

**WIDENER
UNIVERSITY
DELAWARE
LAW SCHOOL**

**STUDENT
HANDBOOK
ACADEMIC YEAR
2017-2018**

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The university's Title IX Coordinator monitors compliance with Title IX and its accompanying regulations. Individuals with questions or concerns about Title IX and/or those who wish to file a complaint of noncompliance may contact the university's Title IX Coordinator or Deputy Title IX Coordinators as follows:

The university's Title IX Coordinator is Grace Karmioli, Director, Employee Relations, One University Place, Chester, PA 19013, 610-499-1301, gckarmioli@widener.edu. The university has also appointed several Deputy Title IX Coordinators. Students on all campuses are encouraged to contact Kevin Raport, Chief of Campus Safety, Widener University Law Schools, Deputy Title IX Coordinator, Delaware Law School, 4601 Concord Pike, Concord Hall, Wilmington, DE 19803, 302-477-2202, kjraport@widener.edu. Students on the Chester, Pennsylvania campus and Continuing Studies students with Title IX issues are encouraged to contact Catherine Feminella, Assistant Dean for Student Development and Engagement, Deputy Title IX Coordinator, One University Place, Chester, PA 19013, 610-499-4392, cafeminella@widener.edu. Students and employees at the Delaware Law School with Title IX issues are encouraged to contact Susan Goldberg, Associate Dean for Student Services, Deputy Title IX Coordinator, 4601 Concord Pike, Wilmington, DE 19803, 302-477-2173, slgoldberg@widener.edu. Students and employees at the Commonwealth Law School with Title IX issues are encouraged to contact Mary Catherine Scott, Esq., Supervising Attorney, Central PA Law Clinics, Director of Student Organizations, Deputy Title IX Coordinator, 3605 Vartan Way, 2nd Floor, Harrisburg, PA 17110, 717-541-0320, mccott9055@mail.widener.edu.

The United States Department of Education's Office for Civil Rights (OCR) is the division of the federal government charged with enforcing compliance with Title IX. Information regarding the OCR can be found at: www.ed.gov/about/offices/list/ocr/index.html. Questions about Title IX may be directed to the OCR as well as to the university's Title IX Coordinator or Deputy Title IX Coordinators.

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**WIDENER UNIVERSITY
DELAWARE LAW SCHOOL**

STUDENT HANDBOOK

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DELAWARE LAW SCHOOL LEARNING OUTCOMES AND OBJECTIVES

Juris Doctor Program Outcomes and Objectives

Effective May 2017, the faculty of Widener University Delaware Law School adopted the following Outcomes and Objectives for its Juris Doctor program of education.

Student Learning Objectives

1. Students will demonstrate the knowledge, skills, and scholarship appropriate to the study and practice of law.
2. Students will demonstrate the ability to think critically and communicate effectively.
3. Students will demonstrate the characteristics of responsible professional behavior.

Student Learning Outcomes

The learning outcomes below shall be measured in relation to the competency of an entry-level practitioner.

1. Students will demonstrate a meaningful knowledge and understanding of substantive law, legal theory and procedure, the ability to direct their own learning in new or unfamiliar areas of the law, and the ability to apply their knowledge and understanding to new situations.
2. Students will demonstrate analytical and reasoning skills relevant to the practice of law.
3. Students will demonstrate the ability to research relevant law.
4. Students will demonstrate the ability to communicate appropriately and effectively, both orally and in writing.
5. Students will demonstrate skills used in the identification and resolution of the problems of clients. Students will demonstrate the ability to analyze and evaluate conduct in light of, and exercise judgment consistent with, the standards of responsible professional behavior.

**ACADEMIC CODE
OF
WIDENER UNIVERSITY
DELAWARE LAW SCHOOL**

PART ONE: DEFINITIONS AND EFFECTIVE DATE

Section 101. Definitions.

The following definitions apply to this Academic Code:

- (a) **Academic Year.** The academic year begins July 1 and runs through June 30. Students matriculating before Summer 2017 should refer to the relevant student handbook for curriculum requirements.
- (b) **Law School.** Widener University Delaware Law School.
- (c) **Dean.** The Dean of the Law School.
- (d) **ADAA.** The Associate Dean for Academic Affairs.
- (e) **Extended Division Student.** Any student who is enrolled in fewer than twelve credit hours (excluding the first year when students may take up to twelve credit hours of coursework per semester) but more than seven credit hours of semester long course work. (Short courses lasting 2-7 days are not semester long courses.)
- (g) **Regular Division Student.** Any student who is enrolled in twelve or more credit hours of semester long course work. (Short courses lasting 2-7 days are not semester long courses.)
- (i) **Code.** The Academic Code of the Law School.

Section 102. Effective Date.

The provisions of the Academic Code as amended are effective for all students matriculating on or after July 1, 2002, unless otherwise provided.

PART TWO: GRADUATION REQUIREMENTS

(See also §501 et seq. of the Dean's Office Regulations.)

Section 201. Graduation Requirements.

In order to graduate from the Law School, a student must satisfy the following requirements:

- (a) **Academic Credits.** For students matriculating during or after the 2017 Summer term, a student must earn 90 academic credits, at least 56 of which must be earned while enrolled as a student at the Law School. For students matriculating before the 2017 Summer term, a student must earn 88 academic credits, at least 54 of which must be earned while enrolled as a student at the law school. See Part III, §301 et seq. of the Code for rules relating to academic credits and course load.
- (b) **Cumulative Grade Point Average.** A student must complete law school studies with a cumulative grade point average of at least a 2.000 (as computed using the rules set forth in §602 of the Code).
- (c) **Completion of All Required Courses.** A student must earn a passing grade in each required course. See §606(b) of the Code for rules relating to this requirement. (See also §§101 through 303 of the Faculty Policy Statement on the Curriculum for a description of required course sequences and prerequisites.)
- (d) **Writing Requirement.** For students matriculating before the 2017 Summer term, each student must submit to the Registrar a Writing Requirement Certificate to establish the student's satisfactory completion of the Law School's Writing Requirement in accordance with §501 of the Code.
- (e) **Experiential Credit Requirement.** For students matriculating during or after the 2017 Summer term, each student must earn at least twelve credits through courses designated as experiential-credit courses. Students who matriculated prior to the 2017 Summer term must earn at least six such credits. (See also §502 of the Code and §301 of the Faculty Policy Statement on the Curriculum.)
- (f) **Character and Fitness.** Students have a continuing duty to update the information they provided in response to the character and fitness section of the Law School application to reflect any changes since law school matriculation.
- (g) **Petition to Graduate.** Every student must apply for graduation by completing the online Petition to Graduate in Campus Cruiser and its accompanying form not later than September 30 for December graduates, or October 30 for May graduates. When a petition to graduate is received, the Registrar will audit the student's academic records for compliance with the graduation requirements set forth in §201 of the Academic Code. If the student has satisfied these requirements, the student's name will be submitted to the Law School faculty for approval.

Section 202. Completion of Degree Requirements.

- (a) **General Rule.**

All students must complete all degree requirements within 84 months of matriculation.

(b) **Matriculation.** For purposes of this section, matriculation shall mean the date on which a student first begins legal studies at any law school accredited by the American Bar Association, not including a Trial Admissions Program.

Section 203. Early Graduation.

In order to graduate one semester ahead of schedule, a student who did not participate in the Summer Advantage Program should configure the following credit schedule.

RD STUDENT	ACADEMIC CREDITS
First Year	32
Summer	6
Second Year	At least 31
Summer	6
Third Year Fall	15 credits
TOTAL	90*

ED STUDENT	ACADEMIC CREDITS
First Year	24
Summer	6
Second Year	At least 20
Summer	4 – 6
Third Year	At least 20
Summer	4 – 6
Fourth Year Fall	11
TOTAL	90*

*Students matriculating before Summer 2017 must earn 88 credits to graduate.

Students who participated in the Summer Advantage Program wishing to graduate one semester ahead of schedule have somewhat more flexibility and could configure the following credit schedule:

RD Student with Summer Advantage Program

RD STUDENT	ACADEMIC CREDITS
First Year	35 (3 Summer/32 Fall/Spring)
Summer	6
Second Year	At least 31
Summer	3
Third Year Fall	15 credits
TOTAL	90*

ED Student with Summer Advantage Program

ED STUDENT	ACADEMIC CREDITS
Summer Advantage	3
First Year Fall/Spring	24
Summer	4 – 6
Second Year	21 or 22
Summer	4 – 6
Third Year	21 or 22
Summer	4 – 6
Fourth Year Fall	8-11
TOTAL	90*

Students considering early graduation should consult with the Office of Student Affairs as early as possible.

See §401 of the Academic Code and §501 et seq. of the Dean’s Office Regulations for further graduation requirements.

*Students matriculating before Summer 2017 must earn 88 credits to graduate.

PART THREE: ACADEMIC CREDITS & COURSE LOAD

(See also §§301 through 310 of the Dean's Office Regulations.)

Section 301. Definitions.

The following definitions apply to this Part:

- (a) **Classroom Credit.** Credit earned for receipt of a passing grade in any course which meets on a regular basis in a classroom setting during the academic year.
- (b) **Non-Classroom Credit.** Credit earned for satisfactory participation in an activity described in §303 of the Code.
- (c) **Experiential Credit.** Credit earned for satisfactory participation in an in-house clinical program, an externship program, or an approved simulation course.
- (d) **Directed Research Credit.** Credit earned for satisfactory completion of a research project which satisfies the requirements set forth in §305 of the Code.
- (e) **Distance Education Credit.** Credit earned for receipt of a passing grade in any course in which students are separated from the faculty member or each other for more than one-third of the instruction, and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously. Courses providing distance education credit shall be so designated on the course schedule each semester.
- (f) **Simulation Course.** A simulation course provides substantial experience not involving an actual client that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.

Section 302. Academic Credits.

- (a) **General Rule.** A student may satisfy the academic credit graduation requirement described in §201(a) of the Code by earning classroom credits, non-classroom credits, clinical, experiential, and directed research credits.
- (b) **Limitations.** Academic credit earned under §302(a) is subject to the following limitations:
 - (1) **Course Load Limitation.** Registration for courses for which academic credit is available is subject to course load limitations imposed by §306 of the Code.
 - (2) **Non-Classroom Credit.** No student may earn more than eight non-classroom credits. (See also §303 of the Code.)
 - (3) **Clinical and Externship Credit.** No student may earn more than a combined total of twelve clinical and externship credits. (See also §304 of the Code.)
 - (4) **Directed Research Credit.** In general, no student may earn more than two directed research credits. A student may earn up to an additional two directed research credits with approval of the Office of Student Affairs. The Office of Student Affairs may grant a request

for this additional directed research credit upon approval of a supervising faculty member and a showing of good cause. The decision of the Office of Student Affairs is not appealable. (See also §305 of the Code.)

(5) **Distance Education Credit.** No student may earn more than fifteen credits toward their JD degree in distance education courses. (See also §§301(e) and 313 of the Code.) Additionally, a student may not earn a distance education credit until having completed 28 credits of coursework.

Section 303. Non-Classroom Credit.

(a) **General Rule.** Eligible students may earn non-classroom credit for satisfactory participation in the following activities:

(1) **Law Review.** A member of the *Delaware Journal of Corporate Law*, or the *Widener Law Review* may earn up to seven academic credits for satisfactory participation in the work of the Law Review. A staff member may earn one credit for each semester of service. A staff member may earn one credit for the satisfactory completion of a student note or article. An editorial board member may earn two credits for each semester of service. In order to qualify for credit, a student must register for the credits for the semester in which credit will be earned or in the semester immediately following the semester in which credit is earned.

(2) **Moot Court Honor Society.** A member of the Moot Court Honor Society may earn up to seven academic credits for satisfactory participation in the work of the Moot Court Honor Society. A staff member may earn one credit for each semester of service in which the member is not earning credit for competing in a Moot Court interscholastic competition. An executive board member may earn two credits for each semester of service in which the member is not earning credit for competing in a Moot Court interscholastic competition. A member may earn up to two credits for each semester in which the member satisfactorily competes in a Moot Court interscholastic competition, subject to the credit limitations in §302 of the Code. In order to qualify for credit, a student must register for the credits for the semester in which credit will be earned or in the semester immediately following the semester in which credit is earned.

(3) **Interscholastic Competitions.** A student may earn up to four academic credits for satisfactory participation in interscholastic competitions. A student may earn up to two academic credits for satisfactory participation in a single approved interscholastic competition, and no more than two credits in a semester for participating in such competitions. In order to qualify for credit, a student must register for credit in the semester in which credit will be earned or in the semester immediately following the semester in which credit is earned.

(4) **Transactional Law Honor Society.** A student may earn one credit up to seven academic credits for satisfactory participation in the work of the Transactional Law Honor Society. A student may earn two credits for each semester of service.

(b) **Grading of Non-Classroom Credit.** Non-classroom credit is graded on a pass-fail basis only.

(c) **Eligible Students.** Any student whose cumulative grade point average is less than 2.500 may not register for non-classroom credit. Nothing in this section shall prevent student organizations

from requiring a grade point average equal to or higher than 2.500 for membership or participation in its programs.

Section 304. Clinical and Externship Credit.

(a) **Credit Limitations for Clinics and Externships.** No student may earn more than a combined total of twelve clinical and externship credits.

(1) **Clinical Program.** No student may receive more than six academic credits per semester for participating in a clinical program.

(2) **Externship Program.** A student must devote at least five hours per week in an externship program to justify each academic credit.

(b) **Eligibility for Clinical and Externship Programs.** A student may enroll in a clinical or externship program only after successful completion of the course in Professional Responsibility and the other prerequisite courses listed in the Faculty Policy Statement on the Curriculum for the clinical or externship program in question. Successful completion means that the student has earned a grade of at least 2.0 in that course. Additionally, each clinical and externship program requires an overall minimum grade point average as part of the eligibility requirements. Check with the clinic or externship director for more information.

Section 305. Directed Research.

(a) **General Rule.** Directed research credits may be earned only by the submission of suitable written work (paper, memorandum or brief) by the student to the supervising faculty member.

(b) **Standards Applicable to Directed Research Projects.** Directed research credits shall be awarded by the supervising faculty member in relation to the amount of work performed by the student. One directed research credit shall be granted for approximately four hours of work performed by the student each week during the semester. The student and supervising faculty member must agree in advance on the number of credits to be earned for any semester. See §202 of the Dean's Office Regulations for limitation on deferred completion of papers.

(c) **Limitation on Credits Earned.** A student may earn no more than two directed research credits. See §302(b)(4) of the Academic Code.

(d) **Eligibility.** A student whose cumulative grade point average is less than 2.500 may not register for directed research.

(e) **Supervising Faculty Member.** Only a full-time faculty member may serve as a supervising faculty member under this section.

(f) **Restriction on "Recycling."** No student may earn directed research credit for a paper which substantially relies on research or writing previously or concurrently performed by the student for any other purpose, including but not limited to work submitted in satisfaction of the requirements of the *Delaware Journal of Corporate Law*, *Widener Law Review*, Moot Court Honor Society or an interscholastic competition.

Section 306. Course Load.

(a) **Regular Division Student.** The normal academic course load for a Regular Division Student (as defined in §101(g)) is 12 to 16 credit hours per semester (24 to 32 credit hours per year). Student status is fixed as of the first day of the third week of classes.

(b) **Extended Division Student.** The normal academic course load for an Extended Division Student (as defined in §101(e)) is 8 to 11 credit hours per semester (16 to 22 credit hours per year with the exception of the first year). Student status is fixed as of the first day of the third week of classes.

(c) **Part Time (Flexible) Schedule Students.** Students may register for less than 8 credits only after completion of the first year, and only with the permission of the Office of Student Affairs. Permission to register for part-time status will be granted only in extraordinary circumstances. Permission must be obtained each semester a student wishes to be on a part-time schedule. Student status is fixed as of the first day of the third week of classes. No overload will be permitted.

(d) **Variations from Normal Course Load.**

(1) **Regular Division Student.** A Regular Division Student must obtain permission from the Office of Student Affairs before registering for more than 16 credit hours of semester long course work or fewer than 12 credit hours in any semester. A one credit overload may be sought via a Dean's Action Request. The student will be charged for the overload. See §301(b) of the Dean's Office Regulations for additional requirements.

(2) **Extended Division Student.** An Extended Division Student must obtain permission from the Office of Student Affairs to register for fewer than 8 credit hours in any semester. An Extended Division Student is not permitted to enroll in more than 11 credit hours of semester long course work except for the first year. A one credit overload may be sought via a Dean's Action Request. Such a request will be approved only in the final year of law school. The student will be charged for the overload.

(3) **Part Time Student.** An Extended Division Student may, only with the permission of the Office of Student Affairs, petition to register for fewer than eight (8) credits, after the first year, on the Part-Time Plan. A Part-Time Student in the extended division is defined as a student taking from 4 to 7 credits per semester. Permission will be granted only in extraordinary circumstances. Permission must be obtained each semester a student wishes to be a Part-Time student. Student status is fixed as of the first day of the third week of classes. Students registered for fewer than 8 credits will be charged a per credit tuition. See §401.

(e) **LL.M. Students.** Any graduate student enrolled for 8 or more semester hours of instruction is a full-time student. Any graduate student enrolled for less than 8 semester hours of instruction is a part-time student. Any graduate student enrolled for 4 semester hours is considered half-time.

Section 307. Withdrawal from Courses.

(a) **Required Course.** The Office of Student Affairs may grant a written request filed by a student to withdraw from a required course. Permission to withdraw from a required course will be granted only in cases of exceptional hardship to a student caused by circumstances beyond the student's control. The decision of the Office of Student Affairs is not appealable.

- (b) **Elective Course.** A student may withdraw from an elective course at any time during the first six weeks of the semester (or the first two weeks of the summer term) by filing a notice of withdrawal with the Registrar. A student may withdraw from an elective course after this period and before the day prior to the first day of final examinations for the semester only with the approval of the Office of Student Affairs. The decision of the Office of Student Affairs is not appealable.
- (c) **ITAP.** A student may withdraw from ITAP, or any other course with a condensed class schedule, only up until the date specified by the Registrar's Office. Withdrawal after that date will result in a forfeiture of tuition paid for the class.
- (d) **Report of W for Dropped Course.** The Registrar shall record a "W" for any course dropped by a student after the end of the Add/Drop period, or after the date specified for dropping ITAP, or any other course with a condensed class schedule.
- (e) **Forfeiture of Tuition for Withdrawal From Class After Add/Drop By Per Credit Charge Students.** Tuition paid or payable with respect to any class from which a student withdraws after Add/Drop shall be forfeited in full. A student who adds a course as a replacement for the course from which the student withdraws shall be responsible for payment of additional tuition for the course added.

Section 308. Auditing Courses.

- (a) **Registration.** Prior to the end of Add/Drop, a student may register to audit an elective course with permission from the instructor if the Registrar certifies that space is available. If auditing the course would result in an overload, permission must be obtained from the Office of Student Affairs. If approved, all audit credits will be charged on a per credit basis. The Office of Student Affairs may grant a written request for a change from credit to audit enrollment at any time after Add/Drop and within six weeks of the beginning of the semester (or within two weeks of the beginning of the summer term).
- (b) **Other Rules.** A grade of "AU" (Audit) will be awarded to each student who audits a course. An auditing student who fails to comply with the attendance requirements set forth in §601 of the Code will be treated as having withdrawn from the course after Add/Drop under §307(b) of the Code. A student shall not receive academic credit for auditing a course.

Section 309. Other Academic Programs.

- (a) **General Rule.** A student shall not enroll in another academic program or a joint degree program without the consent of the Office of Student Affairs.
- (b) **Joint Degree Programs.**
- (1) **Juris Doctor/Master of Business Administration Program.** Any student desiring to enroll in the Widener University Joint Juris Doctor/Masters of Business Administration program after matriculating must have completed the first year of law school with a GPA of at least 2.700. Students must submit a separate application to the joint degree program. Joint degree applications are available from the Faculty Advisor for the program. Students in the joint degree program must maintain all minimum GPA requirements applicable to law students generally. In the event of withdrawal from the Program, students may retain no more than six (6) upper level Business Administration credits towards the J.D. degree.

(2) **Juris Doctor/Masters in Public Health.** Any student desiring to participate in the Joint Program for Law and Public Health leading to a Juris Doctor degree awarded by Widener University and Master of Public Health degree awarded by Thomas Jefferson University's Jefferson College of Graduate Studies must submit admission applications separately to the Law School and the Jefferson College of Graduate Studies.

(3) **Other Joint Degree Programs.** Any student desiring to enroll in any other joint degree program authorized by the faculty of the Law School must follow rules similar to those set forth in §309(b)(1) above.

(c) **Other Programs.** No student may visit another law school or enroll in any other academic program without first obtaining written approval from the Office of Student Affairs. For rules dealing with visitation at other law schools, see Part VIII, §801 et seq. of the Code.

Section 310. Outside Employment.

(a) **General Rule.** Regular Division students are urged not to engage in outside employment during their first year of law school. Regular Division Students may not exceed twenty hours of outside employment per week during the academic year, and are advised not to exceed fifteen hours of outside employment per week.

(b) **Violation of Restriction on Outside Employment.** Any Regular Division student whose outside employment exceeds twenty hours per week during a semester shall transfer to the extended division. The course load of such student shall be reduced in order to comply with the requirements of §306(b) of the Code. This reduction in course load shall be treated as a withdrawal from courses under §307 of the Code.

(c) **Compliance.** Each Regular Division student shall complete and deliver to the Registrar a written statement in support of the student's compliance with the requirements of subsection (a) of this section, each semester.

Section 311. Summer Term

The normal academic course load for any student enrolled during the summer term is 3 to 6 credit hours. A student is not permitted to register for more than 6 credit hours, except when registering for ITAP, without obtaining written permission from the Office of Student Affairs. A one (1) credit overload may be approved by the Office of Student Affairs. The decision of the Office of Student Affairs is not appealable.

Section 312. Variation from Rules for Hardship.

(a) **Petition for Variance.** A student may petition the Office of Student Affairs in writing for a variance from the rules set forth in sections 306, 307, 308, 309 or 311 on grounds of substantial hardship or exceptional merit. The petition shall conform substantially to Official Form One (reproduced in Appendix B).

(b) **Decision by Office of Student Affairs.** The Office of Student Affairs shall review all petitions filed pursuant to §312(a) of the Code and, after considering relevant evidence offered by the student in support of the petition, shall either grant or deny the request for relief. The Office of Student Affairs shall have absolute discretion to grant or deny the petition. Any variance granted shall

(c) be consistent with the terms of American Bar Association Standards. The decision of the Office of Student Affairs is not appealable.

Section 313. Distance Education Credit.

(a) **General Rule.** No student may earn more than fifteen credits toward their JD degree in distance education courses.

(b) **Eligibility for Enrollment in Distance Education Courses.** A student may enroll in a distance education course only after successful completion of 28 credits toward their JD degree.

PART FOUR: CREDIT HOUR

Section 401. Definition.

(a) **Completion of Credit Hour.** A credit hour attributable to any course which was passed with a grade of "D" or better (or a "Pass" in a course graded on a pass/fail basis) shall be treated as completed for purposes of §401 of the Code.

PART FIVE: ADDITIONAL REQUIREMENTS

Section 501. Writing Requirement.

- (1) In order to graduate, a student matriculating before Summer 2017 must demonstrate substantial achievement in legal writing by completing one original, individually authored writing project. The project must meet the requirements of subsections (a), (b) or (c). Subsection (d) applies to all methods used for completion of the requirement.
 - (a) **Written Work Performed for Academic Credit.** A student may meet the writing requirement by satisfactorily completing a seminar, course or clinical program, taught by a full-time member of the faculty, in which the student is required to submit a paper of at least 20 typewritten, double-spaced pages (approximately 5,000 words) in length, including notes. Work submitted under this subsection shall be in the form specified by the instructor, and must be certified by the instructor as demonstrating substantial achievement in legal writing. The term "course" includes Directed Research performed under the supervision of a full-time tenured or tenure track faculty member. (In order to enroll in a Directed Research a student must first comply with the requirements of §305 of the Academic Code.)
 - (b) **Written Work Performed for Membership in a Law Journal.** A student may meet the writing requirement by submitting written work prepared for the purpose of maintaining membership in one of the Law School law journals. Work submitted under this subsection shall be in the form specified by the editorial board of the journal, and must be certified by the board and by the faculty advisor as demonstrating substantial achievement in legal writing.
 - (c) **Written Work Performed for Other Publications or in a Writing Contest.** A student may meet the writing requirement by submitting written work published in a scholarly periodical, journal or treatise, or singled out for honor in a nationally recognized writing competition. Work submitted under this subsection must be certified through the Office of Student Affairs as demonstrating substantial achievement in legal writing.
 - (d) **Restriction on "Recycling."** A student may not submit work in satisfaction of the writing requirement which substantially relies on research or writing previously or concurrently performed by the student for any other purpose, unless the student first fully discloses the prior use of the work (or its intended future use, as the case may be) and obtains the consent of the person responsible for certifying that it demonstrates substantial achievement in legal writing.
- (2) Students matriculating during or after the Summer 2017 term will satisfy the requirement by completing Legal Methods III.

Section 502. Experiential Credit Requirement.

For students matriculating during or after the 2017 Summer term, a student must receive substantial instruction in professional skills by successfully earning at least twelve credits in experiential courses (including at least six credits in courses designated as clinics, externships or live representation) from the list approved by the faculty. Courses that provide experiential credits will be posted by the Registrar's Office in connection with registration.

