

EVIDENCE – LAW 222
FALL 2024

PROFESSOR MARGARET MOORE JACKSON
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TUESDAY/THURSDAY, 8:30 – 10:20 A.M., ROOM 334

Office Phone: (701) 777-2276
Zoom Office Hours – Wednesdays @12:00 – 1:00 p.m. and by appointment
Zoom link for office hours:
<https://und.zoom.us/j/92731251055>

Required Textbooks:

David Alan Sklansky, *CASES, COMMENTARY, AND PROBLEMS*, (Aspen 5th ed. 2020) (*must purchase new book from the UND bookstore or from Aspen Publishing to obtain codes for Casebook Connect Study Center – see below*)

Daniel Capra, Stephen Saltzburg, *PRINCIPLES OF EVIDENCE* (West 9th ed. 2022) (*includes appendix with full text of the Federal Rules of Evidence*) (*may purchase new or used*)

Course Goals:

In this course, students will learn the rules that govern the admissibility of evidence in American trials. We will examine the concepts of relevance, hearsay, and character evidence; issues relating to opinion evidence and the reliability of expert testimony; rules governing the admissibility of physical evidence and devices designed to ensure an orderly and efficient trial; and constitutional provisions impacting the admission of evidence at trial. We will also study the federal common law of privileges, with special attention to the attorney-client privilege. As we study these rules and concepts, this course will provide you with the opportunity to develop core lawyering competencies of (1) identifying and assessing issues relating to the admissibility of evidence and (2) engaging in effective problem solving relating to those issues.

By way of background, most states have their own evidence rules or codes. California's Evidence Code (to which you will see regular references in the textbook) became effective in 1966, and the Federal Rules of Evidence ("FRE") followed, going into effect in 1975. Most of the states (including North Dakota and Minnesota) have adopted rules based on the federal version, generally with variations particular to each state. Because of the prominence of the FRE, and because bar examiners use these rules as the standard, we will focus primary attention on them in addition to reviewing the common law, which was the basis for the FRE.

Course Policies:

1. Technology & Recording: This course incorporates digital resources that help you learn Evidence and earn points by demonstrating what you have learned. **Please make sure you can access and use these resources before the semester begins.**

Please be advised that students are not permitted to create audio or video recordings of our class sessions, whether classes are held in person, synchronously, or asynchronously. Please see pertinent portions of the UND School of Law Student Policies. Students are not permitted to create audio or video recordings of meetings held with the professor, including meetings held via Zoom. Students are not permitted to download, save, copy, share, or post any recorded class sessions provided by the professor, such as those the professor posts on Blackboard. Also, students are prohibited from downloading, saving, printing, copying, sharing, or posting, in whole or in part, course quizzes. Students are prohibited from copying, sharing, printing, or downloading course materials (e.g., PowerPoints, assessments, videos) for any purpose other than the student's own work in this course.

Please turn off cell phones during class.

2. Blackboard and Zoom. Classes are scheduled to be held face-to face, in the classroom. Course materials and announcements are posted on **Blackboard**. In addition, Blackboard will be used to make course PowerPoint slides available. Remote classes are possible and, if scheduled, will be held via **Zoom**. Prepare for the semester by making sure you can reliably access and use both Blackboard and Zoom.

3. CALI Online Learning Modules. Unless you already have an account with **CALI**, you will need to register with CALI to obtain access. The CALI website is <https://www.cali.org> and the (case sensitive) UND Law student authorization code is: NORDAKstu148. More information is available at <https://libguides.und.edu/law/TLL/cali>. If you encounter difficulty in creating a CALI account, please contact David Haberman at the UND SOL library.

Students will complete two online learning modules through CALI. The primary purpose of these is to provide additional reinforcement of course concepts. Satisfactory completion of the modules is mandatory and scores/completion rates are recorded. Students are required to complete these learning modules individually, without consulting other students. Students will receive 5 points toward their final grade for satisfactory completion of each module.

Students must access each CALI module by using the LessonLink URL provided on Blackboard. After clicking the CALI link on Blackboard, sign into CALI using your official UND student email address. Otherwise, completion will not be recorded. Also, students must register with CALI and be logged into the site before beginning the activities.

