



**SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS  
COMMISSION ON COLLEGES**

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July 8, 2010

Dr. B. James Dawson  
President  
Lincoln Memorial University  
6965 Cumberland Gap Parkway  
Harrogate, TN 37752

Dear Dr. Dawson:

The following action regarding your institution was taken at the June 2010 meeting of the Board of Trustees of SACS Commission on Colleges:

The Commission on Colleges continued accreditation following review of the Doctor of Jurisprudence degree offered in Knoxville, Texas. No additional report was requested.

We appreciate your continued support of the activities of the Commission on Colleges. If you have questions, please contact the staff member assigned to your institution.

Sincerely,

Belle S. Wheelan, Ph.D.  
President

BSW:sf

cc: Dr. Cheryl D. Cardell



**Commission on Colleges  
Southern Association of Colleges and Schools**

**REPORT OF THE SUBSTANTIVE CHANGE  
COMMITTEE**

**Statement Regarding the Report**

*The Commission on Colleges will make its determination on the accreditation of an institution based on the findings contained in this committee report, the institution's response to issues contained in the report, other assessments relevant to the review, and application of the Commission's policies and procedures. Final interpretation of the Principles of Accreditation and final action on the accreditation status of the institution rest with the Commission on Colleges.*

**Name of the Institution: Lincoln Memorial University Duncan School of Law**

**Date of the Review: March 2-4, 2010**

**COC Staff Member: Cheryl Cardell**

**Chair of the Committee: Gerald L. Francis**

## **Part I. Overview and Introduction to the Institution:**

From March 2-4, 2010, a Substantive Change Committee of the COC visited the Duncan School of Law in Knoxville, TN. The DSOL is a school of Lincoln Memorial University, whose main campus is located in Harrogate, TN, 55 miles north of Knoxville.

LMU is a private, independent non-sectarian university offering associate, baccalaureate, masters, specialist and doctoral degrees. The JD degree is the third doctoral/professional degree program recently initiated by the University — the Doctor of Osteopathic Medicine (D.O) degree started in 2007 now enrolling 472 students; the Doctor of Education degree started in 2009 now enrolling 160 students; and the J.D. started in 2009 having an initial class of 79 part-time students. Enrollment projections for the J.D. on an annual basis are for 100 full day students and 60 part-time students.

The beginning of this J.D. program was preceded by substantive planning and resource development. It is well positioned to continue to evolve toward ABA accreditation.

## **Part II. Assessment of Compliance**

### **A. Assessment of Compliance with Section 1: The Principle of Integrity**

#### **1.1 The institution operates with integrity in all matters. (Integrity)**

Comment:

The Substantive Change Committee found that Lincoln Memorial University and particularly the Duncan School of Law operates with integrity in all areas.

### **B. Assessment of Compliance with Section 2: Core Requirements**

#### **2.1 The institution has degree-granting authority from the appropriate government agency or agencies. (Degree-granting Authority)**

Comment:

#### **2.2 The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. The board is not controlled by a minority of board members or by**

organizations or interests separate from it. Both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution.

A military institution authorized and operated by the federal government to award degrees has a public board on which both the presiding officer and a majority of the other members are neither civilian employees of the military nor active/retired military. The board has broad and significant influence upon the institution's programs and operations, plays an active role in policy-making, and ensures that the financial resources of the institution are used to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from the board except as specified by the authorizing legislation. Both the presiding officer of the board and a majority of other voting board members are free of any contractual, employment, or personal or familial financial interest in the institution. **(Governing Board)**

Comment:

- 2.3 The institution has a chief executive officer whose primary responsibility is to the institution and who is not the presiding officer of the board. **(Chief Executive Officer)**

Comment:

- 2.4 The institution has a clearly defined, comprehensive, and published mission statement that is specific to the institution and appropriate for higher education. The mission addresses teaching and learning and, where applicable, research and public service. **(Institutional Mission)**

Comment:

Lincoln Memorial University's Mission Statement complies with Core Requirement 2.4 and the Duncan School of Law's Mission Statement is clearly consistent with the university's statement. Both statements are published on the university website, in its student handbooks and its catalogs. They both aspire to uphold the principles of Abraham Lincoln's life: a dedication to individual liberty, responsibility, and improvement; a respect for citizenship; a recognition of the intrinsic value of high moral and ethical standards; and a belief in a personal God.

Through teaching, research and service, the LMU School of Law will prepare graduates:

- Who are committed to service to humanity;
- Who understand professional responsibilities;
- Who have an understanding of the fundamental principles of public and private law, and
- Who will enhance access to quality legal counsel for the underserved rural communities of Appalachia.

