

# American Bar Association Student Complaint Policy

## 1. Formal Complaints Implicating American Bar Association Standards for Approval of Law Schools

As an institution with accreditation by the American Bar Association ("ABA"), the Lincoln Memorial University Duncan School of Law seeks to comply with the ABA Standards for Approval of Law Schools ("the Standards"). The Standards may be found at [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/)

### ***Procedures and Requirements for Filing a Complaint***

Any student at the Law School who wishes to file a formal complaint ("Complaint") to the Administration of a significant problem that directly implicates the program of legal education and its compliance with the Standards should take the following steps:

- a. Submit the Complaint, in writing, on the form contained in Appendix herein, to the Associate Dean for Academic Affairs or the Associate Dean and Director of the Law Library;
- b. Describe, in detail, the behavior, program, or process complained of and demonstrate how it implicates the Law School's program of legal education and the compliance with an identified Standard;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly impact the DSOL's program of legal education and the Law School's compliance with an identified Standard including:
  - i. The date and time of the incident(s);
  - ii. The number and name of the standard implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the lack of compliance is alleged to have occurred if it does not relate to a specific incident detailed in I.A.4. above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official school email address, a phone number, and a mailing address for further communication about the Complaint; and
- g. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint

### ***Time Limitations***

The Complaint must be filed within sixty (60) days of the alleged events giving rise to the Complaint. Pursuit of other remedies does not toll this sixty (60) day limit.

### ***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part of the above procedures shall render the Complaint void and shall not require a response or any other action by the Law School.

The dean to whom the Complaint is submitted ("Associate Dean") should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

Within fourteen (14) calendar days of acknowledgment of the Complaint, the Associate Dean or the Associate Dean's designee shall either:

- i. Meet with the complaining student;
- ii. Respond to the substance of the Complaint in writing; or
- iii. Request additional information relating to the Complaint.

Subject to the provision below, the Associate Dean shall respond to the Complaint either by providing a substantive response to the Complaint or by providing the student information about what steps are being taken by the DSOL to address or further investigate the Complaint.

### ***No Issue Found***

In the event that the Associate Dean determines that the Complaint does not raise issues relating to the Law School's compliance with the Standards, the matter will be closed.

### ***Appeals***

Appeals from the decision must be taken to the Dean within five (5) business days.

Any student filing an appeal should take the following steps:

- i. The appeal should be submitted, in writing, to the Dean;
- ii. The appeal should state what portion or portions of the decision the student is appealing and the reason for the appeal;
- iii. The appeal must provide the name of the student filing the appeal, the student's official school email address, a phone number, and a mailing address for further communication about the appeal.

Any decision made on appeal by the Dean of the Law School is final.

### ***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean for a period of no less than eight (8) years. A digital copy of the information shall be considered in compliance with this retention policy.

### ***Frivolous Complaints***

A student who files a Complaint that is determined to be frivolous shall be considered in violation of the Code of Academic Integrity and shall be referred to the Academic Integrity Committee ("AIC") for review and disposition. A frivolous claim is one which is determined by the Associate Dean or the Dean not to have a good faith substantive basis or merit including one brought for an unreasonable purpose such as harassment or personal bias.

In determining whether a Complaint is frivolous, the following may be taken into account:

- i. the number of times the same Complainant has filed the same or similar complaint;
- ii. the inability of the Complainant to substantiate his or her allegations;
- iii. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- iv. other factors as determined by the Associate Dean or the Dean.

The Associate Dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the AIC for a determination on the appropriate sanction, if any. The decision of the Associate Dean or, in the case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

If a timely appeal is filed, then the Associate Dean shall await the findings of the appellate process before taking any action with the AIC. If the decision of the Associate Dean is upheld on appeal, then the finding of frivolousness will stand, and the Complainant shall be turned over to the AIC. If the decision of the Associate Dean is reversed on appeal and the Complaint is found to have merit or is found not to be frivolous, then the finding of frivolousness will be withdrawn and the matter shall not be turned over to the AIC.

### Notification

This policy shall be published in each edition of the Duncan School of Law Student Handbook and in other locations sufficient to provide notice to students of its existence.