Student responses are saved automatically as you advance through the CALI Lesson, provided you remain connected to the internet. If your computer goes to sleep or is shut down, you may lose some of your answers. If you are stepping away from the computer before completing the Lesson, you should exit the Lesson and use the "Resume" tab to pick up where you left off.

Also, the Lessons are designed to keep you moving forward. The browser back button may be used, but the results are unpredictable. **When you have completed a Lesson, save a copy of your completion certificate.**

4. Online Textbook Study Center You must purchase a new casebook, but it can be either in hard copy (printed) form or an e-book. Regardless of which format you purchase, you will be provided with codes to access an online “Casebook Connect” website with study features. Please follow these directions to avoid confusion and delay:

First, please use the codes provided with the new casebook you purchased (see below for purchasing information) to access the publisher’s “Casebook Connect” page and the associated online textbook features.

Then, once you are on the casebook’s online site, use the following additional code to enroll in this specific course: JACKSO145077 (for clarity, the first O in this code is a capital letter O and the second 0 is a zero).

Most class sessions will include learning activities that students access through the Casebook Connect feature of your textbook (a link is available on Blackboard under the tab “Casebook Connect”). These learning activities are noted in red on the Schedule of In-Class Learning Activities. You will find them on the Casebook Connect website under the tab “Study.” These activities are intended to serve as formative assessment (i.e., activities that measure and enhance learning but do not get scored for a grade) and can be completed either individually or in small groups.

Purchasing a Casebook that Provides Necessary Access: Students must obtain a new casebook with the access code for the online Study Center, which we will use during this course. You will also have access to interactive study questions and other learning tools on the Casebook Connect website <https://www.casebookconnect.com/> Please make sure you have a new **Sklansky 5th edition (2020) casebook with the code** you will need for the digital learning activities we use in this class. You have two options for purchasing the textbook with the code you need:

- a) **New print book plus Connected eBook with Study Center:** Evidence: Cases, Commentary, and Problems, Fifth Edition, David A. Sklansky, Andrea L. Roth, ISBN: 9781543804577. You should be able to get the new print book with eBook Study Center access codes at the UND bookstore, but you might have more success getting it by a certain date if you purchase directly from Aspen Publishing <https://www.aspenpublishing.com/search?q=9781543804577>. Your print book will come with a scratch-off sticker inside the front cover or as an access card shrink-wrapped to the back cover of your textbook (do not throw this code away). Redeem this access code at www.CasebookConnect.com.

OR

- b) **New Connected eBook with Study Center:** Evidence: Cases, Commentary, and Problems, Fifth Edition, David A. Sklansky, Andrea L. Roth, ISBN: 9781543822038. If you do not wish to purchase a print textbook, the Connected eBook with Study Center can be purchased online directly from Aspen Publishing <https://www.aspenpublishing.com/search?q=9781543804577>.

The difference between option (a) and option (b) is merely whether you want a hard copy, printed book. Either way, the access codes can only be used by one person, which is why **you should not purchase a book elsewhere and you should not purchase a used book**. If you purchase a book from another online vendor, it may have missing or defective codes. You need to get the course materials either from the UND bookstore or through the above publisher link. Conrad Cantrell Conrad.Cantrell@aspublishing.com can assist with issues with purchases or issues with books and codes from the publisher or the UND bookstore.

5. Attendance: You are expected to attend every class, and attendance records will be kept. I understand that students may occasionally need to miss class for a variety of reasons. Please be aware that in accordance with American Bar Association standards, the School of Law requires “regular class attendance” by students in order to be eligible to receive academic credit for a course. Excessive absences may result in your being administratively withdrawn from the course by the School of Law and not permitted to sit for the final examination. *See* UND School of Law Policy Manual I.B.1 (“At the request of the faculty member, excess absences from class may result in the student being administratively withdrawn from the course by the Dean.”). Your attendance may also impact my assessment of your class participation. *See infra* Grading.

