

CODE OF ACADEMIC REGULATIONS – July 1, 2018

This Code governs academic requirements, graduation requirements, and certain student rights and responsibilities. Other sections of the College of Law website contain useful information, such as course prerequisites and class schedules.

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1. GRADUATION REQUIREMENTS

Candidates for the J.D. degree are subject to requirements concerning (1) minimum GPA; (2) credit hours; (3) minimum and maximum time for completion of degree requirements; (4) required courses; and (5) approval by the Board of Trustees. Those requirements are explained in this Section 1. Transfer students, foreign attorneys, students who visit at other law schools and dual degree students are also subject to the course and credit hour rules in paragraph 2.7.5 below.

1.1. **Minimum GPA:** Students must attain a cumulative grade point average of 2.00 or better.

1.2. **Credit Hours:**

1.2.1. Required Number: Students must earn at least 90 credits.

1.2.2. Limitations on sources of Credit Hours: Three limitations apply to the 90 credits required for graduation, including:

1.2.2.1. *Classroom Credits:*

(a) At least 64 of the credit hours taken shall be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction. In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction, the credit hours **may include:** (1) credit hours earned by attendance in regularly scheduled classroom sessions or direct faculty instruction; (2) credit hours earned by participation in a simulation course or law clinic in compliance with ABA Standard 304; (3) credit hours earned through distance education in compliance with ABA Standard 306; and (4) credit hours earned by participation in law-related studies or activities in a country outside the United States in compliance with ABA Standard 307.

In calculating the 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction, the credit hours **shall not include** any other coursework, including, but not limited to: (1) credit hours earned through field placements and other study outside of the classroom; (2) credit hours earned in another department, school, or college of the university with which the College of Law is affiliated, or at

another institution of higher learning; (3) credit hours earned for participation in co-curricular activities including but not limited to law review, journals, moot court, and trial competition; and (4) credit hours earned by participation in studies or activities in a country outside the United States for studies or activities that are not law-related.

(b) Additionally, the following credit earning limitations apply: 1. Dual degree students may count up to the maximum number of credits approved for the particular dual degree program toward their law degree. 2. Students may count no more than 9 credit hours earned for participation in co-curricular activities including but not limited to law reviews, journals, moot court, and trial competitions towards their graduation requirements. 3. Students may count no more than 2 credits earned for Supervised Research and Writing toward their graduation requirements.

1.2.2.2. *Distance Instructional Opportunities:* No more than 15 credits may be earned in courses designated as distance instructional opportunities.

1.2.2.3. *Non-NSU Law Courses:* No more than 30 credits may be earned for courses taken outside the College of Law unless a student is transferring law credits under 2.7.4.1 earned from an ABA-approved law school or earned by the student at a time a school had previously been ABA-approved. Included in these 30 credits are non-law graduate courses. Even if taken through the College of Law, all credits earned for foreign study are included as part of this 30 credit limit on courses taken outside the College of Law. Foreign study credits are credits earned from foreign law schools and credits earned from foreign programs sponsored by U.S. law schools.

1.2.2.4. *Dual Degree Students:* Dual degree students may count toward graduation from the College of Law, up to the maximum number of credits approved by the College of Law, for the particular dual degree program in which they are enrolled; provided the student is matriculated into both the College of Law and other degree program at the time the student completes the course credits to be counted. In addition, the credits earned at NSU but outside the College of Law are included in the overall 30-credit limit on courses taken other than at the College of Law and subject to all other

sections of this code for rules concerning taking courses in both programs in the same semester.

1.2.3. Minimum and Maximum Credit Limitations Per Term:

1.2.3.1. *Minimum Credits:* Unless a student has prior written permission from the Student Services Office, a full-time student cannot enroll in fewer than 13 credits during fall or winter semester, and a part-time student cannot enroll in fewer than 8 credits during fall or winter semester. (Note: full-time students in a 12-credit clinic/field placement may take only 12 credits for the clinic/field placement semester, but remain full-time students.)

1.2.3.2. *Maximum Credits:* A full-time student may not enroll for more than 18 credit hours during a fall or winter semester. A part-time student may not enroll for more than 12 credit hours during a fall or winter semester. The maximum course load for a summer term is 9 credit hours for full-time students and 6 credit hours for part-time students. No College of Law administrator has the authority to waive any of the maximum credit limits. (Note: As used in this Code, a summer term is not a semester. The word “semester” refers only to fall or winter semesters.)

1.3. **Minimum and Maximum Time for Completion of Degree Requirements:** Students shall complete the course of study for a JD degree no earlier than 24 months and, except in extenuating circumstances, no later than 84 months after the student had commenced the study of law at the law school or a law school from which transfer credit has been accepted. A student must spend at least two of the last four semesters in residence at the College of Law, and must spend at least four semesters total in residence at the College of Law.

1.4. **Required Courses:** Students must pass all of the following courses:

1.4.1. Required Course Sequencing Based on Division:

FULL-TIME DIVISION:

First Year	
Fall	Winter
Contracts	Civil Procedure
Criminal Law	Constitutional Law I
Legal Research & Writing I	Legal Research & Writing II
Legal Study Skills I	Legal Study Skills II (elective if cumulative 2.80 or better for first semester)
Torts	Property

Second Year	
Fall	Winter
Business Entities	Criminal Procedure (for students matriculating in fall 2015 or later)
Constitutional Law II	Family Law or Wills & Trusts (or both Wills and Trusts as separate courses)
Evidence	
Elements of Legal Analysis I (if required)	Elements of Legal Analysis II (if required)

PART-TIME DIVISION:

First Year	
Fall	Winter
Contracts	Civil Procedure
Legal Research & Writing I	Legal Research & Writing II
Legal Study Skills I	Legal Study Skills II (elective if cumulative GPA is 2.80 or better for first semester)
Torts	Property

Immediately Following First Year	
Summer	
Criminal Law	

Second Year	
Fall	Winter
Criminal Procedure	Business Entities
Evidence	Constitutional Law I
Elements of Legal Analysis I (if required)	Elements of Legal Analysis II (if required)

Third Year	
Summer After Second Year (if Offered) or Fall	Winter
Constitutional Law II	

JANUARY START STUDENTS:

<i>Winter Semester 1L</i>	<i>Summer Term 1L (Optional)</i>
Contracts (4 Credits) LAW 0612	Criminal Law (4 Credits) LAW 0670
Civil Procedure (4 Credits) LAW 0652	
Legal Research and Writing I (3 Credits) LAW 0662	
Torts (4 Credits) LAW 0648	
LSS I (0 Credits) LAW 0523	

<i>Fall Semester 2L</i>	<i>Winter 2L</i>
Business Entities (4 Credits) LAW 0516	Criminal Procedure (3 Credits) LAW 0645
Evidence (4 Credits) LAW 0614	Constitutional Law I (4 Credits) LAW 0625 (ONLY if not taken in the Fall)
Legal Research and Writing II (3 Credits) LAW 0663	Constitutional Law II (2 Credits) LAW 0629 (ONLY if taken Constitutional Law I in the Fall, or can be taken later)
Criminal Law (4 Credits) LAW 0670 (ONLY IF NOT TAKEN IN SUMMER)	Property (4 Credits) LAW 0653
Constitutional Law I (4 Credits) LAW 0625 (ONLY IF TAKEN CRIMINAL LAW IN SUMMER)	ELA II (0 Credits) LAW 1089 (if required)
ELA I (0 Credits) LAW 1088 (if required)	

<i>Summer 2L Semester or Fall 3L</i>
Constitutional Law II (2 Credits) LAW 0629 (ONLY if not taken in Winter 2L)

1.4.2. Additional Course Requirements for both Divisions:

- 1.4.2.1. *Before Graduation:* Each student must pass Professional Responsibility.
- 1.4.2.2. *Upper Class Course Menu:* Students must pass either Family Law or Wills & Trusts. These courses are offered every winter semester in both the full-time and the part-time division. (Note: A student will be treated as passing Wills & Trusts by passing either the combined Wills & Trusts course or both of the separate courses in Trusts and Wills).
- 1.4.2.3. *Upper-Class Writing Requirement:* Each student is required to complete a substantial writing experience before graduation in addition to the required Legal Research & Writing curriculum. A list of approved courses, workshops, and seminars satisfying this writing requirement will be made available to students before registration. A student must earn at least a C+ in a designated course, workshop, or seminar. A course, workshop, or seminar satisfying the upper class writing requirement must be taught by a full-time College of Law faculty member or a College of Law emeritus/emerita faculty member. Each such course, workshop, or seminar is offered as a rigorous writing experience under faculty supervision (based on the number and nature of writing projects assigned to students, the form and extent of individualized assessment of a student's written products, and the number of drafts that a student must produce for any writing experience.) Written work produced for a two-credit Supervised Research and Writing paper or a note or comment written for the Nova Law Review, the Journal of International & Comparative Law, or the International Citator and Research Guide may satisfy the upper class writing requirement, if it meets the requirements of a rigorous writing experience stated above and a full-time College of Law faculty member or a College of Law emeritus/emerita faculty member certifies that the writing project is of C+ or higher quality.

At NSU Law, a 2-credit research paper for a seminar or supervised research and writing project requires a minimum length of 20 pages (double-spaced, exclusive of footnotes or endnotes) with an array of primary and secondary sources to fully support the research. A student is expected to revise the work based on the critique and feedback provided by the faculty member

throughout the semester. Legal documents prepared by students in at least two credit courses or workshops should be comparable in total cumulative length and complexity to this standard, and should provide the student a similar opportunity to revise the work based upon feedback provided by the faculty member. Faculty feedback may be supplemented by peer review.