- 2.5 The institution engages in ongoing, integrated, and institution-wide research-based planning and evaluation processes that (1) incorporate a systematic review of institutional mission, goals, and outcomes; (2) result in continuing improvement in institutional quality; and (3) demonstrate the institution is effectively accomplishing its mission. **(Institutional Effectiveness)**

Comment:

Recent SACS visits to LMU – a Substantive Change Committee March 17-19, 2008 and a Reaffirmation Committee February 17-19, 2009 – described effective, comprehensive planning and evaluation processes throughout the university.

The DSOL has been integrated into these processes and will follow LMU's Planning, Budgeting and Assessment Schedule for planning, assessment and documentation for improvement.

The DSOL just recently held its annual planning retreat in February reflecting on implementation effectiveness and determining future objectives.

Additionally, the DSOL has representation on LMU committees involved in institutional planning including the Dean's Council and the Institutional Effectiveness Committee, and they have appointed an assistant dean for assessment, Jonathan Marcantel, to coordinate all Law School planning and evaluation.

Overall, LMU and DSOL have made the appropriate steps to incorporate this new J.D. program into the overall institutional effectiveness program. Only after several cycles can one determine the ultimate effectiveness of their work.

- 2.6 The institution is in operation and has students enrolled in degree programs. **(Continuous Operation)**

Comment:

- 2.7.1 The institution offers one or more degree programs based on at least 60 semester credit hours or the equivalent at the associate level; at least 120 semester credit hours or the equivalent at the baccalaureate level; or at least 30 semester credit hours or the equivalent at the post-baccalaureate, graduate, or professional level. If an institution uses a unit other than semester credit hours, it provides an explanation for the equivalency. The institution also provides a justification for all degrees that include fewer than the required number of semester credit hours or its equivalent unit. **(Program Length)**

Comment:

The *Undergraduate Catalog* indicates all associate degrees exceed 60 semester credit hours and all baccalaureate degrees exceed 120

semester credit hours. The *Graduate Catalog* indicates all master's degrees exceed 30 semester credit hours. Specifically, the J.D. degree offered through the DSOL requires 88 semester credit hours. Further, each semester hour as part of the JD degree includes at least 700 instructional minutes for a total of 61,600 minutes of instruction time, exceeding the American Bar Association requirement of 58,000 minutes. Program length is continually monitored by the institutional curriculum approval process at all degree levels, including the J.D.

- 2.7.2 The institution offers degree programs that embody a coherent course of study that is compatible with its stated mission and is based upon fields of study appropriate to higher education. **(Program Content)**

Comment:

The contemplated law school curriculum, as set forth and described in the law school catalogue, appears to be in the mainstream of legal education, with required first year courses in addition to the ambitious four semester lawyering skills course. The Duncan School of Law (DSOL) has determined to require a number of upper level courses such as evidence, constitutional law, will and trusts, and professional responsibility. In addition, the DSOL plans significant use of externships for academic credit. The course offerings should provide students with instruction in legal analysis and reasoning, skills training, and substantive legal knowledge necessary for bar passage and the successful practice of law.

- 2.7.3 In each undergraduate degree program, the institution requires the successful completion of a general education component at the collegiate level that (1) is a substantial component of each undergraduate degree, (2) ensures breadth of knowledge, and (3) is based on a coherent rationale. For degree completion in associate programs, the component constitutes a minimum of 15 semester hours or the equivalent; for baccalaureate programs, a minimum of 30 semester hours or the equivalent. These credit hours are to be drawn from and include at least one course from each of the following areas: humanities/fine arts, social/behavioral sciences, and natural science/mathematics. The courses do not narrowly focus on those skills, techniques, and procedures specific to a particular occupation or profession. If an institution uses a unit other than semester credit hours, it provides an explanation for the equivalency. The institution also provides a justification if it allows for fewer than the required number of semester credit hours or its equivalent unit of general education courses. **(General Education)**

Comment: N.A.

- 2.7.4 The institution provides instruction for all course work required for at least one degree program at each level at which it awards degrees. If the institution does not provide instruction for all such course work and (1) makes arrangements for some instruction to be provided by other accredited institutions or entities through contracts or consortia or (2) uses some other alternative approach to meeting this requirement, the alternative approach must be approved by the Commission on Colleges. In both cases, the institution demonstrates that it controls all aspects of its educational program. (See Commission policy "Core Requirement 2.7.4: Documenting an Alternate Approach.") **(Course work for Degrees)**

Comment:

- 2.8 The number of full-time faculty members is adequate to support the mission of the institution and to ensure the quality and integrity of its academic programs. **(Faculty)**

Comment:

The Duncan School of Law (DSOL) currently employs six full-time faculty members for a student body of 75 part-time students. In addition, two full-time law librarians have teaching responsibilities. The student-teaching ratio is thus within an acceptable range as generally recognized in legal education. In addition, DSOL plans to hire 15 additional full-time faculty members in the next three years to support a student body which will be increasing in size as additional full and part-time classes are admitted. DSOL plans to keep its student-faculty ratio below 20:1.

