to write down what they saw.
• Contact the police, as Illinois has a stalking law (see applicable state laws).
• Consider getting a court order that tells the stalker to stay away from you.
• Tell a family, friends, roommates, co-workers, Campus Security, and the Office of Academic Affairs about the stalking and seek their support.

Adapted from the National Center for Victims of Crime

D. Keeping Safe when Traveling Around Campus and the City

• Try to arrive at and leave social gatherings with a group of people you trust
• Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours
• Keep track of your drinking. Watch your drink as it is made and don’t leave it unattended; avoid group drinks like punch bowls
• If you feel extremely tired or drunk for no apparent reason, find your friends and ask them to leave with you as soon as possible
• Make sure your cell phone is easily accessible and fully charged
• Be familiar with where house phones are installed throughout JMLS buildings
• Avoid dimly lit places; take major, public paths rather than less populated shortcuts
• Pay attention to your surroundings. Avoid putting music headphones in your ears and/or using your smartphone when walking alone
• If walking feels unsafe, especially after dark, try to walk with a friend or contact campus security to request an escort or utilize the JMLS Taxi Cab Services
• Carry a noisemaker (like a whistle) and/or a small flashlight on your keychain

E. What to do if Someone You Know is at Risk of Sexual Assault, Relationship Violence or Stalking

JMLS is a community and we all have a responsibility to support each other. A “bystander” is someone other than the victim who is present when an act of Sexual Assault, Relationship Violence or Stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent Sexual Assault, Relationship Violence or Stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include:

• Not leaving an overly intoxicated person in a bar/party alone
• Calling police when a potentially violent situation is unfolding
• Not leaving an unconscious person alone (alerting Campus Security or a staff member)
• Intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting an JMLS staff member for help)

If you become aware that a JMLS student is the victim of Sexual Assault, Relationship Violence, or Stalking, contact the Chicago Police Department (911), Campus Security or the Associate Dean of Student Affairs. Additional resources are listed below.

(6) Resources

Students who report a Sexual Assault, Relationship Violence or Stalking have numerous options and support services available to them, including medical and psychological services as well as administrative, disciplinary, and legal options.

On-Campus Resources

Campus Safety and Security Department
JMLS Campus Security
312.427.2737 ext. 501
Available Monday-Friday 7am-11pm and Saturday-Sunday 8am-10pm
Ask to speak to supervisor on duty

Ali Haleem
Director
Campus Safety and Security
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Main: (312) 427-2737 x339
ahaleem@jmls.edu

Ralph Ruebner
Professor of Law and
Associate Dean for Academic Affairs
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Tel: (312) 427-2737 x384
Fax: (312) 427-5134
7ruebner@jmls.edu

William B Powers
Associate Dean
Admission and Student Affairs
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Tel: 312.427.2737 ext. 435
Fax: 312.427.5136
6powers@jmls.edu

Margaret O’Mara Frossard
Associate Dean
Professionalism & Career Strategy
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Phone: 312.427.2737 ext. 112
mfrossar@jmls.edu

Jodie Needham
Assistant Dean
Academic Services
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Main: (312) 427-2737 x775
Fax: (312) 427-2922
6Needham@jmls.edu

Martin D'Ambrose
Assistant Dean
Human Resources
The John Marshall Law School
315 South Plymouth Court
Corinne Morrissey
Director
Academic Achievement Program
The John Marshall Law School
315 South Plymouth Court
Chicago, Illinois 60604
Phone: 312.987.2357
Fax: 312.427.8307
cmorrissey@jmls.edu

JMLS Counseling Services
The John Marshall Law School
315 S. Plymouth Court
Chicago, Illinois 60604
Phone: 312.360.2668
Jmlshealthservices@gmail.com

Title IX Coordinator:
William B Powers
Associate Dean
Admission and Student Affairs
The John Marshall Law School
315 South Plymouth Court
Chicago, IL 60604
Tel: 312.427.2737 ext. 435
Fax: 312.427.5136
6powers@jmls.edu

Title IX Investigator:
Troy A. Riddle
Director
Diversity Affairs and Outreach
The John Marshall Law School
315 S. Plymouth Court
Chicago, IL 60604
Main: 312-427-2737 x174
TRiddle@jmls.edu

Off-Campus Resources

Chicago Police Department
911 for emergency calls
311 for non-emergency calls

Chicago Domestic Violence Helpline
Chicago Metropolitan Battered Women’s Network
1 E. Wacker Dr., Suite 1630
Chicago, IL 60601
312.527.0730

