

Adjunct Faculty Handbook

(Abridged)



Last Revised: Summer 2017

Southern University Law Center

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INTRODUCTION

Welcome to the adjunct faculty of the Southern University Law Center (SULC) and thank you for agreeing to lend your expertise in teaching our students.

We are extremely pleased to have you as an integral part of the high-quality educational program SULC offers its students. To achieve its goal of providing students with the best possible legal education, SULC employs full-time academicians, whose careers are dedicated to researching and teaching law. To complete the law faculty, SULC employs judges and lawyers from a variety of subject matter areas who bring a practical perspective to the classroom.

The adjunct faculty are very important to the law students' growth. They provide valuable insight regarding the day-to-day application of the law and can serve as contacts for students seeking legal careers. Without our adjunct faculty, we would be unable to offer the myriad of specialized and enrichment courses that prepare our students to practice in various areas. While we know what a joy it is to teach the law, we also know that each of you has made a tremendous sacrifice of your own time to be a member of our faculty. You have expertise to contribute that we could never adequately compensate. We want you to know that the administration, the full-time faculty, and the student body are all deeply appreciative of your commitment to SULC and its students.

As a member of our adjunct faculty and an integral part of the SULC family, it is important that we provide you with essential information that will make your job easier and more enjoyable. The following is meant to provide useful information about SULC that will assist you in your role as a teacher. For additional information, please refer to the SULC catalog and other information provided by the Chancellor's Office.

LAW CENTER SERVICES AND POLICIES

Employment Paperwork

As a member of the adjunct faculty, you are an official part-time employee of SULC. Thus, you will need to complete an employment form, if you have not done so already. Ms. Paula Matthews [(225)771-3138; pmatthews@sulc.edu], will get the appropriate documents to you and assist you in completing them. Until these forms are on file, you cannot be paid. Additionally, your file must include a current resume and an official law school transcript. These must be provided before you begin teaching.

Nature of Adjunct Employment

You should also be aware that as an employee of SULC you are subject to the Louisiana Code of Governmental Ethics. This document is administered by the Louisiana Ethics Administration and can be downloaded at: <http://ethics.la.gov/Pub/Laws/ethsum.pdf>.

Adjunct faculty appointments are made on a term-to-term, as-needed basis. The title is “Adjunct _____ Professor of Law.” The designation depends on the number of years since obtaining a law degree. If you have held your law degree for less than seven years, the title is Adjunct Assistant Professor. If you have held your law degree for seven to 12-years, the title is Adjunct Associate Professor of Law. For those who graduated from law school more than 12-years ago, the title is Adjunct Professor of Law. If you hold a full-time faculty appointment at another law school, your adjunct title will be the same as your title at the school where you are employed.

No rights of tenure or presumption of continued employment are conferred or implied by a number of consecutive appointments. No commitment for continued employment is implied beyond the semester for which you are hired. Adjunct faculty are subject to being replaced by full-time faculty; however, advance notice will be provided to the extent possible.

Parking

You can obtain a university parking permit that authorizes you to park in any Faculty/Staff parking lot. You will need to register your vehicle at the Campus Police Office, which can be contacted at telephone number 225-771-2770.

If you have a guest speaker coming to one of your classes, you can obtain a one-day parking permit for your guest. Please contact the Chancellor’s Executive Assistant to obtain such a pass, preferably at least one week before you will need it.

Mail

Any books or other mail that you receive at SULC is stored in the Chancellor’s Office.

Offices

SULC has space available for adjunct faculty use. This space is especially helpful if you want a place to prepare for class or meet with students, whether by appointment or for regular office hours. Please contact one of the professional library staff (771-2315) to make arrangements to reserve a group study room for your use.

Photocopying

Large volume copying can be done by the campus copying service by completing a form provided

for such projects. The forms can be obtained from purchasing (771-2507). In general, the bigger the job, the more advance notice is needed for copying. You should plan a lead time of 7 to 10 days for large jobs. Adjunct faculty members may also use the photocopier machine in the faculty secretarial area for small copy jobs. Please ask a faculty administrative assistant to assist you.

Student Crisis Situations

As a teacher you may come into contact with students or find yourself in situations where you believe a student is in distress. This may involve something as serious as the student posing a danger to himself or others, or as simple as the student needing academic or personal counseling. In any case, you should consult the Distressed Student Protocol that is provided by the Vice Chancellor for Academic and Student Affairs. A copy of this protocol is attached on **Appendix F**.

Sexual Harassment Policy

SULC is committed to providing a safe and secure environment for its students, faculty, and staff. In that vein, you should be familiar with the Southern University System's Policy on Sexual Harassment. This policy can be downloaded at: <http://www.sulc.edu/departments/IT/policies/Sexual%20Harassmentprocedures.pdf> and is provided on **Appendix G**.

Academic Calendars

Each year the Vice Chancellor for Academic and Student Affairs creates a calendar for the academic year. This calendar not only provides the dates for the commencement and end of classes, but it also provides important information relative to examination periods, holidays, and graduation. All adjunct faculty members should consult this document when creating their syllabi and planning for the progression of course coverage. A copy of the current academic calendar is provided online at sulc.edu.

TEACHING ESSENTIALS

The School of Law has a dedicated faculty support staff. They will provide you with all the administrative support you need to assist you in your classes.

Class Cancellations

All adjunct faculty must notify the Chancellor's Office and the Vice Chancellor for Academic and Student Affairs when it is necessary to cancel a class. An announcement will be posted on the

bulletin board and will attempt to notify the students. Please try, if time permits, to inform the school of class cancellation prior to the day of the cancelled class. **Canceled classes must be made up in order to meet ABA accreditation requirements of minimum minutes of class time per credit hour.** When you notify SULC regarding a cancellation of class, if you know when and how you will make the class up, you should give those arrangements to your students. Contact the school at (771-2552) to reserve a room for your rescheduled class.

Books and Book Orders

Upon agreeing to serve as adjunct faculty, you may acquire complimentary casebooks in the area in which you will be teaching. Please contact the librarian, and he/she can assist you with obtaining a complimentary professor copy of any casebooks.

Several weeks before the start of the semester in which you will be teaching you will receive a book request form. On the book request form, you should indicate the casebook you will be requiring for your course and any other materials you identify as recommended. Recommended materials will be purchased by the bookstore so that students have access to them, but they will only be ordered in limited quantities. In general, choose one book, and only one book, as a required text.

Preparing Your Own Materials

If you choose, you may prepare your own materials for distribution. Usually, these consist of problems for the students, recent cases or statutes to supplement the text, and the like. If you want these materials copied, please coordinate with the Office of Academic and Student Affairs. If you choose to copy materials yourself, be aware of any copyright restrictions.

First Class Assignment

If you have an assignment that you want your students to prepare for their first class, please email it the Office of Academic and Student Affairs at least one week before class begins. It will be posted on the appropriate bulletin boards. If your assignment is late, it will be posted on the Administrative Bulletin Board, but most students will not see it until classes have already begun, meaning they will most probably not be prepared for your first class!

Class Attendance Roster

Before the first day of class you can obtain a class roster from the SUBR Online Banner Program (www.subr.banner.edu). You will need your "S" number, which will be given to you by the finance department when you complete your hiring paperwork. However, it will not be an official class list. Inevitably, there will be students on this list who have dropped the class and students in the class who are not on the initial list. An official class list will be given to you the second week of class. The names of all students who are officially registered for your class will appear on the list.

If there is a student in your class whose name does not appear on the list, please ask him/her to report to the Records and Registration Department.

Attendance Sheets

As class attendance is essential, it is easiest to ensure accurate attendance by having attendance sheets. You can take attendance in a number of ways, either checking off students as they arrive, checking them off against a seating chart, or having them sign an attendance sheet each class. SULC has an attendance rule that requires students to attend at least 80% of all scheduled classes. Faculty may, however, require a greater percentage of class attendance if they so wish, but they may not go below 80%.

Syllabi

Students expect a syllabus from all faculty members that gives them both an idea of the class assignments for each class and of the total work to be covered in the course. Syllabi are also excellent vehicles for outlining your policies on attendance, preparation and participation, as well as setting out your expectations for performance and other expectations you wish the students to meet throughout the semester.

Students tend to treat a syllabus as a contract. If you will deviate from the syllabus, make it extremely clear to the students. If you need to adjust the length of your assignments, after experience with the class, do so both orally and in writing. If you plan to deviate from your syllabus in any substantial manner, for instance, if you decide to rearrange a segment of the course or to change a number of assignments, **DO SO IN WRITING** and pass the revised schedule out to the students.

All SULC faculty must email a copy of his syllabus to both the Chancellor's office and the Vice Chancellor for Academic and Student Affairs. Sample syllabi can be found at **Appendix A**.

Audiovisual Aids

All classrooms are smart classrooms and are equipped with the latest technology for presentations. Each working station has an electrical outlet for laptop computers. If you need training on classroom technology or have a problem during class, please pick up the telephone in the classroom and push the button for ITSS. Please do not move or shift the podium in the classroom, as wires may be broken if you do so. Also, please do not adjust or bend the microphone on the podium.

Examinations

Sample cover sheets for examinations are attached at **Appendix B**. Generally, your cover sheet should indicate: (1) the length of time allotted for the exam; (2) the length in pages of the exam; (3) the number of questions on the exam; (4) an indication that the exam is governed by the Honor

Code; and (5) any special instructions you have regarding how to write the exam answers and turn in the finished product to you.

Examinations must be kept extremely secure. If you need assistance copying your examination please let the Office of Academic and Student Affairs know.

If you wish to see another faculty member's exam while composing your own, contact the Vice Chancellor for Academic and Student Affairs. A copy of SULC's policy on administering examinations can be found online. At sulc.edu.

All examinations must be given at the assigned times unless otherwise approved by the Vice Chancellor for Academic and Student Affairs. Final Examinations must be graded anonymously and all grades must be submitted with the students' PIN numbers only. Both the professor and student must take every precaution to preserve the integrity of the anonymous grading system. If you give bonus or extra points outside of the examination, you can give those to the Director of Records and Registration.

Course grades must be reported to the Records and Registration Department by the announced due date each semester. You should identify the paper or PIN that received the highest grade in the course when submitting grades for purposes of awarding the CALL. Student grades are posted by the Records and Registration Department. It is not customary for professors to inform students of their grades. SULC has adopted a grading policy for all courses except seminar classes (paper courses), courses with 15 or fewer students, or skills courses. A copy of the SULC's grading scale and grading policy can be found online at sulc.edu.

SULC encourages professors to give students an opportunity to review their examination papers and other assignments. Please see the Procedure for Grade Appeals online at sulc.edu. SULC has a strict no grade change policy, except for computation errors. When necessary, a grade change should be sent to the Records and Registration Department after obtaining the signature of the Chancellor. All examination papers must be retained for two years, according to ABA accreditation requirements.