- 2.9 The institution, through ownership or formal arrangements or agreements, provides and supports student and faculty access and user privileges to adequate library collections and services and to other learning/information resources consistent with the degrees offered. Collections, resources, and services are sufficient to support all its educational, research, and public service programs. **(Learning Resources and Services)**

Comment:

The Committee's review of the institution's library collection and services for both faculty and students indicates ownership of over 581,000 titles, most in electronic format. In addition, there is access to approximately 90,111 titles through reliable digital licensing. The School of Law's library also provides "on-demand" access to another 95,351 titles that may be browsed for 5 minutes to determine suitability for purchase. The library allows searching of its holdings and the Carnegie-Vincent Library's holdings through Aquabrowser, which can be accessed both on-site and off-site. The professional staff has developed the collection in accordance with the School of Law's *Information Assets Policy* as well as input from

the faculty. The core collection contains all material identified in Interpretation 606-5 of Standard 606 of the American Bar Association (ABA) Standards for Approval of Law Schools.

The School of Law Library also provides reference services through both an "open-door policy" as indicated by students interviewed but also through one-on-one virtual reference using Windows Live Messenger. Training in resources takes place in a variety of ways including through formal teaching in the required Lawyer Skill I course, which familiarizes first-year students with the library's resources that will be of value not only during the student's tenure in law school but also for the practice of law. The library also has a faculty liaison program that allows the librarians to meet the research, scholarship, and curricular needs of the faculty.

In addition, the School of Law library has an operating budget that contemplates the current needs as well as the future needs of the library to ensure continuing access for faculty and students to all resources necessary for the law program.

- 2.10 The institution provides student support programs, services, and activities consistent with its mission that promote student learning and enhance the development of its students. **(Student Support Services)**

Comment:

The Committee's review of the institution's student support services indicate that there is a student-centric environment at the institution. As indicated in the *Duncan School of Law: Lincoln Memorial University Student Handbook and Catalog 2009-2010*, the School of Law provides students with a wide range of services and information to meet their needs during their law school careers. Beginning with the admissions process, services and information are available to enhance the students' educational experiences. Once admitted, the School of Law's Financial Aid Coordinator provides students with financial aid counseling. Students attend a thorough orientation program at the commencement of the law program. Through the Academic Advisors Program, the School of Law offers programs to help students with career planning. The students have a variety of amenities available to them at the law school including parking; lockers; and a student lounge, complete with refrigerator, vending machines, television, and Nintendo Wii. The Law School has a newly formed Student Bar Association that is already active in organizing service projects and social events. The school anticipates adding other traditional student organizations including law review, moot court, mock trial, and an externship program. Psychological and substance abuse counseling is



also available to students through the Tennessee Lawyers' Assistance Program.

In addition, the School of Law is committed to hiring both a Director of Student Affairs and an Assistant Dean of Students Affairs as soon as fall 2010. These positions will be responsible for managing the student extracurricular activities as well as student support activities outside of the classroom. The school also anticipates hiring both a Director of Career Services and an Assistant Director of Career Services in the fall of 2010. These individuals will aid students in all aspects of securing employment including resume drafting, on-campus interviewing, and alerting students to career opportunities.

- 2.11.1** The institution has a sound financial base and demonstrated financial stability to support the mission of the institution and the scope of its programs and services.

The member institution provides the following financial statements: (1) an institutional audit (or *Standard Review Report* issued in accordance with *Statements on Standards for Accounting and Review Services* issued by the AICPA for those institutions audited as part of a systemwide or statewide audit) and written institutional management letter for the most recent fiscal year prepared by an independent certified public accountant and/or an appropriate governmental auditing agency employing the appropriate audit (or *Standard Review Report*) guide; (2) a statement of financial position of unrestricted net assets, exclusive of plant assets and plant-related debt, which represents the change in unrestricted net assets attributable to operations for the most recent year; and (3) an annual budget that is preceded by sound planning, is subject to sound fiscal procedures, and is approved by the governing board.

**(Financial Resources)**

**Comment:**

LMU's annual audits and management letters reflect an overall sound financial base to support its programs and services. As part of the planning process for the formulation of the DSOL, LMU developed a 5 year pro forma/financial business plan. This plan projected operational revenues and expenses beginning with a planning year in 2008-09 through 2013-14. The plan included planned deficits of \$1.8M in 2008-09, \$2.6M in 2009-10 and \$105K in 2010-11 before showing a surplus of \$2.5M in 2011-12. These deficits were/are to be covered by general operational surpluses of the university. For 2008-09 the DSOL was budgeted for \$1.266M and had an actual of \$935K. The \$935,000 was covered by institutional surpluses with LMU still showing an additional Y.E.B. of \$1.2M. For 2009-10 the Law School is budgeted for \$2.659M in expenses and \$1.146M in revenues. To this date, expenses are well in line at \$1.185M and revenue ahead of expectations at \$1.286M. LMU still expects a \$2M Y.E.B. after covering the Law School deficit for 2009-10. The president and the trustees reflected unfettered support for covering their deficits as the law school unfolds by use of

annual operating funds, a \$2.1M debt reserve and over \$10M in unrestricted endowment.