## 2. Formal Complaints Regarding Safety; Faculty, Staff or Student Misconduct; Discrimination; and Handbook/Policy Violations

### Procedures and Requirements for Filing a Complaint

Any student who wishes to bring a formal complaint to the Law School Administration of a significant problem with safety; faculty, staff, or student misconduct; discrimination; and/or Handbook/policy violations should take the following steps:

- a. The Complaint should be submitted in writing to the Dean, ("appropriate dean") as delineated below, on the form contained in Appendix herein. The appropriate dean shall be determined by the nature of the Complaint. The type of Complaint and the appropriate dean designated to address such Complaints are as follows:

Type of Complaint	Dean Designated to Address Complaint
Americans With Disabilities Act ("ADA")	Associate Dean for Academic Affairs
Career Services	Asst. Dean for Student and Career Services
Code of Academic Integrity	Associate Dean for Academic Affairs
Faculty Misconduct (Non-academic)	Associate Dean for Academic Affairs (If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)
Family Educational Rights and Privacy Act ("FERPA")	Associate Dean for Academic Affairs
Financial Aid	Asst. Dean for Student and Career Services
Grievances Against Faculty Regarding Grading or Grade Appeals	Associate Dean for Academic Affairs (If the Complaint is against the Associate Dean for Academic Affairs, then the Dean. If the Complaint is against the Dean then the Provost)
Nondiscrimination Policy by a Faculty Member	Associate Dean for Academic Affairs
Nondiscrimination Policy by a Student	Asst. Dean for Student and Career Services
Safety	Asst. Dean for Student and Career Services
Staff Misconduct	Associate Dean for Academic Affairs
Student Handbook Violations (Not otherwise addressed in this chart)	Associate Dean for Academic Affairs
Student Misconduct (Academic)	Associate Dean for Academic Affairs
Student Misconduct (Non-academic)	Asst. Dean for Student and Career Services
Student Organizations	Asst. Dean for Student and Career Services

- b. Describe in detail the facts upon which the Complaint is based and, if applicable, the specific policy or provision of the Handbook which are alleged to have been violated;
- c. Provide any evidence upon which the allegation(s) are based as the Complaint must include relevant supporting documentation;
- d. Detail any specific incident or incidents which allegedly violated a policy or provision of the Handbook and include:
  - i. The date and time of the incident(s);
  - ii. The policy or Handbook provision implicated;
  - iii. The substance of the incident; and
  - iv. The name(s) of the parties involved.
- e. Provide the time frame in which the allegations are to have occurred if it does not relate to a specific incident detailed in I.A.4 above;
- f. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint.
- g. The Complaint must provide the name of the student(s) submitting the Complaint, the student's official DSOL email address, a phone number, and a mailing address for further communication about the Complaint; and
- h. The Complaint must be signed by the student(s) making the allegations and submitting the Complaint.

***Time Limitations***

All Complaints must be received by the appropriate dean (or individual) designated above within twenty-one (21) days of the alleged action referred to in the Complaint. However, if lack of actual knowledge by the complainant exists, this limitation may be tolled, at the discretion of the appropriate dean.

***Procedures for Addressing a Complaint***

The following procedures shall, absent extraordinary circumstances, be followed when a Complaint is properly filed in accordance with the procedures set forth above. Failure to follow any part or parts of the above procedures shall render the Complaint void and shall not require a response or any other action by the Law School.

The appropriate dean to whom the Complaint is submitted should acknowledge the Complaint within five (5) business days of its receipt. Acknowledgment may be made orally, by e-mail, U.S. mail, or by personal delivery of a written statement evincing receipt of the Complaint.

If appropriate, based on the nature of the Complaint, within fourteen (14) calendar days of acknowledgment of the Complaint, the appropriate dean or his or her designee shall either:

- a. Meet with the complaining student;
- b. Respond to the substance of the Complaint in writing;
- c. Request additional information relating to the Complaint; or
- d. In the event that the appropriate dean concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed

***Privacy Concerns***

It is important to note that due to circumstances involving privacy of students, faculty and/or staff, an individual making a Complaint may not necessarily be made aware of the outcome of an investigation (if any) or actions taken based on a Complaint.

***No Issue Found***

In the event that the appropriate (as designated above) concludes that the Complaint does not raise issues which violate any policy or provision of the Handbook, the matter will be closed. The closing of an issue may, or may not, depending on the nature of the Complaint, be reported to the complainant(s).

***Document Retention***

A copy of the Complaint and a summary of the process and resolution of the Complaint shall be kept in the office of the Dean for a period of no less than eight (8) years. A digital copy of the information shall be considered in compliance with this retention policy.

***Frivolous Complaints***

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- b. the inability of the Complainant to substantiate his/her allegations;
- c. evidence that the Complaint has been filed for the purpose of harassment or personal bias; and
- d. other factors as determined by the reviewer.

The appropriate dean making the determination of the result of the Complaint shall also determine the frivolousness of the Complaint. If the ruling on the merits of the Complaint is accompanied by a finding that the Complaint was frivolous and after the expiration of five (5) business days, a frivolous Complaint remains unappealed, then the Complainant shall be turned over to the AIC for a determination on the appropriate sanction, if any. The decision of the appropriate dean or, in the

case of an appeal, the Dean, shall be binding on the AIC. The AIC shall follow all customary procedures set forth in the Student Handbook only insofar as it facilitates the determination of an appropriate sanction, protecting the rights of the Complainant to a hearing on that limited determination.

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