Students are not permitted to use a course, workshop or seminar to satisfy both the writing requirement and the experiential learning requirement. A student who will be attending another law school as a transient student may, prior to enrolling in a course (including a seminar, workshop, or other course) that satisfies that school's upper level writing requirement, petition the Associate Dean for Academic Affairs for permission to count such course taught at that other law school for writing requirement credit. If the Associate Dean grants written permission before the student commences participation in the course, a full-time College of Law faculty member must read the written work product produced during the course and certify that it satisfies the writing requirement.

1.4.2.4. *Experiential Learning Credits:* A student must complete at least 6 credits in experiential learning courses, which are all workshop courses and field placements/clinics. Workshop courses are designated as such in the course description and a list is available on the College of Law website.

1.4.2.5. *Academic Success and Professionalism Program (formerly "CSP") Requirements:* A student must satisfy the following ASP requirements:

1.4.2.5.1. All first year students must satisfactorily complete Legal Study Skills I. Fall semester start students who do not attain at least a 2.8 average in their first semester must satisfactorily complete Legal Study Skills II; other Fall semester start students may elect to enroll in Legal Study Skills II.

1.4.2.5.2. For second-year students matriculating in August 2015 or later:

ELA I is mandatory for any student whose GPA was below 2.8 in either of the student's first two semesters of law school or for a January start student, in their first semester of law school.

ELA II is mandatory for any student whose GPA was below 2.8 in both of the student's first two semesters of law school, or for a January start student, in their first semester of law school. ELA II is also mandatory for any Fall semester student who, after completing their third semester of law school (not including summer term), or January start student after completing their second semester of law school (not including summer term) does not have a cumulative GPA of 2.8 or above.

1.4.2.5.3. Third-year Full-Time students and fourth-year Part-Time students must complete Multistate Bar Exam Lab and Florida Bar Exam Lab during the final year before graduation. Both can be taken in the same semester or separate semesters. Students not taking the Florida Bar examination may be exempt from completing the Florida Bar Exam Lab requirement, if approved in writing by the Associate Dean for the Academic Success and Professionalism Program.

1.4.2.5.4. Students will not be certified for graduation until Student Services receives a certificate of completion of ASP requirements from the ASP office.

1.5. **Approval by the Board of Trustees:** A student may graduate with a J.D. degree from the College of Law only upon recommendation of the College of Law forwarded through the Dean's Office to the President and Board of Trustees of the University. The University will not confer a degree until the College of Law's Student Services Office determines that the student has met all requirements, both academic and financial, and has forwarded the student's name to the University. A student must pay all debts owed to the University before graduating, receiving grades or transcripts, receiving a Dean's Certificate to take any bar examination, or receiving any other administrative services from the University. A student will graduate on the degree conferral date determined by the University Board of Trustees.

2. EARNING ACADEMIC CREDIT

2.1. **Class Attendance:** Regular attendance in accordance with the attendance policy of the College of Law is an essential requirement of, and is fundamental to, the study of law. The rules governing attendance and the penalties for failure to attend are set forth below.

- 2.1.1. Attendance – The Mandatory Maximum Number of Absences Rule: The rules in this Section 2.1 are self-executing. Faculty members and instructors are not required to announce attendance rules in advance, unless they are invoking a stricter attendance standard than that set forth in this Section 2.1.
- 2.1.2. Effect of Exceeding the Mandatory Maximum Number of Absences: Students who miss an excessive number of classes will earn a grade of F regardless of any additional work they complete in the course. If a student exceeds the maximum number of absences but can show that his or her excessive absences were caused, in whole or in part, by extenuating circumstances, the student may petition the Associate Dean of Students, to receive a grade of W (or an I, if the I is appropriate) instead of an F. The Associate Dean of Students may then grant or deny the requested grade. If the Associate Dean denies the student’s petition, the student may appeal that decision to the Student Affairs Committee, which shall apply an abuse of discretion standard. Where there has been no such abuse of discretion, the Committee shall deny the petition. Decisions of the Student Affairs Committee about a grade under this paragraph are final and are not appealable. If the petition is granted, whether by the Associate Dean of Students or by the Student Affairs Committee, the Associate Dean for Academic Affairs may waive one or more of the first year prerequisites where necessary to allow the student to take courses in the next semester.
- 2.1.3. Meaning of Word “Absence”: In deciding whether a student was absent from any particular class, for the purpose of enforcing his or her attendance policy, a faculty member or instructor has the discretion to treat any physical absence from the classroom, during the entire duration of the class– including lateness in arriving, earliness in departing, and absence from the room in mid-class–as an absence. A faculty member may require students to sign an attendance sheet as proof of attendance. A student’s failure to sign the attendance sheet creates a rebuttable presumption of absence. A faculty member or instructor may not treat any other behavior on the part of a student– including being unprepared for class–as an absence. A faculty member or instructor who treats a physical absence for less than the full class as an absence must include those rules in the course syllabus.

- 2.1.4. Reason for Absence is Irrelevant for Purposes of the Mandatory Maximum Number of Absences Rule and Penalty: The attendance rules apply to all absences. No distinction is made between excused and unexcused absences.
- 2.1.5. Drop/Add Period Class Sessions: In the case of upper division courses, student absences from class sessions held during the drop/add period shall not be counted in determining whether a student violates the Maximum Number of Absences Rule, if the student is not enrolled in the course when the student is absent from a class session held during the drop/add period.
- 2.1.6. Hurricanes and Similar Disasters: The Mandatory Maximum Number of Absences Rule is automatically suspended when a hurricane warning is issued for Broward, Miami-Dade or Palm Beach Counties. The Dean may also suspend the Mandatory Maximum Number of Absences Rule for students who can establish that they reside in other counties for which a hurricane warning has been issued. In all cases, the Dean will announce when the suspension is lifted and has discretion to lift the suspension at separate times for the Full-time Division and the Part-time Division. In addition, the Dean may suspend the Mandatory Maximum Number of Absences Rule for similar disasters (e.g., pandemics) in the Dean's discretion.
- 2.1.7. Additional Circumstances Justifying Waiver: Upon request, the Associate Dean of Students will waive the application of the Mandatory Maximum Number of Absences Rule for a student if the student's absences occur as a result of complying with documented jury duty, responding to the activation or deployment of his or her military unit, or police, fire, or other civil disaster employees responding to a state of emergency declared by an appropriate civil authority. A waiver shall not be granted unless the student can successfully complete all course requirements.

2.1.8. Maximum Absences: Absent action by a faculty member or instructor described in paragraph 2.1.9, below, the table below indicates the maximum number of absences allowed before a student earns an F for excessive absences under Section 2.1.2.

Number of Class Sessions	Number of Absences
1-4	0
5-9	1
10-14	2
15-19	3
20-24	4
25-29	5
30-34	6
35-39	7
40-44	8
45-49	9
50-54	10
55-56	11

2.1.9. Attendance – Faculty and Instructor Discretion to Lower the Number of Absences Permitted Under the Mandatory Maximum Number of Absences Rule: A faculty member or instructor may establish a stricter standard for absences than the number permitted under the Mandatory Maximum Number of Absences Rule described above by incorporating the lower maximum in the syllabus for the course. If the professor uses a stricter policy, the professor must excuse absences based on extenuating circumstances if the total number of absences do not exceed the number allowed under the Mandatory Maximum Number of Absences Rule. Unless a student misses more than the number of the classes permitted under the Mandatory Maximum Number of Absences Rule, a faculty member or instructor may only lower to the next lowest available grade a student’s final grade as a

penalty for unexcused absences that exceed a stricter standard than that permitted under the Mandatory Maximum Number of Absences Rule.

2.2. Class Preparation

2.2.1. Out-of-Classroom Expectations: Students are expected to read all assigned materials and be prepared for all classes. As set forth in ABA Standard 310, students should spend a minimum of two hours of out-of-class preparation for every in-class hour in accordance with the chart below.

Number of Credits Earned	Total Required Number of In-Classroom Minutes for Semester	Total Required Number of Out-of-Classroom Minutes for Semester	<i>Total Minutes/Hours Required for Instructional Offering</i>
1	750	1800	2550 (42.5 hours)
2	1500	3600	5100 (85 hours)
3	2250	5400	7650 (127.5 hours)
4	3000	7200	10,200 (170 hours)
5	3750	9000	12,750 (212.5 hours)
6	4500	10,800	15,300 (255 hours)

For credits earned *exclusively* for non-classroom curricular activities, the ABA standard requires that students engage in the appropriate number of minutes as follows:

Number of Non-Classroom Credits Earned	<i>Total Minutes/Hours Required for Credit Earning</i>
1	2700 (45 hours)
2	5400 (90 hours)
3	8100 (135 hours)
4	10,800 (180 hours)
5	13,500 (225 hours)
6	16,200 (270 hours)

2.2.2. Raising of Grades: In a seminar or workshop, a student's class participation may be taken into account by a faculty member or instructor in determining the student's final grade, in any manner, and to any extent, which the faculty member or instructor deems appropriate, as long as the students are notified in writing, at the beginning of the semester, of the weight to be given to class participation. In any other course, a student's grade can be raised for class participation only to the next highest available grade that the student would otherwise receive, and a faculty member or instructor who invokes this rule must give written notice in the course syllabus to the students in that class at the beginning of the semester.

2.2.3. Lowering of Grades: A faculty member or instructor may lower to the next lowest available grade a student's final grade in a course if the student is deemed by that faculty member or instructor to be unprepared for class during more than two (2) class sessions. A student who does not respond to a faculty member's or instructor's question may be deemed by that faculty member or instructor to be unprepared for class. Each faculty member or instructor may decide what circumstances, if any, will excuse a failure to be prepared for class. For purposes of this rule, an absence from class shall not count as a class session during which a

student was unprepared. This rule is self-executing. Faculty members and instructors are not required to announce its application in advance.