Additionally, the university has obtained a lease for the former City Hall building in Knoxville, TN for 25 years at \$1 per year for the home of the Law School. To this date, significant renovations, furnishings and technology for their facility have been funded from LMU operational expenses and in-kind donations from a local trustee.

The Duncan School of Law has been well funded both for its facilities and and for its operational expenses. Its continued development and future success will now depend on healthy enrollments.

Overall, LMU remains sound financially as the well funded DSOL begins its operations.

- 2.11.2 The institution has adequate physical resources to support the mission of the institution and the scope of its programs and services. **(Physical Resources)**

Comment:

The Committee reviewed the physical resources of the institution. The Committee observed the law school building and noted adequate classroom and lecture hall space, faculty and support staff offices, student common areas, and study rooms. The renovated facility is greatly enhanced by its technology that is available throughout the building, particularly the educational enhancements available in the classrooms. Although the 65,000 square feet of space meets the current needs of the School of Law, there is room for growth in a neighboring building for which the School of Law has an option to lease as early as next year. With the exception of one study room, the building is fully accessible to persons with disabilities.

- 2.12 **(Quality Enhancement Plan)** Not Applicable

**C. Assessment of Compliance with Section 3: Comprehensive Standards**

- 3.1.1 The mission statement is current and comprehensive, accurately guides the institution's operations, is periodically reviewed and updated, is approved by the governing board, and is communicated to the institution's constituencies. **(Mission)**.

Comment:

- 3.2.1 The governing board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer. **(CEO evaluation/selection)**

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Comment:

**3.2.2** The legal authority and operating control of the institution are clearly defined for the following areas within the institution's governance structure: **(Governing board control)**

3.2.2.1 the institution's mission;

3.2.2.2 the fiscal stability of the institution;

3.2.2.3 institutional policy, including policies concerning related and affiliated corporate entities and all auxiliary services;

3.2.2.4 related foundations (athletic, research, etc.) and other corporate entities whose primary purpose is to support the institution and/or its programs.

Comment:

**3.2.3** The board has a policy addressing conflict of interest for its members. **(Conflict of interest)**

Comment:

**3.2.4** The governing board is free from undue influence from political, religious, or other external bodies and protects the institution from such influence. **(External influence)**

Comment:

**3.2.5** The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. **(Board dismissal)**

Comment:

**3.2.6** There is a clear and appropriate distinction, in writing and practice, between the policy-making functions of the governing board and the responsibility of the administration and faculty to administer and implement policy. **(Board/administration distinction)**

Comment:

**3.2.7** The institution has a clearly defined and published organizational structure that delineates responsibility for the administration of policies. **(Organizational structure)**

Comment:

- 3.2.8 The institution has qualified administrative and academic officers with the experience, competence, and capacity to lead the institution. **(Qualified administrative/academic officers)**

Comment:

The DSOL currently has a dean, an associate dean for academics, who also serves this year as Director of the Lawyering Skills Program, an associate dean and director of the law library, and an assistant dean for assessment. All are lawyers with experience in the legal profession. The dean and director of the law library have extensive experience in legal education. Additional administrators such as an Assistant Dean for Students and a Director of Career Services are contemplated. The DSOL is encouraged to provide support for those faculty members who have or will assume administrative responsibilities but who do not have extensive experience in legal education.

- 3.2.9 The institution defines and publishes policies regarding appointment and employment of faculty and staff. **(Faculty/staff appointment)**

Comment:

- 3.2.10 The institution evaluates the effectiveness of its administrators on a periodic basis. **(Administrative staff evaluations)**

Comment:

- 3.2.11 The institution's chief executive officer has ultimate responsibility for, and exercises appropriate administrative and fiscal control over, the institution's intercollegiate athletics program. **(Control of intercollegiate athletics)**

Comment:

- 3.2.12 The institution's chief executive officer controls the institution's fund-raising activities exclusive of institution-related foundations that are independent and separately incorporated. **(Fund-raising activities)**

Comment:

- 3.2.13 Any institution-related foundation not controlled by the institution has a contractual or other formal agreement that (1) accurately describes the relationship between the institution and the foundation and (2) describes any liability associated with that relationship. In all cases, the institution ensures that the relationship is consistent with its mission. **(Institution-related foundations)**

Comment:

- 3.2.14** The institution's policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. These policies apply to students, faculty, and staff. **(Intellectual property rights)**

Comment:

- 3.3.1** The institution identifies expected outcomes, assesses the extent to which it achieves these outcomes, and provides evidence of improvement based on analysis of the results in each of the following areas **(Institutional Effectiveness)**:

- 3.3.1.1 educational programs, to include student learning outcomes
- 3.3.1.2 administrative support services
- 3.3.1.3 educational support services
- 3.3.1.4 research within its educational mission, if appropriate
- 3.3.1.5 community/public service within its educational mission, if appropriate

Comment:

As noted in 2.5, the DSOL has been effectively integrated into a well functioning LMU planning and evaluation system. To this point, the DSOL has identified expected outcomes for the various components of the Law School and has outlined processes to assess the extent to which it achieves their outcomes. Their processes and systems are in sync with LMU's overall plans. These plans include assessment related to Operational Goals affecting facilities and the library; student satisfaction; and learning outcomes. Having only one semester of operation with only part-time students, very little implementation of assessment could be expected, yet the institution has surveyed faculty regarding the orientation process and available information resources. Likewise, students have been surveyed regarding orientations, information resources and parking. Additionally, assessment of learning outcomes of the Lawyering Skills class has already led to changes for the next class, and results from first semester classes have led to the creation of a position of Director of Academic Success.

Overall, the institution has planned well for systematic evaluation of instructional results, has implemented processes as best as possible for one semester of operation and is positioned well to have an effective system.

- 3.4.1** The institution demonstrates that each educational program for which academic credit is awarded is approved by the faculty and the administration. **(Academic program approval)**

Comment:

An examination of the institution's policies included in the *Faculty-Staff Policy Manual (Academic Program and Curriculum Approval Policy)* confirms that the faculty and the administration approve each program for which academic credit is awarded. The initiative for the development of the DSOL was initially discussed as part of LMU's annual strategic planning retreat in 2007, which included a number of representatives from the faculty and administration. Throughout the progressive establishment and implementation of the DSOL, the faculty and administration have remained an integral component of a clearly defined approval process.

- 3.4.2 The institution's continuing education, outreach, and service programs are consistent with the institution's mission. **(Continuing education/service programs)**

Comment:

- 3.4.3 The institution publishes admissions policies that are consistent with its mission. **(Admissions policies)**

Comment:

The DSOL admission policies are published on the DSOL website and in the DSOL Student Handbook and Catalog. See Exhibit 11. Consistent with its mission, the DSOL seeks to attract applicants from eastern Tennessee and the surrounding southern Appalachian region who have a desire to practice law in underserved populations in the region. In evaluating applicants for admission, the DSOL considers a number of factors, including community service, high ethical standards, and career aspirations, in addition to considering the more traditional LSAT scores and undergraduates program of study, in keeping with the school's mission.

- 3.4.4 The institution has a defined and published policy for evaluating, awarding, and accepting credit for transfer, experiential learning, advanced placement, and professional certificates that is consistent with its mission and ensures that course work and learning outcomes are at the collegiate level and comparable to the institution's own degree programs. The institution assumes responsibility for the academic quality of any course work or credit recorded on the institution's transcript. **(Acceptance of academic credit)**

Comment:

The institution has defined policies for accepting, evaluating, and awarding credit by transfer and credit by examination. Policies are consistent with

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the mission and serve to ensure that course work and learning outcomes are at the collegiate level and comparable to the institution's own degree programs. Undergraduate policies are clearly noted in the *Undergraduate Catalog*. Policies for the various graduate programs appear in the *Graduate Catalog*. Specifically, the DSOL has a clearly defined and published policy for accepting, evaluating, and awarding credit by transfer. DSOL publishes these policies in the *DSOL Student Handbook and Catalog* which is available both in print and electronically on the DSOL website.

- 3.4.5 The institution publishes academic policies that adhere to principles of good educational practice. These are disseminated to students, faculty, and other interested parties through publications that accurately represent the programs and services of the institution. **(Academic policies)**

Comment:

- 3.4.6 The institution employs sound and acceptable practices for determining the amount and level of credit awarded for courses, regardless of format or mode of delivery. **(Practices for awarding credit)**

Comment:

- 3.4.7 The institution ensures the quality of educational programs and courses offered through consortia relationships or contractual agreements, ensures ongoing compliance with the comprehensive requirements, and evaluates the consortial relationship and/or agreement against the purpose of the institution. **(Consortia relationships/contractual agreements)**

Comment:

- 3.4.8 The institution awards academic credit for course work taken on a noncredit basis only when there is documentation that the noncredit course work is equivalent to a designated credit experience. **(Noncredit to credit)**

Comment:

- 3.4.9 The institution provides appropriate academic support services. **(Academic support services)**

Comment:

The Committee's review finds that the institution has a number of services in place to support students in their academic pursuits. Foremost of these

services is the Academic Success Program, the goal of which is to enhance the skills necessary to succeed in law school and to pass the bar. The program provides tutoring, workshops, and academic assistance on an individualized basis to students who demonstrate a need for academic assistance and offers a broad curriculum for all students. The program also has a writing specialist available to provide students with additional assistance in the areas of writing, reasoning, and comprehension. In addition, the *Lincoln Memorial University Duncan School of Law Faculty Handbook* sets out the Academic Advising Program. Under this program, every student is assigned a faculty advisor to guide the student in his or her academic career. Technology also plays an important role in the student's academic life, most notably through the use of MediaSite, which permits the capture of classes and online review at anytime as well as the ability to download podcasts of the classes. Students report that access to the classes via MediaSite helps them in reviewing and understanding class material.