PART SIX: EXAMINATION AND GRADING

(See also §§201 through 205 of the Dean's Office Regulations.)

Section 601. Grading System.

(a) **Grades Issued After August 20, 1989.** The Law School grade structure for all registered course work after the summer term, 1989, is as follows:

A+	=	4.000	C+	=	2.300	W	=	Withdrawal
A	=	4.000	C	=	2.000	AU	=	Audit Only
A-	=	3.700	C-	=	1.700	I	=	Incomplete
B+	=	3.300	D+	=	1.300	P	=	Pass
B	=	3.000	D	=	1.000	IW	=	Involuntary Withdrawal
B-	=	2.700	F	=	0.000	Z	=	No grade received from faculty member.

An instructor may award only one A+ in each course or seminar. The student awarded the highest grade in a course may receive a Certificate of Achievement for that course.

(b) **Pass/Fail Courses.** In certain courses, a grade of "P" (Pass) is assigned if the student satisfactorily completes the course. A "P" does not have a grade point or other equivalent. A grade of "F" (Fail) in a pass/fail course is treated as the letter grade of "F." Students may not elect to enroll in a course on a pass/fail basis.

(c) A "Z" is an administrative grade that indicates that the Registrar's Office is not in receipt of a grade from that professor.

Section 602. Grade Point Average.

(a) **Computation of Grade Point Average.** The grade point average of a student is determined by multiplying the numeric equivalent of each letter grade received in each course by the number of credit hours assigned to each course. The product is divided by the number of "to calculate credits" to arrive at the student's grade point average for the semester.

(b) **Attempted Credits.** For purposes of this section, "attempted credits" means the total number of credit hours for which a student is enrolled for a semester.

Section 603. Grade for Classroom Performance.

An instructor may give a grade of plus or minus for each student's classroom performance during any course other than first year courses. Such a grade is issued in addition to an examination grade or grade derived from papers, projects or other graded course work. A plus or minus grade issued under this section shall change the student's grade for the course by one third of a grade or one step (e.g., from C+ to B- or from B to B+). An instructor wishing to grade classroom performance under this section must announce the criteria applicable to the classroom performance grade within the first two weeks of class. At the conclusion of the course, the instructor will receive a grade adjustment sheet for all students in the course. If the instructor has complied with the requirements of this section, a "plus" or "minus" may be issued for any student. No student may be minused to an "F". No student may be plussed to a "D" from an "F" or to an "A+" from an "A".

Section 604. Grade Changes.

- (a) **General Rule.** Any grade for a course, seminar or special course submitted by an instructor is final when verified by the Registrar and may not be changed by the instructor.
- (b) **Exception.** A grade given by an instructor in a course, seminar or special course may be changed by the instructor if the original grade was recorded as an "Incomplete." The instructor may submit the correct letter grade to the Registrar for inclusion in the affected student's transcript.
- (c) **Student Application for Change of Grade.** A student may apply for a change of grade on the grounds that the grade was awarded contrary to the provisions of the Academic Code, or was the proximate result of discrimination on account of sex, age, race, national origin or ethnicity, religion, disability, status as a veteran of the Vietnam era or other covered veteran, sexual orientation, gender identity or marital status initiated by the faculty member responsible for issuing the grade. The burden of proof is on the student to prove the allegations. Any petition for change of grade under this subsection shall be considered by the Office of Student Affairs pursuant to rules set forth in §312(b) of the Code.
- (d) **Faculty Application for Change of Grade.** An instructor may apply to the Dean or ADAA for a change of grade upon a showing of good cause. For purposes of this subsection, "good cause" is limited to a clerical error in recording a grade or other similar situation.

Section 605. Honors Graduates.

- (a) **Summa Cum Laude.** Any student with a final cumulative grade point average of 3.750 or higher shall graduate summa cum laude.
- (b) **Magna Cum Laude.** Any student with a final cumulative grade point average of 3.500 to 3.749 shall graduate magna cum laude.
- (c) **Cum Laude.** Any student not covered by subsections (a) or (b) of this section whose final cumulative grade point average is between 3.150 and 3.499 shall graduate cum laude.

Please note that due to the proximity of final exams and the date of the graduation ceremony, cumulative grade point averages at the end of the fall semester will be used to identify honors graduates at the graduation ceremony. Final transcripts, however, will reflect honors earned upon completion of all graduation requirements.

Section 606. Repetition of Courses.

- (a) **General Rule.** A student who earns academic credit for successful completion of a course may not register for that course again.
- (b) **Repetition of Required Course.** If a student does not earn a passing grade in a required course, the student must repeat the course until it is successfully completed. If a student fails a course which is a prerequisite for an advanced course, the student must successfully complete the prerequisite course before taking the advanced course.
- (c) **Effect on Student Transcript.** A failing grade received by a student shall remain on the student's transcript notwithstanding the subsequent successful completion of the course by the student.

Section 607. Examination Process.

- (a) **Necessity of Evaluation.** The scholastic achievement of students shall be evaluated from the inception of their studies. As part of this evaluation, a written examination of suitable length and complexity shall be required in every course for which credit is given.
- (b) **Final Examination Exception.** No final examination shall be required for the Legal Methods courses, for all seminars, for Experiential courses, and for courses in which students earn Non-Classroom Credit, ITAP, or Legal Technology, unless required by the professor teaching the course.
- (c) **Materials Permitted at an Examination.** During the first two weeks of the semester or summer term, each instructor should identify the materials students will be permitted to use during the examination. Upon entering the exam room, all materials not explicitly allowed to be in a student's possession during an exam period must be left on the side of the room. Electronic devices, including mobile phones, must be left on the side of the room, and must be turned off during the entire exam. Prohibited materials must remain on the side of the room during the entire exam period, i.e., a student may not retrieve such materials even when a student is permitted to leave the exam room. An instructor may conduct a "closed book examination", an "open book" examination, or a "limited open book" examination.
- (d) **Take Home Examinations.** An instructor may give a take home examination. Such examinations must be given during the regularly scheduled time for examinations. Each student in the course in which a take home examination is given must pick up the examination from the Office of the Registrar or the faculty member at the designated time during working hours on the day scheduled for the start of the examination, and must return the examination to the Office of the Registrar at the designated time during working hours on the day scheduled for completion of the exam. Students may not fax or email their exams.
- (e) **Assessments.** An instructor may give a mid-term examination and/or other assessments throughout the semester (collectively referred to as "assessments"). An instructor who intends to give any assessment must notify students during the first week of class.
- (f) **Anonymous Grading.**
- (1) **General Rule.** All final examinations are graded anonymously. Any statement made or action taken by a student which has the effect of compromising the anonymous grading system by allowing an instructor to identify a student for whom a grade must be issued shall be treated as a violation of §201 of the Student Code of Conduct.
 - (2) **Exception.** Papers submitted for credit in a course, seminar or directed research project, and work involving evaluation of student performance during the course of the semester (including multiple assessments), need not be graded anonymously.
- (g) **Submission of Written Work Product in Lieu of Final Examination.** At the election of the instructor, all or any portion of the final grade awarded in any course or seminar may be determined by grades awarded to students based on written work product completed in connection with the course.

Section 608. Departure from Examination Schedule.

1. Final Exams

- (a) **General Rule.** No student has the right to defer an examination. A student who fails to sit for a final examination when scheduled will receive a failing grade in the course unless the examination is properly deferred pursuant to this section.
- (b) **When Deferral is Permitted.** A student is permitted to defer an examination only for good cause. Examples of good cause include serious personal injury or illness; injury or death of a member of the student's immediate family; and any other similar event beyond the student's control which prevents the student from sitting for the examination when scheduled. Because students are given registration materials showing the time and date of final examinations, an examination will not be deferred because a student is enrolled in two courses having examinations on the same day.
- (c) **Procedure for Deferral of Examination.** Students seeking to defer an examination must submit a Dean's Action Request Form and provide documentation supporting the request to the Office of Student Affairs by the date posted by the Registrar's Office. Permission to defer an examination must be obtained prior to the scheduled examination day, unless the cause for deferral occurs on the examination day, and is due to circumstances beyond the student's control. Except in emergencies, the affected student shall notify the Office of Student Affairs of such cause for deferral by the date posted by the Registrar's Office. If the Office of Student Affairs grants permission to defer an examination, the Registrar shall notify the instructor whose examination will be deferred. The affected faculty member may prepare a new examination to be given at the make-up time for the student whose examination has been deferred. Students shall not communicate their interest in or intention to defer any anonymously graded examination to any faculty member.
- (d) **Timing of Deferred Examinations.** Deferred examinations must be taken 1) on the scheduled examination make-up date for that semester, 2) at a time approved by the Office of Student Affairs, or 3) at the next time a regularly scheduled examination is given for that course. Students who fail to sit for a make-up examination within the time period prescribed shall receive a failing grade in the course in question.
- (e) **Emergency Deferral of Examination.**
- (1) **Request Made in Person or by Phone.** If a student is unable to take an examination for good cause as defined in (a) which arises within 24 hours immediately prior to the examination time, the student may appear in person or telephone the Registrar to obtain permission to defer the examination. The Office of Student Affairs or the Registrar will be on duty each day or night during final examinations to deal with deferred examinations. The Registrar or the Office of Student Affairs may defer an examination provisionally under §608 of the Academic Code for up to 48 hours based on an explanation showing reasonable cause to believe the student, acting in good faith, cannot take an examination because of some event which is beyond the student's control. During normal working hours, the Office of Student Affairs for the campus must approve any request for a deferred examination.
- (2) **Student Unable to Make Request in Person or by Phone.** If the student cannot appear in person or telephone the Registrar, the student may miss the examination and apply for a deferral after the examination date. Such application for deferral must be made within 48 hours of the administration of the exam for which the student seeks deferral, and in no event later than the last day of regularly scheduled examinations for that semester. The burden is on

the student to show (i) good cause and (ii) sufficient reason for not requesting a deferral in writing, in person or by telephone prior to the examination.

(3) **Confirming Emergency Deferral.** A provisional emergency examination deferral requested under this subsection must be confirmed by a written request, supported by persuasive evidence of some event beyond the student's control which led the student to miss the examination, or it will expire within 48 hours from the date of grant of deferral, unless extended by the Office of Student Affairs.

(f) **Illness During Exam.** If a student becomes ill during an examination and as a result is unable to continue the examination, the student shall notify the proctor and leave all examination materials with the proctor, and shall report to the Registrar's office.

2. Assessments During the Semester.

(a) **General Rule.** Professors will provide students with information at the beginning of the semester regarding assessments that will be conducted during the semester. Professors also will notify students whether any assessment deferrals may be sought pursuant to the processes and requirements described in this section. If no deferrals may be sought for assessments administered during the semester, the professor will explain the effect of missing any such assessments.

(b) **When Deferral is Permitted.** If a Professor has indicated that deferrals may be sought for assessments during the semester, a deferral will be granted only for good cause. Examples of good cause include documented personal illness or injury; injury or death of a member of the student's immediate family, and any other similar event beyond the student's control which prevents the student from sitting for the assessment when scheduled.

(c) **Procedure for Non-Emergency Deferral of an Assessment.** Students who are permitted to seek to defer an assessment during the semester and who wish to do so must file a Dean's Action Request Form and provide documentation supporting the request to the Registrar's Office.

(d) **Procedure for Emergency Deferral of an Assessment.**

(1) **Request Made in Person or by Phone.** If a student is unable to sit for an assessment for good cause as defined in (b) which arises within 24 hours immediately prior to the assessment time, the student may appear in person or telephone the Registrar to obtain provisional permission to defer the assessment. The Registrar or the Office of Student Affairs may defer an assessment provisionally under this section for an explanation showing reasonable cause to believe the student, acting in good faith, cannot take an assessment because of some event which is beyond the student's control. A provisional emergency deferral requested under this section must be confirmed by a written request within 48 hours of the missed assessment, supported by persuasive evidence of some event beyond the student's control which led the student to miss the assessment.

(2) **Student Unable to Make Request in Person or by Phone.** If the student cannot appear in person or telephone the Registrar, the student may miss the assessment and apply for a deferral after the assessment date, but a formal request with sufficient supporting documentation must be made as soon as possible and in no event later than 48 hours after the missed assessment. The burden is on the student to show (i) good cause and (ii) sufficient reason for not requesting a deferral in writing, in person, or by phone prior to the assessment.

(e) **Timing of Deferred Assessments.** If deferrals are permitted for an assessment, and if a deferral is granted by the Office of Student Affairs pursuant to the processes and requirements above, the student will be given a new assessment date and time by the Registrar's Office. An assessment that is deferred during the semester must be made up as soon as possible.

(f) **Illness During an Assessment.** If a student becomes ill during an assessment and as a result is unable to continue the assessment, the student shall notify the proctor and leave all assessment materials with the proctor and report to the Registrar's Office immediately. A student who fails to complete an assessment due to illness must comply with any requirements for a make-up assessment that may be required by the Professor. If the assessment is one for which a deferral is not feasible (as per the Professor's syllabus), the assessment will be treated as being missed by the student.

Section 609. Rules Concerning Examinations.

(a) **Faculty Present During Assessments.** Faculty members are required to be in the law school building during the time of any regularly scheduled assessment or examination for their course or seminar.

(b) **ExamSoft.** Students are automatically signed up for ExamSoft and the charge is placed on a student's account each semester. Students wishing to handwrite must notify the Registrar's Office. In the event of computer failure during the exam, a student may take up to five (5) minutes to correct the problem. After that time, the student must hand write the exam. No additional time will be given in the event of computer failure. Students are to report to their exam location thirty (30) minutes prior to the scheduled time of the start of the exam if using ExamSoft.

(c) **Reporting Grades.** Instructors shall report all course grades to the Registrar within the time period prescribed by the Dean's Office.

PART SEVEN: ATTENDANCE

(See also §§401 through 406 of the Dean's Office Regulations.)

Section 701. Attendance Standards.

(a) **General Rule.** No student may miss more than twenty percent of the regularly scheduled class time in any course or seminar, nor more than twenty percent of the regularly scheduled clinical work periods in any course, seminar or special course.

(b) **Penalty for Violation of Attendance Rule.** Any student who misses more than twenty percent of the class time scheduled for any course or seminar will not be permitted to take the final examination or submit additional work. The instructor shall notify the Registrar in writing, and the Registrar shall involuntarily withdraw the student and enter an IW grade on the student's transcript.

If the student re-takes the course and again misses more than twenty percent of the scheduled class time, the instructor shall notify the Registrar in writing, and the Registrar shall enter a failure (F) on the student's transcript. Variance from this rule is not available for substantial hardship. See Section 401(e) of the Dean's Office Regulations. If, however, a student disputes a faculty member's determination that the student has exceeded the maximum number of absences, the student may petition the Office of Student Affairs for relief. The student will need to rebut the presumption that the faculty member's records accurately reflect the student's attendance. The Office of Student Affairs will not review a faculty member's decision that a student was absent due to insufficient class preparation.

(c) **Standards for Administration.** Attendance will be taken at the beginning of each class. A student who is present but unprepared for class may be treated as absent if the instructor announces at the beginning of the semester that unprepared students will be treated as absent. The student found to be unprepared shall be promptly so advised by the instructor.

(d) **Class Cancellation.** If a class is cancelled, either through an individual class cancellation or when the University is closed due to weather or other emergencies, a student's failure to attend the scheduled make-up class should not be considered an absence under the attendance requirement.

PART EIGHT: VISITING STUDENTS

Section 801. Summer Visitation.

- (a) **General Rule.** A student may visit another American Bar Association approved law school for a summer term with the approval of the Office of Student Affairs.
- (b) **Courses and Course Load During Visitation.** No student visiting during the summer term shall receive academic credit for successful completion of a course offered at another law school if such course is designated by the Dean's Office Regulations as a required course. A student visiting during the summer term may not take a course load at another law school which exceeds the maximum course load authorized by §311 of the Code.

Section 802. Visitation During Academic Year.

- (a) **General Rule.** A student will be permitted to visit another American Bar Association approved law school during the academic year only with the approval of the Office of Student Affairs. Extraordinary circumstances must be present for visitation to be approved. The decision to approve or deny a petition to visit during the academic year shall be based on the following factors:
- (1) whether the student is in good academic standing;
 - (2) the extent to which the student has completed the required courses at the Law School; and
 - (3) the extent to which the requested visitation is necessitated by substantial personal hardship caused by conditions beyond the student's control.
- (b) **Courses and Course Load During Visitation.** No student visiting during the academic year shall receive academic credit for successful completion of a course offered at another law school if such course is designated by the Dean's Office Regulations as a required course. A student visiting during the academic year may not take a course load at another law school which exceeds the maximum course load authorized by §306 of the Code.

Section 803. Other Rules.

- (a) **Petition to Visit.** A student who wishes to visit during the summer term or the academic year must file a written petition to visit with the Registrar. Except for emergency situations, the petition must be filed at least 60 days prior to the date of the first date of classes of an academic year or 14 days prior to the summer term in which the student wishes to visit. The decision of the Office of Student Affairs to grant or to deny visitation is not appealable.
- (b) **Unapproved Visitation.** Credits earned by a student while visiting at another law school will not be included in the computation of academic credits required for graduation unless the visitation was approved in advance by the Office of Student Affairs pursuant to §803(a) of the Code.
- (c) **Reporting of Grades for Visiting Students.** The Law School will accept transfer credits only if the grade earned by the student has a grade point average equivalent of 2.000 or higher. For purposes of this subsection, passing grades awarded on a pass/fail scale will be treated as satisfying the 2.000 grade point average equivalent requirement. All grades received from other law schools will be reported on a student's Law School transcript as a "T" for transfer.

PART NINE: DISMISSAL AND REINSTATEMENT

Section 901. Academic Dismissal.

- (a) **Average Required for Good Standing.** A cumulative grade point average of at least 2.000 is required for a student to be considered in good academic standing.
- (b) **Dismissal.** A student who fails to attain a grade point average as required shall be academically dismissed from the law school. A first year student's academic record will be evaluated once each year after the spring semester. After the first year of study, a student's record will be evaluated at the end of each semester. If, at any of these reviews, the student's law school cumulative grade point average is below 2.000 for all law school work attempted, that student is dismissed from the law school.

Section 902. Notice of Dismissal.

- (a) **Dismissal by Office of Student Affairs.** Each student dismissed for poor scholarship pursuant to §901 of the Code shall be notified of the dismissal in writing by the Office of Student Affairs. The notice of dismissal shall include an outline of the procedure for filing a petition for reinstatement.
- (b) **Definition of Notice.** Dismissal notices shall be sent by both regular and certified mail to the student's last known address. Each student is required to provide and keep current a mailing address with the Registrar's office. Notice shall be deemed effective five days after date of mailing.

Section 903. Effect of Academic Dismissal.

- (a) **Dismissal Following Fall or Spring Semester.** If a student is dismissed following the release of grades for the Fall or Spring semesters, the student shall be dropped from all courses for the following semester and shall receive a refund of any tuition paid with respect to the next semester. A student who enrolls in courses at the Law School (or at another accredited law school pursuant to §801 of the Code) during the summer term shall not receive academic credit for successful completion of such courses if the student is dismissed following the Spring semester. Students who are enrolled in summer term courses at the Law School shall receive a refund of any tuition paid for the summer term classes and shall not be permitted to complete the summer term.

Section 904. Petition and Standard for Reinstatement.

- (a) **General Rule.** Any person dismissed for poor scholarship pursuant to §901 of the Code may petition the Dean's Office for reinstatement.
- (b) **Filing Petition for Reinstatement.** A petition for reinstatement must be filed during the fifteen day period beginning with the day on which notice of dismissal is deemed effective under §902(b) of the Code. The petition shall be filed with the Office of the Dean. The petitioner must provide in or with the petition all information and materials that he or she wishes to be considered. No additional information or materials may be submitted after the deadline by or on behalf of the petitioner unless the student obtains written consent from the Petitions Committee prior to the deadline.
- (c) **Standard for Reinstatement.** The petitioner must make an affirmative showing, by clear and convincing evidence, that he or she possesses the capacity to complete the program of legal education

and that there is a strong likelihood that he or she will pass a bar examination and be admitted to the bar. As part of this burden, the petitioner must rebut the strong presumption raised by his or her record that his or her poor scholarship was due to lack of ability or capacity by proving one of the following:

(1) **Extraordinary Circumstances.** The petitioner must make an affirmative showing by clear and convincing evidence that academic failure was the result of extraordinary circumstances. Extraordinary circumstances means unanticipated and newly arising circumstances that were beyond the petitioner's control and that would have had an extreme impact on a student's ability to pursue the study of law. A petitioner must establish by clear and convincing evidence not only that the extraordinary circumstances occurred but that he or she could not have successfully mitigated their effect and that such circumstances no longer exist. In no event shall a petitioner be reinstated without also showing by clear and convincing evidence that he or she possesses the requisite capacity to complete the program of legal education and that there is a strong likelihood he or she will pass a bar examination and be admitted to the bar.

(2) **Significant Increase in Grade Point Average.** If a petitioner's grade point average significantly improves from Fall to Spring semester of his or her first year, the Petitions Committee (described in §905(a) below) may conclude that the petitioner's second semester grades are a more accurate representation of his or her capacity to study law than his or her cumulative grade point average. A petition may be granted under this subsection only if the petitioner's second semester grade point average is at least 2.300 and if he or she makes an affirmative showing by clear and convincing evidence that he or she possesses the requisite capacity to complete the program of legal education and strong likelihood that he or she will pass a bar examination and be admitted to the bar.

(d) **Dismissal Following Reinstatement.** A student who has been dismissed and later reinstated is ineligible to petition if dismissed again.

Section 905. Consideration of Petition for Reinstatement.

(a) **Review of Petition.** The Dean shall refer all petitions for reinstatement to the Petitions Committee. The Petitions Committee shall consist of the Dean (or his or her designee) and two other members, both of whom are full time faculty members. The Dean or his or her designee shall chair the Petitions Committee. Decisions of the Petitions Committee shall be by majority vote. The Petitions Committee may review the petitioner's law school file, including academic record and at its discretion may request additional information, request a meeting with the petitioner, or seek outside information regarding the petitioner but the petitioner has the burden of providing all information and materials he or she wishes to be considered prior to the deadline for submitting the petition (except upon seeking prior to the deadline and receiving written permission of the Petitions Committee to submit information later).

(b) **Conditions on Reinstatement.** The Petitions Committee may impose whatever conditions it deems appropriate in granting a petition for reinstatement. In extraordinary circumstances, the Petitions Committee may reinstate a first year student on the condition that the petitioner repeat the first year of studies. If the Petitions Committee elects to reinstate a petitioner with this condition, the following rules apply to the petitioner:

- (1) **Cumulative Grade Point Average Calculation.** Grades received during the initial first year of law studies by any student reinstated under this section shall not be used in computing the student's class rank or grade point average.
- (2) **Transcript Endorsement.** The following endorsement shall appear on the transcript of each student reinstated under this section:
This student was readmitted to the first year for good cause after being dismissed for academic deficiencies. For purposes of computing the student's academic average and class rank on this transcript, only the grades for the repeated year are included.
- (c) For every reinstatement, a statement of considerations that led to the decision will be placed in the student's file.

Section 906. Readmission after Dismissal.

- (a) **General Rule.** Any former student dismissed for poor scholarship who was not reinstated immediately following dismissal pursuant to §§904-905 of the Code shall not be readmitted to Widener University School of Law unless the Dean and the Admissions Committee determine that the requirements of ABA Standard 501 have been satisfied. This section shall also apply to those students who have been dismissed from another law school and are seeking admission to Widener University School of Law.
- (b) **Application for Readmission.** A former student may apply for readmission to the Law School at any time after the end of the two year period beginning on the date notice of dismissal is deemed effective under §902(b). An application for readmission must be submitted to the Admissions Office of the Law School by the deadline established for admissions applications established by the Admissions Office for the year in question. The form of the readmission application shall be the same as that prescribed for all students applying to the Law School.
- (c) **Cause for Readmission.** An applicant for readmission must establish in the application for readmission that the nature of the applicant's work, activities or studies during the period following dismissal indicates a stronger potential for law study than that which existed upon dismissal.

Section 907. Modification of Rules Governing Academic Code.

- (a) All rules governing academic performance and student conduct may be modified or amended under the authority of the Dean or where appropriate, under the authority of the faculty. Modifications or amendments to rules governing academic performance and student conduct shall be applicable to students currently enrolled when the Dean, or, where appropriate, the faculty determine that such modifications are necessary and appropriate and do not cause undue hardship to students currently enrolled.
- (b) The Dean or the Office of Student Affairs, acting under the authority of sections 902 and 904 of the Academic Code, may set additional or different conditions for Academic Success Program students or students who have been reinstated after an academic dismissal.

APPENDIX A

AMERICAN BAR ASSOCIATION STANDARD 501

Standard 501. ADMISSIONS

- (a) A law school shall maintain sound admission policies and practices consistent with the Standard, its mission, and the objectives of its program of legal education.
- (b) A law school shall not admit an applicant who does not appear capable of satisfactorily completing its program of legal education and being admitted to the bar.
- (c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program.

Interpretation 501-2

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

**WIDENER UNIVERSITY
DELAWARE LAW SCHOOL
DEAN'S OFFICE REGULATIONS**

PART ONE: GENERAL.

Section 101. Purpose.