2.3. Date and Time of Examinations:

2.3.1. General Rule: Students are required to take examinations at the regularly scheduled date and time unless their absence has been excused by Student Services, in which case a make-up examination will be scheduled. Students may request the rescheduling of an exam by submitting a Request for Exam Accommodations form to Student Services. This form must be submitted as least one week before the start of exams. Student Services has the discretion to reschedule a final examination only based upon an emergency or a student's disability. Upon request, Student Services will reschedule a final examination for a student if the student has two or more final examinations scheduled to start fewer than 24 hours apart. Student Services will not reschedule an examination because of a student's vacation plans, airplane flights, or similar personal decisions. If an examination is rescheduled, for whatever reason, it will be rescheduled only for a date or time later than the date or time on which the examination is originally scheduled to be given.

2.3.2. Accommodations pursuant to Americans with Disabilities Act: Students should follow the procedure in Section 11.2 to request an accommodation.

2.3.3. Change in Exam Date: A faculty member or instructor cannot change the scheduled date of a final examination, other than a take-home examination, after students have registered for the course. (This does not preclude changing an "in-class" examination to a "take-home" examination or changing the date of a take-home examination if all students in the course agree to that change.)

2.4. Examinations and Quizzes:

2.4.1. When Required: The College of Law requires a written final examination in every course for which credit is given, except clinical work and courses requiring extensive written work such as student competitions, Legal Research & Writing I & II, seminars, workshops, and supervised research and writing projects. The final examination may be administered during the examination period or may be a take-

home examination. Faculty members and instructors may elect to give quizzes or other written work in any course.

2.4.2. Anonymous Grading: Any examination or quiz worth more than 25% of a final grade will be graded anonymously. Student Services will distribute anonymous numbers for these examinations and quizzes. If the faculty member or instructor administers more than one anonymously graded examination or quiz during a course, a different anonymous number will be distributed for each. Students must not put their names or other identifying information on these examinations, quizzes, or any other assignments that faculty members or instructors have designated as anonymously graded.

2.4.3. Absence from Examination or Quiz: A student absent from a final examination, mid-term examination, or quiz graded by anonymous number will receive a grade of F for it unless the absence is excused.

2.4.3.1. Student requests for an excused absence must be submitted in writing to Student Services before the final examination, mid-term examination, or quiz graded by anonymous number. Students must not contact the faculty member or instructor directly.

2.4.3.2. A student who requests an excused absence from an exam but who for extenuating reasons cannot report in advance of the final examination, mid-term examination, or quiz graded by anonymous number the reason for being absent must file a written request to be excused with Student Services at the earliest practicable opportunity; the writing must include the reason for the late request and the reason why the student should be excused. Students must not contact the faculty member or instructor directly.

2.4.3.3. A student with a properly excused absence from a final examination will receive a grade of Incomplete. If the student is unable to take the examination by the official make-up date(s) for that semester or term, the faculty member or instructor will determine the date of any make-up examination in consultation with Student Services. The faculty member or instructor will determine if the student will take the missed examination, take a different examination, or take the examination when the faculty member or instructor next teaches the course. The date of the make-up examination

cannot be later than 12 months from the date of the end of the semester in which the Incomplete was received. A student who does not take the examination within the required time will receive an F.

2.4.3.4. If a student is absent from a final examination, mid-term examination, or quiz graded by anonymous number for circumstances other than the extenuating reasons that would allow an excused absence under Section 2.4.3.2 above, the student must file a written explanation with Student Services at the earliest practicable opportunity; the writing must include the reasons why the student missed the examination. Students must not contact the faculty member or instructor directly. After considering the reasons for the student's absence, the Associate Dean of Students has the discretion to take action based on the type of course in which the problem occurred. If the missed exam occurred in a required course, the Associate Dean of Students may require the student to take a grade of Incomplete for the course and to retake the course in full during the next semester the course is offered rather than receive an F for the course. If the student is permitted to retake the course, the student must comply with all attendance and other requirements of the course and take the final examination for the course as scheduled. The decision of the Associate Dean of Students is final and not appealable.

2.4.3.4.1. If the student is retaking the course and is in good academic standing, the highest grade the student can receive in the course will be the highest available grade that does not exceed the student's GPA for the semester immediately preceding the one in which the course is being retaken. For example, if the student's GPA after the Fall semester is 2.70 and the student is retaking the course in the Winter semester, the highest grade the student can receive in the course would be a C+ (2.5).

2.4.3.4.2. If the student is retaking the course during a semester when the student is on academic probation, the highest grade the student can receive in the course would be a C (2.0).

2.4.3.4.3. If the missed exam occurred in an elective course, the student will be instructed by the Associate Dean of Students office to take the missed exam as soon as the student's existing exam schedule permits.

The student will not be permitted to earn a grade higher than a C+ on the rescheduled exam, regardless of the assessed grade.

2.4.4. Failure to Complete an Examination or Quiz:

2.4.4.1. *General Rule:* A student who begins an examination has decided that the student is well enough to sit for and complete the examination. Therefore, a student who receives a copy of an examination from a proctor will be graded on the work submitted by the end of that examination even if the student is unable for any reason to finish taking the examination. A student who believes the student will be unable to complete an examination must notify Student Services before the examination begins and request an excused absence.

2.4.4.2. *Exception:* If a student is not able to complete an exam that the student has started due to a bona fide medical issue, the student will be expected to provide professional documentation of the medical issue as soon as reasonably possible after the student has left the exam room. Where adequate professional documentation has been provided, the student in question will receive a grade of Incomplete in that course. The student will be required to re-take the examination consistent with the procedure set forth in Section 2.4.3.3.

2.4.5. Problems during Examination: All College of Law examinations are proctored. If a student discovers a problem, such as an examination with missing pages, or becomes ill during the examination, the student must immediately report the problem to the proctor. The proctor will consult with Student Services if the proctor is unable to resolve the problem.

2.5. Papers and other Projects:

2.5.1. Deadline for Coursework: Students must submit other coursework, such as seminar papers and workshop drafting projects, by the scheduled due date unless the faculty member or instructor grants an extension. If an extension has not been granted, the student will receive an F for any work not timely submitted. If an extension has been granted that extends beyond the deadline for submitting grades for the semester, the student will receive an Incomplete.

2.5.2. Due Date for Incomplete Coursework: When a course requires the student to complete a paper or other project to remove a grade of Incomplete, the faculty member or instructor will determine the due date for submission of the required work, which cannot be later than the end of the examination period of the next regular semester following the semester for which the original grade of Incomplete was given. A student who submits a paper after the deadline will receive a grade of F unless the faculty member or instructor and Student Services determine a lesser sanction is appropriate. A grade of Incomplete cannot be changed to a W.

2.6. **Grading:**

2.6.1. Credits Earned Before Matriculation: With the exception of transfer students and foreign attorneys, who receive a transfer of credit from the Associate Dean for Academic Affairs, no course taken before matriculation at the College of Law will receive College of Law credit.

2.6.2. Grading Scale: The College of Law uses the following grading system:

A	4.00
A-	3.75
B+	3.50
B	3.00
B-	2.75
C+	2.50
C	2.00
C-	1.75
D+	1.50
D	1.00
D-	0.75
F (or WF)	0.00

AU Audit; no credit or effect on average

I Incomplete

P Pass; no effect on average

W Withdrawal

Non-classroom

Credits other than Supervised Research and Writing may be graded on a P/D/F system. A grade of D or F affects the student's grade point average; a P does not.

2.6.3. Passing and Failing Grades: Subject to the requirements in Section 2.6.3.1, a student receives a passing grade by earning a grade of D- or better (or a P or D in a P/D/F course); earning the greater of a C or the minimum grade that school requires as its graduation average (or a P in a P/F course) in a pre-approved course taken at another law school; or earning a B or better (or a P in a P/F course) in a pre-approved course taken in a non-law graduate program. The Associate Dean for Academic Affairs, acting in conjunction with the faculty as necessary, will determine whether to pre-approve courses to be taken at other law schools or in graduate programs.

2.6.3.1. *Effect of Failing Grade*: For students matriculating in August of 2016 or later, a student who receives a D+ or lower in a required course will be required to retake the course during the next semester that it is offered (excluding the summer semester). The required courses are as follows: Contracts, Torts, Criminal Law, Property, Civil Procedure, Constitutional Law I, Business Entities, Evidence, Criminal Procedure, and Constitutional Law II. Any student who fails an elective course may retake it if the student wishes. In all instances, the original grade as well as the grade earned when the course is retaken will be entered on the student's transcript and will be included in the GPA calculation.

2.6.3.1.1. *Transitional Amendment to Rule 2.6.3.1*: Rule 2.6.3.1 of the Code of Academic Regulations is temporarily suspended for students matriculating in August of 2016 and August 2017. Any student who received a D+ or lower in a required course in the Fall 2016, the Winter

2017, the Summer 2017, Fall 2017, winter 2018 or Summer 2018 semesters may, at the student's election, retake the course during the next available time the course is offered. The required courses subject to this temporary suspension are as follows: Contracts, Torts, Criminal Law, Property, Civil Procedure, Constitutional Law I, and Constitutional Law II. If a student received a D+ or below in one or more of these required courses in the Fall 2016, Winter 2017, Summer 2017, Fall 2017, Winter 2018, or Summer 2018 semesters and elects to retake the course the next available time the course is offered, the original grade and the grade earned when the course is retaken will be entered on the student's transcript but only the grade received in the retaken course will be included in the student's GPA calculation. A student may not retake a course with the same professor.

2.6.3.2. *Effect of Passing Grade:* A student may not retake a course in which the student received a passing grade. The only exception applies to successful AAMPLE® students, who may retake UCC: Negotiable Instruments for credit and a grade.