Teacher Evaluation

Each semester, our students evaluate every professor in each class they teach. Faculty administrative assistants are responsible for administering these evaluations. You will need to set aside fifteen minutes of class time on November 1 and April 1 or the next scheduled regular class after that date for your students to complete the evaluations. If you have a class that needs to fill out evaluations earlier than the normal date, contact the Chancellor's Administrative Assistant and let her know.

Supplies

Teaching supplies may be obtained from SULC purchasing by calling (225) 771-2507).

TWEN

TWEN (The West Education Network) is an electronic classroom resource providing classroom management tools. To use TWEN you must have a Westlaw academic password (your Westlaw firm password will not work). To receive a Westlaw academic password contact Anna Guerra at anna.guerra@thomsonreuters.com.

Steps in creating TWEN pages:

- (1) Sign on using your Westlaw academic password at <http://lawschool.westlaw.com>.
- (2) Click on the "TWEN" tab in the upper left hand corner.
- (3) Click on "Create a Course" on the tool bar at the top of the page.
- (4) TWEN will walk you through setting up the course.

TWEN can be used in a variety of ways, but some of the more popular features allow you to post documents such as your syllabus, assignments, or powerpoints for your students to view and download. You can create message boards or have a live chat with everyone in your class. Other features allow you to set up weblinks, sign-up sheets, or conduct polls of the students. Please contact Anna Guerra if you would like further training.

YOUR CLASSROOM

The Law Center is very proud of its fine tradition of excellent classroom teaching, and the concomitant learning experiences students have in our classes. We hold ourselves and our students to the highest standards of attendance, preparation, and performance. Thus, you should not hesitate to set high standards and demand they be met. On the other hand, it can be difficult to know what is appropriate in terms of standards and expectations when you are just beginning to teach. The Vice Chancellor for Academic and Student Affairs and our entire faculty are ready to discuss such matters with you, and we encourage you to reach out to us with any questions.

Accessibility to Students

It is important that students be able to contact you in order to address any questions and concerns that they might have. While full-time faculty members have regular office hours, we understand that in most instances this is not a realistic option for adjunct faculty. However, you must have some mechanism through which students have access to you. Arriving early for class for student questions or remaining after class for questions are two excellent ways to ensure student access. Most adjunct faculty provide their email addresses or office phone numbers as a means of communication.

Choosing Books

Choosing a text can be an overwhelming experience, especially if you have been inundated with options from the publishers of suitable texts. A few guidelines should help. First, be sure you have an up-to-date book and edition, especially if you are teaching in an area that changes rapidly, which, of course, most areas of law do. Second, many people use the text (or its descendant) that they had in law school, if they find it conducive to their teaching styles and the coverage they desire in the course. Third, as some of you may be teaching courses that other faculty also may teach, you might want to consider their choice of text, or even better, talk to them about their perceptions of the relative strengths and weaknesses of the major options for a text, so you have some additional guidance on workability in a classroom. Fourth, look at a given casebook's tables of contents to see which texts cover the material (and in what depth) at the level that you think the material should be covered, which texts organize the material in ways you prefer, and which texts include the kinds of materials you would like (e.g., problems as well as cases, statutes, excerpts from textual materials, explanatory notes, and the like). Fifth, look at a section of the text in a crucial area, and evaluate how you like the presentation: is it well written, well-organized, easy to read, integrated, etc? Does the author have the balance between law, theory, and practical implications that you find optimal in comparison with other authors' texts? Will you need to supplement one text more than another in order to teach what you think needs to be taught?

In choosing a text, remember that students should not be overwhelmed by the number of materials and amount of reading and preparation you plan to require. In general, you should never have more than one primary text for a class, although you might want to have some supplemental materials of your own for students to purchase or obtain from the Library Reserve Desk. Also, students greatly appreciate a TEXT. Loose materials alone are difficult for them to organize and integrate. Remember, they are neophytes in this area of law, and need help to form an overview and see the interconnections among the apparently disparate subject areas covered.

Texts edit cases closely so extraneous material does not distract students from core concepts, and provide notes that alert students to differences, changes, options, and connecting ideas among primary source materials. It is extremely difficult for a teacher to put materials together in this way on his or her own, especially given the time constraints you face as an adjunct professor.

If you want to place materials on reserve in the library, provide a copy to Director of Library Services. She will make the number of copies necessary for your class size and forward them to the Circulation Desk in the Library. If you want a book from the library's collection to be placed on reserve, you must notify the Circulation Desk. Your reserve materials will be identified on a sheet in a loose-leaf binder at the Reserve Desk, and you will receive a copy of that sheet. You must inform your students that the materials are on reserve, and tell them **how** the materials are captioned, so they can access the correct articles.

Reading Assignments

Most teachers find that too much assigned reading results not only in less prepared and more confused students, but also in classes that cover only a portion of the assigned readings, leaving resentful students. In upper class courses, students can generally be expected to be able to read and prepare well for assignments of approximately 20 pages per hour of teaching time, i.e., from 40 to 60 pages for a three hour class. The number of pages sensibly assigned varies with the material, of course. Readily accessible text material may be easier to prepare and read than very dense material comprising either a lot of cases and notes raising additional issues thereafter, a number of extremely key and complex cases with notes, or statutory, regulatory and note material raising a lot of issues, details and corollary points.

To keep coverage manageable, so that students will read and understand it sufficiently to participate actively in class, you may need to make some judgments about what material to cover. One strategy is to tell students that in a 70 page reading assignment, they will be expected to concentrate on Cases A and C, and the notes on pages x through y. In the alternative, you can simply assign particular cases from a section and particular notes. To choose the cases and notes, focus on core cases, discard repetitive cases and notes, and discard notes and cases that focus on corollary details rather than fundamental principles you want to emphasize. Another alternative is to cut coverage of topics that seem ancillary to your mission in the course, and focus more on the topics fundamental to the area in question. One way to gain the benefits of reduced reading, but fuller coverage, is to substitute textual readings (e.g., from a treatise or that you draft) covering the principal points for a series of cases covering the same material.

Lecturing to fill in the gaps or add the detail that flesh out the picture can also help. Keep in mind that students overwhelmed by the amount of reading will have more difficulty finding the forest, will be less willing and able to engage with the material and discuss it sensibly, and will ultimately learn less by being exposed to too much.

Expectations

The best thing to do with students is to be explicit about your expectations of them and the goals of your course, early on in the semester—generally in the first class. The more you can reduce to writing, the easier it will be for you and your students to know those expectations and adhere to them, including enforcing them against the errant student who fails to meet them.

Our students are wonderfully interactive, and generally expect interactive classes from professors. As this is most conducive to learning and interest, we encourage you to be as interactive as possible in your courses. If you start by not having interactive classes, you will find it very difficult to switch and create an interactive atmosphere later. Students adapt quickly to the environment established, and you will probably find them resistant to change once a pattern and environment is set.

Using Outside Speakers

The judicious use of outside speakers can add an important dimension to a class. However, it is important that use of outside speakers be limited and that you teach the great bulk of the class. This provides needed continuity to students, facilitates interaction in the classroom, and permits the students' preparation to match the content of the classroom discussion. When using outside speakers, you should prepare them with the precise expectations that you have of what they will contribute to the class. Let them know what your students have covered, what they will have done to prepare for that class, and what expectations you have of the students for that class. Faculty find it important to be present during presentations by outside speakers, as you can then retain some control over the conduct of the class, by asking questions that direct the speaker into areas you want to see discussed, and by involving the students in ways you want to see them involved. The more you convey your expectations to the outside speaker, the more effective he or she will be. Of course, having such a speaker is usually a means of getting some particular expertise into your classroom; none of these suggestions is designed to alter that benefit or make the speaker feel as if he has no input into the process. Rather, following these suggestions will facilitate maximum effectiveness in your use of guest speakers.

Evaluations of Class Performance

Your class will also be visited each semester by one of the vice chancellors. This individual will observe the class for teaching effectiveness and structure. If deficiencies are discovered, the vice chancellor will schedule a meeting with you to discuss your strengths and weaknesses, and to develop a plan that will assist you to improve. A second visit to the class will then take place as a follow-up. If on the second visit the same deficiencies exist, the vice chancellor will not recommend you for retention in future semesters.

APPENDIX A

CONFLICT OF LAWS (COURSE #611)

Professor R.C. White, Sr.

COURSE DESCRIPTION

A study of the basic principles of conflict of laws and specific Louisiana conflicts law. Students will learn the basic interaction of jurisdictional issues, limitations on the exercise of jurisdiction by courts and various choice of law methodologies. An in-depth review of Book 4 of the Louisiana Civil Code will be done.

REQUIRED TEXTS AND MATERIALS

CASEBOOK: Conflict of Laws: Cases, Materials and Problems, 12th Edition, Rosenberg, Hay, Weintraub. Louisiana Civil Code, latest edition.

References: Restatement Second, Conflict of Laws, The American Law Institute

COURSE GOALS

- (1) To assure that students possess a thorough understanding of jurisdictional theory and its impact on choice of law.
- (2) To assure that students possess a thorough understanding of limitations on the exercise of jurisdiction and its impact on choice of law.
- (3) To assure that students possess a thorough understanding of the impact of the United States Constitution on choice of law methodologies.
- (4) To assure that students possess a thorough understanding of the threshold problems of a forum in choice of law.
- (5) To assure that students have knowledge of basic Louisiana conflicts law.

LEARNING OUTCOMES

Upon completion of this course, students will:

- (1) Demonstrate a clear and thorough understanding of how jurisdictional issues and choice of law issues connect.
- (2) Demonstrate a clear and thorough understanding of various choice of law methodologies.
- (3) Demonstrate a clear and thorough understanding of Louisiana Civil Code Book 4.

INSTRUCTIONAL METHODS

The method of instruction will be lecture, case briefing, and class discussion with the professor.

COURSE REQUIREMENTS AND POLICIES

Regular class attendance by all students is deemed essential and is required. Adequate daily preparation is required. Professors in respective courses are authorized and privileged to deny credit in a course because of excessive absences or consistent inadequacy of preparation. Attendance of 80% of scheduled classes is a prerequisite in the course. **Laptops are permitted to take notes only. Students are required at the end of each class period to email their notes to the professor. Emailed notes are to be time and date stamped no later than the end of the class.**

OFFICE HOURS

Please schedule an appointment on Monday or Wednesday between the hours of 1-2:00 pm. If this is not convenient an alternative time can be arranged.

GRADES AND METHOD OF EVALUATION

Your grade in this course is based on the final examination. Final examinations are graded anonymously. **Every Friday an in class assignment must be personally turned in. Failure to turn in the assignment, on the Friday due, in class will result in a reduction of 5 points per missed assignment.** Classes end for third year students on April 16, 2008 at 6:00 pm. The final examination is scheduled for April 26, 2008 from 10 am – 2 pm in room 130.