The Dean's Office Regulations are the official interpretations of the Academic Code, the Student Code of Conduct and the Faculty Policy Statement on the Curriculum prepared by the Registrar, the Dean and the Office of Student Affairs, to guide students and faculty in the application of these documents to common problems that arise in the administration of the Law School.

Section 102. Definitions and Rules.

- (a) **Definitions.** As used in these Regulations:
- (1) **Law School.** The Widener University Delaware Law School.
 - (2) **Dean.** The Dean of the Law School.
 - (3) **Associate Dean for Academic Affairs or ADAA.** The Associate Dean for Academic Affairs.
- (b) **Official Forms.** The following official forms must be used whenever a student applies for relief under these regulations:
- (1) **Official Form One:** Dean's Action Request
 - (2) **Official Form Two:** Writing Requirement Certificate
 - (3) **Official Form Three:** Plagiarism Form

Copies of these official forms are attached to these rules as an Appendix.

Section 103. Notice.

- (a) **Binding Effect.** All students and faculty are bound by the Dean's Office Regulations. The Law School reserves the right to modify the requirements for admission and graduation, to change the program of study, and to amend any regulation affecting the student body if it is deemed in the best interest of the School of Law or the students to do so. Consequently, the Dean's Office reserves the right to change these regulations to further the best interest of the Law School.
- (b) **Change in Regulations.** A change in the Dean's Office Regulations is effective on the day when the change is posted.

PART TWO: EXAMINATION AND GRADING.

(See also §§601 through 609 of the Academic Code.)

Section 201. Honors Grades.

- (a) **Dean's Honors List.** Each semester, the students in each division (other than those on disciplinary probation) who achieve a semester grade point average placing them in the top 20% of all students in their year and division will be placed on the Dean's Honors List for that semester. An Honors List notation will appear on the transcript of each student placed on the Dean's Honors List.
- (b) **Class Rank.** Each semester, the students in each division of the Law School whose grades place them in the top 25% of their class shall be ranked numerically by class. Each semester, the Law School will also publish the grade point average cutoffs for the top 50% for each class by division in five percent increments. Rankings are also issued for the top third and middle third of each class by division.

Section 202. Deferred Completion of Seminar Papers, Course Papers and Directed Research Papers.

- (a) **No Right to Defer.** The normal and expected sequence is that papers in seminars, courses and directed research projects will be completed and submitted in the semester in which the student has registered for the seminar, course or directed research project. No student has a right to defer the completion of a seminar paper, course paper or directed research paper beyond the last day of final examinations for the semester in which the student has registered for that seminar, course or directed research project.
- (b) **Exception.** A student may receive a one-semester extension of time to complete a paper for a seminar, course or directed research project, provided the student receives written approval of the deferral from the instructor and the Office of Student Affairs prior to the last day of classes for that semester. The Office of Student Affairs will grant a request made pursuant to this subsection only upon a showing of undue hardship resulting from circumstances beyond the student's control. If a request made under this subsection is granted, the Registrar shall record the grade for that semester as an incomplete.
- (c) **No Additional Extensions.** No additional extensions of time will be granted for any reason. Additional extensions will not be granted for students on leave of absence.
- (d) **Failure to Submit Paper.** If a student who has received an incomplete for a course, seminar or directed research project pursuant to subsection (b) of this section does not submit the paper by the end of the final examination period for the semester for which an extension is in effect, the

Registrar shall enter a failing grade for the course, seminar or directed research project on the student's transcript.

Section 203. Deferred Examinations and Assessments.

- (a) **Scope.** This section applies to all examinations and assessments, including mid-term and take home examinations, whether or not administered during the final examination period.
- (b) **No Right to Defer.** No student has a right to defer an examination or assessment. A student who fails to take an examination or assessment when scheduled will receive a failing grade on it unless the examination or assessment has been deferred according to the procedure outlined in this section.
- (c) **Policy on Deferral of Examinations.** Because examination schedules are published for students at the time students register for courses, students are bound by the published examination schedule. Examinations and assessments will be deferred only for good cause. The decision of the Office of Student Affairs is final. Examples of good cause include:
- Serious personal illness or injury;
 - Serious injury, illness or death in the immediate family; or
 - Other events beyond the student's control which prevent the student from taking the final examination when scheduled.
- (d) **Procedure for Requesting Deferred Examination.** If a student desires to request deferral of an examination, the student should file a Dean's Action Request Form with the Registrar's Office requesting deferral of an examination in a timely fashion. Every student requesting deferral of an examination must provide evidence of the event or situation which the student believes is justification for the request for deferral. Such evidence must be presented in a form which the Office of Student Affairs deems appropriate under the circumstances. **Students shall not communicate their interest in or intention to defer an examination to any faculty member.**
- (e) **Emergency Deferral of Examination or Assessment.**
- (1) **Request Made by in Person or by Phone.** If a student is unable to take an examination or assessment for good cause as defined in (a) which arises within 24 hours immediately prior to the examination or assessment time, the student may appear in person or telephone the Registrar to obtain permission to defer the examination or assessment. The Office of Student Affairs or the Registrar will be on duty each day or night during examinations to deal with deferred examinations and assessments. The Registrar or the Office of Student Affairs may defer an examination or assessment provisionally under §608 of the Academic Code for up to 48 hours based on an explanation showing reasonable cause to believe the student, acting in good faith, cannot take an examination because of some event which is beyond the student's control. During normal working hours, the Office of Student Affairs for the campus must approve any request for a deferred examination.
- (2) **Student Unable to Make Request in Person or by Phone.** If the student cannot appear in person or telephone the Registrar, the student may miss the examination or assessment and apply for a deferral after the examination date. Such application for deferral must be made within 48 hours of the administration of the exam for which the student seeks

deferral. The burden is on the student to show (i) good cause and (ii) sufficient reason for not requesting a deferral in writing, in person or by telephone prior to the examination.

(3) **Confirming Emergency Deferral.** A provisional emergency examination or assessment deferral requested under this subsection must be confirmed by a written request, supported by persuasive evidence of some event beyond the student's control which led the student to miss the examination.

(f) **Timing of Make-up Examination.** Deferred examinations must be taken 1) on the scheduled examination make-up date for that semester; or 2) at a time approved by the Office of Student Affairs. Students who fail to sit for a makeup examination within the prescribed time period shall receive a failing grade on the examination in question.

(g) **Illness During Exam or Assessment.** If a student becomes ill during an examination or assessment and as a result is unable to continue the examination or assessment, the student shall notify the proctor and leave all examination materials with the proctor and report to the Registrar's Office. If the assessment is one for which a deferral is not feasible (as per the Professor's directions), the assessment will be treated as being missed by the student.

Section 204. Conflict in Examination Schedules.

Binding Effect of Final Examination Schedule. All students are bound by the final examination schedule published by the Registrar for preregistration for the semester. No student will be permitted to defer an examination due to a conflict in the examination schedule, because the student:

- Registered for two courses with overlapping examination times; or
- Registered for two courses having final examinations scheduled within twenty four (24) hours of each other.

Section 205. Code of Conduct Procedures During Examinations.

(a) **Proctors.** Students are required to follow all instructions given by proctors during examinations.

(b) **Student Identification.** Each student must produce his or her Law School student identification card in order to sit for an examination or pick up a take-home examination.

(c) Unless specifically permitted otherwise, students are not permitted to use any type of communication or data storage devices such as - but not limited to - mobile phones or PDAs during an examination. Such devices must be left at the side of the exam room. In emergency situations, such devices may be left with the Registrar's Office.

PART THREE: REGISTRATION PRACTICE & PROCEDURE.

(See also §§301 through 312 of the Academic Code.)

Section 301. Course Load.

(a) **General Rule.** Regular Division Students may enroll in up to 16 credits without the approval of the Office of Student Affairs. Extended Division Students may enroll in up to 11 credits without

receiving special permission. Ordinarily a Regular Division Student must enroll in a minimum of 12 credits and an Extended Division Student must enroll in at least 8 credits. Course load limitations for the summer term are established by §311 of the Academic Code.

(b) **Underload in Last Semester.** A regular division student may file a request to underload pursuant to §306(c)(1) of the Academic Code only for the semester in which the student plans to graduate. The request to underload will be granted only if satisfactory completion of the proposed course schedule will yield the academic credits needed to ensure graduation in that semester.

Section 302. Change in Division.

(a) **Change to Regular Division.** An extended division student who wishes to transfer to the regular division of the Law School must file a request for transfer with the Office of Student Affairs. Changes in division are not permitted during the first two semesters of law school.

(b) **Change to Extended Division.** A regular division student who wishes to transfer to the extended division of the Law School must file a request for transfer with the Office of Student Affairs. Changes in division are not permitted during the first two semesters of law school.

(c) **Second Request for Transfer.** A student who has transferred from one division of the Law School to the other may transfer between divisions again only with the consent of the Office of Student Affairs. The Office of Student Affairs will permit transfers under this subsection only upon a showing of undue hardship resulting from circumstances beyond the student's control.

(d) **Timing of Requests to Change Divisions.** Except for cases of hardship, all requests to change divisions must be made prior to the beginning of the fall semester.

Section 303. Registration for Required Courses.

(a) **First Year Courses.** Each first year Regular Division and Extended Division student is registered automatically for all courses.

(b) **Upper Level Required Courses.** All upper class students must register for and complete the required courses as assigned by the Registrar. See the Faculty Policy Statement on Curriculum for the course sequence.

Section 304. Limited Enrollment Courses.

(a) **Limited Enrollment for Course.** An instructor may limit enrollment in an elective course, a seminar or a special course by receiving permission from the ADAA before preregistration for the semester in which the course is offered. If preregistration for a course has begun, the instructor may not limit the class size. An instructor may not waive a limitation on enrollment after it has been established pursuant to this section.

(b) **ADAA's Permission Required.** No instructor may limit enrollment without the prior written permission of the ADAA. Students should consult with the Registrar's Office for the current list of courses that have limited enrollment.

Section 305. Priority for Registration for Courses.

(a) **General Rule.** Regular division students ordinarily must register for regular division courses.

Extended division students ordinarily must register for extended division courses. A regular division

student may register for any open section of a required or elective course offered in the regular division. An extended division student may register for any open section of a required or elective course offered in the extended division. If a course is offered in only one division of the Law School, students from either the regular or extended division may register for the course. All students are subject to rules on sequencing of courses found in the Faculty Policy Statement on the Curriculum.

(b) **Definitions.** For purposes of this section:

(1) A regular division student who will have earned at least 55 academic credits by the beginning of the next semester shall be treated as a student entering the final year of study.

(2) An extended division student who will have earned at least 65 academic credits by the beginning of the next semester shall be treated as a student entering the final year of study.

(c) **Courses offered in both Divisions.**

(1) **Regular Division Students.** If there are one or more sections of an upper-level course scheduled in the regular division, and one or more sections of the same course scheduled in the extended division, regular division students may be registered for any open extended division section of that course at the time specified by the Registrar.

(2) **Extended Division Students.** If there are one or more sections of an upper-level course scheduled in the extended division, and one or more sections of the same course scheduled in the regular division, extended division students may be registered for any open regular division section of that course at the time specified by the Registrar.

(3) **Upper-Level Course Defined.** For purposes of this subsection, an upper-level course is any course as designated in the Faculty Policy Statement on the Curriculum other than a course taken in the first or second semester

(d) **Prerequisite Courses.** No student may enroll in any course or clinical program without first successfully completing the prerequisite courses (if any) identified by the Academic Code or Faculty Policy Statement on the Curriculum (included in the Student Handbook) as prerequisite courses for the course in question.

Section 306. Add/Drop Policy and Procedure.

(a) **Add/Drop Period.** A student may add or drop one or more elective courses during the designated Add/Drop period without obtaining permission from the Office of Student Affairs. A student may add or drop a required course during Add/Drop without obtaining permission from the Office of Student Affairs unless dropping or adding the required course will cause the student to be out of compliance with course registration requirements published by the Registrar's Office.

(b) **Adding or Dropping Required Course After Add/Drop.**

(1) **General Rule.** A student may not add or drop a required course after the designated Add/Drop period. See §307 of the Academic Code.

(2) **Hardship Exception.** The Office of Student Affairs will ordinarily deny permission to add or to drop a required course after the end of Add/Drop. Permission to drop a required course will be granted only in cases of exceptional hardship to a student caused by

circumstances beyond the student's control, such as illness requiring a reduced course load. Permission to add a course will be granted only in a "work out" situation in which a student is unable to graduate in that semester without the required course credit.

(3) **Grade of W.** A grade of W will be entered on the transcript for any required course dropped after the Add/Drop period.

(c) **Adding or Dropping Elective Course After Add/Drop Period.**

(1) **Five-Week Period Following Add/Drop.** A student may drop one or more elective courses during the first six weeks of each semester, and the first two weeks of the summer term, without prior permission from the Office of Student Affairs for the campus. During the five week period following add/drop (and the second week of summer term), a student may add one or more elective courses only by obtaining prior permission from the Office of Student Affairs for the campus.

(2) **Changes Made Late in Semester.** A student may add or drop one or more elective courses after the first six weeks of each semester, and the first two weeks of the summer term, only by obtaining prior permission from the Office of Student Affairs for the campus.

(3) **Special Rule for Clinical and Externship Programs.** A student may drop a clinical or externship program during or after Add/Drop only with the permission of the Office of Student Affairs for the campus. Permission to drop a clinical or externship program will be granted only in cases of exceptional hardship to a student caused by circumstances beyond the student's control, such as illness requiring a reduced course load.

(4) **Grade of W.** A grade of W will be entered on the transcript for any required or elective course dropped after the Add/Drop period.

(d) **Forfeiture of Tuition for Withdrawal From Class After Add/Drop.** Tuition paid or payable with respect to any class from which a student withdraws after Add/Drop shall be forfeited in full, including classes from which the student has been involuntarily withdrawn. A student who adds a course as a replacement for the course from which the student withdraws shall be responsible for payment of additional tuition for the course added.

Section 307. Courses Conducted Between Semesters.

(a) **General Rule.** Credit earned for participation in the May session of ITAP will be treated as earned by the student in the summer term.

(b) **Maximum Course Load Exception.** For purposes of sections 306(c)(1) and (2) of the Academic Code, credits earned for ITAP, and credits earned for courses between summer term and fall semester or between fall and spring semesters will not be considered for purposes of determining the number of credits in which a student is enrolled.

Section 308. Registration for Non-classroom Credit.

Students registering for non-classroom credit, Directed Research or for credit for work in clinical or externship programs must deliver a properly completed Non-classroom Credit Form to the Registrar's Office by the end of Add/Drop for the semester in which the credits will be earned. The Registrar shall delete all such credits not supported by a properly completed Non-classroom Credit Form from a student's current

course load on the last day of Add/Drop.

Section 309. Eligibility for Summer International Programs.

Approval to participate in one of the law school's international programs ordinarily will be granted to any student who has a cumulative grade point average of at least 2.300.

**Section 310. Student Publications (Delaware Journal of Corporate Law, and Widener Law Review)
Eligibility Rules**

I. Regular Division

A. Grades

Students in the top five percent of their Regular Division class after their first semester or second semester will be offered membership on the Student Publication of their choice. They will have no other opportunities to grade on to the Student Publications.

B. Writing Competition and Superior Authorship

Other eligible Regular Division students who have completed their first year may participate in any Student Publication's summer writing competition. Regular Division students who have completed their second year, and have at least two semesters remaining before graduation, may seek membership only through superior authorship.

II. Extended Division

A. Grades

Students who begin law school in the Extended Division will grade on to the Student Publication of their choice if they are in the top five percent of their class after their second semester or third semester. They will have no other opportunities to grade on to the Student Publications. Under this provision, students who complete their first year in the Extended Division, then switch to the Regular Division, will grade on to the Student Publication of their choice if they are in the top five percent of their: (1) Extended Division class after their second semester; or (2) Regular Division class after their third semester.

B. Writing Competition and Superior Authorship

Other eligible Extended Division students who have completed their second year may participate in any Student Publication's summer writing competition. Students who have completed their third year, and have at least two semesters remaining before graduation, can seek membership only through superior authorship.

Students who complete their first year in the Extended Division, switch to the Regular Division, and take at least five credits in the summer after their first year may participate in any Student Publication's summer writing competition between their first and second years.

III. Special Circumstances

Some students, such as transfers and students returning from leaves of absence, might not be clearly addressed by the foregoing rules. Assuming a student otherwise meets the Student Publications' eligibility

requirements, the student's application for membership will be considered by a three-person panel composed of a board member from each of the Student Publications. If approved by a unanimous vote, the student will be invited to join the Student Publication of his or her choice based on grades, subject to approval of the Office of Student Affairs. Otherwise, the student will be required to seek membership via the summer writing competition or superior authorship, whichever most closely corresponds to the student's number of completed credits, subject to the approval of the Office of Student Affairs.

For good cause, any Student Publication may, with the consent of the other Student Publications and approval from the Office of Student Affairs, conduct a writing competition in addition to those described above.

IV. **Grade-on Timeline**

After semester one: top five percent of 1RD students grade on.

After semester two: 1RD students who enter the top five percent grade on, as do 1ED students in the top five percent of their ED class.

After semester three: 2ED students who enter the top five percent of their ED class grade on, as do second year students who switched from ED to RD and whose cumulative grade point averages place them in the top five percent of their 2L RD class.

Section 311. Certification for Student Practice.

The law school will certify a student eligible under state student practice rules only if the student has a cumulative grade point average of at least 2.300 and the student has successfully completed the required courses in Evidence and Professional Responsibility with grades of C or better.

PART FOUR: ATTENDANCE POLICY & PROCEDURE.

(See also §701 of the Academic Code.)

Section 401. Absence Interpretations.

- (a) **Number of Permitted Absences.** Section 701(a) of the Academic Code provides that no student may miss more than twenty percent of the regularly scheduled class time in any course.
- (b) **Courses Added During Add/Drop Week.** A student who adds a course during Add/Drop shall not be treated as "absent" for the class time missed prior to adding the course.
- (c) **Clinical Work Sessions.** A student enrolled in an in-house clinic must comply with the regulations of that clinical program for attendance at work sessions and clinical meetings. Consult the clinical instructor for further details regarding absences.
- (d) **Hardship Relief Not Available.** Section 701 of the Academic Code requires that a student receive an "IW" for excessive absences in any course. See Section 701(b) of the Academic Code. The faculty's collective judgment is that a student who misses more than 20% of the scheduled class time of a course has not taken the course, and though one's absence is for the best possible reasons such as sickness, death in the family, religious observance, job requirements, etc., the student should re-take the course rather than sit for the exam.

(g) **Class Cancellation.** If a class is canceled, either through an individual class cancellation or when the University is closed due to weather or other emergencies, a student's failure to attend the scheduled make-up class should not be considered an absence under the attendance requirement.

Section 402. Cancellation of Classes.

(a) **No Class Cancellation Without Prior Approval.** The ADAA must approve a class cancellation by any professor or instructor. Class cancellations should be kept to a minimum.

(b) **Cancellation of Classes Before or After Holiday.** The ADAA will not approve cancellation of classes on the days immediately before or after a scheduled holiday, e.g., Labor Day, Yom Kippur or Thanksgiving.

Section 403. Emergency School Closing.

(a) The campus usually will be closed only in the event of adverse weather conditions. The decision to close or not will be made by the President of the University by 6:30 a.m. for the Regular Division and by 2:00 p.m. for the Extended Division. You may call the information hotline (dial 302-477-2149, wait for an answer and then press 5) to inquire about closing. Information is also available on the Law School website as well as Campus Cruiser, and the E2Alert system.

(b) **Closing During School Hours.** There may be times when an early closing is necessary due to weather conditions or mechanical breakdown. The decision to close will be made by the President of the University. He will notify the Director of Personnel, who will relay the decision to the Deans and Department heads. This is not to be a decision of individual Deans or Department Heads.

Section 404. Leave of Absence.

(a) **Withdrawal Presumed.** A student who fails to apply for leave of absence under this section or §405 of the Dean's Office Regulations, and who fails to attend regularly scheduled classes for a period of more than the number of absences permitted by §401 of the Regulations, is presumed to have withdrawn from the Law School. A student who has withdrawn from the Law School is ineligible to return to the Law School.

(b) **Leave of Absence.** A student who must drop all classes for good cause, such as death or illness of a family member, job change, active duty assignment in the armed forces or other good cause, may apply for leave of absence for personal reasons for a period of up to one year. A leave of absence will be granted freely, subject to the limitations for medical leave of absence set out in §405 of the regulations.

(c) **Ineligible to Take Course While on Leave.** A student may not register for any course work while on leave of absence, but may make up any deferred final examinations and complete any incomplete seminar papers, course papers or directed research papers outstanding on the date the leave of absence was granted.

(d) **Term.** Leave of absence will normally be granted for a period of one academic semester. However, a first year student who takes a leave of absence after completion of the first semester, must take a leave of absence for one year. If a student on leave of absence wishes to extend the leave of absence for an additional semester, the student must submit a written request for extension together with evidence to support the need for the extension.

Section 405. Medical Leave of Absence.

- (a) **General Rule.** Any student may apply for medical leave of absence from the Law School for good cause. "Good cause" includes treatment by a residential treatment center, a physician, a psychologist or a drug counselor for substance abuse. An application should be submitted on a Dean's Action Request form, together with a letter from a physician, psychologist or drug counselor, stating that medical leave of absence is in the best interest of the student's physical or psychological well-being.
- (b) **Term.** Medical leave of absence will normally be granted for a period of one academic semester. If a student on medical leave of absence wishes to extend the leave of absence for an additional semester, the student must submit a written request for extension, together with a physician's, psychologist's or drug counselor's letter stating that an extension would be in the best interest of the student.
- (c) **Effect on Period Within Which Degree Must Be Obtained.** Medical leave of absence does not toll the ABA requirement for completion of legal studies set out in §202 of the Academic Code.
- (d) **Not Available to Students Charged With Crimes.** A student who has been charged with a crime involving the possession of a controlled or uncontrolled substance with intent to distribute or sell, or a student charged with trafficking will not be allowed to take medical leave of absence due to substance abuse, unless charges are dismissed.

Section 406. Withdrawal from Law School.

- (a) **Withdrawal.** To withdraw from the Law School, a student must submit a Dean's Action Request form indicating the last date of class attendance. A student who has withdrawn from the Law School is ineligible to return to the Law School.
- (b) **Withdrawal Presumed.** A student who fails to apply for leave of absence under this section or §405 of the Dean's Office Regulations, and who fails to attend regularly scheduled classes for a period of more than the number of absences permitted by §401 of the Regulations is presumed to have withdrawn from the Law School.

PART FIVE: GRADUATION REQUIREMENTS

(See also §§201 through 203 of the Academic Code.)

Section 501. Analysis of Graduation Requirements.

- (a) **General Rule.** The academic requirements for graduation can be divided into categories: Grade Point Average, Required Courses, Number of Credit Hours, Writing Requirement, Experiential Credits, and Character and Fitness.
- (b) **Grade Point Average.** A 2.000 cumulative grade point average is required for graduation.
- (c) **Required Courses.** For students matriculating in Summer 2017 and thereafter, students must take and receive a passing grade in the following courses in order to graduate. (See the Faculty Policy Statement on the Curriculum.)

- Applied Learning Lab

- Applied Practice Lab
- Bar Exam Success: Substance and Skills (students with a GPA of 3.0 or higher after the first semester may waive out of this course)
- Civil Procedure I & II
- Contracts I & II
- Constitutional Law I & II
- Criminal Law
- Criminal Procedure I
- Evidence
- Experiential Requirements
- Labs I & II
- Legal Methods I, II, & III
- Legal Problem Solving
- Professional Responsibility
- Property I & II
-
- Torts I & II

(d) **Credit Hours.** Ninety (90) credit hours are required for graduation. No credit is granted for failed courses.

(e) **Writing Requirement.** In order to graduate, every student must satisfy the Law School writing requirement as provided in §501 of the Academic Code.

(f) **Experiential Credits.** In order to graduate, every student must satisfy the Law School experiential credit requirement provided in §502 of the Academic Code.

(g) **Character and Fitness.** Each student is required to complete an updated Character and Fitness form prior to graduation.

Section 502. Petition to Graduate.

Every student must apply for graduation by completing the online Petition to Graduate in Campus Cruiser and its accompanying form not later than September 30 for December graduates, or October 30 for May graduates. When a petition to graduate is received, the Registrar will audit the student's academic records for compliance with the graduation requirements set forth in §201 of the Academic Code. If the student has satisfied these requirements, the student's name will be submitted to the Law School faculty for approval.

Section 503. Bar Certification Registration.

A student who is eligible to graduate at the end of any semester must submit to the Registrar a request for certification of eligibility in order to permit the release of information to the board of bar examiners of the jurisdictions in which the student plans to sit for the bar examination. A request for certification of eligibility shall be submitted online.

PART SIX: MODIFICATION OF RULES

Section 601. Modification of Rules Governing Dean's Office Regulations.

(c) All rules governing academic performance and student conduct may be modified or amended under the authority of the Dean or where appropriate, under the authority of the faculty. Modifications or amendments to rules governing academic performance and student conduct shall be applicable to students currently enrolled when the Dean, or where appropriate, the faculty, determine that such modifications are necessary and appropriate and do not cause undue hardship to students currently enrolled.

(b) The Dean or the Office of Student Affairs, acting under the authority of sections 1002 and 1004 of the Academic Code, may set additional or different conditions for academic support students or for students who have been reinstated after an academic dismissal.