2.6.4. Average Grade Range:

2.6.4.1. *Courses Subject to the Average Grade Range:* Civil Procedure; Constitutional Law I; Contracts; Criminal Law; Legal Research & Writing I; Legal Research & Writing II, Property, and Torts.

2.6.4.2. *First Year First Semester:* The average grade in each section (or combined sections if a faculty member teaches more than one section of a course in the same semester) for any of the courses listed in Section 1.4.1 above, and taught exclusively to first year-first semester students will fall between 2.50 and 2.70.

2.6.4.3. *First Year Second Semester:* The average grade in each section (or combined sections if a faculty member teaches more than one section of a course in the same semester) for any courses listed in Section 1.4.1 above and taught to first year second semester students exclusively or to any first year

class containing both Fall and January start students will fall between 2.60 and 2.80.

- 2.6.4.4. *Second Year Part-time Division:* The average grade in each part-time division section (or combined sections if a faculty member teaches more than one section of a course in the same semester) for any courses listed above and taught in the summer after first year or second year first semester part-time division curriculum will fall between 2.60 and 2.80.
- 2.6.4.5. *Inclusions in Average Grade Range Computation:* Any set of final examination answers received during the grading period (the earlier of 20 business days from the date of the examination for the course or 12 business days from the date on which the semester ends) shall be graded and included in the calculation of the average grade range for the course. Before entering grades on WebSTAR, the faculty member will check with the Student Services Office to verify that there are no outstanding examination answers for the course.
- 2.6.4.6. *Exclusions from Average Grade Range Computation:* The following are excluded from the Average Grade Range computation:
- 2.6.4.6.1. Grade for any student who did not take the final examination before the end of the grading period (whether or not the student received a grade of I);
 - 2.6.4.6.2. Grade changes approved by the Associate Dean for Academic Affairs as clerical errors (only the original grade is used in determining compliance with the average grade range);
 - 2.6.4.6.3. Grades imposed pursuant to the NSU Code of Student Rights and Responsibilities or College of Law Supplemental Academic Conduct Standards;
 - 2.6.4.6.4. Grades for which there is a charge pending under the NSU Code of Student Rights and Responsibilities or College of Law Supplemental Academic Conduct Standards; and

2.6.4.6.5. Any failing grade given to a student as a result of excessive absences, pursuant to the provisions of Section 2.1.2 of this Code.

2.6.5. Transmitting Grades: Faculty members and instructors input their grades into the University WebSTAR system. Students can view their grades on WebSTAR. Grades are not released in any other manner.

2.6.6. Changing Grades: A faculty member or instructor who has posted grades may request a grade change only to correct the faculty member's clerical error. No grade will be changed unless the faculty member or instructor submits a written explanation to the Associate Dean for Academic Affairs describing the clerical error. If the Associate Dean determines that the proposed change is not clerical, the faculty member or instructor may ask that the issue be decided by the Student Affairs Committee.

2.7. **Special Credit and Enrollment Limitations:**

2.7.1. Distance Learning Instructional Opportunities: Students may not enroll for credit in a distance learning instructional opportunity until they have completed at least 28 law school credits. Students may not count more than 15 distance learning instructional credits toward their J.D. graduation requirements. A distance learning instructional opportunity is one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously. Students are prohibited from registering for a distance learning instructional opportunity if they have taken or are currently taking the in-person version of an instructional opportunity as indicated in the course description. Students are prohibited from registering for the in-person version of an instructional opportunity if they have taken or are currently taking the corresponding distance learning instructional opportunity.

2.7.2. Limitation on Courses Offered in More than One Delivery Format: Students are prohibited from registering for a distance learning instruction opportunity if they have taken or are currently taking the in-person version of an instructional

opportunity. Students are prohibited from registering for the in-person version of an instructional opportunity if they have taken or are currently taking the corresponding distance learning instructional opportunity.

2.7.3. Concurrent Enrollment in Clinics/Field Placements, Academic Courses, and Co-Curricular Activities:

2.7.3.1. *Concurrent Enrollment:* Students enrolled in a clinic activity may enroll up to the maximum number of credits allowed for that semester. Students must notify the clinical faculty member of their intended schedule and complete an intended plan to be kept on file at the clinical offices that ensures a schedule that allows all clinical obligations to be properly fulfilled. Any deviations or changes from the plan must be approved.

2.7.3.2. *Co-Curricular Student Activity:* For purposes of the following rule, “co-curricular student activity” refers to any student activity for which academic credit is awarded, including Nova Law Review, ILSA Journal of International & Comparative Law, and moot court, trial, and other law student competitions. A student who wishes to enroll in a co-curricular activity during a clinical/field placement semester or summer term must notify both the clinic/field placement director and the faculty advisor or faculty coach for the activity of such obligations and complete and intended plan to be kept on file at the clinical offices that ensures a schedule that allows all clinical and competition obligations to be properly fulfilled. Any changes to the plan must be approved.

2.7.4. Transfer and Foreign Students: The Associate Dean for Academic Affairs follows Admissions Committee and faculty guidelines in admitting transfer students and foreign attorneys and awarding advanced standing credit to all students.

2.7.4.1. *Transfer Students:* Transfer students may receive a maximum of 60 credits for eligible coursework at another law school as provided in 1.2.2.3. To receive credit, a transfer student must earn the greater of a C or the minimum grade that school requires as its graduation average. The Memorandum of Transfer Credits will indicate how many additional credits and which courses are required for graduation.

2.7.4.2. *Foreign Attorneys:* Foreign attorneys will receive credit for no more than 30 credits of prior coursework. The Memorandum of Transfer Credits will indicate how many additional credits and which courses are required for graduation. A foreign attorney must earn at least 60 credits at the College of Law. The Associate Dean for Academic Affairs cannot reduce the number of credits earned at the College of Law below 60. Foreign attorneys in their final year at the College of Law will retain second year preference status for second year preference and required courses, but will otherwise be treated as third year full-time or fourth year part-time students, as applicable.

2.7.5. Non-Law Course: Credit towards the J.D. degree shall only be given for non-law course work taken after the student has matriculated in a law school. To receive College of Law credit for a non-law course, the student must obtain written approval from the Associate Dean for Academic Affairs before taking the course. To receive credit for a non-law course, a College of Law student must earn at least a B (or a P in a P/F course). Those credits will be added to the student's College of Law record by a Transfer of Credit form after the College of Law receives an official transcript showing that the student received the grade required for credit.

2.7.5.1. *Non-Law Course Credits:* Unless the student is in an approved dual degree program between the College of Law and the other school, the College of Law will approve no more nine (9) non-law credits, none of which may be counted in the required 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction. The non-law credits earned are included in the overall 30-credit limit on courses taken other than at the College of Law.

2.7.5.2. *Dual Degree Students:* Dual degree students may count up to the maximum number of credits approved for the particular dual degree program toward their law degree, however none of those credits may be counted in the required 64 credit hours of regularly scheduled classroom sessions or direct faculty instruction. The increased limit applies provided the student is matriculated into both the College of Law and other degree program at the time the student completes the course credits to be counted. In addition, the credits earned at NSU but outside the College of Law are included in the overall 30-credit limit on courses taken other than at the College of Law. See

Section 4.1.2.2 of this Code (Good Standing) for rules concerning taking courses in both programs in the same semester.

2.7.6. College of Law Students Who Visit Other Law Schools: To receive College of Law credit for courses taken as a visiting (transient) student at an ABA-accredited law school the student must submit a Request for Coursework at Other U.S. Law Schools form to obtain approval from the Associate Dean for Academic Affairs before taking the course. The approval of the Request for Coursework at Other U.S. Law Schools will indicate whether a College of Law student will be permitted to use a course taken elsewhere in satisfaction of a course that is required by the College of Law (an option only for students with at least a 2.80 cumulative grade point average) or to satisfy a College of Law prerequisite. Once the Associate Dean for Academic Affairs provides a student with approval of a course the student proposes to take at another law school, the Associate Dean may thereafter approve any changes in the courses taken by the student at the law school in question. No credit will be given for credits earned at other law schools if those credits would result in the student earning less than 60 credits at the College of Law, and the student must comply with section 1.2.2.1 regarding classroom credits. To receive credit for work done as a visiting (transient) student, a College of Law student must earn the greater of a C or the minimum grade that school requires as its graduation average. The credits will be added to the student's College of Law record by a Transfer of Credit form after the College of Law receives an official transcript showing that the student received the grade required for credit.

3. REGISTERING FOR COURSES

3.1. **Prerequisites:** Course prerequisites are published on the College of Law website as part of the course descriptions. Any updates will appear in registration materials. Prerequisites are of two types: courses and grade point average. Although non-classroom credits must require at least a minimum grade point average of 2.00, some of these offerings require a higher grade point average. Neither the faculty member teaching a course nor the administration can waive a prerequisite. Students who enroll in a course for which they lack one or more prerequisites will be dropped from the course no matter how late in the semester or term the problem is discovered. They will not receive credit for the course. The responsibility for determining that prerequisites are met lies with the student. Prerequisites may vary for foreign

attorneys and students enrolled in a dual degree program with a foreign law school. Students in those categories have their course sequence prescribed.

3.2. Initial Registration:

3.2.1. Timing: Students register for summer and fall classes during the preceding winter semester; they register for winter classes during the preceding fall semester. Students can both add and drop courses during this period. See Section 3.4, for special registration rules pertaining to courses taken at another law school, non-law courses, and student activity credits

3.2.2. Restriction: Fall start students with a cumulative grade point average below 2.0 at the end of the preceding fall semester are not eligible to register for summer courses. Part-time students or January start students with a GPA between 1.75 and 1.99 after their first semester are eligible to take Criminal Law *only* during the summer after their first semester.