Day	Assignment
1	Introduction to Conflicts
2	Louisiana Case analysis (Example 612 So2d 894 (1993))
3	Louisiana Civil Code pp 1-6 (An introduction to Louisiana Choice of Law Methodology)
4	Casebook pp. 54-78 (Bases of Judicial Jurisdiction over Natural and Legal Persons)
5	Casebook pp. 79-100 (Bases of Judicial Jurisdiction over Natural and Legal Persons)
6	Casebook pp. 111-121; 131-144 (General jurisdiction and jurisdiction over things)

- 7 **Casebook pp. 163-168; 177-183** (Limitations on the Exercise of
Jurisdiction: Limitations imposed by Contract; Forum Non Conveniens
and its place in the calculus of choice of law; LA CCP art. 123 (c))
- 8 **Casebook pp. 332-337** (The impact of the U.S. Constitution on Choice
of Law analysis and forum selection)
- 9 **Casebook pp. 348-366** (Modern approaches to deal with due process
issues)
- 10 **Casebook pp. 379-383; 394-398** (Threshold Problems of the Forum in
Choice of law: including the problem of admitting or rejecting the action
or defense and notice and proof of foreign law)
- 11 **Casebook pp. 444-450** (Reference to the choice of law rules of
another jurisdiction)
- 12 **Casebook pp. 456-458; 465-469** (Traditional methodologies, torts and
contracts)
- 13 **Casebook pp. 479-494; 495-511; 540-545** (Escape devices, including
Characterization, Renvoi, cision (depeceage), and public policy
overrides.
- 14 **Casebook pp. 589-594; 602-627** (New era conflicts, including,
governmental interest analysis, comparative impairment and center of
gravity approach)
- 15 **Louisiana Civil Code Book IV introduction** (Basic code setup and
topic areas will be connected with previous common law and
constitutional discussions)
- 16 **Book IV art. 3515-3516** (Residual analysis and discussion of the
meaning of state)
- 17 **Book IV art. 3517** (The Louisiana answer to the cycle of Renvoi)
- 18 **Book IV art. 3518 (see also 3548)** (Determining issues of domicile for
both individuals and juridical persons)
- 19 **Book IV art. 3519-3520** (Status, including marriage. Dealing with the
issue of same sex marriage)
- 20 **Book IV art. 3521-3522** (So you want a divorce. Dealing with the
effects and incidents of marriage and divorce in Louisiana Conflicts)
- 21 **Book IV art. 3523-3524** (Marital Property: Dealing with the matrimonial
regime in a conflicts case)
- 22 **Book IV art. 3525-3526** (Marital Property: Dealing with immovables)
- 23 **Book IV art. 3526-3527** (Marital Property: Dealing with immovables)
- 24 **Book IV art. 3528-3529** (Successions: Formal validity of testaments
and capacity)
- 25 **Book IV art. 3530-3531** (Dealing with the sticky issue of heirs and
interpretation of testaments)
- 26 **Book IV art. 3532-3533** (Movables and immoveables in a conflict
succession)
- 27 **Book IV art. 3534-3535** (Immovable in other states and real rights in
immovables)

- 28 **Book IV art. 3536-3537** (Real rights in corporeal movables and the residual article dealing with conventional obligations)
- 29 **Book IV art. 3538-3539** (Contractual form and issues of capacity to contract)
- 30 **Book IV art. 3540-3543** (Party autonomy in contract clauses and other juridical acts and quasi-contractual obligations)
- 31 **Book IV art. 3544** (Tort issues of financial and loss distribution)
- 32 **Book IV art. 3545** (Product liability in conflicts analysis; the sticky problem of repose statutes)
- 33 **Book IV art. 3546-3548** (Punitive damages, exceptional cases and domicile of juridical persons in tort conflict analysis)
- 34 **Book IV art. 3549** (Liberative Prescription: when should the Louisiana courts entertain a conflict action)
- 35 **Casebook pp. 214-226** (Enforcement of judgments from a conflicts perspective)

SOUTHERN UNIVERSITY LAW CENTER

CRIMINAL LAW

FALL 2009
11:00 a.m. – 12:15 p.m. (MW)
Room 130

LAW 404

3.0 CREDITS

INSTRUCTOR: Professor r. jones

COURSE SYLLABUS

Office: Room 300
Telephone: 771-3776, Extension 227

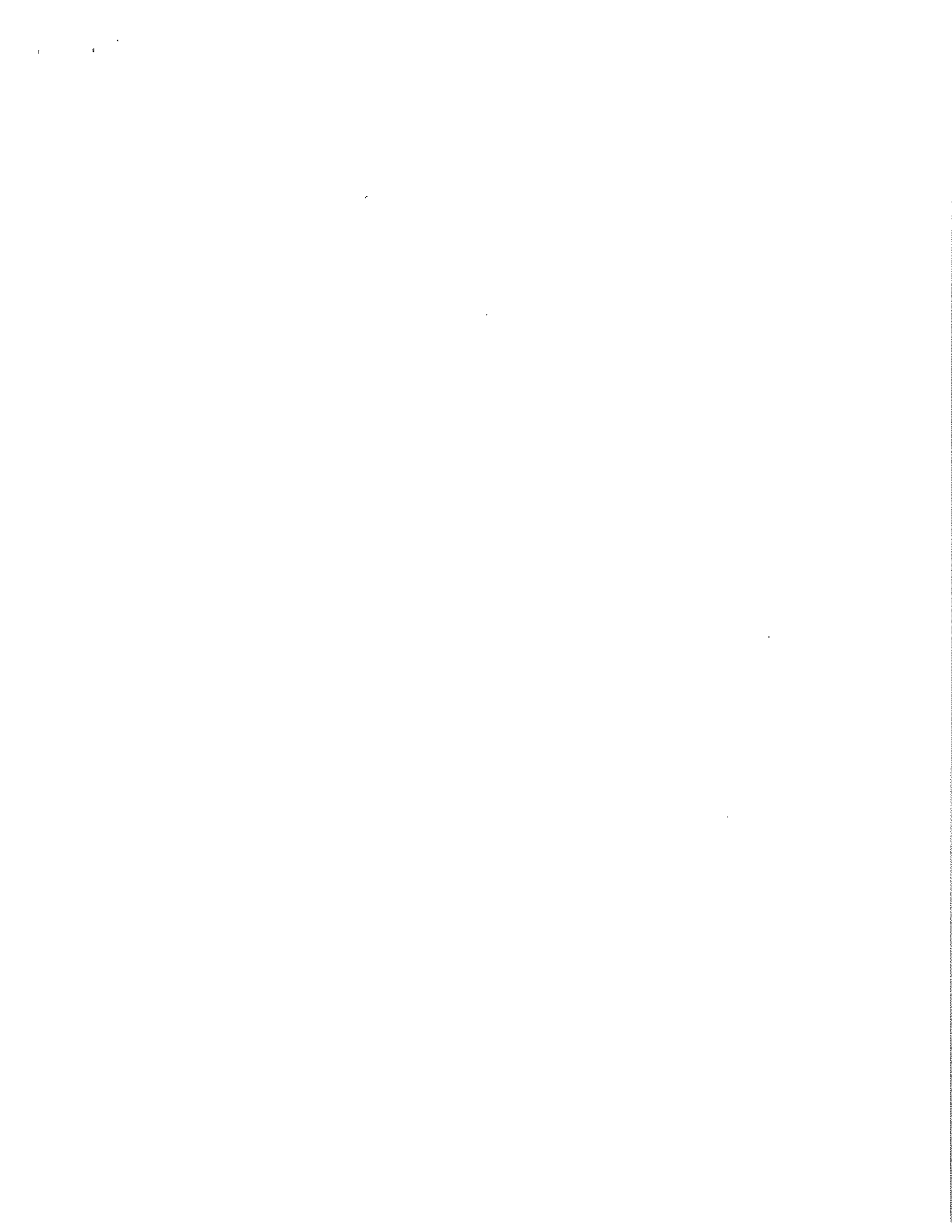
COURSE DESCRIPTION:

This course exposes students to the basic concepts and doctrines of substantive Criminal Law. Much of the instructions will originate from appellate court cases and criminal statutes, most important Louisiana Statutory Criminal Law. Students will learn both how to read and synthesize cases, and how to interpret statutes. Topics that are covered include theories of crime and punishment, elements of a crime, notion of criminal responsibility, parties to a crime, defenses to criminal liability, offenses against person, property and society, and inchoate crimes.

The Socratic method of teaching, rigid questioning, and problems will be used to teach the materials. Students must brief all assigned cases and be ready to participate in class discussion. Please see the attached brief format for instructions on how to brief cases for this class. Briefs must be written or typed and printed. **STUDENTS WILL NOT BE PERMITTED TO BRING THE CASE BOOK (OR PHOTO COPIES OF THE BOOK) OR LAPTOP COMPUTERS TO CLASS.** It is also important to be timely; if you arrive to class after the roll is taken, you will be marked absent. Students who leave class more than once or for more than three minutes will be marked absent.

COURSE OUTCOMES

Critically evaluate the scope of the criminal law and its practical impact and operation.



Develop and demonstrate, at an introductory level, the ability to: identify relevant and salient facts from a hypothetical factual scenario; apply the relevant law to the facts in a clear and concise manner; read and analyze cases; explain the relevance of cases from different jurisdictions in solving criminal law problems.

ASSESSMENT

10% Periodical Quizzes and Exercises

10% Midterm Examination

80% Final Examination

COURSE POLICIES:

1. The following statement appears on page 55 of the 2008-2010 Law Center catalog:

Regular class attendance by all students is mandatory. Adequate daily preparation is required as well. Professors are authorized and privileged at their discretion to deny credit in a course because of excessive absences or consistent inadequacy of preparation. A student who is required to carry a full course load and who accumulates excessive absences in any course shall receive the grade of "F" in the course, and shall be required to repeat the course if it is a required course. Attendance of 80% of the scheduled lectures is a prerequisite for credit in a course.

Additionally, students should be familiar with "Seriousness of Purpose" statement appearing on page 56 of the Catalog. It states:

There is a presumption that every student entering the Southern University Law Center enters with a seriousness of purpose concerning class attendance, preparation, and participation in the academic life of the Law Center. Any student who enters the Law Center without that seriousness of purpose or who fails to maintain it after matriculation will be removed from the student body after proper and due proceedings. Any student may be dropped from the Law Center for other just cause after notice and hearing.