Appendix A

Dean's Action Request

Official Form One

Writing Requirement Certificate

Official Form Two

Plagiarism Form

Official Form Three

OFFICIAL FORM ONE

DEAN'S ACTION REQUEST

Mailbox #: _____
Name: _____ ID #: _____
Address: _____

Year & Division: _____
Work #: _____ Home #: _____
Email Address: _____

**PLEASE GIVE A COMPLETE DESCRIPTION OF THE ACTION DESIRED.
PRINT, TYPE OR WRITE LEGIBLY.**

Student's Signature Date

9 Approved 9 Denied 9 Other

Comments:

- 9 Please Check with Financial aid concerning any financial aid implications.
- 9 Please check with the Registrar's Office to reschedule your exam.
- 9 Other

Dean of Students' Signature Date

DISTRIBUTION:

Business Office 9
Financial Aid 9
Housing/Mailroom 9
Library 9
Student 9
Other 9

REGISTRAR:

Date Distributed _____

Registrar's Signature Date

OFFICIAL FORM TWO

WRITING REQUIREMENT CERTIFICATE

TO: Registrar's Office

In my capacity as a full-time faculty member, I hereby certify that _____ has individually researched and written a scholarly legal paper of approximately 20 typewritten pages, double spaced including notes, entitled: _____

This student, in compliance with section 501 of the Academic Code, has fulfilled the writing requirement through the following method:

Written Work Performed for Academic Credit. A student may meet the writing requirement by satisfactorily completing a seminar, course or clinical program, taught by a full-time member of the faculty, in which the student is required to submit written work of at least 20 typewritten, double-spaced pages (approximately 5,000 words) in length, including notes. Work submitted under this subsection shall be in the form specified by the instructor, and must be certified by the instructor as demonstrating substantial achievement in legal writing. The term "course" includes Directed Research performed under the supervision of a full-time faculty member. (Section 501(a))

Written Work Performed for Membership in a Law Journal. A student may meet the writing requirement by submitting written work prepared for the purpose of maintaining membership in one of the Law School law journals. Work submitted under this subsection shall be in the form specified by the editorial board of the journal, and must be certified by the board and by the faculty advisor as demonstrating substantial achievement in legal writing. (Section 501(b))

Written Work Performed for Other Publications or in a Writing Contest. A student may meet the writing requirement by submitting written work published in a scholarly periodical, journal or treatise, or singled out for honor in a nationally recognized writing competition. Work submitted under this subsection must be certified by the Dean of Students as demonstrating substantial achievement in legal writing (Section 501(c)).

The author was registered for _____ during the _____ semester, 20_____.

The paper was submitted to me in final form on _____, 20_____.

Date

Faculty Member

OFFICIAL FORM THREE

**DELAWARE LAW SCHOOL
PLAGIARISM FORM**

COURSE _____ **INSTRUCTOR** _____

TITLE OF PAPER _____ **DATE SUBMITTED** _____

Plagiarism on papers submitted for course credit is a serious violation of the Law School's Student Code of Conduct. A student found guilty of plagiarism is subject to suspension or expulsion from school, and any such discipline will be reported to the Board of Bar Examiners in any state in which the student seeks to be admitted to practice. To avoid any misunderstandings about the nature of this offense, please review the following provision of the Code of Conduct, sign the form below, and attach this sheet to your paper when you turn it in to your professor.

Section 202. Prohibited Conduct of Students.

The following acts are prohibited and a student who engages in any such conduct is subject to the sanctions authorized by this Code:

....

(b) Plagiarism. Plagiarism is defined as the unacknowledged appropriation or insufficient acknowledgment of the ideas or written work of another. Plagiarism on papers and other law school assignments includes but is not limited to the following:

- (1) the knowing or reckless copying, [downloading] or paraphrasing without attribution of any material written by another;
- (2) the knowing or reckless submission of work written in whole or in substantial part by someone other than the student submitting the work and submitted as the student's own work;
- (3) the knowing or reckless use of the language of another without identification by quotation marks or otherwise, even though the source is cited in the student's work.

ENDORSEMENT BY STUDENT:

I have read the foregoing and I certify that I have not committed plagiarism in writing the attached paper.

(Signature)

(Student ID Number)

DELAWARE LAW SCHOOL

STUDENT CODE OF CONDUCT

General Expectations and Community Standards

As future professionals, Delaware Law School students are expected to maintain the highest ideals of academic and social conduct and are responsible for knowing the Law School's published policies and standards. Students are also expected to respect the views and personal dignity of other members of the Law School community.

In addition, students should learn about the expectations that will be required of them when they become lawyers. The Codes of Professional Responsibility published by each state's bar, including Pennsylvania's and Delaware's, describe these expectations. Students are encouraged to consult these codes for guidance.

PART ONE: GENERAL MATTERS

Section 101. Definitions. The following definitions apply to this Student Code of Conduct:

- (a) **Code.** The Student Code of Conduct of the Widener University Delaware Law School.
- (b) **Council.** The Honor Council consisting of three full-time faculty members, four students, and one administrator created in accordance with the Code and for the purpose of hearing alleged Code violations.
- (c) **Law School.** Widener University Delaware Law School.
- (d) **Dean.** The Dean of the Law School..
- (e) **ADAA.** The Associate Dean for Academic Affairs for the Law School.
- (f) **Faculty.** The Faculty of the Law School.
- (g) **Investigator.** The Honor Council Investigator.
- (h) **Investigation Report.** The report prepared by the Honor Council Investigator.
- (i) **Registrar.** The Registrar of the Law School or a person designated by the Dean to carry out the Registrar's duties under this Code.
- (j) **Student.** Any person enrolled or matriculated as either a full or part-time student of the Law School at the time of an alleged violation of this Code. For purposes of Code of Conduct violations, an applicant who is subsequently admitted to the Law School is considered a "Student" as of the time of submission of any of his or her application materials.
- (k) **Accused.** The student against whom a complaint alleging violation of the Student Code of Conduct has been lodged.
- (l) **SBA.** The Student Bar Association.

Section 102. Jurisdiction.

Any alleged violation of this Code of Conduct committed by a student will be heard and determined as provided herein.

Section 103. Relationship of the Code with Other Authorities.

(a) **Relationship with Criminal and Civil Law.** The Code operates concurrently with the processes of criminal and civil law. The Law School has the right, at its discretion, to postpone Code proceedings pending the outcome of criminal proceedings other than in matters requiring a prompt investigation, such as Title IX proceedings. However, when misconduct alleged under the Code might subject the accused to criminal prosecution, the accused may postpone the Code process by “suspending” himself or herself from the Law School until the criminal charges are resolved or until the authorities decide not to press charges. Suspension under this provision has no effect under academic rules; i.e., the suspension does not entitle the accused to a leave of absence or relieve the accused of any academic consequences arising from his or her absence from the Law School. Suspension does not abate the Code complaint, but may not result in any inference against the accused in a Code proceeding.

(b) **Relationship with Law School Policies and Processes.** The Code governs only matters within its substantive scope and leaves undisturbed Law School policies and processes outside that scope. The Administration may in its discretion respond to any misconduct, such as non-academic misconduct, that is not within the scope of the Code. Some forms of misconduct not involving academic dishonesty may be so serious in nature as to render a student potentially unfit for continuation as a student at the Law School, as well as to enter the profession of law. Those matters may be addressed by both the Administration and the Honor Council, and any decision to proceed initially by one procedure does not preclude use of the other.

(c) **Relationship with Administration Powers.** The Widener University Administration or Law School Administration may act to preserve the safety and security of any person or property, even when a matter falls within the substantive scope of the Code, regardless of whether the processes of the Code are initiated concurrently. This includes, without limitation, applying the University Policy on Protective Action.

(d) **Relationship with Faculty Powers.** The Code in no way restricts the academic freedom of the Faculty, even when a matter falls within the substantive scope of the Code, regardless of whether the processes of the Code are initiated concurrently. For example, a Faculty member may impose a grade penalty based on academic misconduct regardless of the existence or outcome of concurrent Code proceedings.

Section 104. Time Limits.

An accused may agree to extend or waive any procedural time limit under the Code. Extension of time limits with or without the consent of the accused does not relieve the accused of responsibility for violations of the Code.

Section 105. Notice.

When the Code calls for notice to a student, it shall be sufficient to deliver notice in person, by means of electronic communication, or to send a letter by certified U.S. mail to the address on file with the Law

School Registrar. A student is responsible for ensuring that at all times his or her current address is on file with the Registrar. Notice shall be deemed received three days after a certified mailing.

Section 106. Adherence to the Code and Preservation of Rights.

The Code is designed to anticipate irregular and exceptional circumstances. Nevertheless, it is impossible to anticipate all eventualities. When strict adherence to Code procedures is impossible or impracticable, it shall be sufficient that persons charged with responsibilities under the Code act reasonably and consistently with the spirit and intent of the Code so as to achieve justice while also preserving the rights of all persons involved.

Section 107. Confidentiality.

Honor Council members, as well as conciliators appointed pursuant to section 305, shall indefinitely maintain the confidentiality of medical, admissions, and academic records obtained during the course of Honor Council proceedings.

PART TWO: VIOLATIONS AND SANCTIONS

Section 201. Academic Misconduct Violations. It shall be a violation of the Code for a student to commit any of the following acts or omissions. Academic misconduct for purposes of this section includes both the curricular and extracurricular, regardless of whether academic credit is awarded.

(a) **Cheating.**

- (1) To give or secure any information about an examination or other academic assignment except as authorized by the course professor.
- (2) To use, if prohibited by the course professor, any book, papers, notes, other person's work, or other materials for an examination or other academic assignment.
- (3) To continue writing an examination answer after the permitted time has expired.
- (4) To take, conceal, withhold, destroy, damage, abuse, or deface property without authorization when the act deprives another student of access to or use of the property for an academic purpose, or to otherwise impede the academic work of another student.
- (5) To copy, consult, or use, for an academic purpose, the work of another student without the authorization of both that student and the course professor.

(b) **Plagiarism.** To take the written work of another and pass it off as one's own for an academic purpose. The following are examples of plagiarism, but not an exhaustive list of situations in which plagiarism can occur:

- (1) To use someone else's words without unambiguous acknowledgment.
- (2) To paraphrase someone else's words without unambiguous acknowledgment.
- (3) To use someone else's ideas without unambiguous acknowledgment.

(c) **Misrepresentation.**

- (1) To misrepresent a material fact with respect to academic performance or requirements.
- (2) For an academic purpose and without authorization and appropriate disclosure, to represent the work of another as one's own or one's own work as the work of another, or to represent oneself as another, or to procure representation of another as oneself.
- (3) To misrepresent attendance in class, either of one's self or of another.
- (4) To misrepresent, including a failure to disclose, any material fact concerning qualification for admission to the Law School or any of its programs.

(d) **Tampering.** To tamper with any document, file, or datum pertaining to academic activity, including student records, journals, examinations, and papers, without authorization.

(e) **Unfair Academic Advantage Generally.**

- (1) When not otherwise specified as a violation under the Code, to violate any Law School rule or professor's course policy with respect to academic performance or requirements, including through unauthorized collaboration, when the violation creates an unfair academic advantage or creates an unfair academic disadvantage for another.
- (2) When not otherwise specified as a violation under the Code, to violate any rule of the Law School applicable to participation or membership in an activity or organization, when the violation creates an unfair academic advantage or creates an unfair academic disadvantage for another.

(f) **Other Violations.**

- (1) To create any material and substantial disruption of the Law School academic environment.
- (2) To violate any rule of professional conduct of the state in which a student is enrolled in a clinical program conducted by the Law School.
- (3) Recklessly or intentionally, to furnish false or misleading information, or to withhold material information, on any Law School or other government document, or on any document intended to secure employment, admission to an academic program, or similar competitive opportunity.
- (4) To appear persistently in a Law School academic environment while noticeably under the influence of intoxicants or drugs not prescribed by a physician.
- (5) To violate any policy, procedure, rule or regulation of the University or the Law School.

(g) **General Unfitness.** Any act which reflects adversely upon a student's fitness to practice law, or endangers the Law School community, including, but not limited to, acts involving violence,

dishonesty, criminal conduct, breach of trust, or unprofessional conduct, or any act that interferes with the administration of justice or Law School policy.

(h) Cases relating to sexual misconduct, sexual assault, and sexual violence by students shall be processed under the University's Sexual Misconduct Policy and its applicable procedures.

Section 202. Code Enforcement Violations.

- (a) To knowingly fail to report another student's violation of the Code.
- (b) To knowingly make a false report of another student's violation of the Code, to knowingly make a false or materially incomplete report, or to give false or materially incomplete testimony in an investigation or proceeding under the Code.
- (c) To falsify, destroy, or place beyond the reach of an officer acting under the Code any documents, testimony, or other evidence material to an investigation or other process under the Code.
- (d) Without reasonable excuse, to fail to appear as a witness or to testify when called upon under the Code.
- (e) To breach a duty of confidentiality under the Code.

Section 203. General Provisions Concerning Violations.

- (a) **Knowledge of Authorities.** Students are presumed to know the provisions of the Code, the policies and rules of Widener University and of the Law School, and the policies and rules of courses in which the students are enrolled.
- (b) **State of Mind.** To violate the Code, the accused must have acted with the state of mind specified in the violation. If no state of mind is specified, then intent, knowledge, or recklessness is required. Intent, knowledge, or recklessness may be inferred from the evidence.
- (c) **Recklessness defined.** "Recklessness" means conscious disregard of a substantial risk that the conduct might produce a result or that certain circumstances exist, as appropriate to the case.
- (d) **Attempt; Aiding and Abetting; Conspiracy.** It shall be a violation of the Code to attempt to commit any offense; to aid or abet in the commission of any offense; or to participate in a conspiracy to commit any offense.

Section 204. Sanctions.

- (a) **Available Sanctions.** Upon a finding of responsibility under the Code, one or more of the following sanctions may be imposed, subject to the other provisions of Section 204.
 - (1) Restriction of library, activity, or other Law School privileges.
 - (2) Disciplinary probation or warning.
 - (3) Downward disciplinary grade adjustment for an assignment or course.
 - (4) Denial of credit for a course.

- (5) Involuntary withdrawal from a course.
 - (6) Dismissal from a Law School office or activity.
 - (7) Oral or written reprimand.
 - (8) Written reprimand that becomes a temporary or permanent part of the student's academic file, to be included with any transcript.
 - (9) Compensatory damages or restitution to the Law School or other appropriate entity.
 - (10) Suspension from the Law School.
 - (11) Expulsion from the Law School.
 - (12) Revocation of degree.
- (b) **Imposition of Sanctions.**
- (1) A sanction may be imposed on a probationary or temporary basis.
 - (2) In selecting a sanction, any relevant information may be considered, and the following factors shall be considered:
 - a. The nature and seriousness of the violation, including the degree of potential harm that the violation posed to the academic integrity of the Law School community.
 - b. The circumstances of the violation, including any aggravating or mitigating factors.
 - c. The need to uphold and promote respect for the Code and to deter future violation by the responsible student and others.
 - d. Whether the sanction will reconcile the responsible student with the Law School community.
 - e. Any comments of the responsible student relevant to sanction selection.
 - f. The state of mind of the responsible student.

PART THREE: PROCEDURES

Section 301. Honor Council. The Honor Council shall consist of six full-time Faculty members, four Law School students, and one administrator who acts as Honor Council Investigator. The chairperson and vice-chairperson of the Council must be tenured Faculty. Student members of the Council may be enrolled in the day- or evening-division, but they must be reasonably available to participate in a tribunal during both day and evening hours.

Section 302. Formation of Honor Council.

- (a) **Faculty Appointments.** The Dean or the Dean's designee shall select the Faculty members to serve on the Council, designating one as chairperson and one as vice chairperson. Initially, three Faculty members are selected for a one-year term and three (including the chairperson and vice chairperson) for a two-year term. Thereafter each Faculty member appointed to the Council will serve for a two-year term.
- (b) **Student Appointments.** Each spring the SBA shall solicit applications from students desiring to serve on the Honor Council, and shall recommend six of those students to the Dean. The Dean or the Dean's designee shall select four students to serve a one-year term on the Council, beginning the following fall. If the SBA fails to recommend students, or recommends fewer than six students, the Dean or the Dean's designee shall select students from the eligible student body.
- (c) **Appointment of Honor Council Investigator.** The Dean or the Dean's designee shall select an administrator to serve a one-year term on the Council as Honor Council Investigator. The administrator may be a Faculty member who works in the Office of Student Affairs or in another administrative capacity.

Section 303. Complaint.

- (a) Any person may complain to the Registrar or the Office of Student Affairs that a student, the accused, has violated the Code. A complaint may not be lodged anonymously.
- (b) The Registrar shall place the complaint and all other materials related to it in a special file marked with the name of the accused and a docket number.
- (c) The Registrar shall maintain a docket stating the filing date and time of each complaint and all orders issued and actions taken by the Registrar and others regarding it. The docket, the case file and all reports and records maintained pursuant to this Code shall be maintained confidentially unless otherwise provided in this Code.
- (d) The Office of Student Affairs shall review all complaints. If the allegations in the complaint would constitute a violation of the Code, or at least present a colorable case of a violation that may be proved upon further investigation, the Office of Student Affairs shall present a written explanation of the allegations and the identity of the reporting party or parties to the Honor Council Investigator.
- (e) The Investigator shall investigate the merits of the complaint. If, after investigating the allegations of the complaint, the Investigator has reason to believe, in light of the complaint and any additional information collected, that the accused has violated the Code, the Investigator shall provide the Dean's Office with a report summarizing the charge and the evidence therefore.

Section 304. Emergency Suspensions.

- (a) In extreme, dangerous or unusual circumstances the Dean or the Dean's designee may suspend the accused pending an investigation. An emergency suspension may be imposed when there is reason to believe that the accused has engaged and/or may engage in misconduct that may endanger the physical safety or mental welfare of the accused, students, faculty or employees of the Law School. Before such suspension takes place the Dean or the Dean's designee shall make reasonable efforts to interview the accused.

(b) An accused suspended under this section shall have the right to an expedited hearing before an Honor Council tribunal ideally to be held no later than ten class-days after the commencement of the suspension. During the period of suspension the accused shall not enter the Law School campus, except to meet with the Dean's designee for an informal conciliation pursuant to section 305.

(c) If an accused who has been suspended is subsequently held not responsible by an Honor Council tribunal, the Law School shall to the extent possible waive, and where that is not possible mitigate, any attendance or other collateral consequences of the suspension.

Section 305. Informal Conciliation.

(a) Upon receipt of the Investigator's report of reason to believe the accused has violated the Code, the Dean shall designate an administrator to conduct an informal conciliation with the accused. The Dean's designee ordinarily will be an Associate Dean not serving in the Office of Student Affairs. In extraordinary circumstances the Dean's designee may be any tenured Faculty member.

(b) No more than ten class-days after receiving a complaint, the Dean's designee shall notify the accused in writing of the complaint and of the provisions of the Code allegedly violated. The Dean's designee shall summon the accused to an informal conciliation, which should occur within five class-days of the accused receiving notice.

(c) The purpose of the informal conciliation shall be to ascertain the truth of the matter presented and to attain a just resolution of the matter consistent with the Code. The Dean's designee may conduct additional investigation in anticipation of the informal conciliation.

(d) Only the accused has a right to be present at the informal conciliation with the Dean's designee. Any other person may be present whose presence the Dean's designee determines would further the purpose of the informal conciliation.

(e) Procedures for the informal conciliation shall be at the discretion of the Dean's designee. Only the accused and the Dean's designee have a right to speak at the informal conciliation. The accused has no obligation to speak.

(f) No separate complaint of a Code violation may arise against the accused as a result of communication during the informal conciliation. However, a violation of section 202 forfeits this privilege, and a complaint may be lodged if predicated on an allegation of that violation.

(g) At the conclusion of the informal conciliation, the Dean's designee shall recommend a final disposition of the matter, including, if appropriate, a finding of the accused's responsibility and any appropriate sanction. The accused may agree with the finding of responsibility or with both the finding of responsibility and the sanction.

(h) If the accused and Dean's designee reach any agreement, the Dean's designee shall make a written record of the agreement, which the accused shall sign. If the accused and Dean's designee agree on both the finding of responsibility and the sanction, then the Dean's designee shall arrange for the execution of the sanction and conclusion of the matter.

(i) The accused may void an agreement with the Dean's designee by delivering written notice within twenty-four hours of signing the agreement. If the accused and Dean's designee have agreed on both responsibility and sanction, the accused may void the entire agreement, but not one part of it.

(j) If the Dean's designee and the accused do not agree on the finding of responsibility or on the sanction, the Dean's designee shall promptly assemble an Honor Code Hearing in accordance with section 306.

Section 306. Honor Code Hearing.

(a) **Notice to the Hearing Council and to the accused.** Upon failure to reach an agreement with the accused during informal conciliation, the Dean's designee shall notify the Council and the Investigator. The Investigator shall forthwith provide a written report to the Council and the accused summarizing the allegations and the result of the investigation, including a list of those witnesses from whom the Council is likely to want to hear.

(b) **Hearing Tribunal.** The chairperson of the Council shall select two faculty members and two student members of the Council to participate with the chairperson in the hearing. This body constitutes the hearing tribunal. If the chairperson is unable to participate for any reason, the vice-chairperson shall take his or her place for all purposes described below. If neither can participate, or if there is an inadequate number of members of the Council to fulfill the other required roles, the Dean shall appoint replacements for purposes of the hearing. The chairperson of the hearing tribunal shall promptly set a hearing date and notify the accused of the hearing date as well as the identity of the members of the hearing tribunal.

(c) **Challenges.** After receipt of notice of the hearing, the accused may choose to challenge the composition of the hearing tribunal. The accused shall have one preemptory challenge for student members and one preemptory challenge for faculty members of the tribunal. The accused may also challenge any member of the hearing tribunal for cause. The accused must communicate to the chairperson of the tribunal in writing any challenge. The accused must deliver any challenge within three class-days after receipt of notice. If the challenge is not delivered within three class-days, it will be denied.

d) **Hearing Process.**

(1) The hearing is not an adversarial process, but is instead an inquisitorial proceeding in which formal rules of evidence are not applicable. The hearing tribunal decides what documentary evidence to request, what witnesses to call, and what questions to present to those witnesses. The chair has final authority over all evidentiary and scheduling matters, other than that each member of the tribunal shall decide for him or herself what inference to draw from any failure to testify or present requested evidence.

(2) The accused shall have the right to have any one personal representative, including a family member, student, friend, or retained counsel, attend the hearing, but who may not participate in the hearing. However, no faculty member, either full- or part-time, may serve as this representative.

(3) The Investigator may request that the hearing tribunal call certain witnesses, request certain evidence, or ask certain questions, but the tribunal has discretion whether to make those inquiries. The Investigator attends the hearing, or portions thereof, at the discretion of the chair.

(4) The accused, personally shall have the following rights, and only these rights, at the hearing:

- (a) The right to be present during all testimony. At the conclusion of the testimony of any witness, the right to request further questions.
 - (b) The right to request witnesses. The chairperson may require an offer of proof and decide to exclude the testimony of the witness in whole or in part if the proposed testimony is considered to be irrelevant, duplicative, or otherwise unnecessary to a fair disposition.
 - (c) At the conclusion of the receipt of all evidence and witness testimony, the right to request the receipt of additional evidence.
 - (d) The right to testify.
 - (e) The right to present a closing argument that may not exceed fifteen (15) minutes.
 - (f) The right to bring a stenographer to transcribe the proceedings at the accused's own expense.
- (5) Hearings are closed, but must be recorded in some reliable fashion. They need not be transcribed.
- (6) At the conclusion of the hearing, the tribunal shall deliberate in secret to determine responsibility. A majority of the tribunal must agree to any decision on the accused's responsibility. If the accused is found to be responsible, the chairperson of the tribunal shall promptly inform the accused in writing of the tribunal's decision and of the accused's right to submit to the tribunal in writing any relevant information and arguments as to the appropriate sanction. The accused must deliver to the chairperson any information or arguments as to sanction within seven days after receipt of the decision. The tribunal then shall deliberate in secret to recommend to the Dean an appropriate sanction. When a majority of the tribunal has agreed on a recommended sanction, the chairperson shall promptly notify the accused. The majority of the tribunal agreeing upon a recommended sanction need not be the same majority of the tribunal that agreed to the decision as to the accused's responsibility.
- (7) If the chairperson of the tribunal is in the majority, he or she shall draft a brief report to the Dean communicating the tribunal's numerical vote as to responsibility, explaining the tribunal's relevant findings, and, if applicable, communicating a recommended sanction agreed upon by a majority of hearing tribunal members. If the chair is in the minority, the most senior faculty member in the majority shall draft the report. Tribunal members may draft dissenting reports as to any recommended sanction, which the chairperson or ranking-majority member will pass on to the Dean, but members may not prepare any such report as to responsibility. The record of the hearing also shall be delivered to the Dean.
- (8) When a hearing tribunal finds responsibility, the Dean shall determine and impose an appropriate sanction pursuant to section 204 of this Code, subject to the following provisions. In determining an appropriate sanction, the Dean may review the tribunal's report and the record of the hearing, as well as conduct any independent investigation. The Dean shall be guided by the sanction recommendation of the hearing tribunal, but may, in the Dean's sole discretion, impose a sanction of the same or greater or lesser severity. Nothing in this Code limits the Dean's ability to impose stronger sanctions than those recommended by the hearing tribunal or pursuant to the University's Policy on Protective Action.
- (9) The Dean shall notify the accused in writing of the Dean's determination in the matter. The Dean shall return the record to the Registrar. The Dean also shall transmit to the Registrar a copy of the Dean's determination, which shall become part of the record. The Dean shall promptly arrange for the execution of any sanction upheld.