3.3. Preferences Based on Admission Status:

3.3.1. Full-Time/Part-Time: Full-time students have preference for most courses that meet during the day if there is also an evening section of that class; part-time students have preference for courses that meet during the evening. Seats in limited enrollment seminars and workshops will be allocated equitably between full-time and part-time division students.

3.3.2. Third-Year Full-time: During initial registration rising third-year full-time students have priority for all upper class day courses that are not designated second year preference or required courses. This preference applies to second-year students registering for fall courses and to third-year students registering for winter courses.

3.3.3. Second-Year Full-time: During initial registration, second-year full-time students, including January start students in year 2 of their program, have priority for all day sections of Business Entities, Constitutional Law II, Criminal Procedure, Evidence, Family Law, Income Tax, Trusts, Wills, and Wills & Trusts. Second-year full-time students have priority for all day sections of Professional Responsibility and Trial Advocacy in the winter semester and the summer term. This preference applies to

first-year students registering for fall courses and to second-year students registering for winter and summer courses.

- 3.3.4. First-Year Students: Students in their first Fall and first Winter term must take their courses in the section to which they are assigned. First-year students are not eligible to take any course other than (or in addition to) the required first-year courses.
- 3.3.5. Part-time Students: Required and menu courses will be offered to part-time students in a manner that allows students to take all of them before graduation.
- 3.3.6. Failure to Take Course During Preference Period: A student who does not register for an elective or menu course for which the student has preference during the initial registration period is not guaranteed a seat in that course unless the delay occurred because the student lacked a prerequisite. If the course is required for graduation, the student will be allowed to enroll during the drop/add period, if a seat is available after all students with preference have had an opportunity to register.
- 3.3.7. Foreign Attorneys: Foreign attorneys retain the right to register for second-year preference courses in their final year. They do not have to wait for the drop/add period.
- 3.3.8. Auditors: Students taking a course for credit have priority over students seeking to audit. Students who have fulfilled the prerequisites may audit a course with the permission of the faculty member teaching the course if seats are available after students enrolling for credit have registered; permission is to be obtained from the Associate Dean for Academic Affairs for courses taught by adjunct faculty. Audited courses do not count toward any graduation requirements.
- 3.3.9. Course Caps: All seminars and workshops are capped at 20 or fewer students. No faculty member or instructor may increase any applicable cap for a course, seminar, workshop, clinic, or field placement. With the exception of the American & Caribbean Law Workshop and the Judicial Field Placement no seats are available in any course, seminar, workshop, clinic, or field placement by permission of the faculty member or instructor.

3.4. Special Registration Rules:

- 3.4.1. Courses Taken at Another Law School: When a student has received approval to take a course at another law school pursuant to Section 2.7.7 above, the student registers for courses taken at the other law school when that other program holds its registration.
- 3.4.2. Non-law Courses: When a student has received approval to take a non-law course, the student registers for courses taken in the graduate program other than a law school when that other program holds its registration.
- 3.4.3. Student Activity Credits: Students register for co-curricular activity credits, such as law review or journals, moot court, and trial competitions, during the normal registration or drop/add periods. Registration for all student activity credits is done through Student Services rather than through web registration. Students must submit a form signed by the supervising faculty member to Student Services.
- 3.4.4. Supervised Research and Writing: Students register for Supervised Research and Writing during the normal registration and drop/add periods. Registration is done through Student Services rather than through web registration. Students must present a signed form from the supervising faculty member.

3.5. Dropping and Adding Courses:

- 3.5.1. Drop/Add Period: The drop/add period begins on the date announced by Student Services. With the exception of Supervised Research and Writing, the drop/add period ends after five class days or after all classes have been scheduled for at least one meeting, whichever is earlier. Students may drop Supervised Research and Writing through the end of the second week of classes for a regular semester (the drop period for Supervised Research and Writing in summer term will be twice as long as the drop period for other classes).
- 3.5.2. Adding Courses: Students cannot add a course, including Supervised Research and Writing, after the drop/add period ends. Attendance requirements are not waived for students who add a course during the drop/add period, except as specifically provided in Section 2.1.5 of this Code.

3.5.3. Withdrawing from Courses:

- 3.5.3.1. *Required Courses:* A student may not withdraw from a required course (other than Professional Responsibility), except in extenuating circumstances upon written petition approved by the Associate Dean of Students and the faculty member.
- 3.5.3.2. *Clinic or Field Placement:* A student may not withdraw from a clinic or field placement after the semester or summer term begins except in extenuating circumstances upon written petition approved by the Associate Dean of Students and the faculty member.
- 3.5.3.3. *Other Elective Courses and Professional Responsibility:* A student may withdraw from an elective course or from Professional Responsibility at any time during the drop/add period. Withdrawal after the drop/add period requires the faculty member's permission.
- 3.5.3.4. *Overriding Limitation:* Absent extenuating circumstances, notwithstanding other provisions of this paragraph 3.5.3, a student may not withdraw from a course fewer than 21 days before the end of the semester. A student petition for a waiver of this rule based on extenuating circumstances must be granted by both the Associate Dean for Academic Affairs and the University's Office of Enrollment and Student Services for withdrawal to be permitted. A student cannot withdraw from a course in which he or she has a grade of Incomplete.
- 3.5.3.5. *Effect of Withdrawal on Transcript:* A student can withdraw from courses without a grade of W appearing on the transcript at any time through the end of the drop/add period. If a student withdraws from (or is withdrawn from) a course after the drop/add period ends, a W will appear on the transcript. The faculty member may award a grade of F if the student is doing unsatisfactory work at the time of withdrawal.

4. GOOD STANDING, PROBATION, AND DISMISSAL

A student who is not in good standing may be dismissed or placed on probation. Students who are on probation and students who are in good standing but have cumulative grade point averages below 2.80 are subject to additional limitations. Those rules are explained

in this Section 4. Only grades earned at the College of Law are used in determining whether a student has attained any grade point average requirement specified in this Section 4. This Section 4 explains both requirements for and consequences of: (1) Good Standing; (2) Probation; (3) Academic Dismissal; (4) Effect of Admission Status on Applicability of Rules; (5) Petitions for Reinstatement Following Academic Dismissal and (6) Character and Fitness.

4.1. Good Standing:

4.1.1. Average of 2.00: To be in good academic standing, a student must have a cumulative grade point average of at least 2.00. A student whose cumulative grade point average is below 2.00 is not in good standing and will be dismissed unless the student is eligible for probation.

4.1.2. Average below 2.80: Even though they are in good standing, students whose cumulative grade point average is below 2.80 are subject to the following limitations:

4.1.2.1. *Required Courses*: Any student whose cumulative GPA is below 2.80 must take all required courses at the College of Law and cannot substitute courses taken elsewhere.

4.1.2.2. *Non-Law Courses*: No student whose cumulative GPA is below 2.80 may simultaneously take non-law courses in another program. Students who wish to take such courses may take them in a semester or summer term during which they are not taking any College of Law courses.

4.2. Academic Dismissal and Probation:

4.2.1. Required Average: A first-year student whose grade point average is below 1.75 after the student's first semester is academically dismissed. A first year student whose grade point average is between a 1.75 and 1.99 after the student's first semester is on probation in the next semester. A student who fails to achieve a cumulative grade point average of at least a 2.00 at the end of any subsequent semester or term of enrollment is academically dismissed. For January start students, the first summer after their first semester is excluded for counting the number of terms, even if enrolled in Criminal Law. See this Section 4.4 below, for the effect of admission status on the required average.

4.2.2. Consequences of Probation:

4.2.2.1. *Courses:* No student on probation may receive credit for a course taken at another law school or non-law courses taken in another graduate program.

4.2.2.2. *Non-classroom Credits:* No student on probation may take credit-earning opportunities other than those that require attendance in regularly scheduled classroom sessions or direct faculty instruction as referenced in Section 1.2.2.1 of this Code.

4.2.2.3. *Student Activities:*

4.2.2.3.1. No student on probation is eligible to serve as an officer, director or coordinator of (or hold any other position of responsibility in) any organization affiliated with the College of Law, whether or not credit can be earned through participation in the activity (e.g., Law Review, Moot Court Society, SBA, FAWL). A student must relinquish any position whenever his/her cumulative grade point average is below the level for good standing.

4.2.2.3.2. No student on probation is eligible to compete in, coordinate, or serve as a witness for any intramural or interscholastic competition, or to serve on the Law Review, Journal, or Citator staff or board of editors. This includes the first year competition. A student in good academic standing chosen for any interscholastic competition who is placed on probation before the competition will be withdrawn from the competition without any grade.

4.3. **Academic Dismissal:**

4.3.1. Consequences of Dismissal: Students who are academically dismissed are not eligible to continue studies at the College of Law. Dismissal is final and unreviewable by any means other than through the process included in Section 4.5 (Petitions for Reinstatement) of this Code.

- 4.3.1.1. A student who is academically dismissed from the College of Law may apply for admission as a first year student for any subsequent academic year. The application described in 4.3.1.1 is made using the normal College of Law admissions process, including filing an application for admission.

4.4. Effect of Admission Status on Applicability of Rules:

- 4.4.1. Part-Time Students: The rules above apply to part-time students in the same manner as to full-time students. The first two part-time semesters constitute the first two semesters of the first year of law school.
- 4.4.2. Transfer Students: A transfer student other than a foreign attorney who fails to attain a cumulative grade point average of 2.00 at the end of any semester or term of enrollment (including any intensive term, summer term, or fall or winter semester) is academically dismissed. For this purpose, intensive terms and mini-terms in the same summer will be combined rather than treated as separate terms. Transfer students are not entitled to any probationary semesters or terms.
- 4.4.3. Foreign Attorneys: A foreign attorney is subject to the rules applied to First Year students in the first two semesters during which the foreign attorney is enrolled at the College of Law.
- 4.4.4. Visiting/Transient Students: A student who is attending the College of Law as a visiting/transient student is subject to the rules governing transfer students.