2. Law Center policy requires that a practice examination be administered in courses prior to the final. All students enrolled in the course are required to take the practice examination(s). The course professor has the option of awarding credit for the final grade. Three quizzes and a midterm examination will be given in this course. The averaged score on quizzes will count as ten percent of your final grade and the midterm examination will count as ten percent of your final grade. A comprehensive final examination will count as 80% of your grade in the course.
3. All provisions of the Code of Student Conduct Manual and other duly promulgated rules of conduct are incorporated by reference in this document and deemed to apply to assignments, examinations, etc.
4. Tape or electronic recordation of lectures is not allowed without permission of the instructor or directions from the Office of Academic Assistance. Additionally, a course outline prepared commercially or by any person other than the student using the outline is not permitted in class. In view of the instructor's proprietary interest in his lecture material, students are cautioned against distributing that material in written form.

FACULTY COUNSEL:

Students are encouraged to meet with the professor if they have problems or difficulties with the course materials, or if they believe he can provide assistance with questions concerning legal education, the profession, career plans, etc. Generally, the professor is available at the below listed hours. Appointments are encouraged.

ACADEMIC ASSISTANCE:

Attendance at all scheduled academic assistance sessions is mandatory. A student who is absent, late or fails to sit through a session will receive a class absence.

REQUIRED CLASS MATERIALS:

Text, Materials Prepared by Professor

Louisiana Statutory Criminal Law and Procedure, 2009 Edition (West Publication)

Cynthia Lee, *MURDER AND THE REASONABLE MAN: PASSION AND FEAR IN THE CRIMINAL COURTROOM* (Can be bought on Amazon.com)

SUPPLEMENTARY MATERIALS:

Dressler, *Understanding Criminal Law*

LaFave, *Principles of Criminal Law*

Boyce and Perkins, *Criminal Law*

Singer and LaFond, *Criminal Law: Examples and Explanations*

N.B. This schedule is subject to change by the professor during the course.

<u>Assignments</u>	<u>Required Reading</u>
<u>INTRODUCTION: A CRIME DEFINED</u>	Read: La.R.S. 14:7, 8, 9
PURPOSE OF CRIMINAL LAW	HANDOUT: "THE CHANGING PURPOSES CRIMINAL LAW" "THE UTILITY OF DESSERT" TWEEN: CRIMINAL LAW AND PUNISHMENT HANDOUT: Hypothetical Questions
PUNISHMENT	FLEMMING v. NESTOR BELL v. WOOLFISH STATE v. KENNEDY
<u>NOTIONS OF CRIMINAL RESPONSIBILITY</u>	
ACTUS REUS: VOLUNTARY ACT & OMISSIONS	La.R.S. 14:8, 9, 12 MPC2.01 STATE v. UTTER STATE v. OVERTON MONTANA ex rel. KUNTZ JONES v. U.S STATE V. STRATTON
NEGLIGENCE	STATE v. DESOTO
MENS REA	La.R.S. 14:10, 11, 12 52 La. L. Rev. 1083

STATE V. HURST
STATE V. FULLER
PEOPLE v. CONLEY

STRICT LIABILITY

STATE v. WINGATE

CAUSATION

La.R.S. 14:9
OXENDINE v. STATE
STATE v. KALATHAKIS
STATE v. MEYERS
BRACKET v. PETERS

DEFENSES

BURDEN OF PROOF

PATTERSON v. NEW YORK (TWEN)

MISTAKE OF FACT & MISTAKE OF LAW

La.R.S. 14:16, 17
STATE v. RABALAIS
STATE v. ALVEY
STATE v. WEST
STATE v. RISER

PRINCIPLES OF JUSTIFICATION

La.R.S. 14:20A(1), (2)
STATE v. DUCOTE
STATE v. FLUKER
STATE v. MILLS (TWEN)
STATE v. BROWN, 640 So.2d 488

MAN,

MURDER AND THE REASONABLE
PAGES 127-174

JUSTIFICATION AND REASONABLENESS

PEOPLE v. GOETZ
HATTORI v. PEAIRS
MURDER AND THE REASONABLE

MAN,

PAGES 203-259

DEFENSE OF OTHERS & PROPERTY

La.R.S. 14:20(2), (3); 14:19, 22
State v. Wallace, 612 So.2d 183
State v. Gondag, 442 So.2d 703
State v. Baudoin, 533 So.2d 1071

REIMMERGENCE OF THE CASTLE

	<i>RULE (TWEN)</i>
NECESSITY, DURESS & INTOXICATION	La.R.S. 14:18(6); 14:15 <i>STATE v. BARNES</i> <i>UNITED STATES v. BAILEY</i> <i>STATE v. MAGEE</i> <i>STATE v. ELLIS</i>
INSANITY	La.R.S. 14:14 <i>U.S. v. TORNIERO</i> <i>STATE v. ARMSTRONG</i> <i>STATE v. GEORGE</i> <i>STATE v. SCOTT</i>
<u>OFFENSES AGAINST PERSON</u>	
CRIMINAL HOMICIDE: HUMAN BEING	<i>State v. Brown</i> , 378 So.2d 916 <i>State v. Keller</i> , 595 S02d 1365 La.R.S. 12:2(7); 14:29
INTENTIONAL KILLINGS	La.R.S. 14:30 <i>State v. Holmes</i> , 502 So.2d 1112 <i>State v. Anthony</i> , 427 So.3d 1155 <i>Sate v. Stewart</i> , 458 So.2d 1289 <i>State v. Hart</i> <i>STATE v. JOHNSON</i>
MANSLAUGHTER	La.R.S. 14:31 <i>STATE v. ANSEMAN</i> <i>STATE v. FOUNTAIN</i>
BATTERED WOMAN SYNDROME	<i>STATE v. NACAISE</i> , 466 So.2d 660 <i>STATE v. MOORE</i> , 568 So.2d 612
THE DOCTRINE OF PROVOCATION	<i>MURDER AND THE REASONALBE MAN</i> , PAGES 17-124 <i>STATE v. BLOODWORTH</i>
NEGLIGENT HOMICIDE	La.R.S. 14:32 <i>STATE v. MCFERSON</i> <i>STATE v. FENNER</i>
FELONY-MURDER RULE & MISDEMEANOR MANSLAUGHTER	La.R.S. 14:30.1(A)(2)(a); 14:31 (A)(2)(a) <i>STATE v. MARTIN</i>

State v. LaGarde, 672 So.2d 1102
State v. Thompson, 532 So.2de 1160

PARTIES

PRINCIPAL & ACCESSORY AFTER THE FACT

La.R.S. 14:24 & 25
State v. Pierre
STATE v. FALKINS
STATE v. KIRKLAND
State v. Chism
State v. Jackson

INCHOATE CRIMES

ATTEMPT

La.R.S. 14:27
STATE v. MURFF, 39 So.2d 817
STATE v. PAPPAS, 446 So.2d 523
State v. Fredenburg

CONSPIRACY

La.R.S. 14:26
STATE v. GUTTER
STATE v. BARTON
STATE v. HAMILTON

ASSAULT & BATTERY

39

La.R.S. 14:33, 34, 34.1, 35, 35.1, 36, 37, 38,
34.7, 43.1 & 43.2
State v. Howard
State v. Munoz, 575 So.2d 848
State v. Lachney, 621 So.2d 496
State v. Cortez

OTHER CRIMES AGAINST PERSON

RAPE

La.R.S. 14:41, 42m 42.1, 43 & 80
STATE v. MORGAN
STATE v. HENSON
STATE v. PUCKET
STATE v. STELLY

KIDNAPING

La.R.S. 14:44-46
STATE v. WILLIAMS
STATE v. ACEVEDO
STATE v. RUSK8

OFFENSE AGAINST PROPERTY

BURGLARY

La.R.S. 14:60, 62, 62.2, 62.3 & 62.4
STATE v. HALL
STATE v. LOCKHART

THEFT & ROBBERY

STATE v. MCKNIGHT
STATE v. HAARALA

La.R.S. 14:67, 64, 64.1, 64.2, & 65
STATE v. KENNERSON
STATE v. RIPLEY
STATE v. BOWERS
STATE v. FLOYD
STATE v. FLORANT

ARSON

La.R.S. 14:51, 52, & 53
STATE v. BONFANTI
STATE v. STANFORD

LOUISIANA CIVIL LAW PROPERTY
SPRING 2014 | 415 | SECTION I

Syllabus

Course Information	Professor Christopher K. Odinet	
Room 206N	Office:	Room 291
M, W 8:35 am – 9:50 am	Phone:	225-771-4910 Ext. 217
Exam: Friday, May 1, 2014 8:00 am – 12:00 pm Room 129	Email:	codinet@sulc.edu
	Office hours:	Monday: 12:30 pm – 5:00 pm Tuesday: 11:00 am – 12:00 pm Wednesday: 12:30 pm – 5:00 pm By Appointment
	Assistant:	Ms. Felicia Forman 225-771-4900 Ext. 231

I. Course Materials

1. DIAN TOOLEY-KNOBLETT, JEANNE LOUISE CARRIERE, & JOHN RANDALL TRAHAN, YIANNOPOULOS'S CIVIL LAW PROPERTY COURSEBOOK (Revised 10th ed.) with latest supplement – *Required*
2. CASEBOOK SUPPLEMENT (CARROLL) – *Required* (provided electronically through TWEN)
3. Louisiana Civil Code, Volume I (any version after 2010 will suffice). – *Required*

II. Course Objectives

This course entails an in-depth study of Book II of the Louisiana Civil Code (Civil Law Property). You will be expected to master a variety of civilian property concepts, including things, ownership, occupancy, possession, servitudes, building restrictions, usufruct, and prescription. To achieve this objective we will study the relevant articles of the Louisiana Civil Code and Revised Statutes, the jurisprudence, and secondary commentary interpreting the code articles, and their French (or Spanish) predecessors when necessary. To the extent time permits, we will draw comparisons between Louisiana law and Anglo-American common law and/or foreign law.

I want you to fully participate in the class discussion with as few distractions as possible. As a result, the use of laptop computers during class is prohibited. You will be permitted to use laptops to take your final examination in accordance with Law Center procedures and policies.

III. Evaluation

Your grade in this class will be determined by a final examination; however, I reserve the right to modify your final grade by as much as 15% in connection with your class participation (or lack thereof). The exact format of the exam is not yet certain, but will most likely consist of a series of short-answer and essay questions and may include a multiple-choice component. The exam will be closed book. You will also be given two or more mid-term exams throughout the semester in preparation for the final exam.

Your participation is required in this class and will be based upon your command of the materials and willingness/ability to engage in classroom dialogue. You need not necessarily provide correct answers when called upon in class; rather, I am looking for well-reasoned and thoughtful responses. Your final grade may be impacted by as much as 15% in connection with your class participation. Further, if you are continually unprepared for class you may be asked to leave and marked absent for the day.