- 3.4.10 The institution places primary responsibility for the content, quality, and effectiveness of its curriculum with its faculty. **(Responsibility for curriculum)**

Comment:

- 3.4.11 For each major in a degree program, the institution assigns responsibility for program coordination, as well as for curriculum development and review, to persons academically qualified in the field. In those degree programs for which the institution does not identify a major, this requirement applies to a curricular area or concentration. **(Academic program coordination)**

Comment:

- 3.4.12 The institution's use of technology enhances student learning and is appropriate for meeting the objectives of its programs. Students have access to and training in the use of technology. **(Technology use)**

Comment:

The Committee's review of the institution's technology indicates technology is a priority for the institution. The institution has created a technologically rich environment by providing students laptops and software, by incorporating a technological infrastructure throughout the building, and by equipping classroom and lecture halls with hardware necessary to integrate multimedia in the classroom. The school also provides personnel dedicated to maintaining and troubleshooting any technology issues that may arise. Technology's goal is to contribute to



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academic excellence in the program and to enable the School of Law to provide a quality educational experience. As evidenced in the training schedules provided to the Committee, the School of Law provides faculty and students numerous training opportunities in the various technology available.

- 3.5.1 The institution identifies college-level general education competencies and the extent to which graduates have attained them. (**College-level competencies**)

Comment: N.A.

- 3.5.2 At least 25 percent of the credit hours required for the degree are earned through instruction offered by the institution awarding the degree. In the case of undergraduate degree programs offered through joint, cooperative, or consortia arrangements, the student earns 25 percent of the credits required for the degree through instruction offered by the participating institutions. (**Institutional credits for a degree**).

Comment: N.A.

- 3.5.3 The institution defines and publishes requirements for its undergraduate programs, including its general education components. These requirements conform to commonly accepted standards and practices for degree programs. (**Undergraduate program requirements**)

Comment:

- 3.5.4 At least 25 percent of the discipline course hours in each major at the baccalaureate level are taught by faculty members holding the terminal degree—usually the earned doctorate—in the discipline, or the equivalent of the terminal degree. (**Terminal degrees of faculty**)

Comment:

- 3.6.1 The institution's post-baccalaureate professional degree programs, and its master's and doctoral degree programs, are progressively more advanced in academic content than its undergraduate programs. (**Post-baccalaureate program rigor**)

Comment:

An examination of the institution's policies included in the *Faculty-Staff Policy Manual (Academic Program and Curriculum Approval Policy)* confirms that the faculty and the administration approve post-baccalaureate programs. DSOL's

program and curriculum approval process includes a comprehensive review which includes the monitoring of academic program rigor as one of many quality assurance parameters. Additionally, DSOL's curriculum is monitored by the Tennessee Board of Bar Examiners (TBLE) and ultimately the American Bar Association. Finally, a review of the course descriptions and the course syllabi demonstrate appropriate academic content which is substantially and progressively more advanced than its undergraduate programs.

- 3.6.2** The institution structures its graduate curricula (1) to include knowledge of the literature of the discipline and (2) to ensure ongoing student engagement in research and/or appropriate professional practice and training experiences. **(Graduate curriculum)**

Comment:

The DSOL curriculum tracks subject matters tested by the Tennessee Bar Examination and the Multi-State Bar Examination, prerequisites to admission to the practice of law. In addition, the Lawyering Skills course focuses on the research and skills training necessary for the successful practice of law such as drafting of legal documents and pleadings, oral advocacy, persuasive legal writing, trial practice, witness preparation, client relations, and negotiation. In addition, it is contemplated that students at DSOL will have an upper level writing requirement and opportunities to participate in law review, moot court, mock trial, and externships.

- 3.6.3** The majority of credits toward a graduate or a post-baccalaureate professional degree are earned through instruction offered by the institution awarding the degree. In the case of graduate and post-baccalaureate professional degree programs offered through joint, cooperative, or consortia arrangements, the student earns a majority of credits through instruction offered by the participating institutions. **(Institutional credits for a degree)**

Comment:

The DSOL allows students to transfer credit for up to a maximum of 30 semester hours and requires at least 58 credit hours to be taken at DSOL for a J.D. degree there.

- 3.6.4** The institution defines and publishes requirements for its graduate and post-graduate professional programs. These requirements conform to commonly accepted standards and practices for degree programs. **(Post-baccalaureate program requirements)**

Comment:

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Post-baccalaureate program requirements are defined and published in the institution's *Graduate Catalog*. Specifically, DSOL publishes requirements for the JD degree in its *Student Handbook and Catalog* which is available in print and on the DSOL website. All requirements conform to commonly accepted standards and practices among law schools accredited by the American Bar Association and adhere to standards required by the Tennessee Board of Law Examiners (TBLE).