PART FOUR: MISCELLANEOUS

Section 401. Amendments.

This Code may be amended at any time in the same manner as it was ratified.

Section 402. Ratification.

This Code becomes effective when approved by the affirmative vote of a majority of the full-time members of the Faculty of the Law School convened in a general or special meeting.

Section 403. Effective Date.

This Code will become effective on the first day of July, 2008, and was last amended on August 12, 2016.

Appendix

SUGGESTED FORM A: COMPLAINT

IN THE MATTER OF..... No.

COMPLAINT OF VIOLATION OF SECTION 202 OF CODE OF CONDUCT

1. [Insert name of complaining party], who is [Insert status of complaining party] makes the following complaint based upon first-hand knowledge.
2. [Insert the date, time and place of the violation, describe in detail the nature of the violation, and identify all persons known to have first-hand knowledge of the violation.]
3. Complaining party requests the Office of Student Affairs to investigate this violation, and to take such other action as may be required.

.....

(Signature)

.....

(Date)

**SUGGESTED FORM B: NOTICE OF APPOINTMENT OF
TRIAL COUNSEL**

IN THE MATTER OF..... No.

To::
(name of respondent)

1. On, the Dean of the Law School referred this matter to a
Committee for hearing pursuant to §304(a) of the Student Code of Conduct.

2. By order of the Dean, has been appointed as Trial
(name of Trial Counsel)
Counsel in this matter.

3. You may contact Trial Counsel to obtain a copy of the investigation report prepared by the
Office of Student Affairs pursuant to §303(b) of the Student Code of Conduct.

.....
(Trial Counsel)

.....
(Date)

APPENDIX A

AMERICAN BAR ASSOCIATION STANDARD 501

Standard 501. ADMISSIONS

- (a) A law school shall maintain sound admission policies and practices consistent with the Standard, its mission, and the objectives of its program of legal education.
- (b) A law school shall not admit an applicant who does not appear capable of satisfactorily completing its program of legal education and being admitted to the bar.
- (c) A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program.

Interpretation 501-2

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome.

**AMERICAN BAR ASSOCIATION
STANDARD 510**

**Standard 510. STUDENT COMPLAINTS IMPLICATING COMPLIANCE
WITH THE STANDARDS**

- (a) A law school shall establish, publish, and comply with policies for addressing student complaints.
- (b) A law school shall maintain a record of student complaints submitted during the most recent accreditation period. The record shall include the resolution of the complaints.

Interpretation 510-1

A “complaint” is a communication in writing that seeks to bring to the attention of the law school a significant problem that directly implicates the school’s compliance with the Standards.

Interpretation 510-2

A law school’s policies on student complaints must address, at a minimum, procedures for filing and addressing complaints, appeal rights, if any, and timelines.

For students matriculating before or during Summer 2017 and thereafter, obtaining a JD degree requires a minimum of 90 credit hours of coursework. Students must take at least 12 credits that are experiential in nature, at least six of which are clinics, externships or other designated live representation experiences.

Required Courses	Credits
Applied Learning Lab	1 credit
Applied Practice Lab	1 credit
Bar Exam Success: Strategies and Skills	3 credits
Civil Procedure I	4 credits
Civil Procedure II	2 credits
Constitutional Law I	2 credits
Constitutional Law II	4 credits
Contracts I	4 credits
Contracts II	4 credits
Criminal Law	3 credits
Criminal Procedure I	3 credits
Evidence	4 credits
Legal Methods I	3 credits
Legal Methods II	2 credits
Legal Methods III	2 credits
Legal Problem Solving	2 credits
Professional Responsibility	3 credits
Property I	4 credits
Property II	2 credits
Torts I	4 credits
Torts II	2 credits
Electives	29 credits
Total Credits	90 credits

** DELAWARE LAW SCHOOL RESERVES THE RIGHT TO MODIFY CURRICULUM REQUIREMENTS AND COURSE OFFERINGS.*

FOR STUDENTS MATRICULATING BEFORE SUMMER 2017 PLEASE REFER TO THE RELEVANT STUDENT HANDBOOK.

WIDENER UNIVERSITY DELAWARE LAW SCHOOL

DELAWARE LAW SCHOOL FACULTY POLICY STATEMENT ON THE CURRICULUM

Section 101. General.

The Law School faculty has approved a general studies curriculum for all students. This required core curriculum, effective for students matriculating June 2017 or later, consists of 61 hours of instruction in subjects which the faculty deems form a common core of understanding and shared experience, whatever specialty a graduate should follow after graduation. The Law School offers many courses in addition to the core curriculum. Every law student has an opportunity to choose a minimum of 29 elective credits. This policy statement is intended to serve as a guide to students in selecting courses. It contains a complete list of course prerequisites, based on the thoughtful reflection of faculty who teach in that area. The Law School reserves the right to modify curriculum requirements and course offerings.

(i) For students matriculating during or after Fall 2013 but before the 2017 Summer term, students who complete the first two semesters of law school with a cumulative grade point average of 2.7 or above must complete the following:

Course	Credits
Administrative Law	3
Civil Procedure	4
Constitutional Law I	4
Contracts	4
Criminal Law	3
Evidence	4
Legal Methods I & II	5
Legal Methods III	2
Professional Responsibility	3
Property I & II	6
Torts	4
Electives	46
Total	88

(ii) Students who complete the first two semesters of law school with a cumulative grade point average of below 2.7 must complete the following:

Course	Credits
Administrative Law	3
Advanced Analytical Applications (students with gpa below 2.7 after first year who have not taken Intensive Legal Analysis)	2
Bar Preparation and Strategies	2
Business Organizations	4
Civil Procedure	4
Constitutional Law I & II	6
Contracts	4
Criminal Law	3

Criminal Procedure	3
Evidence	4
Federal Income Tax	3
Legal Methods I, II, & III	7
Professional Responsibility	3
Property I & II	6
Sales & Leases	3
Torts	4
Electives	31
Total	88

Other Requirements

- Writing Requirement
- Experiential Credit Requirement

Section 201. Required Courses for students matriculating during or after Summer 2017.

- (1) **Completion of First Year Courses.** Each regular division student must complete in their first year of law school Property I & II, Torts I & II, Legal Methods I & II, Applied Learning Lab, Contracts I, Criminal Law, Civil Procedure I, Applied Practice Lab, and Constitutional Law I.
- (2) Each regular division student must also complete the following required courses: Constitutional Law II, Evidence, Civil Procedure II, Contracts II, Professional Responsibility, Legal Problem Solving, Criminal Procedure I, and Legal Methods III. Students with below a 3.0 GPA after their first year of law school must also take Bar Exam Success: Substance & Skills.
- (3) Completion of First Year Courses: each extended division students must complete in their first year of law school Torts I & II, Property I & II, Legal Methods I & II, Applied Learning Lab, Criminal Law, Applied Practice Lab, and Constitutional Law I.
- (4) Each extended division student must also complete the following required courses: Constitutional Law II, Evidence, Civil Procedure I & II, Contracts I & II, Professional Responsibility, Legal Problem Solving, Criminal Procedure I, and Legal Methods III. Students with below a 3.0 GPA after their first year of law school must also take Bar Exam Success: Substance & Skills.
- (5) **Application to Transfer Students and Students Who Change Divisions.** The limitation imposed by paragraph (1) of this subsection does not apply to students who move from the extended division to the regular division at the end of the first year of legal studies, or to students who transfer from other ABA accredited law schools. The Office of Student Affairs, however, must approve the courses a transfer student will take before the student registers for a course.

Section 301. Experiential Credit Requirement. As of Summer 2017, students must take at least 12 credits to fulfill their experiential credit requirement. At least 6 credits must be in coursework designated as clinical or externship coursework.

Section 302. Elective Course Prerequisites in General.

- (a) **General Rule.** A student must satisfactorily complete all prerequisite courses for an elective course before the student may register for the elective course. A student may not take an elective course and a prerequisite course for that elective in the same academic semester or term.
- (b) **Completion of First Year Courses.** A student must satisfactorily complete all first year required courses for the division in which the student is currently enrolled before registering for any elective course. This subsection shall not apply to those students who transfer from another ABA accredited law school or who has received the permission of the Office of Student Affairs.

PUBLIC INTEREST RESOURCE CENTER (PIRC)

The Law School is committed to public service. The Public Interest Resource Center (PIRC) is the headquarters for public interest work at the Law School. PIRC helps students find opportunities to do volunteer legal work in public interest agencies and government offices throughout Delaware, Pennsylvania, and New Jersey. Opportunities are available during the school year, between semesters, and post-graduation at PIRC's numerous partnerships.

The pro bono efforts of Law School students have been far reaching. Just to name a few of the many opportunities, students help to staff the: Self-Help Center at the New Castle Courthouse, the Pardons Project, Domestic Abuse Project, ACLU, Legal Aid Offices, District Attorney Offices, Public Defender Offices, as well as at Delaware Volunteer Legal Services (DVLS). Students from the Law School were one third of the work-force for the statewide Volunteer Income Tax Assistance Program that brought millions of dollars in tax refunds to low-income Delaware citizens. PIRC continues to expand the pro bono reach of Law School students.

Law School students who are in good academic standing, are encouraged to engage in public service once they have completed their challenging first semester of law school. This service is not required for graduation. It is, however, encouraged to promote service in the public interest and for skill acquisition.

Volunteering during law school can be an excellent way to gain experience working with clients, or to get additional practice doing legal research and writing. Volunteering in the public interest offers a way to add legal experience to a resume and it provides much needed assistance to over-burdened legal services agencies. Information about placement opportunities is available in the PIRC Offices and on the Law School website. PIRC works in conjunction with the Career Development Office to advise students who seek permanent positions in public interest law.

PIRC also offers pro bono distinction at graduation to students who perform an exceptional amount of public interest work. To qualify, the work must be uncompensated legal service (students can receive neither money nor academic credit) and the service hours must be recorded and verified by the PIRC Office. Judicial clerkships, prestigious in their own right, are not considered public service, but most other work for public service or government agencies does qualify. **A student must perform at least 60 hours of volunteer legal service to qualify for distinction (at least 20% of those hours (12 hours) must be performed during the academic year).** Student Log forms and additional information regarding pro bono distinction are available at the PIRC Office or on the website. Questions regarding pro bono distinction at graduation can be answered by the PIRC Director.

PIRC AT A GLANCE

Offices: Rooms 254 and 250, Main Law Building

Phone: 302-477-2702

Director: TBD

WIDENER UNIVERSITY DELAWARE LAW SCHOOL

FACULTY POLICY STATEMENT ON GRADING AND EXAMINATIONS

Section 101. Grade Normalization Policy.

- (a) The mean grade in each section of a first year required course for regular division students and the equivalent courses for extended division students, except for Legal Methods II and Intensive Legal Analysis sections, must fall within the 2.300 to 2.750 range.
- (b) In each section of first year required courses for regular division students and the equivalent courses for extended division students, at least 10% of the students must receive grades of B+ or above, and at least 10% of the students must receive grades of C- or below.
- (c) The mean grade in each section of upper level courses with an enrollment of more than 12 students must fall within the 2.600 to 3.400 range. The mean grade in each section of upper level courses with an enrollment of 12 or fewer students must fall in the 2.600 to 3.600 range.
- (d) Departures from the grading standards specified in paragraphs (a)-(c) above must be approved in writing by the ADAA. The Registrar must receive a copy of the ADAA's written approval before entering any grades that depart from these standards.
- (e) In calculating the mean grades in sections of all courses, and in satisfying the grade distribution requirements of subsection (b), the grades received by students enrolled in the Law School's Master of Laws (LL.M.) programs shall be excluded.
- (f) Students enrolled in the Law School's Master of Jurisprudence (M.J.) Programs shall be graded separately from student in the Juris Doctor (J.D.) and Master of Laws (LL.M.) Programs and M.J. and LL.M. grades shall not be subject to any grade distribution requirements.

Section 102. Faculty Recommendation.

In courses that cover subject matter which is regularly tested by essay questions on bar examinations in our region, essay questions should comprise some portion of the examination.

Section 103. Effective Date.

The provisions of the Faculty Statement on Grading and Examinations are effective on June 1, 2016.

DELAWARE LAW SCHOOL

LEGAL INFORMATION CENTER

The Legal Information Center is one of the major law libraries in the region containing an outstanding print collection which is complemented by a vast array of electronic resources. It is designed to serve as the gateway to your legal research needs. The core focus of the collection is on United States legal materials with particular strengths in corporate, health, tax and constitutional law. We are a selective depository for United States government documents. The homepage offers easy links to facilitate legal research.

Knowledgeable and highly experienced librarians are easily accessible to students and always willing to provide personal assistance in researching the law, both in person and online. For a complete description of our services and policies and most current hours of operation, consult the homepage.

HOURS

Monday through Thursday	8 a.m. – midnight
Friday	8 a.m. – 9 p.m.
Saturday	9 a.m. – 9 p.m.
Sunday	10 a.m. – midnight

Extended hours during exam periods. Hours vary during school breaks. To verify hours, call (302) 477-2244 for a recorded message.

KEY CONTACTS

General Information	(302) 477-2244	-
Reference	(302) 477-2114	
Document Delivery (ILL)	(302) 477-2187	
Administration	(302) 477-2113	
Fax	(302) 477-2240	

Reach us by email: LawLibRef@widener.edu

LINK TO OUR HOMEPAGE

delawarelaw.widener.edu/library

WIDENER UNIVERSITY

POLICY PERTAINING TO THE CONFIDENTIALITY OF, ACCESS TO, AND DISCLOSURE OF STUDENT RECORDS

Section One. Scope of Policy.

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment (“FERPA” or “Act”), was enacted to assure parents of students, and students themselves if they are over the age of eighteen or attending an institution of post-secondary education, access to the students’ education records and to protect such individuals’ rights to privacy by limiting the transferability and disclosure of their records without their consent. In accordance with the Act and the regulations promulgated thereunder, the instant Policy has been adopted.

This Policy applies to students presently enrolled in any school, college or division of Widener University (“University”) and to alumni, but not to applicants who have not been admitted to or attended the University. The rights contained in this Policy are afforded to such students as well to the parents of “Dependent Students” as such term is defined herein.

This Policy is intended to provide general guidance only, and any questions as to its applicability, operation or enforcement should be referred to the Senior Vice President for Administration and Finance of the University.

Section Two. Definitions.

For purposes of this Policy, the following definitions shall apply:

(a) “Attendance” includes, but is not limited to –

- (1) Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
- (2) The period during which a person is working under a work-study program.

(b) “Biometric Record” as used in the definition of personally identifiable information means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

(c) “Dependent Student” shall have the meaning as defined in Section 152 of the Internal Revenue Code of 1954, as same may be amended from time to time. For purposes of this Policy, all undergraduate students will be considered as “dependent” unless the student specifically informs the Registrar’s Office that he/she considers himself/herself “independent.” All graduate students, University College students, and Weekend College students will be considered as “independent,” unless the student specifically informs the Registrar’s office that he/she is a “dependent.” Notwithstanding the foregoing, a student claimed as a dependent on a parent’s federal income tax return will in all cases be considered as a “dependent” student.

(d) “Directory Information” means information contained in an Education Record of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

- (1) Directory Information includes, but is not limited to, the student’s name; home and campus address; telephone listing(s); electronic mail address; photograph; major field of study; grade level; enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors and awards received; and the most recent educational agency or institution attended.
- (2) Directory Information does not include a student’s –
 - (i) Social Security Number; or
 - (ii) Student Identification (ID) number, except as provided in paragraph (3) of this section.
- (3) Directory Information includes a student ID number, user ID, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to Education Records except when used in conjunction with one or more factors that authenticate the user’s identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user. The University (and its vendors) may not use a social security number or other non-directory information, either alone or in combination with other data elements, to identify student records when disclosing or confirming directory information without written consent of the student.

(e) “Disciplinary Action or Proceeding” means the investigation, adjudication, or imposition of sanctions by the University with respect to an infraction or violation of the internal rules of conduct applicable to students of the University.

(f) “Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in Education Records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

(g) “Education Records” means those records, files, documents and other materials which contain information directly related to a student and which are maintained by the University or by a person acting for the University. The term “Education Records” does not include the following:

- (1) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;
- (2) records maintained by a law enforcement unit of the University that were created by that law enforcement unit for the purpose of law enforcement;
- (3) in the case of persons who are employed by the University but who are not in attendance at the University, records made and maintained in the normal course of

business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose;

- (4) records on a student who is eighteen years of age or older, or is attending the University, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice;
- (5) records created or received by the University after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; or
- (6) grades on peer-graded papers before they are collected and recorded by a teacher.

(h) "Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(i) "Personally Identifiable Information" includes, but is not limited to –

- (1) the student's name;
- (2) the name of the student's parent or other family members;
- (3) the address of the student or student's family;
- (4) a personal identifier, such as the student's social security number, student number, or biometric record;
- (5) other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- (6) other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- (7) information requested by a person who the University reasonably believes knows the identity of the student to whom the Education Record relates.

(j) "Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Section Three. Permitted Disclosures.

(a) Except for certain exceptions stated in the Act, no one shall have access to Education Records without the written consent of the student concerned. However, the student concerned may authorize in writing the disclosure of Education Records to specified individuals or to a class of organizations or persons for the purpose of employment, graduate study, or fellowships or for other

purposes specified by the student. A valid written consent under the Act must be in writing, signed by the student and dated and shall specify the Education Records to be released, the reasons for such release and the party or the class of parties to whom the disclosure may be made. The student may also request a copy of the Education Records to be released. The exceptions to the consent requirement include the following:

- (1) University officials with legitimate educational interests. A University official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including, without limitation, law enforcement unit personnel, health staff, athletic coaches and trainers and admissions counselors and recruiters); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, contractor, consultant, volunteer or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another University official in performing his or her tasks. A University official has a legitimate educational interest if the official needs to review an Education Record in order to fulfill his or her professional responsibilities for the University;
- (2) under certain specific conditions, officials of other schools, school systems, or institutions of higher education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer;
- (3) under certain specific conditions, authorized representatives of the Controller General of the United States, the Attorney General of the United States, the United States Secretary of Education or state educational authorities in connection with the audit and evaluation of Federally-supported education programs or in connection with the enforcement of Federal legal requirements which relate to such programs;
- (4) under certain specific conditions, authorized representatives of the United States Attorney General for law enforcement purposes;
- (5) persons processing financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for or the amount of the aid, the conditions for the aid or to enforce the terms and conditions of the aid;
- (6) under certain specific circumstances, state and local officials or authorities to whom such information is specifically allowed to be reported or disclosed pursuant to state statute if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the students whose records are to be released;
- (7) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, subject to certain conditions;
- (8) accrediting organizations in order to carry out their accrediting functions;

- (9) parents of a Dependent Student, as defined in this Policy;
- (10) if the University determines that there is an articulable and significant threat to the health or safety of a student or other individuals, but only to those persons whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. In these circumstances, a record must be kept of the threat and the parties to whom the information was disclosed;
- (11) under certain specific circumstances, to an entity or persons designated in a judicial order or lawfully issued subpoena, or pursuant to certain ex parte court orders obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of certain offenses or an act of domestic or international terrorism;
- (12) the disclosure is information the University has designated as “Directory Information”; provided, however, that any student may withhold disclosure of any or all of such Directory Information by notification in writing to the Registrar’s Office of the University or the School of Law, as applicable;
- (13) the disclosure is to the student;
- (14) the disclosure is to a victim of an alleged perpetrator of any crime of violence (as that term is defined in Section 16 of Title 18 of the United States Code) or a nonforcible sex offense of the final results of any Disciplinary Proceeding conducted by the University against the alleged perpetrator of such crime or offense with respect to such crime or offense. The University may disclose the final results of the Disciplinary Proceeding to the victim regardless of whether the University concluded a violation was committed. Nothing in this section shall be construed to prohibit the University from disclosing to individuals or entities other than the victim the final results of any such Disciplinary Proceeding if the University determines as a result of such Disciplinary Proceeding that: (i) the student is an alleged perpetrator of a crime of violence or nonforcible sex offense; and (ii) with respect to the allegations made against him or her, the student has committed a violation of the University’s rules or policies. For purposes of this section, the final results of any Disciplinary Proceeding: (i) shall include only the name of the student, the violation committed and any sanction imposed by the University on that student; and (ii) may include the name of any other student, such as a victim or witness, only with the written consent of that other student;
- (15) the disclosure relates to appropriate information in the Education Records of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students or other members of the University community, and the disclosure is made to faculty, administration, or other University officials, or faculty, administration or officials of other schools or institutions of postsecondary education, who have legitimate educational interests in the behavior of the student;
- (16) the disclosure is to the parent of a student and relates to information regarding any violation by a student of any Federal, state or local law, or of any rule or policy of the University, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student’s

Education Records if: (i) the student is under the age of 21 at the time of the disclosure to the parent; and (ii) the University determines that the student has committed a disciplinary violation with respect to such use or possession; provided, however, that no provision of applicable state law prohibits the University from making such disclosure;

- (17) the disclosure concerns sex offenders and other individuals required to register under applicable law and the information was provided to the University under applicable law and guidelines; or
- (18) when the University is returning records to the apparent creator (e.g., of a transcript or letter) to verify authenticity.

(b) Whenever a student's Education Records or information from such records is disclosed to any organization, agency or individual, and it is required by applicable law, a transmittal letter shall inform the recipient that such records or information are not to be disclosed to any other party without the prior written consent of the student.

(c) Each University office which maintains Education Records shall keep with the records of each student a form which lists, with the exceptions stated below, all individuals, agencies or organizations which have requested or obtained access to such student's Education Records. This form shall also include the legitimate interest the requestor had, if any, in making the request. This requirement does not apply to disclosures to University officials described in Section 3(a)(1) hereof, to the student or his or her parent, to parties to whom disclosure has been specifically approved by the student, to disclosures of Directory Information, or to a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or agency has ordered that the information furnished in response thereto not be disclosed or an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecution of certain offenses or an act of domestic or international terrorism. Where it is required by applicable law, personal information shall only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the student.

Section Four. Student's Rights to Access.

(a) General.

- (1) The types of Education Records maintained by the University include academic records (transcripts, advising records, and letters of evaluation) and other personal records, such as work-study and financial records, and records of Disciplinary Proceedings. The offices in which such records are maintained include the Provost's Office, the Deans' offices of the various schools/colleges of the University, offices of faculty advisors and department/division heads, the Registrars' Offices, Counseling Center, Placement Offices, the Offices of the Deans of Students and the subordinate sections, Admissions, Financial Aid, Special Programs and the Business Offices.
- (2) With certain exceptions set forth in this Policy or in the Act, the Education Records of a particular student shall be open for inspection by that student.
- (3) The following types of information shall not be released to students:

- (i) financial records of the parents of the student or any information contained therein;
 - (ii) confidential letters and statements of recommendation, which were placed in the Education Records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended; and
 - (iii) if the student has signed a waiver of the student's right of access in accordance with subsection (4) below, confidential recommendations -
 - (A) respecting admission to any educational agency or institution;
 - (B) respecting an application for employment, and
 - (C) respecting the receipt of an honor or honorary recognition.
- (4) A student or person applying for admission may waive his right of access to confidential statements described in clause (iii) of subsection (3) above, except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended.
- (5) Subject to the limitations otherwise stated herein, a student may waive any of his or her rights granted pursuant to the Act and the regulations promulgated thereunder. The University will not require such a waiver as a condition of admission, receipt of financial aid or receipt of any other services or benefits. A waiver under this Section may be made with respect to specified classes of Education Records and persons or institutions. A waiver under this Section may be revoked, in writing, with respect to any actions occurring after the revocation.
- (6) If any material or demand in the Education Records of a student includes information on more than one student, the student (or the parent of a Dependent Student) shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.

(b) Procedures for Access to Records.

- (1) A request by a student (or the parent of a Dependent Student) to inspect his or her Education Records shall be made to the office which maintains such records. Each office maintaining Education Records shall designate a person to receive and process such requests. Upon receipt of a dated, signed request form and proper identification, the designated person receiving the request shall give the student or parent a written confirmation or receipt of the request. Such person shall also inform the student or parent when the requested records will be made available, as soon as is reasonably possible, but in no event more than forty-five (45) days after receipt of the request.