IV. Policies

1. Classroom Demeanor

I expect you to be prepared for class and to conduct yourself in a professional manner. Studying law is a collective endeavor. You cheat yourself and your classmates when you are not prepared to discuss the day's material. The use of laptops in this class is prohibited, as well as text messaging or any other activity which otherwise distracts your fellow students from the lecture. Should I suspect that you are so engaged, I reserve the right to ask you to leave and/or mark you absent for the day. Cell phones are to be turned off, put on vibrate, or silenced during class. Note passing, instant messaging, texting, or otherwise communicating with your classmates in order to assist them in responding when questioned in class may be an honor code violation. Lastly, you are to use the restroom prior to class, and you may only leave the room in the middle of class for emergencies, as you disturb other students when you do so.

2. Attendance

School policy requires that you sign the roll sheet during each class period. Back-signing the roll is not permitted under any circumstances, nor may you sign the roll sheet after I leave the classroom at the end of class. If you are late for class (meaning that you walk in after the exact time upon which the class begins), you will not be permitted to sign the roll sheet. By school policy if you miss more than twenty percent (20%) or more of the scheduled classes for this course, you will not be given credit for this course. For your convenience, I have calculated that we have a total of 28 classes; therefore you may only miss a maximum of 6 class days.

V. Assignments

The reading assignments may be found on the Reading Assignment List. The assignments will mostly come from the Yiannopoulos Casebook, the Civil Code, and the Casebook Supplement.

I will try to keep class discussion on the same pace as the reading assigned for that day, but minor adjustments may be necessary as the semester progresses. Unless otherwise instructed, you are responsible for one new assignment each class, even if class discussion progresses more slowly than your reading.

Your materials include references to the relevant Civil Code articles and Revised Statutes that correspond to the material we will be covering. You are expected to read the appropriate provisions of the Civil Code and Revised Statutes and the accompanying comments before reading the casebook and any supplementary material. These provisions are necessary for a proper understanding of the material to be covered in class.

VI. Learning Outcomes

This course involves a number of learning outcomes which correlate to the items listed on the Reading Assignment List that is described above. These learning objectives are articulated as follows:

Assignment Nos. 1 through 7 are designed so that students will be able to properly articulate the sources and history of the civil law in Louisiana and understand the basic structure of the Civil Code and the progression of civil law property's classification of things.

Assignment Nos. 8 through 12 are designed so that students will be able to differentiate between movables and immovables, corporeals and incorporeals and select the appropriate set of property rules to apply in resolving a fact scenario. Students will be able to analyze a fact pattern, apply the correct rules, and determine who owns what rights.

Assignment Nos. 13 through 28 are designed so that students will recognize what types of acts establish possession. They will compare the rules for acquiring ownership through acquisitive prescription in one, three, ten, or thirty years and will be able to explain how a person disturbed in their possession or in their ownership can file suit to regain possession or ownership. Lastly, students will be able to apprise individuals of their rights in improvements made to property which they do not own through the law of accession.

Assignment Nos. 29 through 32 are designed so that students will examine the rules that apply to shared ownership arrangements, including co-ownership, predial and personal servitudes, and building restrictions. Students will discover the manner in which these relationships are established and compare the rights and duties of the respective parties to these relationships.

VII. Academic Assistance (Academic Success Skills Program)

As part of the course you are responsible for attending all Academic Assistance sessions throughout the semester. These weekly sessions are to help you understand property law doctrines and develop/refine your study and analytical skills. Emphasis will be placed on study techniques, analytical skills, and exam writing, which are all designed to help you become an independent learner.

Unless indicated otherwise, Academic Assistance for this class will take place in Room 130 from 2:00 – 4:00 pm on the following dates:

Tuesday, January 20, 2015

Tuesday, February 3, 2015

Tuesday, February 24, 2015

Tuesday, March 10, 2015

Tuesday, March 24, 2015

Tuesday, April 7, 2015

VIII. ADA Accommodations

Reasonable accommodations can be provided to students with documented physical, sensory, systemic, cognitive, learning, and psychiatric disabilities. If you believe you have a disability requiring accommodation in this class (as opposed to the final exam), please notify the Associate Vice Chancellor for Academic Support Programs, who will provide me with verification of your disability and, with the Vice Chancellor for Academic Affairs, will recommend appropriate accommodations. Exam accommodations will be handled through the same process, but without notifying me so as to protect your anonymity on the final examination.

LOUISIANA CIVIL LAW PROPERTY
Spring 2015 | 415 | SECTION I

READING ASSIGNMENT LIST

1. **Common, Public, & Private Things**
LA. CIV. CODE arts. 448–450, 452–455
YIANNOPOULOS *Casebook* pp. 1–14
2. **Dedication to Public Use**
YIANNOPOULOS *Casebook* pp. 894–901, 904–920, 927–929, 942–944
CARROLL *Supplement* pp. 1–12
3. **Corporeals/Incorporeals & Movable/Immovables (Introduction)**
LA. CIV. CODE arts. 461; 462–475
YIANNOPOULOS *Casebook* pp. 128–137, 72–75
CARROLL *Supplement* pp. 24–26
4. **Immovables (continued)**
YIANNOPOULOS *Casebook* pp. 75–82
5. **Immovables (continued)**
YIANNOPOULOS *Casebook* pp. 82–100
CARROLL *Supplement* pp. 83–93; 26–52
6. **Immovables (continued)**
YIANNOPOULOS *Casebook* pp. 100–106, 121–124
CARROLL *Supplement* pp. 52–54
7. **Immovables (continued)**
YIANNOPOULOS *Casebook* pp. 115–121
CARROLL *Supplement* pp. 55–61
8. **Possession (Introduction)**
LA. CIV. CODE arts. 3421–3444
YIANNOPOULOS *Casebook* pp. 143–149, 156–164
CARROLL *Supplement* pp. 61–62
9. **Possession (Types & Modes)**
YIANNOPOULOS *Casebook* pp. 149–156, 165–166
10. **Possession (Types & Modes continued)**

- YIANNOPOULOS *Casebook* pp. 167–180
11. **Possession (Vices and Precarious)**
YIANNOPOULOS *Casebook* pp. 181–187
CARROLL *Supplement* pp. 62–66
 12. **Possession (Tacking)**
YIANNOPOULOS *Casebook* pp. 180
 13. **Possession (Possessory Action)**
YIANNOPOULOS *Casebook* pp. 188–204
CARROLL *Supplement* pp. 67–72
 14. **Occupancy**
LA. CIV. CODE arts. 3412–3420
YIANNOPOULOS *Casebook* pp. 304–321
 15. **Liberative Prescription**
YIANNOPOULOS *Casebook* pp. 322–330, 332–333, 341–346, 351–353, 358
 16. **Acquisitive Prescription (Immovables)**
LA. CIV. CODE arts. 3473–3491
YIANNOPOULOS *Casebook* pp. 361, 397–425
 17. **Acquisitive Prescription (Immovables continued)**
YIANNOPOULOS *Casebook* pp. 426–441
 18. **Acquisitive Prescription (Immovables continued)**
YIANNOPOULOS *Casebook* pp. 362–379
 19. **Acquisitive Prescription (Immovables continued)**
YIANNOPOULOS *Casebook* pp. 379–397
 20. **Acquisitive Prescription (Movables)**
YIANNOPOULOS *Casebook* pp. 441–447
 21. **Ownership (Introduction & Petitory Action)**
LA. CIV. CODE arts. 526–532
YIANNOPOULOS *Casebook* pp. 210–220, 448–487
 22. **Accession (Introduction)**
LA. CIV. CODE arts. 482–489
YIANNOPOULOS *Casebook* pp. 262–264
 23. **Accession (Immovables & Movables)**

LA. CIV. CODE arts. 490–498, 2695
YIANNOPOULOS *Casebook* pp. 264–297
CARROLL *Supplement* pp. 72–75

24. **Ownership (Co-Ownership)**

LA. CIV. CODE arts. 797–818
YIANNOPOULOS *Casebook* pp. 221–249
CARROLL *Supplement* pp. 76–82

25. **Dismemberments of Ownership (Usufruct)**

LA. CIV. CODE arts. 533–629
YIANNOPOULOS *Casebook* pp. 533–536, 802–809, 832–841, 844–851

26. **Servitudes**

LA. CIV. CODE arts. 646–654, 697–774
YIANNOPOULOS *Casebook* pp. 659–666, 687–691, 694–703

27. **Building Restrictions**

LA. CIV. CODE arts. 775–983
YIANNOPOULOS *Casebook* pp. 721–781

APPENDIX B

SOUTHERN UNIVERSITY LAW CENTER PROFESSOR R. JONES

General Instructions:

1. Read these instructions carefully before you begin to answer the examination.
2. Please write your answer to the question in the space provided. You may use the back of the page to make corrections only. Otherwise answers that are written outside the provided lines will not be considered. If you do use the back of the page to correct an answer, instructions on how to find your answer should be very explicit. Typers must be reasonable and shall not exceed the space provided. ***TYPERS PLEASE DO NOT CUT AND PASTE FOR THE PURPOSE OF ADDING MATERIAL TO A SECOND ANSWER.***
3. All typers must read, sign and return the laptop policy before taking the examination. You will be placed in a separate room to type your examination. Typers must return their examination papers with the PIN number on it.
4. Typers must read, sign and place on file with IT and the professor a copy of the Laptop Policy on the date stated in the Policy.
5. Typers must use 12 point font and double space their answers.
6. If you tear the examination apart to answer the questions, you are responsible for re-stapling it in the correct order. All pages must be in the examination. Extra sheets will not be given. Do not add pages to the examination. A stapler will be made available for you at the front of the classroom.
7. Scratch paper will be provided with the examination. You do not have to return it.
8. You will have four hours to complete the examination. Please use your time wisely.
9. Use ***black ink*** (preferably a black gel pen) only to answer the examination questions. If you do not have a black writing pen, please ask the proctor. I will provide one for you. ***Please do not use white out to delete or correct answers.*** Strike through the unwanted portions of your answer. ***DO NOT use an erasable ink.***
10. Be sure that you answer the question that is asked, and explain your answer fully. ***Answers that are mere conclusions will not receive any credit.***
11. If you have questions about the examination, you may ask. However, do

not bring your examination to the front with you to ask your question. A copy of the examination is available.

12. You may leave the examination for short bathroom or smoke breaks which should not exceed two minutes. Please limit your departures to no more than two, and at no time should more than one person leave the classroom for a break.
10. *You may not have your cellular telephones at the testing stations.*
11. ***PLEASE WRITE LEGIBLY. IF I CANNOT READ IT, I CANNOT GRADE IT. DO NOT USE ANY ABBREVIATIONS.***
12. ***Do not write your name or place any other identifying marks on the examination. Please write your examination number in the top right corner of each page of the examination NOW. EXAMINATIONS WITH NAMES OR OTHER IDENTIFYING MARKS ON THEM WILL NOT BE GRADED.***
13. Do not write in the left margins. Leave that space for grading comments.
14. The examination consists of two sections. There are 33 sheets excluding the cover page. Part I has pages 1-17 and Part II and III has pages 18 – 33. Please check it now to make certain that you have a complete examination.
15. If you are suspected of cheating, you will be asked to leave the examination and will receive the grade of "F." I will report your actions as an honor code violation to the Law Center and the State Bar Association.
16. When you have completed the examination, place it face down on the desk at the front of the classroom.
17. Typers must save their examination answers electronically to the network, and then save the examination on their hard drive.