- 3.7.1** The institution employs competent faculty members qualified to accomplish the mission and goals of the institution. When determining acceptable qualifications of its faculty, an institution gives primary consideration to the highest earned degree in the discipline. The institution also considers competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes. For all cases, the institution is responsible for justifying and documenting the qualifications of its faculty.  
**(Faculty competence)**

Comment:

The full time faculty of the DSOL has all earned undergraduate and J.D. degrees from accredited universities and are licensed in one or more jurisdictions to practice law, with one exception. One individual has a M.S.L.S. degree but is limited to teaching the first semester Lawyering Skills class, which consists of instruction in legal research. She has almost 20 years experience in law libraries throughout the country at law firms, law schools, and an agency of the federal government. Law faculty members have a variety of significant experience in law practice, as members of the judiciary, as appellate law clerks, in legal education, and as relevant, in law library science. Most have significant or developing legal publication records and legal research agendas. The DSOL monitors teaching effectiveness and scholarly productivity through student teaching evaluations, classroom visitation, and other means. The institution requires copies of transcripts from prospective full-time law faculty members before an offer of employment is extended and maintains those transcripts on file.

- 3.7.2** The institution regularly evaluates the effectiveness of each faculty member in accord with published criteria, regardless of contractual or tenured status.  
**(Faculty evaluation)**

Comment:

3.7.3 The institution provides evidence of ongoing professional development of faculty as teachers, scholars, and practitioners. **(Faculty development)**

Comment:

3.7.4 The institution ensures adequate procedures for safeguarding and protecting academic freedom. **(Academic freedom)**

Comment:

3.7.5 The institution publishes policies on the responsibility and authority of faculty in academic and governance matters. **(Faculty role in governance)**

Comment:

3.8.1 The institution provides facilities and learning/information resources that are appropriate to support its teaching, research, and service mission. **(Learning/information resources)**

Comment:

3.8.2 The institution ensures that users have access to regular and timely instruction in the use of the library and other learning/information resources. **(Instruction of library use)**

Comment:

3.8.3 The institution provides a sufficient number of qualified staff—with appropriate education or experiences in library and/or other learning/information resources—to accomplish the mission of the institution. **(Qualified staff)**

Comment:

3.9.1 The institution publishes a clear and appropriate statement of student rights and responsibilities and disseminates the statement to the campus community. **(Student rights)**

Comment:

3.9.2 The institution protects the security, confidentiality, and integrity of its student records and maintains special security measures to protect and back up data. **(Student records).**

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Comment:

- 3.9.3** The institution employs qualified personnel to ensure the quality and effectiveness of its student affairs programs. **(Qualified staff)**

Comment:

- 3.10.1** The institution's recent financial history demonstrates financial stability. **(Financial stability)**

Comment:

- 3.10.2** The institution provides financial profile information on an annual basis and other measures of financial health as requested by the Commission. All information is presented accurately and appropriately and represents the total operation of the institution. **(Submission of financial statements).**

Comment:

- 3.10.3** The institution audits financial aid programs as required by federal and state regulations. **(Financial aid audits)**

Comment:

- 3.10.4** The institution exercises appropriate control over all its financial resources. **(Control of finances)**

Comment:

- 3.10.5** The institution maintains financial control over externally funded or sponsored research and programs. **(Control of sponsored research/external funds)**

Comment:

- 3.11.1** The institution exercises appropriate control over all its physical resources. **(Control of physical resources)**

Comment:

- 3.11.2** The institution takes reasonable steps to provide a healthy, safe, and secure environment for all members of the campus community. **(Institutional environment)**

Comment:

- 3.11.3** The institution operates and maintains physical facilities, both on and off campus, that appropriately serve the needs of the institution's educational programs, support services, and other mission-related activities. **(Physical facilities)**

Comment:

- 3.12.1** The institution notifies the Commission of changes in accordance with the substantive change policy and, when required, seeks approval prior to the initiation of changes. **(Substantive change)**

Comment:

- 3.13.1** The institution complies with the policies of the Commission on Colleges. **(Policy compliance)**

Comment:

The Committee's review of Lincoln Memorial University finds that the institution is in compliance with all commission policies. Specifically, the *Documentation for Substantive Change* (January 22, 2010) indicates that the institution has a process for reviewing compliance with the policies of the Commission on Colleges. It is the responsibility of the Office of institutional Research and Accreditation to conduct ongoing review of the policies and to communicate any changes in policies to the appropriate personnel who are responsible for the areas of operation or programs impacted by policy changes. The Institutional Effectiveness Committee, which includes two members of the DSOL, monitors the policies for accreditation. The Committee notes that at this time the School of Law does not have distance education classes nor is there any indication that such courses are currently being contemplated.