- (2) After the designated person has removed from the student's file all information which may not be disclosed under this Policy or the Act, the records shall be made available to the student or parent on the specified date, after the student or parent again displays proper identification, for inspection and review under supervision of the designated person. If a student or parent requests a copy of one or more of such records, the requested copies, with limited exceptions, shall be transmitted to the student or parent upon payment of a fee. Unless otherwise specifically stated, the fee for such copies shall be Twenty-Five cents (\$.25) per page. The University may deny the request for a copy of records for legitimate cause, provided that such denial and the circumstances do not effectively prevent the student from exercising the right to inspect and review the records. In order to have this right, the circumstances surrounding the possible denial of a copy of records must be described. **In no event will the records of another institution which a student attended be released to any person including a student or his/her parent.**
- (3) After reviewing his or her records, a student or parent has a right to challenge the contents of such records as being inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. Unless otherwise established by the school/college in which a student has matriculated, a student or parent may not challenge the correctness of a grade which has been assigned to the performance of the student in a course, but may challenge the accuracy of the recording of the grade.
- (4) Upon deciding that some aspect of the student's record(s) is inaccurate, the student or parent shall so inform the designated person in the office where the records are maintained and shall attempt to resolve the problem through informal discussion with such person and the person in charge of that office.
- (5) If no agreement is reached through informal discussions, the student may submit in writing to the Dean of the School or College in which the student has matriculated, a rebuttal and/or request for a hearing, specifying the record or records alleged to be inaccurate, misleading or otherwise inappropriate. If the Dean's review of the hearing request and file also does not result in an agreement, the Dean shall appoint as hearing officer a University official with no direct interest in the outcome of the hearing. Unless the student or parent withdraws his request or requests a delay, the hearing shall be held within forty-five (45) days after receipt of the student's or parent's request, and the hearing officer shall provide the student or parent notice of the date, time and place of the hearing reasonably in advance of the hearing. At the hearing, the student or parent shall be given an opportunity to present evidence in support of the challenge and the student or parent may, at his/her own expense, be assisted or represented by one or more individuals of his/her own choice, including an attorney. The impartial official conducting the hearing shall render his/her decision in writing within thirty (30) days after the hearing, which decision must include a summary of the evidence and the reasons for the decision. If the decision denies the challenge, the student or parent may have inserted in the student's records a written explanation concerning the allegedly inappropriate contents.

Section Five. Miscellaneous Policy Items.

(a) This Policy and a copy of the Act and regulations promulgated thereunder shall be made available at registration headquarters during regular registration periods. In addition, copies of this Policy may be found in the offices of the Deans of Students and the offices of the Deans of the various schools and colleges of the University.

(b) An annual notification of rights under the Act shall be given to students in attendance at the University. This notification shall typically be contained in the student handbooks.

(c) If a student feels that the University has failed to comply in some way with the Act or the regulations promulgated thereunder, and has failed to answer his or her complaint satisfactorily, he or she has the right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202.

(d) Nothing in this Policy may be construed to prohibit the University from disclosing information concerning registered sex offenders.

(e) This Policy shall be effective as of the commencement of the 2009-2010 academic year. This Policy may be amended, supplemented or revoked by the University at any time.

ANNUAL NOTICE TO STUDENTS REGARDING EDUCATION RECORDS

The Family Educational Rights and Privacy Act (“FERPA”) affords eligible students certain rights with respect to their education records. (An “eligible student” under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution.) These rights include:

1. The right to inspect and review the student’s education records within 45 days after the day the University receives a request for access. A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student’s education records that the student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to provide written consent before the University discloses personally identifiable information (“PII”) from the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

The University discloses education records without a student’s prior written consent under the FERPA exception for disclosure to University officials with legitimate educational interests. A University official is a person employed by the University in an administrative, supervisory, academic, research, or support staff position (including, without limitation, law enforcement unit personnel, health staff, athletic coaches and trainers, and admissions counselors and recruiters); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee. A University official also may include a volunteer or contractor outside of the University who performs an institutional service or function for which the University would otherwise use its own employees and who is under the direct control of the University with respect to the use and maintenance of PII from education records, such as an attorney, auditor, contractor, consultant, or collection agent, or a student volunteering to assist another University official in performing his or her tasks. A University official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. Such education records may include updated or corrected information, including, without limitation, disciplinary and health records

4. The right to file a complaint with the U.S Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

5. The right to withhold public disclosure of any or all items of “directory information” by written notification to the Registrar’s Office of the University or the School of Law, as applicable, within two (2) weeks after the commencement of the fall or spring semesters of any given academic year. Under current University policy, the term “directory information” includes, without limitation, a student’s name, home and campus address, telephone listing(s), electronic mail address, photograph, major field of study, grade level, enrollment status (e.g., undergraduate or graduate, full-time or part-time); dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors, and awards received, and the most recent educational agency or institution attended.

Widener University
Tobacco-Free Enforcement Policy
For Faculty, Staff, Students, Visitors Contractors and Guests

Purpose

Widener University is dedicated to providing and promoting a healthy and productive environment for its faculty, staff, students, visitors, contractors and guests. The Tobacco-Free Policy adopted by the university in May of 2009 is consistent with that goal. By endorsing this policy, Widener University demonstrates its commitment to eliminating environmental tobacco smoke (ETS) exposure, promoting best healthcare practices and choices for individuals, and establishing a university culture of wellness.

This policy applies to all university faculty, staff, students, visitors, contractors and guests at all times. Tobacco use includes any lighted tobacco product and/or any oral tobacco product. The use of all tobacco products is prohibited within the boundaries of each of the university's four campuses [see Appendix A]. The prohibited areas within each of the campuses boundaries include all buildings, facilities, indoor and outdoor spaces and grounds owned, rented and licensed by the university. This policy also applies to parking lots, walkways, sidewalks, sports venues, university vehicles and private vehicles parked or operated on university property.

Enforcement

All members of the Widener community are asked to respectfully remind faculty, staff, students, visitors, contractors and guests who are smoking or chewing tobacco on university property about the university's Tobacco-Free Policy. Small information cards will be available for distribution to tobacco users by any member of the Widener community. The cards will indicate that Widener University is a Tobacco-Free university; they will be available to faculty, staff, students, visitors, contractors and guests. There will be guidance for assistance including the Widener tobacco-free website address.

Campus Safety staff will also be responsible for reminding any faculty, staff, student, visitor, contractor or guest who is using tobacco on university property about the university's tobacco-free policy and for providing them with a copy of the Tobacco-Free information card. Campus Safety staff may ask to see identification for faculty, staff, students, visitors, contractors and guests and complete an incident report for anyone who is found violating the university's policy. The original incident reports will be directed to the Campus Safety Office. Incident reports will be reviewed and copies of reports for students will be sent to the appropriate Student Affairs Office for processing through the student disciplinary process. Copies of reports for all employees for all campuses will be sent to the Human Resources Office in Chester for processing through the employee disciplinary process. The Human Resources Office will send a copy of the incident report to the employee's supervisor.

There will be four levels of offenses, with a requirement for each offense that a cited student or employee attend an educational program or seek assistance for cessation, in addition to the noted penalties as follows:

1st Offense – Warning

2nd Offense – \$25.00 Fine

3rd Offense – \$50.00 Fine

4th Offense – up to dismissal or termination of employment/enrollment, based on the respective disciplinary code

Campus Safety staff will give a copy of the Tobacco-Free information card to visitors using tobacco on university property and ask them to extinguish cigarettes, cigars or pipes or dispose of smokeless tobacco products. If a visitor refuses to comply with this request, Campus Safety staff may ask the visitor to leave campus (as is currently done when visitors violate the university's alcohol and drug policy).

Assistance

Educational and cessation assistance programs will be offered to students, faculty and staff throughout the 2010/11 academic year to help them quit using tobacco products. Any money collected from the noted fines will support the wellness education program.



Widener University

**Equal Opportunity, Harassment,
And Nondiscrimination Policy**

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POLICY: EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

As used in this document, the term “reporting party” refers to the person impacted by alleged discrimination or harassment. The term “responding party” refers to the person who has allegedly engaged in discrimination or harassment.

Applicable Scope

Widener University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the university’s Equity Resolution Process (ERP), as detailed below. When the responding party is a member of the university community, the resolution process is applicable regardless of the status of the reporting party who may be a member or non-member of the campus community, including students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc.

Title IX Coordinator

Grace Karmioli, Director, Employee Relations, serves as the Title IX Coordinator¹ and oversees implementation of the university’s policy on equal opportunity, harassment and, nondiscrimination. The Title IX Coordinator heads the Title IX Team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the Senior Vice President for Administration and Finance, Joseph J. Baker. To raise concerns regarding a potential conflict of interest with any other administrator involved in the resolution process, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

For all students and employees:

Grace Karmioli
Director, Employee Relations
Title IX Coordinator
Office of Human Resources
One University Place, Chester, PA 19013
610-499-1301
e-mail: gckarmioli@widener.edu

¹ Note that throughout this document, the term “Title IX Coordinator” refers to the Title IX Coordinator or their designee.

Deputy Title IX Coordinators:

For all students and employees:

Kevin Raport
Chief of Campus Safety
Widener University Law Schools
Delaware Law School
4601 Concord Pike
Concord Hall
Wilmington, DE 19803
302-477-2202
e-mail: kjraport@widener.edu

For students on the Chester campus:

Catherine Feminella
Assistant Dean for Student Development and Engagement
University Center, Main Campus
610-499-4392
e-mail: cafeminella@widener.edu

For students on the Delaware Law School campus:

Susan Goldberg
Associate Dean for Student Services
Delaware Law School
4601 Concord Pike
Wilmington, DE 19803
302-477-2173
e-mail: slgoldberg@widener.edu

For students on the Commonwealth Law School campus:

Mary Catherine Scott
Supervising Attorney, Central PA Law Clinics
Commonwealth Law School
3605 Vartan Way, 2nd Floor
Harrisburg, PA 17110
717-541-0320
e-mail: mccott9055@mail.widener.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: 800-421-3481
Facsimile: 202-453-6012
TDD#: 877-521-2172
e-mail: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact/>
EEOC Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107
800-669-4000

Reporting Options

Reports of discrimination, harassment, and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations. However, if the responding party is no longer subject to the university's jurisdiction, the ability to investigate, respond, and provide remedies may be more limited:

- 1) Report directly to the Title IX Coordinator or Deputy Title IX Coordinators;
- 2) Report to Campus Safety at 610-499-4200;
- 3) Report to the Health Center at 610-499-1183;
- 4) Report to the Counseling Center at 610-499-1261;
- 5) At the Delaware Law School, report to the psychologist, Dr. Amy Dwinnell at 302-477-2263.

All reports are acted upon promptly while every effort is made by the university to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, all employees of the university are designated as mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Senior Vice President for Administration and Finance, Joseph J. Baker.

Jurisdiction

This policy applies to behaviors that take place on campus, at university-sponsored events, and may also apply to off-campus conduct and to actions online when the Title IX Coordinator determines that the off-campus conduct or online action affects a substantial university interest. A substantial university interest is defined to include:

- a) Any action that constitutes a criminal offense of harassment or discrimination, or occurs collateral to a criminal offense of harassment or discrimination as defined by law, other than minor traffic offenses. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the interests of the university as they relate to this policy.

1. University Policy on Nondiscrimination

Widener University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. Widener University will not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of sex, gender, pregnancy status, age, race, national origin or ethnicity, religion, disability, status as a veteran of the Vietnam era or other covered veteran, sexual orientation, gender identity, marital status, or genetic information, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any resolution process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community, guest, or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the university policy on nondiscrimination. When brought to the attention of the university, any such discrimination will be appropriately addressed and remedied by the university according to the Equity Resolution Process described below. Non-members of the campus community who

engage in discriminatory actions within university programs or on university property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with university programs as the result of their misconduct. All vendors serving the university through third-party contracts are subject by those contracts to the policies and procedures of their employers.

2. University Policy on Accommodation of Disabilities

Widener University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

a. Students with Disabilities

Widener University is committed to providing qualified students with disabilities with reasonable accommodation(s) and support needed to ensure equal access to the academic programs and activities of the university.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Disabilities Services who coordinates services for students with disabilities. The Director of Disabilities Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are reasonable to the student's particular needs and academic programs.

b. Employees with Disabilities

Pursuant to the ADA, Widener University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would result in undue hardship. An employee with a disability is responsible for requesting an accommodation, in writing, to the Office of Human Resources and providing appropriate documentation. The Office of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what

reasonable accommodation(s) could enable the employee to perform those duties.

3. University Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Widener University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under university policy.

a. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), the Commonwealth of Pennsylvania and the State of Delaware regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Widener University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

- unwelcome,
- sexual, sex-based, and/or gender-based,
- verbal, written, online, and/or physical conduct.

Anyone experiencing sexual harassment in any university program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education, and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment, and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Severe, or
- persistent or pervasive, and
- objectively offensive, such that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the university's educational, employment, social, and/or residential programs.

Quid Pro Quo Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development, employment, or performance.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually oriented jokes around on an e-mail list they created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office, not pertaining to course materials, or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her and she is the target of relentless remarks about cigars, the president, "sexual relations", and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

b. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Widener University has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Widener University considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, the university reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact, and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Violations include, without limitation:

i. Sexual Harassment (as defined in section b above)

ii. Non-Consensual Sexual Intercourse

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

iii. Non-Consensual Sexual Contact²

Defined as:

² The state definitions of sexual offenses are available at:

<http://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&t1=18&div=0&chpt=31&sctn=21&subctn=0>, and are applicable to criminal prosecutions for sexual assault in Pennsylvania, but may differ from the definition used on campus to address policy violations. Delaware statutes can be found at: <http://www.delcode.delaware.gov/title11/c005/sc02/index.shtml>

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

- Intentional contact with the breasts, groin, genitals, or mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

iv. Intimate Partner Violence

Defined as violence or abuse between those in an intimate interaction and/or relationship to each other³;

Examples of Intimate Partner Violence:

- A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy constitutes intimate partner violence.
- An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of intimate partner violence.
- A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control, though it makes her ill, in order to prevent pregnancy.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

³ Relevant Pennsylvania statutes on domestic relations can be found here, <http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.061..HTM>, and are applicable to prosecutions for dating and/or domestic violence in the Commonwealth of Pennsylvania, but are not the same as Widener policies addressing Intimate Partner Violence. Relevant DE statutes can be found here: <http://delcode.delaware.gov/title10/c009/sc01/>

v. Stalking⁴

- Stalking 1:
 - i. a course of conduct
 - ii. directed at a specific person
 - iii. that is unwelcome, AND
 - iv. would cause a reasonable person to feel fear or suffer substantial emotional distress
- Stalking 2:
 - v. repetitive and menacing
 - vi. pursuing, following, harassing, and/or interfering with the peace and/or safety of another

Examples of Stalking:

- **Stalking 1:** A student persistently seeks to locate another student on campus, even going so far as waiting for them outside of classes and showing up to their on-campus place of employment and/or residence hall requesting that they go out on a date together.
- **Stalking 2:** A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by e-mail, "You can ask me to stop, but I'm not giving up. We are meant to be together and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student e-mailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."

⁴ Relevant Pennsylvania statutes on stalking can be found here:

<http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.027.009.001..HTM> and are applicable to prosecutions for stalking in the Commonwealth of Pennsylvania, but are not the same as Widener policies addressing stalking.

Relevant DE statutes can be found in Section 1312a, here: <http://delcode.delaware.gov/title11/c005/sc07/>

vi. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD), or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

vii. Force and Consent⁵

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The

⁵ Pennsylvania does not have a statutory definition of consent applicable to criminal prosecutions for sex offenses. Delaware uses the following definition: (j) "Without consent" means:

- (1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or
- (2) The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or
- (3) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or
- (4) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or
- (5) The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.

presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability,

involuntary physical restraint, and/or from the taking of incapacitating drugs.

In Pennsylvania, children less than 13 years of age cannot grant consent to sexual activity. Teens between the ages of 13 and 15 can consent to sexual activity with peers who are no more than four years older. People aged 16 and older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute. In Delaware, children less than 12 years of age cannot grant consent to sexual activity. A minor who has not yet reached age 16 is unable to consent to a sexual act with a person more than 4 years older.

Examples of lack of consent:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00 pm until 3:00 am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her and begins to question her religious convictions, and accuses her of being "a prude." Finally, it seems to Bill that her resolve is weakening and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never have done it but for Bill's incessant advances. He feels that he successfully seduced her and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have left. **Bill is responsible for violating the university Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**
- Jiang is a junior at the university. Darla is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to

watch a movie. Jiang and Darla, who have never met before, are attracted to each other. After the movie, everyone leaves and Jiang and Darla are alone. They hit it off and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Darla. Darla, who was abused by a baby-sitter when she was five and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Darla has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Darla is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Darla that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

- Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this and John says yes. Clothes go flying and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale and Kevin thinks he may have thrown up. John gets back into bed and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him

for the wild night. John remembers nothing and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol and Kevin thought John was physically ill and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the university expects.**

c. Bias/Hate-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by university policy as well as the law. Widener University condemns and will not tolerate discriminatory harassment against any employee, student, visitor, or guest on the basis of any status protected by policy or law. Widener will seek to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the university may also impose sanctions on the harasser through application of the Equity Resolution Process. Widener University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits, or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.⁶

4. Other Civil Rights Offenses

In addition to the forms of sexual misconduct and harassment described above, the following behaviors are also prohibited whether or not the act is based upon the reporting party's actual or perceived membership in a protected class. All faculty and staff cases regarding reported

⁶ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions Investigative Guidance. The document is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/race394.html>

violations of the civil rights offenses listed below will be handled through the Title IX Coordinator.

Student reports of possible violations of these other civil rights offenses based on the reporting party's actual or perceived membership in a protected class will be initially reviewed by the Title IX Coordinator for resolution under these procedures. When such actions do not involve discriminatory conduct, they may be forwarded by the Title IX Coordinator for further action under the Student Code of Conduct to the Assistant Dean of Student Conduct. When the report describes a student-prohibited behavior which is not based on the reporting party's actual or perceived membership in a protected class, the report will be forwarded immediately to the Assistant Dean of Student Conduct for action under the Student Code of Conduct.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as:
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.

Any other university policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the above-listed "Other Civil Rights Offenses" behaviors range from reprimand through expulsion (students) or termination of employment.

The university reserves the right to address offensive conduct and/or harassment that: 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not based on a protected status. Such behaviors will be addressed through respectful confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance

with conflict resolution techniques, employees should contact the Director of Employee Relations and students should contact the Assistant Dean of Student Conduct.

5. Retaliation

Retaliation is defined as any adverse action taken against persons participating in an activity protected under the Equal Opportunity, Harassment, and Nondiscrimination Policy because of their participation in that protected activity. Retaliation includes any form of intimidation, threat, coercion, or any other type of discrimination or harassment because of an individual's complaint, report, or participation in a protected activity. Any individual or group of individuals can engage in retaliation.

Retaliation against an individual for alleging harassment or discrimination, supporting a party bringing an allegation, or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of university policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Widener University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation:

- Student-athlete A files an allegation against a coach for sexual harassment; the coach subsequently cuts the student-athlete's playing time in half without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the Department Chair then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct investigation against the responding individual – also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the investigation.

6. Remedial Action

Widener University will implement initial remedial, responsive, and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination. Such actions could include, but are not limited to: no contact orders, providing counseling and/or remedial services, academic support, living arrangement adjustments, transportation accommodations, visa and immigration assistance, student financial aid counseling, providing a campus escort, academic

or work schedule and assignment accommodations, safety planning, and/or referral to campus and community support resources. Widener University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation. The university will maintain as confidential any accommodations or protective measures, provided confidentiality does not impair the university's ability to provide the accommodations or protective measures.

Procedures for handling reported incidents are fully described below.

7. Confidentiality and Reporting of Offenses Under This Policy

All Widener University employees (faculty, staff, and administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or campus official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at Widener University:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors and the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis during normal business hours. University

employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

b. Formal Reporting Options

All university employees are mandated reporters unless they fall under the “Confidential Reporting” section above.⁷ Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not constitute notice that must be reported to the Coordinator by employees, unless the individuals reporting clearly indicate that they wish a report to be made. Remedial actions may result from such disclosures without formal university action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. Note that the university’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution to proceed with an investigation and/or resolution.

In cases indicating pattern, predation, threat, weapons, and/or violence, the university will likely be unable to honor a request for confidentiality. In less severe cases where the reporting party requests confidentiality and the circumstances allow the university to honor that request, the university will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action unless required to do so by law. A reporting party has the right, and can expect, to have allegations taken seriously by Widener University when formally reported, and to have those incidents investigated and properly resolved through these procedures.

⁷ Aramark employees are not employees of the university.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told, including, but not limited to: the Office of Student Affairs, Office of Student Conduct, Campus Safety, and the Behavioral Intervention Team (BIT). Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of non-confidential employees, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of university policy and can be subject to disciplinary action by the Provost for faculty members and by the Chief Human Resources Officer for all other employees.

8. Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

9. False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action by the Provost for faculty members and by the Chief Human Resources Officer for all other employees.

10. Amnesty for Reporting Party and Witnesses

The university community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the university pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

Students: Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to Campus Safety). The university pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

11. Parental Notification (allegations involving students)

The university reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation, particularly alcohol and other drug violations. The university also reserves the right to notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the university will contact parents/guardians to inform them of situations in which, at the university's sole discretion, there is a significant and articulable health and/or safety risk. The university also reserves the right to designate which university officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

12. Federal and State Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities - have a duty to report sexual assault, domestic violence, dating violence, stalking, and other crimes for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime and to ensure greater community safety. Mandated federal reporters include: student affairs/student conduct, Campus Safety, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. The university must also comply with the Pennsylvania Uniform Crime Reporting Act and college and university security regulations.

EQUITY RESOLUTION PROCESS FOR ALLEGATIONS OF HARASSMENT, SEXUAL MISCONDUCT, AND OTHER FORMS OF DISCRIMINATION

Widener University will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff, or faculty members. These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

Overview

Upon notice to the Title IX Coordinator, this resolution process involves a prompt, preliminary inquiry to determine if there is reasonable cause to believe this policy has been violated. If so, the university will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair. The investigation and the subsequent resolution process determines whether this policy has been violated. If so, the university will promptly implement effective remedies designed to end the conduct, prevent its recurrence, and address its effects.

1. Reporting Misconduct

Any member of the community, guest, or visitor who believes that the policy on Equal Opportunity, Harassment, and Nondiscrimination has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Campus Safety to make a report. These individuals will in turn notify the Title IX Coordinator. The university website also includes a reporting form at <https://publicdocs.maxient.com/incidentreport.php?WidenerUniv> which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of this policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All

initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the university's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, Widener University will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

2. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator, or their designee, engages in a preliminary inquiry to determine if there is reasonable cause to believe this policy has been violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation, and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies or comply with law. As necessary, the university reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the university determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree to the conflict resolution process, including acceptance of any remedies arising from that process
- Administrative Resolution – resolution by a trained administrator

Conflict Resolution may only occur if selected by all parties, including the Title IX Coordinator. Otherwise, the Administrative Resolution Process applies.

As part of the initial assessment of the facts, the Title IX Coordinator and/or their designee will:

- Assess the nature and circumstances of the allegations
- Address the immediate physical safety and emotional well-being of the reporting party and the university community
- Notify the reporting party of the right to contact law enforcement, seek medical treatment, and counseling and that the university will assist the reporting party in doing so

- Notify the reporting party of the importance of preservation of evidence
- Assess the reported conduct for the need for a timely warning or emergency notification under the Clery Act
- Provide the reporting party with an explanation of the Equity Resolution Process
- Assess for pattern evidence or other similar conduct by responding party
- Assess for the possibility of a deliberately false or malicious allegation
- Discuss the reporting party's expressed preference for manner of resolution and any barriers to proceeding
- Explain the university's policy prohibiting retaliation
- Explain the university's policy on privacy of reports
- Provide a Victim Notice to the reporting party

If conflict resolution is desired by both parties and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation. Conflict resolution is not appropriate if a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the responding party. The university aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that this policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator make an extraordinary determination to reopen the investigation. This decision lies at the sole discretion of the Title IX Coordinator.

3. Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations. These remedies may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))

- Altering work arrangements for employees
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc., based on consultation with appropriate academic administrators and faculty

The university may interim suspend a student or organization or place an employee on administrative leave, pending the completion of the investigation and resolution procedures, particularly when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on-campus of the responding party or the ongoing activity of a student organization whose behavior is in question. In cases in which an interim suspension is imposed, the student or student organization will be given the option to meet with the Title IX Coordinator or their designee prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator, in consultation with the Provost, Senior Vice President for Administration and Finance, or the Associate Provost and Dean of Students, as applicable, may implement or stay an interim suspension or administrative leave and determine its conditions and duration. Violation of an interim suspension or administrative leave under this policy will be grounds for expulsion or termination. Interim suspension or administrative leave under this policy will be periodically reviewed with regard to the need for their continuation.

During an interim suspension or administrative leave, a student or employee may be denied access to university housing and/or the university campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other university activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Title IX Coordinator, and in consultation with appropriate academic administrators and faculty, alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding party.

The university will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the university's ability to provide the interim actions or protective measures.

4. Formal Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints internal or external investigators, usually within two (2) business days of determining that an investigation should proceed. Investigations are completed expeditiously, normally

within ten (10) business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

If requested by authorities, the university may undertake a short delay in its investigation (several days to weeks, to allow for evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The university will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. University action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, as necessary.

The investigator(s) will typically take the following steps, if not already completed (not necessarily in order):

- In coordination with campus partners (e.g., the Title IX Coordinator), identify any additional remedial actions that are immediately warranted;
- Determine the identity and contact information of the reporting party;
- Identify all potential violations of this policy;
- Assist the Title IX Coordinator with an immediate inquiry to determine if there is reasonable cause to believe the responding party has violated this policy.
 - If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action, unless there is a reasonable basis to believe that the reporting party made deliberately false and/or malicious accusations;
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party;
- Prepare the notice of allegation(s) on the basis of the preliminary inquiry;
- Meet with the reporting party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings attended by the advisee;

- Provide the reporting party and the responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- Prior to the conclusion of the investigation, provide the reporting party and the responding party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly and without unreasonable deviation from the intended timeline;
- Provide regular updates to the reporting and responding parties throughout the investigation;
- Once the report is complete, share the report with the parties for their review and comment. The investigators may incorporate feedback from the parties;
- Recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- For students, the Assistant Dean of Student Conduct serves as the Resolution Administrator who finalizes and presents the findings to the parties, without undue delay between notifications;
- For employees, the Title IX Coordinator/Director of Employee Relations serves as the Resolution Administrator who finalizes and presents the findings to the parties, without undue delay between notifications;
- For faculty members, the Chief Human Resources Officer serves as the Resolution Administrator who consults with the Provost, finalizes the decision, and presents the findings to the parties, without undue delay between notifications.