SOUTHERN UNIVERSITY LAW CENTER

FINAL EXAMINATION

Louisiana Law of Sales and Lease (509/III)
Professor Christopher K. Odinet

Tuesday, December 2, 2014
1:00 pm – 5:00 pm
Room 227

INSTRUCTIONS

1. You may not consult any materials other than those included in the exam itself. It is a student code of conduct violation to consult any other materials.
2. Before you begin reading the exam, make sure that you have all the pages. There are seventeen (17) pages in all.
3. Do not sign your exam or answer or in any way indicate your identity other than by using your exam PIN number.
4. You have a total of 240 minutes (4 hours) to complete this exam. Please budget your time carefully. To assist you in this regard, I have indicated the recommended time you should spend on each question. **Be careful not to get behind. If you do, chances are you will never catch up.**
5. If for some reason you think you need additional information in order to answer a question, you may make reasonable alternative assumptions and proceed accordingly. In some fact scenarios you have intentionally not been given all of the information required to make a definitive decision on an issue. These scenarios are intended to test your ability to see and evaluate alternative arguments. Be sure to identify any assumptions you make and explain how those assumptions would affect your answers. If you should encounter what you consider to be some anomaly, inconsistency, or contradiction in one of the narratives, **DON'T JUST SIT THERE PUZZLED.** Instead, come find me and ask me for clarification.
6. You should answer all questions, even those set in the past or future, on the basis of current law.
7. Be sure to read the hypotheticals, footnotes, and questions closely and to answer the questions asked. **All questions are in bold.** Although you should state and discuss all legal principles that are relevant to your answer, you will not receive credit for general expositions of the law of sale or lease when they are not intellectually relevant to the fact pattern and the question. You must show your analysis of the law and its application to the facts in order to receive full points for an answer. Conclusory statements will receive **no credit**.

8. Answer the multiple choice questions on the exam itself by labeling the exam question, followed by the answer letter that you select as being correct. No other discussion or analysis should be made with regard to the multiple-choice questions, as they will be ignored completely. Answers or other marks made on the exam, other than the letter choice, will be given **zero credit**.
9. Answer the essay questions in complete sentences. Answers in partial sentences and/or bullet points will receive **zero credit**.
10. When you have completed the exam, turn in your exam and answer (if handwritten). Be sure your exam number appears on every item you turn in, including at the top of each page of this document.

GOOD LUCK!

APPENDIX C

GRADES AND GRADING

GRADING SCALE (CLASSES OF 2008 & 2009)

A	4.0	90 – 100
B+	3.5	85-89
B	3.0	80-84
C+	2.5	75-79
C	2.0	70-74
D+	1.5	65-79
D	1.0	60-74

GRADING SCALE (CLASS OF 2010 and SUBSEQUENT CLASSES)

A	4.0	96 - 100
A-	3.75	90 – 95
B+	3.5	87 – 89
B	3.0	83 – 86
B-	2.75	80 – 82
C+	2.5	77 – 79
C	2.0	73 – 76
C-	1.75	70 – 72
D+	1.5	67 – 69
D	1.0	63 – 66
D-	.75	60 – 62
F	0	Below 60

GRADE DISTRIBUTION POLICY

<u>GRADE</u>	<u>RANGE</u>
A, A-	0 – 10%
B, B+, B-	15 – 25%
C, C+, C-	25 – 50%
D, D+, D-	15 – 25%
F	0 – 15%

<u>GRADE</u>	<u>RANGE</u>
A, A-	0 – 10%
B, B+, B-	15 – 25%
C, C+, C-	25 – 50%
D, D+, D-	15 – 25%

The grade distribution policy projects what the Law Center believes is an equitable grade distribution in required courses. It is mandatory for first year courses and advisory for all other courses. The policy is not meant to affect how grades are distributed in clinical courses, practical courses, legal writing, legal research, independent research, workshops, seminars, and classes with less than 15 students.

PROCEDURE FOR IMPLEMENTING ANONYMOUS GRADING SYSTEM

1. Each student is to report to the Office of Records to receive a sealed envelope containing his or her PIN number.
2. The student is to sign a prepared roster indicating that he or she has received the PIN number.
3. Each student will use the PIN number on each examination taken.
4. After the Professor has graded all examination papers, he will submit grades by PIN number to the Office of Records and sign the necessary grade sheet(s).
5. Grades will be posted on the Student Information System.
6. Student may gain access to grades by telephone (JAGCALL) or online (JAGNET).

GRADE OF "I" - INCOMPLETE

An "I" grade is given only when the student can convincingly demonstrate, through documentation whenever it is possible, that he will be or was unable to take a final examination as regularly scheduled and that he would have taken it were it not for the disabling circumstances.

An "I" grade is given only for the strongest of reasons, such as death in the immediate family, hospital confinement, subpoenaed process or military duty.

An examination for removal of an "I" grade shall be administered within six weeks after registration for the following regular semester.

Failure to timely remove an "I" grade results in automatic conversion to "F".

Student's Procedure for receiving an "I" grade:

1. Present to the Office of the Vice Chancellor written proof of reasons for unavoidable absence from the final examination.
2. Secure signature of approval from the Office of the Vice Chancellor for Student Affairs.
3. Turn in written document and the Vice Chancellor for Student Affairs' approval to the Office of Records.
4. Request an Incomplete Grade Form from the Office of Records.
5. Present completed copy of Form to the professor before the date of the final examination; in emergency situations, the Form may be submitted before grades are tabulated and received in the Office of Records.

*Procedure for taking a makeup examination to remove an "I" grade:

1. A list containing the names of all students who received an "I" grade will be given to the Vice Chancellor for Student Affairs who will draft a letter to the students and relevant professors stating the exact date by which the final examination must be taken. The letter will also state the date that the final course grade must be received by the Office of Records and Enrollment Management.
2. It is the student's responsibility to contact the professor in the course in which the "I" grade was received to arrange a date and time to take the examination. Students must contact the professor within the first two weeks of the semester to schedule the examination. If a student is unable to contact the professor, he/she shall notify the administration immediately for assistance.
3. The professor will schedule the date, time and place for the examination. A student who fails to take the examination on the date scheduled by the professor will receive a grade of "F."
4. If a student has not taken the examination within six (6) weeks of the beginning of the semester after the "I" grade was received, a grade of "F" will be recorded in the course. This provision will not apply if the Administration determines that extraordinary circumstances existed that prevented the student from taking the examination in the stated time period.
5. Students who receive accommodations must contact both the professor and the associate vice chancellor for academic support to take an examination to remove an "I" grade. The professor and associate vice chancellor for academic support will decide the date and time for the examination. The examination will be administered by the office of academic support.

**An "I" grade will not be recorded for students whose grades are not reported for reasons other than those listed in the SULC catalog. The student's record will indicate no grade received.*

POSTING OF TEMPORARY "I" GRADE

If, after submission of grades to the Office of Records, a grade is found to be missing from the grade sheet for a student enrolled in that course, then a temporary "I" grade will be posted until a grade is finally submitted.

CHANGE OF GRADE

Grades that have been submitted to the Office of Records can be changed only by submitting the official Change of Grade Form (SU 323) certifying that an error in computation has been made by the Professor. This form will not be valid unless signed by the professor and approved by the Chancellor. Any grade change must be received in the Office of Records within forty days immediately following the grading period (semester or summer session) in which the grade was given or omitted.

APPENDIX D

GUIDELINES FOR ADMINISTRATION OF FINAL EXAMINATIONS

I. EXAMINATIONS SCHEDULE

Official examination schedule shall be strictly followed as to:

- A. Designated exam times.
- B. Designated exam rooms

Whenever possible, examination room shall be large enough to allow at least one vacant seating space between each examinee.

II. ADMINISTERING PERSONNEL

Course Professor Voluntary assistance should be sought and obtained from another faculty member when and if deemed necessary or desirable by course professor.

III. EXAMINATION PARAPHERNALIA (STUDENT)

- A. Student exam paraphernalia limited to writing pens and erasure utensils.
- B. Do not allow examinees to bring anything else into examination room.
- C. Professor shall either provide all scratch paper to examinees or permit "scratch-writing" in blue books.

IV. DUTIES OF ADMINISTERING PERSONNEL

Course Professor

- A. Prior to examination time, ensure that all blue books obtained from Administrative Assistant bear the Law School stamp and course stamp. For example, all examination blue books for OBLIGATIONS, should be stamped OBLIGATIONS on front cover of blue books.
- B. Bring examinations and blue books to exam room.
- C. After all students are quietly seated, randomly reseal students in a manner that will minimize or eliminate possible collaborating "pairs."
- D. Distribute examinations and only one blue book at a time to examinees.
- E. Permission to leave exam room must be given by Professor.
- F. Allow only one student to leave exam room at any one time, for no more than six minutes.
- G. No student should be permitted to leave exam room more than three times.

- H. Ensure that all blue books and scratch paper remain directly in front of examinees at all times.
- I. Once examination begins, students are restricted to communicating to Professor only.
- J. Inform examinees that at any time they leave examination rooms they shall not talk or engage in conversations, nor linger or congregate in halls, lobbies, corridors, rest-rooms, etc.
- K. Give additional instructions as needed or appropriate.
- L. Professor shall start examination after all instructions have been given.
- M. Professor is required to be in constant attendance during examination period.
- N. Professor is required to constantly monitor student conduct by looking, walking and observing students during entire examination.
- O. Indicate examination TIME as periodically appropriate.
- P. Answer individual questions after exam starts.
- Q. Professor shall stop exam promptly at prescribed time.
- R. No clerical or support staff will be used as monitors during final examinations.

STORING OF EXAMINATIONS

The Law Center policy requires professors to keep examinations for at least two years. Professors must provide the exam for student review. Please see the grade appeal policy for further information of paper reviews and grade appeals.

APPENDIX E

RULES OF PROCEDURE FOR APPEAL OF GRADES

Section I

Creation of Grade Appeals Board, Purpose

1. There is hereby established a permanent Grade Appeals Board consisting of five members.
2. This Board shall have authority to hear complaints made by students regarding their letter grade, and make recommendations consistent with its finding.

Section II

Composition and Selection of Members

1. This Board shall consist of three members of the Law Center's Faculty and two members of the student body. Two of the faculty members shall be appointed by the Chancellor of the Law Center. One faculty member shall be appointed by the Law Center's Senior Class in a process approved by the Associate Vice Chancellor of Student Affairs. The faculty member appointed by the Senior Class shall be selected no later than Friday of the second full week of the fall semester.
2. The two student members shall be chosen in the manner provided for by rules of the Student Bar Association; provided that one student member shall come from the second year class and one from the third year class. The student members of the Board shall be appointed no later than Friday of the second full week of the fall semester. A student must be in the top five percent of his class in order to serve on the Board.