You are permitted to miss no more than five (5) classes. This number is to include all absences for any reason, including sickness, out-of-town interviews, etc. (i.e., the policy does not contain or make distinctions based on categories such as “unexcused” or “excused”). If you miss more than five (5) classes for any reason, you must provide me with a complete, timely, and satisfactory written explanation, including the reason(s) you were absent for each of the missed classes, your plans to ensure the materials covered in the missed classes will be learned, and the reasons you should be permitted to continue in the course rather than being administratively withdrawn pursuant to this attendance policy. Please contact me with questions or concerns about the attendance policy.

I start class promptly. I expect you to be seated and ready to learn at that time. I therefore expect you to avoid late arrivals for class whenever possible. If you are unavoidably late, I prefer that you attend class rather than miss the session; but I also expect you to explain your lateness to me either before class or as soon as possible thereafter.

6. Class Preparation & Participation: Class participation is expected, and your preparation is assumed. I hope that each of you will make a serious effort to learn the material by doing rigorous preparation before each class and to contribute to the learning of the other students by sharing your analysis and ideas during class.

While I expect every student to prepare every day, students will be assigned to an “**expert panel**,” which will be responsible for spearheading class discussion on a particular date. During class, the expert panel assigned for that day will be called upon to present each case, summarize the Rule(s) covered, and construct takeaways from the assigned reading. The panel will answer questions posed by me and by other students. I will direct my questions largely (but not exclusively) toward students in the assigned group. You earn up to 5 points for group participation by attending on your group’s expert days, assisting your group in answering

questions from me and your classmates about the assigned material, and substantively facilitating class discussion.

Expert panel assignments will be posted on Blackboard, and some students will be assigned to an expert panel for Class 2. Please check the posted document and be well prepared. If you know that you will not be able to attend class on the date your assigned expert panel will be presenting, you may arrange to switch groups with another student. Email me no later than the date of Class 2 to let me know who has agreed to switch groups with you.

For every class, please set aside enough time beforehand to read and adequately study the assigned materials. Although the time required will vary depending on the number of pages assigned and the complexity of the topics involved, you should expect to devote an average of approximately two hours and 10 minutes of outside preparation for each one (1) credit hour of time spent in class (i.e., eight hours and 40 minutes per week). *See infra* Schedule of Assignments (accreditation standards for course-related work outside of class hours).

The Schedule of Assignments identifies the pages from the Casebook (Sklansky) and/or FRE provisions (found in an appendix to the Capra Supplement) you are responsible to read to prepare for class. I recommend that you read the text of any assigned FRE provision first. After reading the assigned FRE, you should devote most of your remaining pre-class study time to reading and understanding the explanatory material in the assigned portions of the Casebook. I also highly encourage you to read the relevant portions of the Capra Supplement either in enhancing your knowledge and understanding before class, and/or in reviewing and outlining the material after class or later in the semester.

The study of Evidence is challenging. At certain points, you will likely become frustrated with the material and might be tempted to take short cuts, including by failing to complete the reading assignments in a thorough and focused manner. This would be a very big mistake. There are no effective short cuts to studying and learning in Evidence. The only way effectively to learn the material is to work with it throughout the course. Outline subjects after we have finished them, and review past materials frequently. My role – both in and outside of class – is to help you learn the law; but there is no substitute for your own independent hard work on the subject, interacting with the assigned materials, and building your understanding a piece at a time.

7. Grading: Grades for this course will be based on quality in-class participation on assigned expert panels, timely completion of 2 CALI learning modules, timely completion of 4 quizzes, and a final examination. Opportunities to earn bonus points may also be made available. This course is graded on a **100-point scale**, distributed as follows:

- 5 points for participating on two thoroughly-prepared expert panels (2 X 2.5)
- 10 points for satisfactory completion of 2 CALI learning modules (2 X 5)
- 40 points for 4 quizzes completed on Blackboard (13) + (13) + (7) + (7)
- 45 points for final examination

Four Quizzes: There will be four timed, open-book quizzes to test your understanding of important segments of this course. The quizzes must be taken on Blackboard, individually, without consulting other students. These quizzes will focus on significant takeaways from the class, based on assigned reading and the exploration of the assignments during class. Students have the opportunity to earn 40 points toward their final grade by taking these quizzes.