At any point during the investigation, if it is determined, by a preponderance of the evidence, there is no reasonable cause to believe that university policy has been violated, the Title IX Coordinator has the authority to terminate the investigation and end resolution proceedings, with notice to all parties, unless the reporting party requests that an extraordinary determination be made to reopen the investigation.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the university's investigation and Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype, or similar technology, if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

If, in the course of the investigation or the resolution process, other allegations surface involving the responding party which may, by themselves, constitute a violation of this policy or any other university policy, the responding party will be informed of such additional allegations, in writing. The responding party will be given the opportunity to respond to the additional allegations before any findings are issued. Any investigation or resolution of additional allegations may be processed in accordance with this policy or other applicable university policy.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other proceedings associated with the resolution process.

5. Advisors

Each party is allowed to have an advisor of their choice present with them for all resolution meetings and proceedings, from the beginning of the process through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is willing and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to serve in the advisor role. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the campus community or proceed without an advisor. At all times, the university will correspond directly with the parties and not through any third party.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The university cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an

attorney, the university is not obligated to provide one. Responding parties may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent the reporting party or the responding party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or resolution administrators. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or whether the party will have to choose another advisor for the remainder of the process, if an advisor is desired.

The university expects that the parties will wish to share documentation related to the allegations with their advisors. The university provides a Title IX consent form that authorizes such sharing. The parties must complete this form before the university is able to share records with an advisor, though parties may share the information directly with their advisor, if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the university. The university may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the university's privacy expectations.

The university expects an advisor to make the necessary arrangements to allow attendance at university meetings when scheduled. The university does not typically change scheduled meetings to accommodate an advisor's inability to attend. The university will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video, and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

6. Resolution

During or at the conclusion of the investigation, the Title IX Coordinator will review the investigation, which may include meeting with the investigator, and determine whether there is reasonable cause to proceed with the resolution process. If there is reasonable cause, the Title IX Coordinator will direct the investigation to continue and the allegation will be resolved through either conflict resolution or administrative resolution.

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with university policy. While the contents of the resolution meetings are private, the parties have discretion to share their own experiences, if they so choose, and should discuss doing so with their advisors.

a. **Conflict Resolution**

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal resolution process. The Title IX Coordinator will determine if conflict resolution is appropriate, based on: the nature of the conduct at issue, the susceptibility of the conduct to conflict resolution, and with the agreement of both parties. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. For students, the Title IX Coordinator will consult with the Associate Provost and Dean of Students regarding the conflict resolution process. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached and failure to abide by the accord can result in a shift to Administrative Resolution.

Conflict resolution will not be the resolution mechanism used to address reports of sexual assault or violent behavior of any kind, in cases involving a student

alleging sexual harassment against an employee in a position of authority over the student, or in other cases of serious violations of this policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to pursue Administrative Resolution and the Title IX Coordinator, or any party participating in conflict resolution, can stop that process at any time and request a shift to Administrative Resolution. If the effort at conflict resolution fails, Administrative Resolution will apply.

Both parties will be notified of the outcome of Conflict Resolution. Notification will be made in writing and may be delivered in person. If not delivered in person, notification will be mailed to the local or permanent address of the parties as indicated in official university records, and e-mailed to the parties' university-issued e-mail account. Once mailed, e-mailed, and/or received in-person, notice will be presumptively delivered.

b. Administrative Resolution

Administrative Resolution can be pursued for any behavior that falls within the policy on Equal Opportunity, Harassment, and Nondiscrimination, at any time during the process.

In Administrative Resolution, the Resolution Administrator has the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment, and retaliation, but also may address, based on evidence gathered by the investigators, any additional alleged policy violations that are discovered or arise during the Administrative Resolution process. Accordingly, investigations should be conducted with as wide a scope as necessary.

Any evidence that the Resolution Administrator believes is relevant and credible may be considered, including history and pattern evidence. The Resolution Administrator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Resolution Administrator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the reporting party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the reporting party.

While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the investigators will supply the Resolution Administrator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Resolution Administrator nor investigators are obliged to meet with character witnesses, but investigators will accept up to two (2) letters supporting the character of each of the parties.

The Resolution Administrator will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

The responding party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the responding party admits responsibility, the Title IX Coordinator will render a determination that the individual is in violation of university policy.

If the responding party admits the violation, or is found in violation by the Resolution Administrator following consideration of the investigators' report, the Resolution Administrator, in consultation with the Title IX Coordinator and others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct.

The Resolution Administrator will inform the parties of the final determination within three (3) days of the resolution. Notification will be made in writing and may be delivered in person. If the notification is not delivered in person, it will be mailed to the local or permanent address of the parties as indicated in official university records and e-mailed to the parties' university-issued e-mail account. Once mailed, e-mailed, or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result to the extent that the university is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the university is permitted to share under state or federal law. The notice will also include information on when the results are considered by the university to be final, any changes that occur prior to finalization, and any appeals options that are available.

c. Sanctions

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the reporting party and the community

d. Student Sanctions

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal written statement that the behavior was unacceptable and a warning that further infractions of any university policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Probation:** A written reprimand for violation of the Student Code of Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any university policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the university. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend university-sponsored events. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.

- **Withholding Diploma:** The university may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- **Organizational Sanctions:** Deactivation, de-recognition, loss of all privileges (including university registration), for a specified period of time.
- **Other Actions:** In addition to or in place of the above sanctions, the university may assign any other sanctions as deemed appropriate.

e. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Administrative leave with pay
- Administrative leave without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions, the university may assign any other sanctions as deemed appropriate.

f. Withdrawal or Resignation While Charges Pending

Students: Should a student decide to leave and/or not participate in the resolution process, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the university unless all sanctions have been satisfied.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status.

g. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the written finding of the Resolution Administrator. Extensions on this filing deadline may be granted upon request, at the discretion of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only on the grounds described below:

- A procedural error or omission occurred that significantly impacted the outcome of the resolution process (e.g., substantiated bias, material deviation from established procedures, finding not supported by the preponderance of the evidence, etc.)
- To consider new evidence, unknown or unavailable during the original resolution process or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the university has designated for offenses under this policy and the cumulative record of the responding party.

For students, appeals are heard by the Associate Provost and Dean of Students. For employees, other than faculty, appeals are heard by the Chief Human Resources Officer. Faculty appeals are heard by the Provost, who may consult with the Faculty Affairs Committee.

The appeals officer will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above and such a decision is final. The party requesting the appeal must show that the grounds for an appeal request have been met and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a

written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the appeals officer finds that at least one of the grounds for appeal is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals officer are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegations. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original Resolution Administrator. Rather, an appeal is an opportunity for appeals officers to consider whether the evidence presented constitutes grounds for reconsideration of the original decision.
- Appeals granted based on new evidence should normally be remanded to the Resolution Administrator for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the appeals officer.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or the Coordinator's designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will confer with the appeals officer, incorporate the results of any remanded grounds, and forward a written decision on the appeal to all parties within three (3) days of the resolution of the appeal or remand.
- Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, rather than a remand, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- All parties will be informed in writing within three (3) days of the outcome of the appeal and in accordance with the standards for notice of outcome as defined above.

- In rare cases where a procedural error cannot be cured by the original investigator(s) and/or Resolution Administrator (as in cases of bias), the appeals officer may recommend a new investigation and/or Administrative Resolution process, including a new Resolution Administrator. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

h. Long-Term Remedies/Actions

Following the conclusion of the resolution process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions to stop the harassment or discrimination, remedy its effects, and prevent their recurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently alter the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Permanently alter work arrangements for employees
- Provide campus escorts
- Conduct climate surveys
- Recommend policy modifications
- Provide transportation accommodations
- Implement long-term contact limitations between the parties
- Offer adjustments to academic deadlines, course schedules, etc., in consultation with appropriate academic administrators and faculty

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The university will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the university's ability to provide the actions or protective measures.

i. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Resolution Administrator. Failure to abide by these conduct sanctions, responsive actions, and corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion, and/or termination from the university and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Resolution Administrator.

j. Records

In implementing this policy, records of all allegations, investigations, resolutions, and appeals will be kept by the Title IX Coordinator for a period of seven (7) years following a person's departure from the university.

k. Statement of the Rights of the Parties

Statement of the Reporting Party's rights:

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to university officials;
- The right to be informed in advance, when possible, of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;

- The right not to be discouraged by university officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by Campus Safety and other campus officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from university support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.
- The right to have the university maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided

confidentiality does not impair the university's ability to provide the accommodations or protective measures;

- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to a finding by the Resolution Administrator;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports addressed by investigators and Resolution Administrators who have received annual sexual misconduct training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any university representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- The right to submit an impact statement, in writing, to the Resolution Administrator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process, in writing, without undue delay between the notifications to the parties;

- The right to be informed, in writing, of when a decision by the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university.

Statement of the Responding Party's rights:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to university administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by university officials;
- The right to have university policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures, and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Resolution Administrator;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and Resolution Administrators who have received annual training;

- The right to petition that any university representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement, in writing, to the Resolution Administrator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process, in writing, without undue delay between the notifications to the parties;
- The right to be informed, in writing, of when a decision of the university is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the university.

7. Disabilities Accommodation in the Equity Resolution Process

Widener University is committed to providing qualified students, employees, or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at the university. Students needing such accommodations or support should contact the Director of Disabilities Services, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation. Employees or others needing accommodations or support should contact the Office of Human Resources.

8. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. The university reserves the right to make changes to this document at any time as

necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the university web site and through campus-wide email distribution, with appropriate date of effect identified), and consultation with the Faculty Affairs Committee when possible, upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form. This policy supercedes all previous discrimination, harassment, and sexual misconduct policies.

The Widener University Faculty Handbook and the Law School Promotion, Retention, and Tenure Guidelines shall not be applicable to cases processed under this policy. No rights, procedures, or processes contained therein or in any subsequent or similar faculty governance document shall apply to cases governed by this policy. To the extent that the Faculty Handbook, the Law School Promotion, Retention, and Tenure Guidelines, or similar documents are inconsistent with this policy, this policy shall govern.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally.

This policy and procedure was implemented on June 7, 2016.

Widener University
Tobacco-Free Enforcement Policy
For Faculty, Staff, Students, Visitors Contractors and Guests

Appendix A - Campus Tobacco-Free Boundaries

Chester Campus – The boundaries are generally described as I-95 to the south, the west side of Melrose Avenue to the east, the south side of 18th Street to the north and the east side of Providence Avenue to the west. Other facilities included in the tobacco-free boundaries include the Maintenance complex on 12th Street, the Spang parking lot at Melrose Avenue and 14th Street, the entire Athletic Complex, including 17th Street, the sidewalk along 17th Street and the softball field in Ridley Township, the Child Development Center at Walnut and 18th Streets, Balin Hall at Providence Avenue and 22nd Street, the Access Center at Providence Avenue and 21st Street, the parking lot on the west side of Providence Avenue between 16th and 17th Streets, the Development Office on 15th Street, the Bell property in Upland and all of the university owned properties along Melrose Avenue and throughout Sun Hill.

Wilmington Campus – The boundaries are generally described as Concord Pike to the west, the moat between the shopping center and the campus to the south, the country club to the east and the maintenance complex, rugby field, the townhouses and adjacent parking lots to the north. We ask that you be respectful of the private property owners that are within the general campus boundaries.

Harrisburg Campus – The boundaries are generally described as all of the property bounded by Thea Drive to the south, both sides of Vartan Way going north, including the parking lot, buildings, basketball/tennis courts and the surrounding land. Also included in the tobacco-free boundaries is the Maintenance complex on Progress Avenue.

Exton Campus – The boundaries are generally described as the walkways, parking lot and driveways surrounding 825 Springdale Drive.

WIDENER UNIVERSITY
CHILDREN ON CAMPUS AND WORKING WITH CHILDREN POLICY

- A. PURPOSE:** The purpose of this Policy is to ensure the fulfillment of the University’s moral obligation to protect children as vulnerable members of society and the University’s obligation to its students, staff and visitors to conduct its operations and maintain its facilities in a manner consistent with its mission as an institution of higher education.
- B. SCOPE:** This Policy applies to activities and programs taking place on any University campus, or under the authority and direction of the University at other locations in which Minors will be physically present and participating. This Policy shall not apply to research programs subject to the review and approval of the University’s Institutional Review Board. All camps involving Minors, whether athletic, academic, recreational or otherwise, are subject to this Policy.
- C. DEFINITIONS:** The following definitions apply to this Policy:
1. “Minor” means any person under the age of 18, including, without limitation, those persons referred to in this policy as “children”; provided, however, that it shall exclude any person who is at least the age of 17 who is enrolled as an undergraduate student of the University and high school students who are at least the age of fourteen who are participating in dual enrollment, scholarship, youth collaborative or similar programs.
 2. “Authorized Adult” means a parent, legal guardian or adult who has complied with the requirements to be present with Minors under this Policy and who is responsible for escorting or supervising the Minor(s) while on campus or while participating in any activities identified in this Policy.
- D. REQUIREMENTS OF POLICY GOVERNING PRESENCE OF MINORS ON CAMPUS:**
1. General Rule: As a general rule, because the University’s work is higher education, University campuses are not appropriate environments for children unless they are enrolled in a program specifically designed for children and appropriately supervised by adults with the proper training and credentials. The University manages its campuses primarily for adults, and does not have the capacity to provide safe places for children who are not enrolled in a specific program. As such, parents and guardians who find it necessary to bring a Minor onto campus must adhere strictly to the following rules:
 - (a) No Minor may be left alone on campus at any time for any reason; the University will call the police if any child is found locked or alone in a car or wandering alone around the campus;
 - (b) Minors may not accompany University students to class, unless approved in advance as part of a University sanctioned program;
 - (c) Personnel may not bring Minors to work unless the University has specifically designated a time and place for staff children to be present;
 - (d) Resident students may not “babysit” children in their rooms; in addition, resident students may not have guests in their rooms who are Minors.

- (e) The University understands that child care emergencies happen. However, the University does not provide emergency child care on campus. We advise students, faculty and staff who have child care emergencies to choose to remain at home rather than trying to bring the child to class, work or other events on campus. We ask supervisors and faculty members to be lenient in excusing absences that result from child care emergencies.

If, despite this policy statement, a student brings a child to class or an employee brings a child to work, the faculty member or supervisor may act at his or her discretion in handling the immediate situation, but in all cases, should remind the student or employee of this Policy. In all cases involving students, the faculty member should inform the respective dean of the situation so that appropriate follow-up communications can occur in a timely way.

- 2. Requirements Governing Presence of Minors on Campus: In order to ensure that the essential functioning of the University is not impaired, and recognizing the occasional presence of minors on campus, it is necessary to establish certain requirements governing the presence of Minors on the University's campuses.

These requirements are as follows:

- (a) All Minors:

- (i) All Minors not registered for classes who are otherwise participating in a University program or a program taking place on University property must be supervised by an Authorized Adult(s) at all times while they are participating in that program.
- (ii) All supervised Minors participating in a University program or a program taking place on University property are permitted in the general use facilities (Athletic Fields, Public Spaces, Academic Buildings, Dining Areas, etc.) but may be restricted from certain areas of the facilities or from utilizing certain equipment.
- (iii) Minors accompanied by an Authorized Adult are permitted at events and venues open to the public. However, the University reserves the right to determine, in its sole discretion, whether selected events or venues are appropriate for unescorted or unsupervised Minors, such as recruiting events.

- (b) Pre-High School Age Children:

- (i) All pre-high school age children on University campuses must be escorted or supervised at all times by an Authorized Adult. It is the responsibility of the parents, legal guardians or other Authorized Adult to make appropriate off-campus arrangements if these children cannot be accompanied at all times while on campus.
- (ii) Pre-high school age children, not participating in University sponsored programs or a program taking place on University property, are prohibited from laboratories and other areas where significant potential risks may exist and where strict safety precautions are required. In addition, unsupervised

or unescorted pre-high school age children are prohibited from entering areas that include, but are not limited to, storage rooms, equipment rooms and certain athletic facilities such as locker rooms, training rooms, courts, swimming pools and playing fields.

(c) High School Age Children:

- (i) High school age children not participating in University programs or programs taking place on University property may utilize University facilities such as the Library and the University bookstore as long as they meet behavioral standards expected of enrolled students. When using these facilities, all high school age Minors must be accompanied by an Authorized Adult. High school age children not meeting University community conduct standards for University students will be asked to leave the campus.
- (ii) High school age students are not allowed in classrooms while classrooms are in session unless permission is granted by the faculty member having authorized access to the classroom. Should a high school age student become disruptive, the University student and visitor may be asked to leave.

E. IMPLEMENTING THIS POLICY:

1. Program Registration: Departmental units shall, through an appropriate supervisor or department head, prior to the beginning of the University's fiscal year for ongoing programs and activities and at least sixty days prior to the first scheduled date of participation by Minors, inform the Associate Vice President for Compliance and Risk Management of the details of the program or activity provided by the Department of Human Resources by completing the Working with Minors Activity Form.

Any requests for clarification as to whether a particular program or activity is subject to this Policy, or a request for a waiver to this Policy, should also be sent to the Senior Vice President for Administration and Finance and the Associate Vice President for Compliance and Risk Management and shall include, at a minimum, the University employee in charge of the program or activity; the dates and locations where Minors will be participating; the general nature of the activities and program to be undertaken or offered; the names of all adults who will be participating directly with Minors in the program or activity; and the administrative requirements associated with the program or activity, including but not limited to waivers and permission slips to be obtained from the parent/guardians of participating Minors and medical emergency forms.

2. Background checks and clearances: Successful background clearances will be required of each adult prior to his or her direct participation with Minors in a program or activity covered by this Policy and at least once every five (5) years thereafter. Background checks are not required of University employees whose direct contact with Minors, in the course of their employment, is limited to: (a) prospective students visiting the University's campus; or (b) matriculated students who are enrolled at the University. While not specifically defined as "Minors" for purposes of supervision and oversight pursuant to this Policy, background checks are required of all employees,

volunteers, contract workers, vendors and third party groups who have direct contact with anyone under the age of eighteen (18) participating in dual enrollment, scholarship, youth collaborative or similar programs. Background checks and child abuse clearances may be conducted by the University, or by an outside contractor at the request of the Associate Vice President for Compliance and Risk Management, though certain background requests may be accessed directly by the applicant. Background check and clearance request forms and information will be available from the Associate Vice President for Compliance and Risk Management. Background clearances are not required in connection with events at which parents or guardians are present with their respective Minors. Additional information regarding the University's policies and procedures with respect to background checks is set forth on Exhibit "A" attached hereto and incorporated herein by reference.

It is the responsibility of the person in charge of the program or activity to assure that each participating adult has submitted the required background check and clearance request forms and has subsequently received clearance to participate. The Associate Vice President for Compliance and Risk Management will maintain a roster of individuals who have been cleared to participate and the dates on which new background clearances will be required.

The background checks will be limited to criminal offenses, including, but not limited to, child abuse, for which an individual has been convicted, plead guilty to a felony or misdemeanor, or where such charges are currently pending.

A decision not to permit an individual to participate in a program or activity covered by this Policy based on the results of a background check will be made by the Associate Vice President for Compliance and Risk Management after consultation with the Senior Vice President for Administration and Finance or others as needed. The results of background checks conducted under this Policy will be used only for the purposes of this Policy, except that the University reserves the right to take appropriate action with respect to employees who may have falsified or failed to disclose information material to their employment or employment applications uncovered as a result of the background check, including and up to immediate termination of employment. Copies of background check reports and any clearances or certifications shall be retained in the Department of Human Resources.

3. Training: Each adult who will be participating with Minors in a covered program or activity shall attend annual mandatory training on the conduct requirements of this Policy, on protecting Minors from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct (including, but not limited to, appropriate law enforcement authorities). The Senior Vice President for Administration and Finance or his/her designee may enhance and/or modify the required training program to meet specific needs of the particular program or activity involved, but any such enhanced or modified program must include all the elements described in this section. In addition, the Senior Vice President for Administration and Finance or his/her designee shall arrange for sufficiently frequent training sessions to permit covered programs and activities to continue to function on a regularly scheduled basis.

4. Conduct Requirements: Adults participating in programs and activities covered by this Policy shall not:

- (a) Have one-on-one contact with Minors; in general, it is expected that activities where Minors are present will involve two or more adult participants.
- (b) Participate in a sleepover under the auspices of the program or activity, unless (1) one of the Minor's parents or legal guardians is present or (2) one of the Minor's parents or legal guardians has given written consent and there is at least one other adult present.
- (c) Engage in abusive conduct of any kind toward, or in the presence of, a Minor.
- (d) Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.
- (e) Pick up Minors or drop off Minors from their homes, other than the driver's child or children or friend of the driver's child or children, in the adult's personal vehicle, whether before, during, or after the program or activity.
- (f) Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during such programs or activities.
- (g) Make pornography in any form available to Minors participating in programs and activities covered by this Policy or assist them in any way in gaining access to pornography.

5. Allegation of Inappropriate Conduct: Adults participating in programs and activities covered by this Policy shall:

- (a) Immediately report any violation of the Conduct Requirements of this Policy to the person in charge of the program or activity and to the Senior Vice President for Administration and Finance and the Director of Campus Safety, and shall contact law enforcement and emergency responders as may be appropriate under the circumstances.
- (b) Assure the safety of Minors participating in programs and activities covered by this Policy, irrespective of any other limitation or requirement, including removal of Minors from dangerous or potentially dangerous situations. In such case, the Director of the Campus Safety must be notified immediately.
- (c) Discontinue any further participation in programs and activities covered by this Policy when an allegation of inappropriate conduct has been made against him or her, until such allegation has been satisfactorily resolved.

6. CHILD ABUSE: IN ANY AND ALL CASES OF SUSPECTED CHILD ABUSE, REFER TO THE UNIVERSITY'S POLICIES ON CHILD ABUSE REPORTING FOR ADDITIONAL REPORTING OBLIGATIONS.

F. **RETALIATION**: The University prohibits retaliation against any individual who, in good faith, reports a violation of this Policy or who participates in any investigation or disciplinary action arising from a report of a violation of this Policy. Individuals found to have participated in retaliatory action, either personally or through any agent or representative, in contravention

- G. of this Policy shall be subject to disciplinary action, up to and including termination of employment or expulsion.
- H. **EFFECTIVE DATE AND AMENDMENT:** This Policy was originally adopted on August 1, 2012, and was last revised on November 1, 2015. This Policy may be amended at any time by the President of the University.

EXHIBIT "A"
WIDENER UNIVERSITY
BACKGROUND CHECK AND CLEARANCE REQUIREMENTS

A. **PURPOSE:** As mandated by the Widener University Children on Campus and Working with Children Policy ("Policy"), the University requires criminal background checks and child abuse clearances for all employees, volunteers, contract workers, vendors and third (3rd) party groups who work directly with minors, as defined herein.

B. **SCOPE:** All programs and/or departments that engage in activities that involve working directly with Minors are covered under the Policy and this Exhibit. Background checks are not required of University employees whose direct contact with Minors, in the course of their employment, is limited to: (a) prospective students visiting the University's campus; or (b) matriculated students who are enrolled at the University. While not specifically defined as "Minors" for purposes of supervision and oversight pursuant to this Policy, background checks are required of all employees, volunteers, contract workers, vendors and third party groups who have direct contact with anyone under the age of eighteen (18) participating in dual enrollment, scholarship, youth collaborative or similar programs. As such, at least sixty (60) days prior to the start of any activity and/or program involving minors, the Department Head must complete a Working with Minors Activity Form (Exhibit "B" to the Policy) and return it to the Associate Vice President of Administration. (These forms are available in the Office of Human Resources and can be conveyed electronically upon request.)

C. **DEFINITIONS:** The following definitions apply:

1. "Direct contact with minors" includes, without limitation, the possibility of care, supervision, guidance or control over children.

D. **REQUIRED BACKGROUND CHECKS AND CLEARANCES:**

1. **Pennsylvania State Criminal History Record Check (Form SP4-164):** All those who work directly with minors are required to submit to a Pennsylvania criminal background check, regardless of their state of residence. The University will perform this background check, at its own expense, for all University students, employees and volunteers who will have direct contact with minors. All others must submit to this background check and provide a copy of the results to the University's Associate Vice President for Compliance and Risk Management before commencing any activities in which direct contact with minors is involved.

- a. The Pennsylvania Criminal History Record Check (Form SP4-164) may be obtained in the Office of Human Resources or completed online at <https://epatch/state.pa.us/Home.jsp>. The cost for the background check is \$10.00, which can be paid via credit card. The online search results are generally instant. In the alternative, individuals may submit to the background check by sending \$10.00, via certified check or money order, payable to the Commonwealth of Pennsylvania, and mailed along with a completed Form SP4-164 to Pennsylvania State Police Central Repository-164, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758. Note: It may take up to four (4) weeks for results to be received.