Section III

Tenure, Voting Power, and Meetings

1. Each Board member shall be appointed to serve one academic year. A Board member may be reappointed. A faculty member shall not serve more than three consecutive years. A faculty member who has served three consecutive years may be reappointed after there is at least a one (1) year break in his/her service. If necessary, the Chancellor shall appoint one faculty member as an ad hoc faculty member of the board. The ad hoc member will serve only when a conflict on a grade appeal occurs for a Board member.

2. The Board members shall have equal voting power.
3. The Board shall hold a meeting within five (5) business days after notification of the appointment of the student members and the student selected faculty member to the Board. The meeting shall be called by the Board's last chairperson. Additional Board meetings may be held whenever needed to conduct Board business.
4. The Board shall choose a faculty member as chairperson at its first meeting during the fall semester.

Section IV

Power of Board

The Board shall have the following authority, to wit:

- (a) Render a finding of fact upholding the decision of the professor.
- (b) Render a finding of fact indicating that there are reasonable grounds to believe possible error resulted in grading a student's examination; and
- (c) Make recommendations consistent with its findings.

RULES

- Rule 1.** Any student, other than a freshman student who has just completed his or her first semester, receiving a letter grade which is at least one letter grade lower than his over-all law school letter grade average shall have the right to have his examination or final paper reviewed as a part of the appeal process by the grading professor.

EXAMPLE: A student with an over-all letter grade average of C must be given the right to review, if he makes a letter grade of D or F. On the other hand, if that same student with the C average should earn a D+ in a particular course he will not have the right to review as a part of the appeal process.

A freshman who has completed only the first semester of studies and has received the grade of "D" or "F" has a right to review his/her examination with the professor, but he/she does not have a right to appeal a grade received in the first semester. A freshmen student who has completed his/her second semester has a right to review his/her paper as a part of the appeal process only if he or she has received a letter grade of D or F in the course complained of.

- Rule 2.** A student desiring to exercise his rights under Rule 1 shall file a written request on the form provided by the Office of Records to review his/her paper in duplicate form with the Office of Records. The request shall be directed to the professor. This request must be filed within 10 business days after the beginning of classes in the semester immediately following the semester in which the grade was received.
- Rule 3.** Upon receiving the above request, the Office of Records shall forward a copy of the said request, along with the student's grade point average to the concerned professor within 48 hours after receipt thereof.
- Rule 4.** The professor shall have 5 days from day of receipt of the request from the Office of Records (mentioned in Rule 3) to review the examination or final paper with the student. Any professor who has provided a review prior to the filing of the Rule 2 request may so indicate.
The term "review" does not necessarily mean a face-to-face discussion of the examination paper with the student. Any reasonable review of the student's examination conducted by the professor that explains the grading process is sufficient to meet the requirement. Examples of a review are: providing the student with his/her examination paper and the grading sheet; providing the student with his paper and answering any question that he/she may have via email; providing the student with his/her examination paper that contains detailed marks and comments which indicate how the points were determined; conferring with the student one-on-one to explain the grading process. This list is only illustrative and is not meant to exclude other methods that may result in a review of the student's paper.
- Rule 5.** If the student is not satisfied with the review mentioned in Rule 4, he shall have the right to appeal to the Board in writing on a form provided by the Office of Records within 3 days after said review. The appeal request shall be filed with the Office of Records. A copy of the appeal request shall be immediately forwarded to the concerned professor and Board chairperson. The student's appeal request shall include a specification of errors detailing the mistakes that he/she believes were made by the professor while grading his/her examination or final paper.
- Rule 6.** The professor shall within 3 days after receipt of the notice of the appeal forward to the Board chairman a copy of the examination, the student's test paper (the student's answers) and any other information he deems necessary to explain the student's grade.
- Rule 7.** The Board chairperson shall notify the student in writing of the date and time set for the hearing. The hearing must be held within 30 days after receipt of the information mentioned in Rule 6, absent unusual circumstances. The Board shall notify the student and professor of its decision no later than 3 days after the decision has been made.
- Rule 8.** A finding by the Board upholding the decision of the professor shall preclude any

further review into the correctness of the grade which was the subject of the student's complaint.

- Rule 9.** A finding by the Board that there is reasonable grounds to believe possible error resulted in the grading of student's examination, shall be presumptive evidence of the probability that the student's grade should be changed in accordance with the recommendation of the Board.
- Rule 10.** Upon a Rule 9 finding by the Board, written notice shall be sent immediately to the concerned professor advising him of his right to appear before the Board on a date and time provided in the notice. The finding made by the Board at this hearing shall be final.
- Rule 11.** An agreement by the professor with the Rule 9 finding of the Board shall be tantamount to said professor agreeing to immediately implement the recommendation of the Board.

Discretionary Review and Hearing

The Professor and Board may in their discretion grant the student a review in cases not otherwise provided for herein. In such case, the articles and rules above shall apply as much as practicable.

Ultimate Decision, Chancellor of Law Center

If after all proceedings are completed the Grade Appeal Board finds that there was a possible error made by the grading professor, the Board may recommend a grade change to the Chancellor. The Chancellor of the Law Center shall review any finding or decision of the Board that recommends changing a grade that was originally given in a course. Absent a change by the grading professor, the final decision to change a professor's grade rests with the Chancellor of the Law Center.

Board Authority To Adopt Rules

The Board shall have authority to adopt procedural rules, not in conflict with the Rules of Procedure for Appeal of Grades provided for herein.

Amendments To Rules

The members of the Board may recommend changes to the grade appeal procedure by a majority vote of all members. Any change recommended by the Board must be submitted to the Law Center faculty for its approval.

Southern University Law Center
Policy #IT0017

Title: USE OF LAPTOPS DURING EXAMS

Authority:
Effective Date: 12/10/2013
Last Revision: 12/10/2013

Original Adoption: 2/10/2013

Students who elect to use laptop/notebook devices to take SULC exams must purchase, download, and install the EXAM4 software application. Students must use laptop/notebook computing devices that can support EXAM4. The software allows the laptop/notebook to operate as a word processor, but prevents the student from accessing any data on the laptop/notebook's hard drive and/or internet resources during the exam.

Note: Portions of item (5) of the policy does not pertain to students identified by SULC as requiring special accommodations. Such students should consult with the Office of Student Affairs for further information.

1. Compatible laptop/notebooks may be used for exams only if students obtain prior authorization from the course professor/instructor. Students shall express their desire to use a laptop/notebook to take the examination at a time established by the examining professor or no later than two weeks before the examination date.
2. Professors must develop a method to determine the number of students who will take the examination using Exam 4.
3. Students who have not obtained prior authorization from the examining professor will be denied the right to use a laptop/notebook to take the examination.
4. Students who sign up to use a laptop/notebook for an examination may later withdraw their election and take the examination using bluebooks by informing the instructor of the change **at least one week before the scheduled exam date.**
5. **At least 48 hours before the first exam of the semester, students must download the new version of Exam 4 from www.Exam4.com and must pay a FEE to Exam 4 online, using a credit card or Paypal.** A version's license to use the software expires after each semester's examination period. Exam 4 keeps track of these downloads. Students must print their receipts as proof of payment to show the proctor before taking each exam. **Students who do not pay the fee may not take an examination using the Exam 4 program or a laptop/notebook. Failure to pay will lead to disciplinary action.**
6. **Before taking any examination using Exam 4**, students must test the software and become familiar with its operation. Make sure that the time on the laptop/notebook is correctly set according to Central Standard Time. After installing the software, it is strongly advised that students take a practice examination using the software to become

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- familiar with the program's operation. Lack of familiarity with the software will not toll the examination period.
7. **All student examination locations will have electrical outlets. If a desktop outlet is not operating the student must notify the professor immediately. If all electrical outlets are taken, a student wishing to take the examination using Exam 4 must have his/her electrical cord to access a wall outlet. Students must arrive at the examination site early to ensure that the electrical outlet at the examination station is functional. Students should make sure their laptop/notebook batteries are fully charged.** They must also make sure that the laptop/notebooks have wireless cards and that they are properly installed and authenticated to the SULC network.
 8. The examining professor will establish rules about where laptop/notebook examinees will take the examination. **Laptop/notebook users must arrive early on the day of an examination** set up their laptop/notebooks in designated classrooms.
 9. On the date of the examination, **students must not log-on or start the Exam 4 program until they are instructed to do so by the examining professor or proctor. When told to log-on, students must do so immediately. *Students must wait until their laptop/notebook connects to the SULC wireless network before opening the software.*** . After setting up, students should make sure their laptop/notebook and software are operating properly. Failure to adhere to this rule may result in a grade adjustment (deduction) or raise suspicion relating to an honor violation.
 10. The examinee must select the correct course from the Course List dropdown box, enter his/her anonymous examination number, and the name of the instructor immediately after opening the software. Unless otherwise instructed, students will not be permitted to open any books during the examination.
 11. When students finish the examination, the Exam 4 program will prompt them to "save" their examination answers either electronically or to the Hard drive/USB drive. **Students must save their examination answers electronically to the network, and then must also save the examination on their hard drive.** Please wait for the confirmation that your examination has been electronically submitted.
 12. To confirm that IT has received his/her examination Exam4 will either display a screen indicating a successful submission (Green box), or will display one or more error messages. If a successful submission occurred, go to step (14). If the submission is not successful, go to the step (13).

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13. If the examination was not received by IT after submission, the student must visit or make an appointment with the SULC IT Department and present his/her laptop/notebook to IT for retrieval of the examination. Note: While Exam4 has a high level of redundancy in saving files, unique hardware and software issues may prevent SULC IT from retrieving the exam file from the user's laptop/notebook.
- a. Once a student saves his answers and "logs out," the program will not permit the student to re-enter or modify their answers. Although the answers will remain on the students' hard drives, they cannot be accessed without special codes and software to read the encrypted data. As a precaution, students should keep their answers on their hard drives until final grades are released. The law school can retrieve the answer from a student's hard drive if the answer cannot be printed from the student's electronic submission. **DO NOT have any work done on your laptop/notebook before you have confirmed that your examination has been received by IT. SULC will not take responsibility for examinations that have been removed and were not received by IT. A grade of "F" will be recorded for the student.**
 - b. **NOTICE: SULC is NOT responsible for any equipment failure during the exam, will not provide a back-up laptop/notebook, and will not allot extra time to enable students to address equipment failure. Students who experience equipment failure must continue the examination by writing in Blue books. A student will be able to continue the examination at the point where he/she stopped before the equipment failure. The laptop/notebook keeps copies of the examination and IT may be able retrieve the incomplete examination. Users must visit or make an appointment with SULC IT to arrange for retrieval of incomplete exam files. Note: While Exam4 has a high level of redundancy in saving files, unique hardware and software issues may prevent SULC IT from retrieving the exam file from the user's laptop/notebook.**
14. Students using EXAM4 are solely responsible for the proper operation of their laptop/notebook. If there is a failure that results from a dropped internet connection, have the instructor or proctor contact SULC IT. SULC IT will verify and attempt to resolve SULC wireless network issues. Issues that appear to be laptop/notebook related must be resolved by the user. If there is a problem associated with the Exam 4 application during the exam, the user should notify the instructor or proctor and contact SULC IT.