Final Exam: There will be a written final examination at the end of the semester, consisting of multiple-choice questions based upon the course materials. The examination will be closed book. This final examination is subject to the School of Law's Examination Rescheduling Policy and to the requirements of the Honor Code and this course's Academic Integrity Policy (*see infra*).

In addition to the examination, your final grade may also be affected by the quality of your class participation during the course of the semester. In determining the quality of class participation and professionalism, I will take into account your on-time attendance (please send me an e-mail if you are unable to attend a class or must arrive late or leave early), professionalism (e.g., use of professional language, respect and support for your colleagues in the class, attentiveness to the discussions, appropriate laptop usage, no use of unauthorized technology), the content of questions and comments (there is no penalty for an incorrect response if you make a good faith effort), and your participation in class discussion. Additional standards for assessing your professionalism are (1) adherence to the UND School of Law's Oath of Professionalism and Honor Code, and (2) adherence to the North Dakota Aspirations of Professionalism and Civility (https://cdn.ymaws.com/www.sband.org/resource/resmgr/docs/about_sband/NDAPC.pdf) and Rules of Professional Conduct (<https://www.ndcourts.gov/legal-resources/rules/ndrprofconduct>).

Grades will be earned based on the following percentages:

94-100%	A
90-93%	A-
87-89%	B+
83-86%	B
80-82%	B-
77-79%	C+
73-76%	C
70-72%	C-
67-69%	D+
63-66%	D
60-62%	D-
Below 60%	F

Schedule of Assignments:

Abbreviations: Sklansky (“Casebook”); Federal Rules of Evidence (“FRE”) (available in an appendix to the Capra Supplement).

Beneath each date is a brief description of the topic(s) to be covered in each class, tracking the language used in the chapter and section headings of the textbook. In the right column you will find the assigned FRE provisions and readings from the Casebook. Please be aware that supplemental materials may be added throughout the course and dates for specific assignments may be modified as class discussion dictates or as needed because of unexpected events. If I make changes to the Schedule of Assignments, I will announce them ahead of time in class and/or post them on Blackboard as announcements.

Again, according to U.S. Department of Education and ABA accreditation standards, and UND School of Law policy adopted in compliance with those standards, students are expected to spend at least two (2) hours and 10 minutes on course-related work outside of class for each one (1) credit hour of in-class time. For this four-credit course, that means you should be spending an average of at least eight (8) hours and 40 minutes per week outside of the classroom on course-related work.

SCHEDULE OF ASSIGNMENTS

<u>Class #</u>	<u>Date</u>	<u>Topic</u>	<u>Reading Assignments</u>
1	8/27	Introduction to Evidence; Relevance and Irrelevance <i>In-class Learning Activity (Blackboard - practice questions)</i>	<input type="checkbox"/> Casebook, p. 1-24 <input type="checkbox"/> FRE 101-105, 401-402
2	8/29	Probative Value and Prejudice; Conditional Relevance; Introduction to Hearsay (definitions and rationales) <i>In-class Learning Activity</i>	<input type="checkbox"/> Casebook, p. 24-53 <input type="checkbox"/> FRE 403, 801(a)-(c), 802 <input type="checkbox"/> <i>Expert Panel #1</i>
3	9/3	Introduction to Hearsay (cont.): (nonhearsay uses of out-of-court statements; implied assertions) <i>In-class Learning Activity</i>	<input type="checkbox"/> Casebook, p. 53-69 <input type="checkbox"/> FRE 801(a)-(c), 802 <input type="checkbox"/> <i>Expert Panel #2</i>
4	9/5	Hearsay and Confrontation Hearsay Recap <i>In-class Learning Activity</i>	<input type="checkbox"/> Casebook, p. 74-91 <input type="checkbox"/> <i>Expert Panel #3</i>
5	9/10	Exclusions from the Definition of “Hearsay”: - (Some) Prior Statements by Witnesses; - Statements of Opposing Party (Direct);	<input type="checkbox"/> Casebook, p. 91-94, 97-108 <input type="checkbox"/> FRE 801(d)(1)-(2) <input type="checkbox"/> <i>Expert Panel #4</i>