2. **Pennsylvania Child Abuse History Clearance (CY113):** All those who work directly with minors are required to submit to a Pennsylvania Child Abuse History Clearance, regardless of

their state of residence. The University will bear the expense of this clearance for all University students, employees and volunteers who will have direct contact with minors. All others must submit to this clearance and provide a copy of the results to the University's Associate Vice President for Compliance and Risk Management before commencing any activities in which direct contact with minors is involved.

- a. The Pennsylvania Child Abuse History Clearance Form (CY113) may be obtained online at the Pennsylvania Department of Public Welfare website http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/form/s_00176_2.pdf or from the University's Associate Vice President for Compliance and Risk Management.
 - b. This clearance may also be requested online at <https://www.compass.state.pa.us/cwis>. Individuals must submit the CY113, along with a money order payment of \$10.00, to Childline and Abuse Registry, Department of Public Welfare, PO Box 8170, Harrisburg, PA 17105-8170. **A copy of a processed Request for Criminal Record (Form SP4-164) must be attached to this application.** Out of state residents must attach a copy of their FBI Clearance Form (FD-258) in order to process this clearance.
3. FBI Background Check: All those who work directly with minors are required to submit to an FBI Background Check. Applicants can apply online at <https://www.pa.cogentid.com/index-dpw.htm>. Applicants must next go to a fingerprint site and have two (2) sets of fingerprints taken. A listing of fingerprint locations is available at <https://www.pa.cogentid.com>. Once completed, applicants must mail completed fingerprint cards, a copy of the completed registration and money order to: 3M Cogent, Attn: Fingerprint Card Scan, PA DHS, 5025 Bradenton Avenue, Suite A, Dublin, OH 43017.
 4. Certified Delaware Criminal History: All individuals who will have direct contact with minors on the University's Delaware campus must obtain and submit to the University's Associate Vice President for Compliance and Risk Management a certified Delaware Criminal History Report. Information on how to obtain such a report is available at <http://dsp.delaware.gov/SBIinfo>. The cost to obtain a Delaware Criminal History Report is \$45.00 and individuals must physically submit to fingerprinting at a state approved site, set forth on the official Delaware state website.
 5. Residents of Other States: In addition to the background checks set forth herein, individuals who reside outside of either Pennsylvania or Delaware, and who will have direct contact with minors, must obtain and submit to the University's Associate Vice President for Compliance and Risk Management a certified criminal background check from their individual state of residence.

Widener University

Working with Minors Policy

University Programs and Activities

Department Name: _____

Department Head Name: _____

Office Extension: _____ Email Address: _____

Description of Activity/Program:

Dates of Activity/Program:

How will the Minors Participate in the Activity:

Who Will be Supervising or Accompanying the Minors while Participating in the Activity:

Signatures: Department Head: _____

Sr. Vice President/Dean: _____

Please send the completed and signed form to the attention of Suzanne Driscoll-Beckett, Assistant Director of Human Resources, Talent Acquisition, Office of Human Resources *at least thirty days prior to the first scheduled date of participation by Minors.*

CAREER DEVELOPMENT OFFICE

Discrimination in Recruitment Practices

Policy and Procedures

The Career Development Office of Widener University Delaware Law School is committed to helping students and graduates find employment which fulfills their personal and professional goals. The Office offers a wide variety of services to the student and graduate body, such as individual counseling, workshops and programs, job fairs, and job listings. Employers list job openings throughout the year and participate in Spring and Fall on-campus interviewing.

Employers who utilize the services of the Career Development Office to recruit law clerks or attorneys are informed of our non-discrimination policy. The Career Development Office is guided by the non-discrimination principles of the University, the National Association for Law Placement, and the Association of American Law Schools, and so informs employers using the Office's services. Because of our strong commitment to the principles of non-discrimination, the school's Career Development facilities and resources are not available to employers whose employment practices are not consistent with principles of non-discrimination.

In practice, non-discrimination policies require employers to use valid, job-related criteria when evaluating candidates. Hiring decisions must be based solely on bona fide occupational qualifications. Criteria such as age, marital status, ethnicity, gender or sexual orientation may be illegal considerations, and questions relating to such factors should generally not be a part of the interviewing and hiring process. While the vast majority of employers are sensitive to this issue and diligently strive to attract a diverse, well-qualified body of employees, from time to time we are distressed to learn that employers ask questions which may be illegal or which may violate school policy.

At Widener University Delaware Law School, we take these incidents seriously. Students, graduates, or those using the Career Development Office through reciprocity, who believe they have been subject to discriminatory hiring practices, either on- or off-campus, may report the incident to any administrator in the Career Development Office. You may choose to file a formal complaint. The following procedures have been put in place to handle such allegations:

DISCRIMINATION COMPLAINT PROCEDURES

1. Students, alumni, or those using the Career Development Office [hereinafter "Office"] through reciprocity, may make an oral or written complaint to any administrator in the Office regarding possible discriminatory hiring practices by an employer using the services of the Office. The complainant must outline the circumstances and reasons for the complaint, including the date of the occurrence, name and address of the employer, name of the interviewer involved, and the interviewer's statements or conduct that are in question. The administrator receiving the complaint shall inform the Assistant Dean for Career Development.
2. The complainant has the option of remaining anonymous with the employer. The Assistant Dean shall inform the complainant, however, that remaining anonymous may hinder the ability to investigate or otherwise handle the complaint.
3. Upon receipt of a written complaint, the Assistant Dean shall report the incident to the Dean of the Law School. The Assistant Dean shall then investigate the complaint by interviewing the complaining party and, if appropriate, other parties who interviewed with the employer.
4. If the conduct complained of appears to the Assistant Dean to establish a violation of the School's nondiscrimination policy, the Assistant Dean shall inform the employer of the complaint. The Assistant Dean shall seek the employer's response to the complaint.
5. The Assistant Dean shall inform the Dean of the Law School when the investigation is completed and describe the positions of the parties. The Assistant Dean shall also recommend a course of action, including the imposition of sanctions where appropriate, which must be approved by the Dean of the Law School prior to implementation.
6. If any sanctions are to be imposed, the Assistant Dean shall be responsible for imposing them, unless otherwise advised by the Dean of the Law School.
7. The Assistant Dean shall keep the complainant informed of all relevant developments with regard to the complaint, such as the employer's response to the inquiry and the sanctions to be imposed, if any. The complainant should also be informed that if the complainant is interested in pursuing remedies outside those provided for in the above policy, they should contact legal counsel.

FOR FURTHER INFORMATION REGARDING THE LAW SCHOOL'S POLICIES AND PROCEDURES SUPPORTING NON-DISCRIMINATION, PLEASE CONSULT THE CAREER DEVELOPMENT OFFICE.

WIDENER UNIVERSITY

INFORMATION TECHNOLOGY SERVICES

Widener University's computing resources are managed by the Office of Information Technology Services (ITS), which is located on the second floor of Academic Center North (ACN) on the Main Campus and also has offices on the Wilmington and Harrisburg campuses.

ITS provides central computing resources, including Internet access via LAN and wireless, numerous lab-based academic-specific software applications, residential computing connections, and technical support. ITS maintains general-purpose labs on all campuses, with two on the Chester campus and one each on the Wilmington and Harrisburg campuses. Students are issued a network login and password to access the computers in the general labs. ITS maintains several computer classrooms throughout the university and provides support for Main Campus classrooms equipped with multimedia presentations (DE and HB classrooms are supported by Media Services).

ITS also provides CampusCruiser as the web-based information portal for the university. Widener University provides each student with an e-mail account and other multiple services on CampusCruiser. All "official" university correspondence will be sent to student's CampusCruiser e-mail accounts. It is the student's responsibility to routinely check their e-mail. CampusCruiser allows the university community to access personal and group calendars, e-mail, class schedules, and campus events. CampusCruiser also allows users to register for classes and review personal academic information such as GPA, financial status, and more.

Student Employment: ITS is also a major student employer for both work study and non-work study positions. ITS currently employs over 30 Lab Attendants/Consultants for work in the University's general computing labs, 6 Student Support Techs, 2 Accounts Payable Clerks who assist our purchasing specialist with the daily operations of accounts payable, and 3 Technical Assistants who assist our professional staff on a daily basis. For more information on our Student Employment, please visit the Student Computing virtual office in CampusCruiser.

Student Technical Support: The university is dedicated to providing both commuter and residential students technical support through the ITS Student Technical Support program. Students are hired and trained extensively by the ITS department to be the first line of support for students experiencing technical problems with their computers. This includes virus issues, spyware/adware removal, software incompatibility, hardware issues, and problems connecting to the university's network. A walk-in support office is also available to students throughout the week, located in the ITS offices

For additional information about the Student Computing Support Center visit the Student Computing virtual office in CampusCruiser.

FINANCIAL INFORMATION

Billing /Student Account Statement Information

Complete information on tuition billing, due dates, payment and payment plan options, direct deposit of refunds, and withdrawal policies can be found in the Law School Guide to Fees and Payment at <http://Widener.edu/BursarOffice>.

You will be able to view a copy of your student account and your online activity through CampusCruiser and the “My Online Student Account” function. If you have a monthly balance due, you will also be able to view through your e-bill. Each time we upload an e-bill, you will receive an email notification to your Widener assigned CampusCruiser email address. All electronic statements will be sent to any authorized users that have been set up by the student.

How to Pay

To pay ON-LINE with a credit card (Visa, MasterCard, American Express, Discover) or via Direct Debit from a checking or savings account:

Step #1	Log on to your Campus Cruiser account
Step #2	Select the “Web Advisor” tab
Step #3	Locate the Financial Profile Section
Step #4	Click on “My ID and Pin#” tab
Step #5	Click on “My Online Student Account” tab
Step #6	Follow the step by step instructions to log in to your online student account

Parents and other payers authorized by a student can directly access the Widener Student Billing and Account website at: www.widener.edu/ebill.

There is no charge for using electronic-check (e-check) from a personal checking or savings account as a payment method. Credit card payments will be charged a 2.75% convenience fee.

Important Note about Credit Card Payments/Refund Policy:

Payments made toward student tuition accounts using a credit card will be charged a 2.75% convenience fee by our credit card vendor TouchNet. The convenience fee is non-refundable, even if the student account payment is refunded. Authorization of a credit card payment to a student account signifies acceptance of these terms.

If you would like to mail your payment (checks only):

Make your check payable to Widener University and write your student identification number on the check. The cancelled check will serve as your receipt. Please enclose payment and mail to:

Bursar Office
Widener University Delaware Law School
4601 Concord Pike
Wilmington, DE 19803-0406

If you need to wire tuition payments to Widener University, email your request to the University Bursar at busoffmc@widener.edu including student name and Widener ID in the body of the email.

University Payment Plans

Payment plans are designed to assist students in managing the “gap” or balance remaining after all charges and financial aid have been applied to the student account. Widener University assesses charges by semester; the statement of account will reflect charges for the current semester tuition, fees, and housing. Your financial aid award letter also breaks up your annual award by semester and applies financial aid to your student account by semester. Widener payment plans are designed to assist in covering each semester balance.

Widener University offers two (2) semester based payment plans:

3 Month Summer Semester Payment Plan

Enrollment Fee: \$50 (Non-refundable)

The 3 month semester payment plan is available for the summer semester. This plan distributes the total semester estimated net charges across 3 months with payments due:

Summer Semester – May, June, and July

4 Month Fall / 4 Month Spring Semester Payment Plans

Enrollment Fee: \$50 per semester (Non-refundable)

The 4 month semester payment plan is available for both the fall and spring semesters. This plan distributes the total semester estimated net charges across 4 months with payments due:

Fall Semester – August, September, October, and November

Spring Semester – January, February, March, and April

University Complete Withdrawal Policy

Adjustments to charges for complete withdrawal will be effective on the date written notice is received by the appropriate program office of Widener University. At that point the total withdrawal policy and refunding of semester charges is enacted. Students have a drop/add period at the start of each semester to adjust their schedule of courses. Once drop/add ends, semester course schedules are set and there is no refund issued when a student does a course withdrawal (a “W” is noted on the student transcript) from one or more courses throughout the semester unless the student is withdrawing from all courses in the semester.

Note: If you completely withdraw from the University AND have received financial aid, you may be responsible for returning financial aid funds you have received based on the eligibility requirements set by the federal government. This may result in a balance owed to the University.

FINANCIAL AID INFORMATION

Tuition and Fees

Tuition is charged on a per credit basis depending on your program. Tuition and fees are set annually by the University. Please follow this link to the University's Tuition Rate and Payment Guide: <http://Widener.edu/BursarOffice>.

Types of Aid

Federal Direct Loans

Federal Direct Unsubsidized Loan - Graduate students may borrow up to \$20,500 per year from this program. The aggregate for this program (including undergraduate debt) is \$138,500 of which no more than \$65,000 can be from the subsidized* loan program. The Department of Education calculates a fixed interest rate on an annual basis and that interest rate will apply for the life of the loan. The interest rate calculation is based on the 10 year Treasury Note sold at the last auction prior to June 1 plus 3.60 percent. Interest for the 2017-2018 academic year is fixed at 6.00% and accrues from the day the loan is disbursed. Repayment begins six months after the student graduates or ceases at least half-time enrollment. Students may elect to make interest payments while in school, or have the unpaid interest capitalized once they enter repayment.

** The Budget Control Act of 2011 eliminated the Federal Direct Subsidized Loans for Graduate and Professional students for periods of enrollment beginning on or after July 1, 2012.*

Federal Direct GradPLUS Loan- Widener University Delaware Law recommends that students needing additional funding after borrowing the maximum Federal Unsubsidized Loan apply for a Federal GradPLUS Loan.

The GradPLUS Loan does require a credit check. *The credit check is based on credit history, not credit score. Lack of a credit history does not negatively affect your ability to be approved.* Students not able to borrow on the strength of their own credit history will be offered an *endorser* option. A student may generally borrow up to their cost of attendance minus all other aid received. The U.S. Department of Education calculates a fixed interest rate on an annual basis and that interest rate will apply for the life of the loan. The interest rate calculation is based on the 10 year Treasury Note sold at the last auction prior to June 1 plus 4.60 percent. The interest rate for the 2017-2018 academic year is fixed at 7.00%.

Students may elect to make interest payments on the GradPLUS loan while in school, or have the unpaid interest capitalized. Repayment on the loan begins 60 days from disbursement. However, an in-school deferment will automatically be applied as long as a student remains enrolled at least half-time. A post half-time enrollment deferment will allow repayment to begin six months from graduation or when a student drops below half time status.

Campus-Based Programs

Federal Work Study - FWS is need-based as determined by information submitted on the Free Application for Federal Student Aid (FAFSA) and reserved for the neediest students. Widener University receives a yearly allocation from the Federal government to fund the program. To be

considered for this program, returning students must submit FAFSA results and the Widener Law Financial Aid Data Form to the Financial Aid Office by April 1st.

Grants

Delaware State Grant - This grant is available to Delaware residents only. Eligibility is determined by the Delaware Higher Education Commission. Awards are based on need and cumulative grade point average. The Free Application for Federal Student Aid (FAFSA) must be received by the Central Processing Center by April 15th to be considered.

Scholarships

Incoming students are reviewed for merit-based scholarships upon their admission to the Law School and the award is renewable for the duration of their career provided the required GPA is maintained. The Financial Aid Office reviews first year students after their first year for merit based scholarships and the Widener Scholars loan program that are applied to the fall semester of their second year and remainder of their career at Widener University Delaware Law School provided they maintain the required cumulative GPA and conditions set forth in their award letter.

Merit-Based Scholarships are reviewed for retention once spring grades are released. Students must maintain the required cumulative GPA to have their scholarships renewed for the next academic year. Scholarship awards are based on a student's division at the time of the award. Changes in division may result in a change in scholarship amount and will be reviewed on a case by case basis. A regular division student may change to an extended division student in their last semester without change in scholarship amount provided the amount of the scholarship is less than the cost of the semester. A change in division to FLEX will result in the loss of scholarship.

*Students who apply to the Dean of Students for an exception to the Delaware Faculty Policy Section 201(c) Completion of First Year Courses should be aware that they will not be considered for the first year rising awards as the awards are made based on a cohort of students that begin their JD program together and complete the required first year course load.

Endowed scholarships are listed in the Widener University School of Law Financial Aid Sourcebook and online with applications due in the spring. There are also various foundations, bar associations and organizations which provide assistance to qualified students. *We maintain an outside scholarship database(pdf).*

Follow these steps to access the file:

1. Go to <http://delawarelaw.widener.edu/>
2. Select Prospective Students
3. Select Financing Your Education
4. Select Types of Aid
5. Select Scholarships
6. Select Outside Scholarships

Veterans Education Benefits

The Registrar Office is the office that certifies enrollment to the Department of Veterans Affairs. Please provide a copy of your certificate of eligibility to have your enrollment reported. Widener does participate in the Yellow Ribbon Program.

The Yellow Ribbon Program

The Yellow Ribbon Program, part of the Post-9/11 GI Bill, is a voluntary program that allows universities to fund additional tuition expenses exceeding the amount of the core benefit provided by the Post-9/11 GI Bill, which is determined based on the highest public in-state undergraduate tuition rate. Institutions participating in the Yellow Ribbon Program can contribute up to 50% of the expenses that exceed the base benefit, and the Department of Veterans Affairs then matches the amount provided by the institution.

Delaware Law will fund up to ten JD students on each campus with an unlimited contribution per student, not to exceed the cost of tuition.

Students must provide a copy of your Certificate of Eligibility approved for the Post-9/11 GI Bill at the rate of 100% with at least 5 months of eligibility remaining.

Students participating in the Yellow Ribbon program will pay nothing out of pocket towards their tuition for the fall and spring semesters. Summer expenses will be determined by how much of the maximum award was used during the fall and spring. After the base award, the Law School and VA will split the balance of the tuition due. The contribution will be paid by grant or scholarship with any previously awarded scholarship funds constituting the school's Yellow Ribbon contribution to that student.

The Financial Aid Application Process

To apply for any form of financial aid administered by the Law School, students should arrange for the following documents to be submitted to the Financial Aid Office:

- **Data Form** - A completed Widener University Delaware Law School Financial Aid Data Form. This form may be obtained in the Financial Aid Office, it can be downloaded from the Delaware Law Financial Aid web page or from Campus Cruiser at <http://www.widener.edu/lawfinaid>.
- **FAFSA** - A completed *Free Application for Federal Student Aid (FAFSA)*. This application must be submitted to the processing center by all students wishing to apply for Federal Aid (Direct Unsubsidized, GradPLUS and/or Perkins Loans and Federal Work- Study). The FAFSA may be completed on-line at www.fafsa.gov. You can link to the FAFSA website through the Delaware Law Financial Aid web page.

Students must complete a new FAFSA for each academic year they wish to receive federal aid. *Be sure to indicate Widener's appropriate school code for the Delaware Law-B04724.*

Students interested in **Federal Work Study** will be provided with application instructions and deadlines during the spring semester.

- **Student Loan Applications**

Federal Direct Unsubsidized Loan

Widener University School of Law is a participant in the Federal Direct Loan program administered by the Department of Education.

Incoming students and returning student who have not previously borrowed must complete a Federal Direct Subsidized/Unsubsidized MPN (Master Promissory Note) to borrow federal loans for the 2017-2018 academic year. Please visit <https://studentloans.gov> to complete a Direct Subsidized/Unsubsidized MPN online.

Be sure to indicate Widener's appropriate school code for Delaware Law School.

When completing the MPN you'll notice that you do not need to enter a requested loan amount. The Direct Loan MPN is a serial note that is valid for ten years and the borrower authorizes the school annually to increase the aggregate limit. Completion of required information on the Delaware Law Financial Aid Data Form authorizes that increase on a yearly basis.

Federal Direct GradPLUS Loan

All students who wish to borrow a Federal GradPLUS Loan will need to "Apply for a Graduate PLUS" and complete a GradPLUS MPN for the 2017-2018 academic year regardless of prior borrowing. Applications can be completed online at <https://studentloans.gov>

- **Verification Paperwork**

Some students are selected for a process called verification. These students will be contacted to complete additional information. If selected, please provide the information in a timely manner.

Financial Aid Packaging Policy

After receiving the required information, student files are reviewed in accordance with Delaware Law's packaging policy. Delaware Law School's packaging policy requires that the expected student contribution (EFC) be subtracted from the total cost of attendance (COA) to determine financial need. Students must also maintain satisfactory academic progress as stated in the student handbook to be considered for aid. The Satisfactory Academic Progress Standards, definitions and appeal instructions are also available at <http://www.widener.edu/lawfinaid> .

Delaware Law's packaging policy requires that the first level of need be met by any institutional or outside scholarships. The second source of funding will be the Federal Direct Loan program. If there is any remaining need, then eligibility for Federal Work-Study is determined, provided the April 1 deadline for returning students has been met. After the Financial Aid Office has made a determination of eligibility, students are notified of their awards. This award may be pending if all required forms have not been completed accurately by the student.

Loans will be certified by the Financial Aid Office to the Department of Education. Once a loan has been accepted by the Department of Education and a signed MPN is on file, funds will be disbursed. Disbursement of federal loans may not occur until seven days prior to the start of the semester.

Widener University Delaware Law School recommends that students needing additional funding after borrowing the maximum Federal Unsubsidized Loan apply for a Federal GradPLUS Loan.

Useful Websites

These sites offer links to numerous financial aid and scholarship web pages. Any credible scholarship or grant will not require a down payment to guarantee the award. Be wary of organizations that charge a fee to conduct a scholarship search on your behalf.

<https://studentloans.gov> Direct Loan Stafford and GradPLUS MPN completion website

www.annualcreditreport.com Centralized Service to Request Free Annual Credit Reports

www.fafsa.gov Free Application for Federal Student Aid

www.nasfaa.org National Association of Student Financial Aid Administrators

www.studentaid.ed.gov Department of Education

www.fastweb.com Scholarship Search Engine

www.princetonreview.com Princeton Review Information

www.finaid.org The Smart Student Guide to Financial Aid

www.collegeboard.com College Board Scholarship Search

FOR MORE INFORMATION OR ASSISTANCE

Financial Aid Office
Widener University Delaware Law School
4601 Concord Pike
Wilmington, DE 19803-0406
t: 302-477-2272
f: 302-477-2034

DelawareLawFinAid@widener.edu

Policy on Protective Action

The university reserves the right and authority at all times to take protective action with respect to a student when, in the sole discretion of the university, the university believes that a student may pose a threat to the health, safety, or welfare of the student, other identified individuals, or the university community; or that a student may be endangered by his or her continuing presence on campus.

Protective actions may include removal of a student from campus, campus residence, or any campus facility, limitation of access to campus housing facilities or other campus facilities, restriction of communication or contact with any individual or group, the requirement to secure advance authorization to engage in a specified activity or any other action deemed appropriate by the university. The university may take protective action whenever it determines, based upon information or evidence in its possession, that circumstances warrant such action. Widener may consult with any university or outside professionals or law enforcement agencies in making its determination. This power shall apply regardless of whether disciplinary proceedings have been or are intended to be initiated against any student or whether any student has been charged with any crime. The university also reserves the right to search any vehicle on university property or any real property owned or controlled by the university whenever the university has any suspicion of prohibited conduct.

Whenever feasible, a representative or representatives of the university will meet with the student prior to implementing protective action. In the event that the university makes any such determination of protective action, the university shall notify the student, and where deemed advisable, the parents or guardians of the student, of the action taken and the period of time within which the student must comply, which may be immediately. In the event the student does not comply voluntarily, the university may notify the local police department to effectuate the protective action. The university shall also notify the student, either contemporaneously with the notice of protective action or thereafter, of the timing and the conditions pursuant to which the protective action may be discontinued. Within five days after notification to the student of the protective action, the student and parent or guardian may request an opportunity to meet with the dean of student affairs, the associate provost, and/or his or her designee.

The university may also, in its sole discretion, at any time, notify the student that such student's circumstances shall be processed in accordance with the interim sanction provisions of the Student Code of Conduct or any other provisions of any applicable Code of Conduct or other university policy, rule, or regulation. This policy is intended to be interpreted broadly so as to afford to the university any right or power it reasonably believes is necessary to protect the health, safety, or welfare of any member of the university community or others.

Offensive Weapons

The possession and/or use of offensive weapons of any kind are strictly prohibited on all university campuses. Offensive weapons include, without limitation, firearms of any kind, guns, pellet guns, B.B. guns, paintball guns, dart guns, ammunition, bows and arrows, chemicals, flammable materials, items that constitute a fire hazard, fireworks, explosives, any instrument that that can hurl a projectile, sling shots, brass knuckles, knives, hunting knives, switchblades, and any other cutting instrument as determined within the sole discretion of the university, except those whose sole purpose is related to the preparation or consumption of food. In addition, items that are not generally considered as weapons but could be used or viewed as a weapon are prohibited. All offensive weapons and similar items will be confiscated immediately. Students violating this policy will be severely sanctioned, up to and including expulsion. The university will report such violations to the authorities if warranted.

Exceptions to this policy may be granted only upon registration with and the express written approval of the director of Campus Safety. Pepper spray and mace are considered to be offensive weapons; however, possession of these items and the like for self-defense purposes may be permitted, but only upon prior registration with and the express written approval of the Department of Campus Safety. Control and storage of all offensive weapons shall be solely within the discretion of the director of Campus Safety. To the extent that exceptions to this policy are granted in connection with items for ROTC detachment, the director of Campus Safety shall consult with the military science professor with respect to the control and storage of such items.