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15. In all events, if a laptop/notebook cannot successfully connect to the SULC wireless network, or the laptop/notebook is unable to successfully utilize EXAM4, or other laptop/notebook issues prevent the student from taking an exam using EXAM4, the student must revert to using a bluebook to take the exam(s). SULC IT will not be responsible for servicing or otherwise restoring student laptops/notebooks to service for use during exams.
16. Once a student starts taking the examination using Exam 4, the program keeps track of activities as part of the examination file. When a hard copy of the examination is printed, the tracking file is printed also. All other examination rules in the Code of Student Professional Conduct pertain to laptop/notebook users.
17. Additional instructions on taking the examination (such as line spacing, font, etc.) will be given by the examining professor.



DISTRESSED STUDENT PROTOCOL

Is the student a danger to themselves or others?

Yes, student needs immediate attention.

Call campus police, notify the administration, and wait for further instructions

Uncertain, but I am concerned

Have a conversation with the student, *if comfortable*, and notify the administration about the student

No, but student is having academic or personal problems

Have a conversation with the student, *if comfortable* (see following page for suggestions)

OR

Refer the student to the administration for info on counseling and services

Identifiers

- Behavioral or emotional change
- Withdrawal
- Change in hygiene or appearance
- Decline in academic performance
- Excessive or inappropriate behavior
- Alcohol or drug abuse
- Bizarre thoughts or behavior

Faculty/Staff Responses

- Feeling uncomfortable about student's comments or behavior
- Concern about student's ability to function
- Feeling alarmed or frightened

Important Contacts

SU Campus Police: 225-771-2770 | supd@subr.edu
 SULC Administration: Office of Student Affairs: 225-771-2552
 University Counseling Center: 225-771-2480
 SULC Academic Support: 225-771-4913

Do you feel comfortable having a conversation with a student in distress?

Assessing your relationship to the student

If you know the student and feel you have the experience, ability, and time to deal with the student directly and determine what assistance may be needed, consider the following:

Before the conversation

- As the student to meet privately
- Let someone else know about the meeting (best scheduled during the regular business day) so he or she can be available to help you if necessary

During the conversation

- Let the student know what you have noticed about his or her behavior that has caused you to be worried, and express your concern (i.e., “I’ve noticed that you seem very tired the past two weeks” or “I’ve noticed you’ve missed class three times in the past two weeks”)
- Do not promise to keep information confidential
- Ask open-ended questions (i.e., “How are things going for you this semester?” or “What’s been difficult for you this semester?”)
- Listen to the student’s response. You need not be scared off by an emotional response. Talking about a problem or labeling a crisis does not make it worse—it is the first step toward resolving it. Be patient. Don’t give up if the student doesn’t talk easily.
- Suggest a visit to the Office of Academic Support if you have noticed academic signs and the University Counseling Center if you have noticed psychological signs
- If the student agrees to go, call the campus resource to let them know to expect the student, explain why you are referring him or her, and indicate whether he or she needs to be seen right away or can make an appointment. You could also consider accompanying the student to provide encouragement and ensure that he or she gets to the right place.

After the conversation

- If you feel it is in the best interest of the student or the school, inform the administration of the situation and your actions, as well as the steps you took or recommended to help address the concern.

APPENDIX G

SEXUAL HARASSMENT POLICY

AUTHORITY:

Title IX of the Education Amendments of 1972 and 1974(134CFR, Part 106), Louisiana Statutes, Louisiana Code of Ethics for State Employees and University policy and regulations.

Sexual harassment is prohibited at Southern University. Any employee or student found to be in violation of this policy will be subject to disciplinary action.

Southern University defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment or of a student's status in a course, program, or activity; or
2. submission to or rejection of such conduct is used as the basis for decisions affecting the individual, or
3. such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or educational experience or of creating an intimidating, hostile, or offensive environment.

Conduct which falls into the definition of sexual harassment includes, but is not limited to:

1. Unwelcome physical contact of a sexual nature such as patting, pinching or unnecessary touching.
2. Overt or implied threats against or promises and actions that give an advantage to an individual to induce him or her to perform sexual favors or to engage in an unwelcome sexual relationship.
3. Verbal harassment or abuse of a sexual nature, including intimidating by way of suggesting a desire for sexual relations or making jokes or remarks of a sexual nature to or in front of a person who finds them offensive.
4. Use of sexually suggestive terms or gestures to describe a person's body, clothing or sexual activities.
5. Displaying or posting offensive sexually suggestive pictures or materials in the classroom or workplace.

Southern University is committed to ensuring that the work, classroom, study and social environments on its campuses are free of sexual harassment. Toward that end, should any incidents occur, the university provides a means by which students, staff and faculty may seek recourse. Any questions regarding sexual harassment in general or reporting of a specific case should be addressed to the EEO Coordinator, Department Head or the appropriate official designated by the System President or respective campus Chancellor.

PROCEDURE FOR FILING A COMPLAINT

The Equal Employment Opportunity Officer shall administer the policies and procedures outlined in this document. There shall be staff identified in the EEO Office to respond to inquiries and answer

questions regarding these policies and procedures, and to provide informal advice or give directions for securing advice to persons who are not sure whether they have been victims of sexual harassment. In the case of a student complaint against a faculty member, a complaint should be filed within twenty (20) working days after the beginning of class during the semester following that in which the alleged harassment occurred. Other complaints should be filed within sixty (60) days of the alleged act(s) of sexual harassment. Timely filing of complaints is encouraged.

INFORMAL COMPLAINTS

1. Any person (student, employee, job applicant) who believes that he/she has been or is the victim of sexual harassment may elect to file an informal complaint with the EEO officer. (Location of his/her office and number is stated annually in each Campus's Affirmative Action Plan).
2. The EEO Officer or his/her designee shall hear the Informal Complaint, conduct an investigation of the complaint and prepare a report of his/her findings. Thirty (30) days shall be allotted for the attempt to resolve an informal complaint.
3. If there is no satisfactory resolution of the complaint using the informal procedure, or the complainant wishes to bypass this procedure, he or she may initiate a formal complaint.

FORMAL COMPLAINTS

A formal complaint must be made in writing to the EEO Officer. The complaint shall contain the following:

1. The name of complainant
2. A statement of the act(s) complained of
3. The name of the alleged offender
4. Date(s) or approximate date(s) on which the offending act(s) occurred
5. The name(s) of any witnesses
6. The desired resolution(s)

A formal complaint must be filed within sixty (60) days of the alleged act(s) of sexual harassment, or in the case of a student complaint against a faculty member, within twenty (20) working days of the beginning of class of the semester following that in which the alleged harassment occurred. Where an informal complaint has already been filed, a formal complaint shall be filed within one hundred (100) days of the alleged act(s), or sixty (60) days after the complainant's receipt of the EEO officer's findings, if the recommended resolution is unsatisfactory.

During the investigation of a complaint, conciliation may be attempted for the purpose of reaching an amicable settlement. If conciliation of the complaint is successfully achieved between the parties, the terms thereof shall be communicated by the EEO officer to the President, the campus Chancellor, the complainant, the alleged offender, the immediate supervisor, the department head and/or Dean, as appropriate. If the alleged offender fails to honor a negotiated conciliation agreement or retaliate against the complainant, the complainant should notify the EEO officer or his/her designee who, in turn, shall notify the campus Chancellor and President or a designee. The Chancellor may require the investigation to proceed as if conciliation was not achieved. If conciliation is not achieved when attempted, the investigation of the complaint shall continue and the written findings concerning probable cause will be issued within a maximum of ninety (90) days, with notice of same to all of the above referenced parties.

- I. Either party may appeal the findings of the EEO officer to the Chancellor or his designee by filing a written request for review within ten (10) days of receipt of the EEO Officer's findings.

2. The review process shall be completed at this level within thirty (30) days of receipt of the appeal and the findings communicated to the appellant and other affected parties.

PROBABLE CAUSE FINDING

Upon acceptance of a finding of probable cause, the immediate supervisor, department head, dean or vice chancellor, as appropriate, may offer a reasonable resolution to the complaint and may also recommend or take disciplinary action against the alleged offender. Disciplinary action(s) shall be taken in accordance with the rules and regulations affecting the class of employee and/or the terms of any applicable university rules, regulations or agreements.

PROHIBITION OF RETALIATION

Retaliation against a complainant by any University employee or student is expressly prohibited. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate incident of sexual harassment.

FRIVOLOUS OR MALICIOUS COMPLAINTS

If a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action as appropriate. Disciplinary action against students shall be taken in accordance with the University's Code of Conduct for Students.

CONCURRENT GRIEVANCE

A complaint that is concurrently filed by the complainant with another University Unit or through an external administrative process shall cause further action by the EEO Officer to cease until the other process is completed. Further review by the EEO Officer shall commence only upon notice to him/her of the findings of the other unit and of the complainant's desire that the investigation be completed. Nothing contained in this rule shall be construed so as to affect the right of a complainant to pursue the matter with an appropriate enforcement agency.

GENERAL OVERSIGHT RESPONSIBILITY

All University administrators shall continuously monitor the work and academic environment and take corrective action whenever instances of sexual harassment are observed or reported to them. The matter may be internally resolved in the unit or reported to the EEO Officer for appropriate action.

NOTIFICATION OF POLICY

This policy shall be widely disseminated and posted to assure that faculty, staff, students and job applicants clearly understand what constitutes acts of sexual harassment and recognize that the University regards sexual harassment as a serious offense which will not be tolerated.

The full policy shall be made available to administrators at all levels of authority. Additional copies shall be available through the Office of Human Resources Services, and the Vice Chancellor for Student Affairs. Abbreviated versions shall be made available to students, faculty and staff. Additionally, this policy shall be included in University catalogs, Human Resources and policy handbooks and manuals and university media. Workshops, seminars and other educational programs shall be periodically offered to University Human Resources regarding the topic of sexual harassment.

FORMS

Complaints of sexual harassment may be filed by letter containing the above referenced information or on the Inequity/Discrimination Complaint Form available in the Office of Human Resources Services/EEO Office, the Campus Police Office or the Office of the Vice Chancellor for Student Affairs, and the SGA Office. The Inequity/Discrimination Form can be found at the end of this handbook as well.