		- Common-Law Completeness Doctrine <u>In-class Learning Activity</u>	
6	9/12	Exclusions from the Definition of “Hearsay”: - Statements of Opposing Party (Indirect) Exceptions to the Non-Admissibility of Hearsay: - Present Sense Impressions - Excited Utterances <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 108-26; 137-45 <input type="checkbox"/> FRE 801(d)(2), 803(1)-(2) <input type="checkbox"/> Expert Panel #5
7	9/17	Exceptions to the Non-Admissibility of Hearsay: - State of Mind - Injury Reports - Recorded Recollection <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 145-74 <input type="checkbox"/> FRE 803(3)-(5) <input type="checkbox"/> Expert Panel #6
8	9/19	Exceptions to the Non-Admissibility of Hearsay: - Records of Regularly-Conducted Activity - Public Records - Lab Analysis & Confrontation <u>In-class Learning Activity</u>	- Casebook, p. 174-81; 184-203 <input type="checkbox"/> FRE 803(6)-(10) <input type="checkbox"/> Expert Panel #7
9	9/24	Exceptions to the Non-Admissibility of Hearsay: - Lab Analysis & Confrontation (cont’d) - Former Testimony - Dying Declarations - Declarations Against Interest <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 203-38 <input type="checkbox"/> FRE 804(a),(b)(1)-(3) <input type="checkbox"/> Expert Panel #8
10	9/26	Exceptions to the Non-Admissibility of Hearsay: - Forfeiture by Wrongdoing - Residual Exception - Machine-Generated Proof Hearsay and Due Process <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 238-47, 252-66 <input type="checkbox"/> FRE 804(b)(6), 806, 807 <input type="checkbox"/> Expert Panel #9
11 Quiz 1	10/1	CALI Learning Module – HEARSAY FROM SQUARE ONE: THE DEFINITION OF HEARSAY – Complete this Online Learning Module and then take Quiz 1: Hearsay Quiz – open book, timed, online quiz; available during first 60 minutes of class (13 pts + 3 extra credit)	<input type="checkbox"/> Review Hearsay Rules <input type="checkbox"/> No additional reading assignment <input type="checkbox"/> Complete the CALI Learning Module by 11:59 p.m. the day before class

			<input type="checkbox"/> The Hearsay Quiz must be completed during our usual class time
12	10/3	Attacking/Supporting the Declarant's Credibility Character Evidence - The Basic Rule and Its Exceptions - Methods of Proving Character <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 267-86 <input type="checkbox"/> FRE 404(a), 405, 803(21) <input type="checkbox"/> Expert Panel #1
13	10/8	Character Evidence - Other Uses of Specific Conduct: Character and Habit <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 287-311 <input type="checkbox"/> FRE 404(b), 406 <input type="checkbox"/> Expert Panel #2
14	10/10	Character Evidence Recap Other Forbidden Inferences: - Subsequent Remedial Measures - Settlement Efforts - Medical Payments and Liability Insurance <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 335-62 <input type="checkbox"/> FRE 407-411 <input type="checkbox"/> Expert Panel #3
15 Quiz 2	10/15	CALI Learning Module - CHARACTER EVIDENCE UNDER FEDERAL RULES – Complete this Online Learning Module, focusing on character, habit, and other forbidden inferences (skip the questions on impeachment). Then take Quiz 2: <u>Character Evidence and Other Forbidden Inferences Quiz</u> – open book, timed, online quiz; available during first 60 minutes of class (13 pts + 3 extra credit)	<input type="checkbox"/> Review Character Rules <input type="checkbox"/> No additional reading assignment <input type="checkbox"/> Complete the CALI Learning Module by 11:59 p.m. the day before class <input type="checkbox"/> The Character Evidence and Other Forbidden Inferences Quiz must be completed during our usual class time
16	10/17	Trial Mechanics	<input type="checkbox"/> Casebook, p. 363-86 <input type="checkbox"/> FRE 106, 611(a)-(c), 614-615
17	10/22	Impeachment Evidence - Character for Untruthfulness - Prior Criminal Conviction <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 387-410 <input type="checkbox"/> FRE 607-610, 806 <input type="checkbox"/> Expert Panel #4
18	10/24	Impeachment Evidence - Prior Inconsistent Statements - Bias - Incapacity - Specific Contradiction <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 410-17; 419-34 (skip <i>Freeman</i>) <input type="checkbox"/> FRE 613 <input type="checkbox"/> Expert Panel #5