The National Domestic Violence Hotline
800.799.7233

Northwestern Memorial Hospital
Emergency Department
250 E Erie Street
Chicago, IL 60611
312.926.5188

Rape Crisis Hotline
888.293.2080

Rape Victim Advocates
312.443.9603
180 N. Michigan Ave., suite 600
Chicago, IL 60601
rapevictimadvocates.org

YWCA Metropolitan Chicago
312.372.6600
1 N. LaSalle St., suite 1150
Chicago, IL 60602
ywcachicago.org

(7) JMLS Education and Prevention Programs

JMLS provides education programs to promote awareness of Sexual Assault, Relationship Violence and Stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new staff and faculty and ongoing awareness and prevention campaigns for students, staff and faculty that:

- Identify Sexual Assault, Relationship Violence and Stalking as prohibited conduct;
- Define Sexual Assault, Relationship Violence and Stalking under JMLS’s policy and under Illinois law;
- Define behavior that constitutes consent to sexual activity under Illinois law;
- Provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Sexual Assault, Relationship Violence or Stalking against a person other than the bystander;
- Provides information on risk reduction so that students, staff and faculty may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.
JMLS has developed an annual educational campaign consisting of presentations that include: New Student Orientation, New Employee Orientation, New Faculty Orientation, Communication Program (to include signage, brochures, and email), Campus Security Authorities, Investigator / Adjudicator Training, Web-based Manager Training, and Security Officer Training.

(8) Applicable Illinois State Law

Definition of “Consent,” 720 ILCS 5/11-1.70
Illinois Domestic Violence Act of 1986 750 ILCS 60

Illinois Stalking Statutes

Aggravated Stalking, 720 ILCS 5/12-7.4
Cyberstalking 720 ILCS 5/12-7.5
Stalking 720 ILCS 5/12-7.3

IX. Orders of Protection

Orders of protection (commonly referred to as restraining orders) are legal orders, put in place by a judge, that restrict or limit the amount of contact a person can have with another person.

JMLS takes all existing orders of protection seriously.

If you have an order of protection, protecting you from someone else, we ask that you please inform Campus Security so that they have it on record. This will help JMLS in case there is an issue with the offender. To do so, please email Ali Haleem, Director of Campus Safety and Security, ahaleem@jmls.edu or stop into the Campus Security office.

If you are having an issue with a person, Campus Security can help explain the legal process for obtaining an order of protection.

For more information on obtaining an order of protection, please visit WomensLaw.org

A. Crime Reporting Policy

To ensure that the John Marshall Law School is a safe and secure environment for all students, employees, and visitors, the Law School has formed a unified Security & Safety Department. This department investigates all crimes reported and also administers building life safety procedures.

During the hours of operation, the Law School employs between one and four dedicated security employees; consisting of two in-house full-time professionals, a roving security guard, and a security guard at the building’s main entrance. Any person who witnesses a crime or suspects a crime has been committed should first attempt to contact Ali Haleem at ext. 339. If Dave is not available, contact the main security desk at ext. 507.

Once a crime has been reported to the Security & Safety Department, a report is generated and an investigation takes place. All crimes reported since 2003 have been logged in the Security Incident Report database. This database is available upon request to any member of the Law School, after personal information is removed. Each year on September 1st, the Law School is
required to file a Campus Crime Report, in accordance with the 1998 Jeanne Cleary Disclosure of Campus Security Policy and Crime Statistics Act. The Cleary Act requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data are collected, reported, and disseminated to the campus community and the U.S. Department of Education. Reportable crimes under the Cleary Act include murder, manslaughter, sex offenses, robbery, burglary, motor vehicle theft, arson, illegal weapons possession, drug, and liquor violations. Since the inception of this program, the law school has not had any reportable offenses occur on campus.

B. Campus Crime Report
In compliance with the Act, the law school makes the following disclosures:

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**APPENDIX I: RESERVATION OF RIGHTS**

The John Marshall Law School reserves the right to 1) modify the requirements for admission or graduation, 2) change the tuition fees, 3) change the assignment of teachers, arrangement of courses, content of courses, or materials used at any time, 4) change the calendar year, 5) refuse admission or readmission to any student at any time, 6) dismiss any student at any time for either academic or disciplinary reasons, or 7) modify, add to, or delete any other provision within the law school catalogue or this manual at any time.