4.5. Petitions for Reinstatement Following Academic Dismissal:

- 4.5.1. Notification of Academic Dismissal: A student who has failed to attain any minimum grade point average (GPA) currently required by this Code, by the deadline set forth in the Code for attaining that GPA, will be academically dismissed. The Associate Dean for Academic Affairs will send a letter and an email to each dismissed student who is entitled to submit a petition for reinstatement, as soon as reasonably possible following the entry of all grades for that student, notifying him or her of: the dismissal, the right to submit a petition for reinstatement, the date(s) on which these petitions are scheduled to be considered

and decided, the ultimate deadline for submitting a petition directed to the forthcoming semester, the criteria set forth herein for granting any such petition, and the right to continue attending classes pending the resolution of the petition.

4.5.2. Submission of Petitions:

4.5.2.1. A *petition for reinstatement* is a request that the College of Law allow the student to continue his or her studies, retaining his or her earned academic credits and GPA, for one additional semester in order to raise his or her GPA to the required minimum level. Petitions shall be addressed to the Student Affairs Committee, but shall be delivered to the Associate Dean of Students, who will transmit them to the Committee.

4.5.2.2. *Time for Submitting and Considering Petitions:*

4.5.2.2.1. A student may submit a petition for reinstatement as soon as he or she knows that his or her GPA has fallen below the required GPA, even if the student has not yet received a letter of dismissal from the Associate Dean for Academic Affairs.

4.5.2.2.2. With respect to petitions submitted following the fall semester, the Committee will select a date no later than the third week of the winter semester on which a meeting will be held for the purpose of ruling on these petitions. All petitions received by the Student Affairs Committee in time to be considered at the meeting will be considered at that meeting. Each dismissed student who is eligible to petition will be informed, in the letter and email from the Associate Dean for Academic Affairs referenced in Section 4.5.1, of the deadline for submitting petitions to be considered at the meeting, which deadline shall be three classroom days prior to the meeting date.

4.5.2.2.3. With respect to petitions submitted following the winter semester, the Committee will select a date for a meeting to be held as early as reasonably possible in June, at which all such petitions will be considered. With respect to petitions submitted following a summer term, the Committee will select a date for a meeting to be held during the month of August, prior to the beginning of the fall semester if it is

possible to do so. Each dismissed student who is eligible to petition will be informed, in the letter and email referenced in this Section 4.5.1 of the deadline for submitting petitions to be considered at the meeting, which deadlines shall be three classroom days prior to the respective meeting date. All petitions received in time to be considered at the June meeting will be considered at that meeting. All other petitions which are received by the August deadline will be considered at the August meeting.

4.5.2.2.4. A petition which has been submitted later than any of the deadlines referred to herein will not be considered, unless the lateness of the submission was caused by (a) delay on the part of a faculty member or instructor in entering a grade, or (b) an error by a faculty member, instructor or a College of Law or University administrator. A student who has missed the deadline may, however, submit a petition seeking reinstatement for a future semester, providing he or she meets the deadline for that semester.

4.5.3. Criteria for Granting Petitions:

4.5.3.1. For a petition for reinstatement to be granted by the Student Affairs Committee, the petition must demonstrate that (a) the student's poor academic performance was a result of extenuating circumstances outside of the student's control (such as serious illness, unusual hardship, or qualitatively similar circumstances), (b) the extenuating circumstances that caused the student's poor academic performance have been fully resolved and no longer exist, and (c) given one more semester, the student will be able to attain (and maintain thereafter) the requisite GPA. A student may submit supporting documentation simultaneously with the petition.

4.5.3.2. A student may submit only one petition for reinstatement. However, a student who is re-admitted as a first year student may submit one petition for reinstatement even if he or she had submitted one petition for reinstatement during his or her prior admission at the College of Law.

4.5.4. The Decision Process:

- 4.5.4.1. The Associate Dean of Students will notify all full-time faculty members and full-time instructors of the identity of all students who have petitioned for reinstatement, inviting faculty members and instructors to submit written comments regarding any such student. Any such comments shall be addressed to the Student Affairs Committee, but delivered to the Associate Dean of Students, who will transmit them to the Committee.
- 4.5.4.2. In no event will a student's petition be shown, without the consent of the petitioner, to anyone other than the members of the Committee, a member of the College of Law faculty (upon request), or a College of Law or University administrator charged with making decisions regarding disability-related issues; provided, in the case of a petitioner who represents to the panel that he or she has been diagnosed with a disability, the Committee may show the petition to a disability specialist for the purpose of eliciting guidance with respect to the appropriate response to the petition.
- 4.5.4.3. A panel consisting of at least five voting members of the Committee will consider and rule on petitions for reinstatement. The student member of the Committee, or his or her designate, must be a member of the panel that considers and decides the ruling on a petition when the petitioner has waived his or her privacy rights. The Associate Dean of Students or his or her designate, sitting as a non-voting ex officio panel member, will attend each such meeting and participate in the discussion of each petition.
- 4.5.4.4. The panel may request any supporting documentation or other information from a petitioner that the panel believes will or may be helpful to it in making its decision.
- 4.5.4.5. When granting a petition for reinstatement, the panel may choose to make any recommendation to the petitioner and may impose any conditions precedent to reinstatement that the panel deems appropriate in order to improve the student's chances of success following reinstatement, including (but not limited to) recommendations or requirements pertaining to (a) the taking of specified courses, (b) the number of credit hours taken, and (c) limitations on outside employment or other extracurricular activities. A

student whose petition for reinstatement is granted will be on probation during the semester of reinstatement and is subject to the consequences described in Section 4.2.2.

4.5.4.6. All decisions of the panel concerning petitions for reinstatement are final, and are not subject to appeal to the College of Law faculty or administration.

4.5.4.7. *Notification of Panel Decisions:* Following each meeting, the Chair of the Student Affairs Committee will, as soon as reasonably possible thereafter, notify each petitioner, by letter and email, of the panel's decision. The Chair will also provide a summary of the panel's decisions to the faculty.

4.6. Character and Fitness: Obligations, Disciplinary Action, and Sanctions:

All applicants and students enrolled at the College of Law have a continuing obligation to provide a complete, candid, and truthful disclosure of events that are relevant to the evaluation of their character and fitness as potential members of the legal profession.

4.6.1. Students: Students enrolled or on academic leave have a continuing obligation to report information concerning any events relevant to their character and fitness. This includes, but is not limited to all information required to be disclosed on the law school application, including updating that information when events occur. The information required to be disclosed on a continuing basis includes, but is not limited to, the following:

4.6.1.1. *Educational Institutions:* Any one or more of the following events at other educational institutions, including during any prior enrollment at a law school, must be disclosed and updated:

4.6.1.1.1. request or advice involving discontinuation of studies related to character and fitness; and

4.6.1.1.2. accusation of a violation of an honor code or student code of conduct; and

4.6.1.1.3. imposition of academic warning; and

4.6.1.1.4. imposition of academic or disciplinary probation; and

- 4.6.1.1.5. suspension or dismissal; and
- 4.6.1.1.6. expulsion or imposition of requirement to withdraw for academic reasons.
- 4.6.1.2. *Violations of Law:* For violations of law the continuing disclosure and updating obligations apply to any event that resulted in a sanction of:
 - 4.6.1.2.1. probation; or
 - 4.6.1.2.2. community service; or
 - 4.6.1.2.3. jail sentence; or
 - 4.6.1.2.4. revocation or suspension of a driver's license; or
 - 4.6.1.2.5. traffic violations resulting in a fine of \$200 or more dollars.
- 4.6.1.3. *Additional Requirements Pertaining to Violations of Law:* A student has a continuing obligation to disclose any of the following events:
 - 4.6.1.3.1. conviction of a criminal offense in any city, state or country, other than a minor traffic offense; and
 - 4.6.1.3.2. entry into a plea of guilty or nolo contendere (no contest) to a criminal offense; and
 - 4.6.1.3.3. had adjudication of guilt withheld for a criminal offense; and
 - 4.6.1.3.4. participated in a first-offender or pre-trial diversion program or its equivalent; and
 - 4.6.1.3.5. committed any criminal offense where the records have been sealed or expunged.

Notes: Driving under the influence is not a minor traffic offense. Criminal offenses include those committed as a juvenile.

4.6.1.4. *Licensure*: The continuing disclosure and updating obligations apply to the following:

4.6.1.4.1. denial of a professional license; and

4.6.1.4.2. revocation or suspension of a professional license; and

4.6.1.4.3. disciplinary action by a licensure board or agency.

4.6.2. Applicants: Following the submission of an application for admission to the College of Law, all applicants have a continuing obligation to disclose and update post submission of their applications information concerning any events relevant to their character and fitness listed in this Section 4.6.1, above, applicable to students.

4.6.3. Timely Disclosure:

4.6.3.1. *Applicants*: A disclosure that should have been made by an applicant in the applicant's original application is considered timely if made no later than November 1st of the applicant's first semester at the College of Law or March 1st if the applicant began their studies in January.

4.6.3.2. *Students*: A disclosure by a student is considered timely if it is made within 21 business days of any event listed in this Section 4.6.1.

4.6.4. Change of Status Reservation or Other Disciplinary Action: As a result of disclosures made under this 4.6, or if the College of Law learns of events required to be disclosed, the College of Law reserves the right to change the status of an applicant or student including, but not limited to, revocation of acceptance, revocation of matriculation, suspension, exclusion, revocation of degree, or to impose other appropriate disciplinary action. Any change of status or other

disciplinary action shall become part of the applicant's or student's record and may be disclosed to the appropriate state bar authority, including in any dean's certificate concerning character and fitness.