19	10/29	Rehabilitation Evidence “Credibility Evidence” Recap Quiz 3: <u>Impeachment and Rehabilitation Quiz</u> – open book, timed, online quiz (30 minutes); available from end of class until 6:00 p.m. the day after class (7 pts + 1 extra credit)	<input type="checkbox"/> Casebook, p. 434-53 <input type="checkbox"/> FRE 608, 801(d)(1)
20	10/31	Physical Evidence - Authentication - Best Evidence Rule - Demonstrative Evidence <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 699-733, 750-52 <input type="checkbox"/> FRE 901-903, 1001-1008 <input type="checkbox"/> Expert Panel #6
21	11/5	Two Special Privileges/Policy Exclusions: - Past sexual conduct of a victim - Physician/Psychotherapist-Patient Privilege <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 312-25; 680-90 <input type="checkbox"/> FRE 412, 501
22	11/7	Competence to Testify - Basic Rules - Judges, Jurors, and Lawyers Quiz 4: <u>Physical Evidence, Two Special Privileges/Policy Exclusions, Competence to Testify Quiz</u> – open book, timed, online quiz (30 minutes); available from end of class until 6:00 p.m. the day after class (7 pts + 1 extra credit)	<input type="checkbox"/> Casebook, p. 455-71, 477-491 <input type="checkbox"/> FRE 601-603, 605-606
23	11/12	Lay Opinion/Expert Testimony - Permissible Subjects & Scope - Expert’s Permissible Reliance on Inadmissible Evidence - Confrontation Clause - Reliability <u>In-class Learning Activity</u>	<input type="checkbox"/> Casebook, p. 493-524; 534-39 <input type="checkbox"/> FRE 701-706 <input type="checkbox"/> Expert Panel #7
24	11/14	Attorney-Client Privilege - Purpose - Basic Elements <u>In-class Learning Activity – Blackboard (practice questions)</u>	<input type="checkbox"/> Casebook, p. 619-26, 632-56 <input type="checkbox"/> FRE 501 <input type="checkbox"/> Expert Panel #8
25	11/19	Attorney-Client Privilege - Waiver - Crime-Fraud Exception Spousal Privileges - Confidential Marital Communications - Adverse Spousal Testimony	<input type="checkbox"/> Casebook, p. 659-80 <input type="checkbox"/> FRE 502 <input type="checkbox"/> Expert Panel #9

		<u>In-class Learning Activity – Blackboard (practice questions)</u>	
26	11/21	Course Review	<input type="checkbox"/> No new assignments

Health and Safety: UND is committed to maintaining a safe learning environment while providing quality learning experiences for our students. COVID-19’s continued presence within our UND community may necessitate changes in classroom management as the academic year progresses. As such, UND asks students and instructors to be flexible when necessary to promote a safe environment for learning. Please do not attend an in-person class or lab if you are feeling ill, particularly if you are experiencing symptoms of COVID-19, or if you have been directed by health professionals to quarantine or isolate. If you are not able to attend class or lab, please notify your instructor as soon as possible and discuss options for making up any missed work in order to ensure your ability to succeed in the course. If you will have an extended absence due to serious illness or other uncontrollable circumstances, you may request an absence notification through the Office of Student Rights and Responsibilities. Similarly, if your instructor is ill they may need to cancel class or temporarily move your course to online delivery to ensure that you are able to complete the course successfully. Instructors may require students to wear masks in the classroom or in the laboratory as a preventative measure designed to facilitate uninterrupted classroom engagement and to facilitate health and safety in the classroom. If your instructor does require masks in class or in a laboratory, you are expected to comply with that request.