- 3.14.1** A member or candidate institution represents its accredited status accurately and publishes the name, address, and telephone number of the Commission in accordance with Commission requirements and federal policy. **(Publication of accreditation status)**

Comment:

The Committee's review of the *Duncan School of Law: Lincoln Memorial University Student Handbook and Catalog 2009-2010* confirms that the institution accurately represents its accredited status including all required

information through the statement "Lincoln Memorial University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award associate, baccalaureate, masters, specialist, and doctorate degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097, or call 404-679-4500, for questions about the accreditation of Lincoln Memorial University."

**D. Assessment of Compliance with Section 4: Federal Requirements**

- 4.1 The institution evaluates success with respect to student achievement including, as appropriate, consideration of course completion, state licensing examinations, and job placement rates. **(Student achievement)**

Comment:

In its recent Reaffirmation visit of February 2009, LMU was validated to being effectively evaluating student success. The DSOL has plans in place to evaluate student success. This includes most notably, course completion effectiveness, bar passage rates and job placement rates.

LMU administrators and trustees clearly understand the importance of these measures toward not only student success, but program and institutional success.

With only one semester of operation completed, final outcomes of student success are basically 2 ½ years away.

- 4.2 The institution's curriculum is directly related and appropriate to the purpose and goals of the institution and the diplomas, certificates, or degrees awarded. **(Program curriculum)**

Comment:

- 4.3 The institution makes available to students and the public current academic calendars, grading policies, and refund policies. **(Publication of policies)**

Comment:

The Committee's review of the *Duncan School of Law: Lincoln Memorial University Student Handbook and Catalog 2009-2010* confirms that the institution has published the academic calendars for 2009-2010 through 2013-2014 (pp. 72-73), grading policies (pp 51-58), and refund policies (pp. 39-40). Although there is no published explanation of the refund policies for the Maymester and the summer term, the School of Law in not

currently anticipating to offer either a Maymester or summer term in 2010. At the time when these terms are offered, the School of Law will publish the appropriate refund policies.

**4.4** Program length is appropriate for each of the institution's educational programs. **(Program length)**

Comment:

The *Undergraduate Catalog* indicates all associate degrees exceed 60 semester credit hours and all baccalaureate degrees exceed 120 semester credit hours. The *Graduate Catalog* indicates all master's degrees exceed 30 semester credit hours. Specifically, the J.D. degree offered through the DSOL requires 88 semester credit hours. Further, each semester hour includes at least 700 instructional minutes for a total of 61,600 minutes of instruction time, exceeding the American Bar Association requirement of 58,000 minutes. Program length is continually monitored by the institutional curriculum approval process at all degree levels, including the J.D.

**4.5** The institution has adequate procedures for addressing written student complaints and is responsible for demonstrating that it follows those procedures when resolving student complaints. **(Student complaints)**

Comment:

The Committee's review of the Code of Academic Integrity, the provision for Grade Changes/Academic Grievance Procedure, and the provision for students to make a complaint regarding any aspect of academics, and the grievance procedures for Students with Disabilities as contained in the *Duncan School of Law: Lincoln Memorial University Student Handbook and Catalog 2009-2010* indicate the School of Law adequately informs students of the procedures for making complaints. Additionally, information on student complaints regarding Sexual Harassment is contained in the *Lincoln Memorial Student handbook 2009-2010*. In reviewing emails provided to the Committee, the School of Law has demonstrated that it has followed these procedures when confronted with a possible sexual harassment complaint.

**4.6** Recruitment materials and presentations accurately represent the institution's practices and policies. **(Recruitment materials)**



Comment:

The primary sources for published DSOL recruitment materials are the institutions program catalogs and web pages. In addition DSOL provides a printed, full color brochure to interested individuals. The information contained in the materials accurately describe admission policies, tuition and fees, cost of attendance, financial aid, accreditation status, non-discrimination policies, curriculum, facilities, technological support, and other information of interest to potential students.

- 4.7 The institution is in compliance with its program responsibilities under Title IV of the *1998 Higher Education Amendments*. **(Title IV program responsibilities)**

Comment:

The institution was found in compliance with Title IV program responsibilities.

### Part III. Observations and Comments

Lincoln Memorial University prepared responses for five additional Comprehensive Standards that are not part of the "Committee Report for Program Expansion". The five Comprehensive Standards are: 3.4.6; 3.5.2; 3.7.2; 3.8.2; 3.9.2 and are Standards that are included in the reporting template for a "Site Visit". While the visiting committee was charged with reviewing the new LMU site in Knoxville, TN, so the committee elected to consider the five additional Standards listed above. The committee concluded that the institution's responses to CS 3.4.6; 3.5.2; 3.7.2; 3.8.2 and 3.9.2 demonstrated that they met all of the requirements.