- 4.6.5. Sanctions for Failing to Timely Disclose: Failure to timely disclose information required in to be disclosed in this Section 4.6 may result in disciplinary action taken by the College of Law, even if no sanction is imposed under this 4.6 or in addition to sanctions imposed under this Section 4.6. Any sanction imposed shall become part of a student's record and may be disclosed to the appropriate state bar authority, including in any dean's certificate concerning character and fitness. The Associate Dean of Students determines sanctions for students whose admissions applications contain errors.

5. CLASS RANK AND HONORS

- 5.1. **Class Rank**: Student Services prepares separate class rank lists at the end of each academic semester (fall and winter). Students are ranked separately by class (first, second, third, fourth year) within their division (full-time or part-time). Students starting their studies in January join the rank cohort of the proceeding fall start class upon completion of their first semester. Class rank is based on cumulative grade point average and includes only grades earned at the College of Law. Students who switch divisions (e.g., from full-time to part-time or part-time to full-time) will thereafter be ranked in the division they were in during the semester or summer term in which they completed 60 credits. As a result, students who change division in their final year will generally be ranked in their original division and not in their new division.

5.2. Honors:

- 5.2.1. Dean's List: Student Services compiles separate Dean's Lists for each semester (fall or winter). Dean's List includes students who earn at least a 3.20 for the semester. It is not based on cumulative grade point average and includes only grades earned at the College of Law. In order to be recognized on the Dean's List, part-time students must be enrolled in at least 8 credits for the semester; full-time students must be enrolled in at least 13 credits, except students in a full-time clinic, who may be enrolled in 12 credits.

5.2.2. Graduation with Honors: A student graduates with honors by earning the following cumulative grade point average for work done at the College of Law:

Summa Cum Laude	3.60-4.00
Magna Cum Laude	3.40-3.59
Cum Laude	3.20-3.39

5.2.3. Highest Grade Awards: Faculty members may designate a “highest grade” for each course section they teach in a fall or winter semester or summer term. Students designated for these awards receive certificates from Student Services.

5.3. **Applicability to Transfer Students, Foreign Attorneys, and Visiting Students**: Transfer Students and Foreign Attorneys are eligible for Dean’s List, Graduation with Honors, and Highest Grade Awards. They are not eligible for Class Rank. Students attending the College of Law as visiting students are eligible only for Highest Grade Awards.

6. LEAVES OF ABSENCE AND WITHDRAWALS

6.1. **Leave of Absence**: To request a leave of absence for up to one year, a student applies to the Student Services Office. That office may grant a leave of absence for good cause, but only if the student is in Good Academic Standing or on Academic Probation.

6.2. **Withdrawal**: A student considering withdrawing from the College of Law should first consult with Student Services. A student’s status—Good Standing, on Academic Probation, or Academically Dismissed—will not be changed because the student withdraws. Absent extenuating circumstances a student who withdraws from the College of Law fewer than 21 days before the end of the term will receive an “F” for those courses that have not been completed.

6.3. **Procedure**: To obtain a leave of absence or to withdraw, a student must complete and submit to Student Services an official leave of absence or withdrawal form. The student must also satisfy or make arrangements to satisfy all University and College of Law obligations (including return of library materials).

- 6.4. **Failure to Follow Procedures:** A student who fails to request a leave of absence or to formally withdraw will be withdrawn from the College of Law effective with the first semester in which he/she does not attend class. The student will be permitted to return to the College of Law only if readmitted as a first-year student by the Admissions Committee.

7. WAIVERS OF AND CHANGES IN COLLEGE OF LAW RULES

- 7.1. **Waiver Requests:** Requests for waiver of any College of Law rule, except petitions for reinstatement, are to be presented in writing to the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs will (1) rule on the request; (2) refer it to the Dean or the appropriate Associate/Assistant Dean; or (3) if the petition relates to continuation of studies after academic dismissal, advise the student to use the procedures set forth in Section 4.5 of this Code. Decisions of the Associate Dean for Academic Affairs may be appealed to the Student Affairs Committee, which shall apply an abuse of discretion standard. Where there has been no such abuse of discretion, the Committee shall deny the petition. Decisions of the Student Affairs Committee are final and not subject to further review. Petitions for reinstatement are decided by the Student Affairs Committee with finality and are not subject to further review.
- 7.2. **Application of Rule Changes:** A change in College of Law rules, including a change relating to degree requirements, which may occur after the original admission of a student to the College of Law, will apply to all students unless the new rule otherwise states or the Dean or faculty waives the change on the ground of extenuating circumstances.

8. STUDENT PARTICIPATION IN COLLEGE OF LAW GOVERNANCE: FACULTY COMMITTEES AND FACULTY MEETINGS

8.1. Faculty Committees:

- 8.1.1. Committee List: The Dean will publish and maintain a current list of all faculty committees, including descriptions of their duties and jurisdiction.

8.1.2. Student Members: Students may sit on faculty committees other than the Contract Renewal, Promotion and Tenure Committee, and the Faculty Development Committee. If any committee's charge includes the study of information that could be associated with individual students, Student Members of that committee will not be allowed to view the information absent a waiver.

8.1.2.1. The Student Bar Association will appoint one primary, and one additional student representative to each faculty committee. The additional student can vote (a) only in the absence of the primary student representative, or (b) if the faculty members on the committee vote to extend voting rights to a second student. In either case, the additional student representative will have the same voting rights as the primary representative.

8.1.2.2. The extent of student participation will depend on the determination of the individual faculty committee. Student members of the Admissions Committee may not read or vote on applicant files. Student members of the Student Affairs Committee may not participate in matters concerning other students for whom a waiver of student privacy rights is not on file.

8.2. **Student Representation at Faculty Meetings:**

8.2.1. Appointment: Two SBA representatives, appointed by the Student Bar Association president, may attend and participate in faculty meetings, except those portions of a meeting dealing with (a) tenure, continuing contract, or other faculty personnel matters (other than voting on an initial offer of employment), (b) matters relating to other students who have not waived their rights of privacy, and (c) matters considered in executive session.

8.2.2. Designation of Representatives: The SBA president will designate the primary student representative, who will have the right to one vote at faculty meetings. The second representative will have a right to vote in the absence of the primary student representative.

9. MISCELLANEOUS STUDENT/FACULTY ISSUES

- 9.1. **Office Hours:** Each faculty member and instructor has the right to set the time made available for consultation with students. Faculty members and instructors must devote a reasonable amount of time each week to a fairly regular schedule of office hours.
- 9.2. **Recording Class Sessions:** Recording of classes by a student is prohibited unless the student receives written permission to record the class from the faculty member or instructor. Faculty members and instructors are encouraged to allow videotaping and audiotaping of classes meeting the evening before religious holidays on which the College of Law is closed, as well as on religious holidays for which the College of Law is not closed.
- 9.3. **Faculty Advisors:** Each student will be assigned a faculty advisor, who will be available to advise the student throughout the student's academic career. The advisor will meet with advisees as needed.

10. RULES OF CONDUCT

Students, faculty, and staff govern themselves by codes of conduct expected of those aspiring to a learned profession. Relevant policies cover (1) Professionalism (2) Discrimination, (3) Romantic and Sexual Relationships Between Faculty or Instructor and Students (4) Sexual Misconduct, (5) Grievances Against Members of the College of Law community, (6) Student Complaints, (7) Academic Misconduct, (8) College of Law Email Policy, and (9) Other NSU Policies.

- 10.1. **Professionalism:** Students are expected to adhere to the following professionalism standard as defined by the Florida Bar Henry Latimer Center for Professionalism: "Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, civility, and commitment."

The law school has an affirmative obligation to certify to the various state boards of bar examiners that its students are trustworthy, honest, thorough, and civil in their communications and dealings with other students, staff, and faculty. This obligation may include an affirmative statement that the student meets this standard as well as an obligation to notify the bar of instances that demonstrate otherwise. Any violation of this standard will be reported to the boards of bar examiners and may constitute behavior that violates the College of Law Code of Academic Regulations. For example, a student who has communicated in an

abusive and/or unprofessional manner may face disciplinary proceeding under NSU policies and will be reported to any state bar organization responsible for conducting the student's character and fitness investigation.

- 10.2. **Discrimination:** Consistent with all federal and state laws, rules, regulations, and/or local ordinances (e.g., Title VII, Title VI, Title III, Title II, Rehab Act, ADA, Title IX, and the Florida Civil Rights Act), it is the policy of Nova Southeastern University not to engage in discrimination or harassment against any persons because of race, color, religion or creed, sex, pregnancy, national or ethnic origin, nondisqualifying disability, age, ancestry, marital status, sexual orientation, gender (including identity and expression), military service, veteran status, political beliefs or affiliations, and to comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders, and regulations.

Any such acts are unacceptable and strictly prohibited by the university. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in any investigation or resolution of a complaint of discrimination or harassment.

This nondiscrimination policy applies to admissions, enrollment, scholarships, loan programs, athletics, employment, and access to, participation in, and treatment in all university centers, programs, and activities. NSU admits students of any race, color, religion or creed, sex, pregnancy, national or ethnic origin, nondisqualifying disability, age, ancestry, marital status, sexual orientation, gender (including identity and expression), military service, veteran status, political beliefs or affiliations, and activities generally accorded or made available to students at NSU and does not discriminate in the administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school administered programs.

The College of Law is committed to the principles of academic freedom and believes that a learning environment where the open exchange of ideas is encouraged is integral to the mission of the university. The College of Law embraces students' rights to freedom of expression, speech, and association. Nothing in this policy is intended to impede the exercise of those rights protected under the First Amendment of the U.S. Constitution.