UND also strongly encourages all members of the University community, including students, to get vaccinated, seek out testing when needed, and model positive behavior both on- and off-campus to foster a healthy and safe learning environment for all students. Individuals who would like to discuss disability accommodations regarding masks should contact the Disability Services for Students (DSS) office at 701-777-2664 or UND.dss@UND.edu. Individuals who are unable to wear a mask due to a sincerely held religious belief should contact the UND Equal Opportunity and Title IX Office at 701.777.4171.

Academic Integrity Policy: Be sure to comply with the **University of North Dakota School of Law’s Honor Code** (<http://law.und.edu/students/honor-code/index.cfm>) and the University Code of Student Life (<https://und.edu/student-life/code-of-student-life.html>). Any student misconduct may be reported by the instructor to the Assistant Dean for sanctions under the School of Law Honor Code. In this course, cheating, plagiarism, and any other academic misconduct prohibited by the School of Law Honor Code or the University Code of Student Life will not be tolerated. Academic sanctions include, but are not limited to, requiring a student to retake a test or resubmit an assignment; requiring a student to complete a substitute or additional test or assignment; assigning a failing grade on a particular test or assignment; and/or assigning a final grade of F. A student who engages in misconduct that materially disrupts class may be asked to leave the class. Once asked to leave, the student will be considered absent from the class for purposes of the School of Law’s and the course attendance policies. A student’s academic misconduct also may be reported for further sanctions under the School of Law Honor Code. If you have any questions about what constitutes “academic integrity” or applicable policies in this area, please ask me.

Not a Contract: This Syllabus is not a contract. It is subject to unilateral modification by me at my sole discretion with notice provided in class and/or via email message.

UND Campus Policies: Contact the Office of Student Life to request disability accommodations, discuss medical information, or plan for an emergency evacuation. To obtain confidential guidance and

support for disability accommodation requests, students are expected to register with DSS at www.UND.edu/disability-services/ which is located at 180 McCannel Hall and can be reached via phone at 701.777.3425. Please be sure to follow the process outlined in UND School of Law Student Policy IV.A. (pertaining to students requesting disability accommodations).

Additional notices and information about other UND campus policies and resources for students are available at <http://und.edu/provost/course-resources.cfm>.

Notice of Nondiscrimination: It is the policy of the University of North Dakota that no person shall be discriminated against because of race, religion, age, color, gender, disability, national origin, creed, sexual orientation, gender identity, genetic information, marital status, veteran's status, or political belief or affiliation and the equal opportunity and access to facilities shall be available to all. Concerns regarding Title IX, Title VI, Title VII, ADA, and Section 504 may be addressed to Donna Smith, Director of Equal Employment Opportunity/Affirmative Action and Title IX Coordinator, 401 Twamley Hall, 701.777.4171, und.affirmativeactionoffice@UND.edu or the Office for Civil Rights, U.S. Dept. of Education, 500 West Madison, Suite 1475, Chicago, IL 60611 or any other federal agency.

Reporting Sexual Violence: If you or a friend has experienced sexual violence, such as sexual assault, domestic violence, dating violence or stalking, or sex-based harassment, please contact UND's Title IX Coordinator for assistance: 701.777.4171 or go to <http://und.edu/affirmative-action/title-ix>. It is important for students to understand that faculty are required to share with UND's Title IX Coordinator any incidents of sexual violence they become aware of, even if those incidents occurred in the past or are disclosed as part of a class assignment. This does not mean an investigation will occur if the student does not want that, but it does allow UND to provide resources to help the student continue to be successful at UND. If you have been the victim of sexual violence, you can find information about confidential support services at <http://und.edu/affirmative-action/title-ix>.

How to Seek Help When in Distress: Be aware that there are professional support services available to students on campus through the Dean of Students and University Counseling Center. Both staffs are available to consult with you about getting help or providing a friend with the help that he or she may need. For more additional information, please go to <http://und.edu/und-cares/>. The North Dakota Bar also has a confidential Lawyer Assistance Program that is accessible to law students; accessing these services will not affect admission to the bar.