For inquires, complaints, or concerns regarding perceived discrimination related to sex or gender, please contact Laura Bennett, Title IX Coordinator, at (954) 262-7858 or laura.bennett@nova.edu For inquires, complaints, or concerns related to any other form of discrimination, please contact, Alexis Martinez, Assistant Dean for Student Development at (954) 262-7281 or amartinez1@nova.edu.

10.3. Romantic and Sexual Relationships Between Faculty or Instructor and Students; Sexual Harassment:

10.3.1. Romantic and Sexual Relationships Between Faculty or Instructor and Students:

10.3.1.1. Romantic or sexual relationships between a faculty member or instructor and a student then enrolled in the faculty member's or instructor's class (including co-curricular activities or supervised student activities for which academic credit is given) may appear to be coercive and are prohibited. Even when no coercion is present, such relationships create an appearance of impropriety and favoritism that can impair the academic experience of all students in that class. It is, therefore, improper conduct for a faculty member or instructor to engage in a romantic or sexual relationship with a student then enrolled in the faculty member's or instructor's class.

10.3.1.2. Social discourse between faculty, instructors and students contributes to the collegial atmosphere that characterizes Nova Southeastern University. Nothing in this section should discourage that collegiality.

10.4. Title IX/Sexual Misconduct Policy

Nova Southeastern University is committed to maintaining a safe and healthy educational and employment environment that is free from discrimination, harassment, and misconduct based on sex, including sexual orientation and gender-related identity and expression. This applies to students, employees, and others when the behavior occurs

- on NSU owned or controlled property,
- at a university or university-recognized program or activity, or

- regardless of location on or off-campus, when the conduct 1) may pose an obvious and serious threat of harm to or 2) may have the effect of creating a hostile educational environment for, any member(s) of the university community. Prohibited behaviors include:
 - Sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion
 - Sex-based harassment, including hostile environment
 - Intimate relationship violence, including dating and domestic violence
 - Stalking
 - Sexual exploitation

Information about confidential resources, rights of all parties, definitions and examples of prohibited behaviors and the procedures for investigating and resolving reports of misconduct is available on the Title IX website at <http://www.nova.edu/title-ix>. Individuals may also contact Laura Bennett, NSU's Title IX Coordinator, directly at laura.bennett@nova.edu or 954-262-7858. The Title IX Coordinator also assists students in learning about their protections under Title IX, such as those for pregnant/parenting students.

10.5. Grievance Procedure: The College of Law grievance procedure governs complaints other than those that are based on discrimination, sexual misconduct (including sexual harassment), or any other issue governed exclusively by university policy. In some instances, a Nova Southeastern University policy may also apply. Grievances against fellow students that do not fall under the NSU Code of Student Conduct and Academic Responsibility or College of Law Supplemental Academic Conduct Standards may be resolved under the grievance procedure.

10.5.1. Students with any grievance concerning a member of the College of Law community will have the right, but not the obligation, to consult with a faculty counselor. A faculty counselor will advise the student respecting the various methods available for resolution of the grievance. Faculty members of the Student Affairs Committee serve as faculty counselors.

10.5.2. The Grievance Procedure appears as Appendix B.

10.6. **Student Complaints:** The procedure for bringing a formal complaint regarding the law school's compliance with ABA Standards is appears in Appendix C.

10.7. **Academic Misconduct:**

NSU and the College of Law require all members of our community to be honest and forthright in their dealings with each other. This commitment is expressed in the College of Law and NSU academic conduct standards. Every law student has a duty to comply with the academic conduct standards of the College of Law and NSU which can be found in the NSU Code of Student Conduct and Academic Responsibility and the Supplemental Academic Conduct Standards provided in Appendix D. Any law student who observes a violation of those standards is encouraged to report his or her observation to a member of the administration or faculty or file a complaint with the Student Services Office.

10.8. **College of Law Email Policy:** Students are required to adhere to the College of Law Email Policy in Appendix E to this Code.

10.9. **NSU Policies:** Students can find relevant Nova Southeastern University policies using links on the College of Law website.

11. AMERICANS WITH DISABILITIES ACT ACCOMMODATIONS POLICIES

11.1. **Accommodations Available:** Academic adjustments, auxiliary aids and reasonable accommodations are provided to students with physical, visual, hearing, speech, learning, and other disabilities, including those of a temporary nature. These accommodations are generally oriented to classroom and/or examination settings.

No academic adjustment, auxiliary aid or accommodation will be administered that would result in a fundamental alteration of the program or impose an undue burden on the College of Law or that is incompatible with the essential academic standards of the program or a course.

11.2. **Procedure:**

11.2.1. The College of Law follows the Nova Southeastern University policies and procedures regarding accommodations for qualified individuals with disabilities.

These policies and procedures are detailed in the NSU Student Handbook which can be found on the College of Law Intranet and the NSU Website. Request for accommodations must be made in writing to the NSU Office of Student Disability Services.

11.2.2. To receive accommodations, students must submit appropriate medical, psychological, or educational documentation to substantiate their needs. Confidentiality of records is maintained.

For more information concerning specific accommodations available and documentation guidelines, contact the NSU Office of Disability Services (<http://www.nova.edu/disabilityservices/index.html>).

11.2.3. If the NSU Office of Disability Services determines accommodations are appropriate, the student must meet with Student Services and complete a Request for Exam Accommodations form each semester, in order to schedule and receive the approved accommodations.

12. APPENDICES TO CODE OF ACADEMIC REGULATIONS

12.1. Appendix A. Additional Rules for Student Activity Credits.

1. **A Maximum Overall Credit cap that a student may earn for publications and competitions, all of which are co-curricular credits, is governed by Section 1.2.2.1.** No exceptions to that cap will be made and no student organization bylaw or other section of the code may be interpreted to overrule that cap.

2. Individual Credit Limits – Publications

2.1. Board of Editors: A student who performs the duties of a member of the Board of Editors (as defined within the publication's By-Laws) for a full semester may receive up to two (2) hours of pass/D/fail credit. The faculty advisor may, as a matter of discretion, award two (2), one (1), or no credits to a student who has served as an editor for less than a full semester. The Board of Editors can authorize fewer than two (2) credits for certain board positions.

2.2. Senior Staff: Any student performing the By-Laws' delineated duties of a senior staff member may receive one (1) hour of pass/D/fail credit for each semester of service.

2.3. Staff: Any student performing the By-Laws' delineated duties of a staff member for the equivalent of one (1) full year may receive one (1) hour of pass/D/fail credit.

3. Individual Credit Limits - Competitions

3.1. Two (2) Pass/D/Fail credits will be granted to students on any trial, interviewing, counseling, negotiating, or moot court competition team under the supervision of the Moot Court Society, NTA, or a Shepard Broad College of Law faculty member who meet *both* of the following criteria:

3.1.1. Attend meetings (which include practice rounds) that are held for a minimum of twenty-eight (28) total hours. This is equivalent to the class meeting time for a 2-credit course. This meeting requirement does not include time spent on research or writing (see (b)); and

3.1.2. Participate in the writing of a brief, trial notebook, or other similar work product.

3.2. One (1) Pass/D/Fail credit will be granted to students who meet only one of the criteria in 3.1. This may permit, for example, granting two (2) credits to those students who participate in writing a brief, and one (1) credit to those students who do not, even though the students are members of the same team.

3.3. One (1) Pass/D/Fail credit will be granted to students who participate as a practice team for any trial, interviewing, counseling, negotiating, or moot court competition under the supervision of the Moot Court Society, NTA, or a Shepard Broad College of Law faculty member who meet *both* of the following criteria:

3.3.1. Attend meetings (which will include practice rounds) that are held for a minimum of 14 total hours. This is equivalent to the class meeting time for a 1-credit course. This meeting requirement does not include time spent on research or writing (see (b)); and

3.3.2. Participate in the writing of a brief, trial notebook, or other similar work product.

3.4. Credit cannot be earned for participation as a witness or in a similar capacity.

4. **Registration Procedures:**

Law Review/Journal/Citator/Competitions: A student seeking credit for service as a member of the Law Review/Journal/Citator or for participating on a competition team must register for credit hours during the College of Law registration period, including drop/add, by submitting the completed Non-Classroom Credit form, signed by the faculty advisor to Student Services. Registration will be done manually by Student Services, rather than through WebSTAR.

5. **Method of certifying receipt of credit:**

No student will receive co-curricular credit unless the faculty advisor to Nova Law Review, Journal of International & Comparative Law, or the competition team certifies, at the end of the semester for which credit is sought, that the student has completed editorial work of sufficient quantity and quality to merit academic credit.

12.2. Appendix B. Grievance Procedure

Grievances based on sexual misconduct (including sexual harassment) by other students, faculty, administration and employees are governed by the Nova Southeastern University [Sexual Misconduct Policy](#). Whenever possible, students should report allegations of sexual misconduct directly to the University Title IX Coordinator, Laura Bennett. Complete information is available at www.nova.edu/title-ix. Under university policy and federal law, employees of the College of Law including all faculty, administration and staff, apprised of an incident of sexual violence must report all details to the university Title IX Coordinator.

A. Grievances Respecting Other Students: A grievance against a fellow student may involve conduct that appears to violate the NSU Code of Student Conduct and Academic Responsibility or College of Law Supplemental Academic Conduct Standards, poses a threat to the safety of fellow members of the law school community, or substantially interferes with a student's experience at the College of Law.

1. When conduct appears to violate the NSU Code of Student Conduct and Academic Responsibility or College of Law Supplemental Academic Conduct Standards, the faculty counselor will advise the student of the relevant provisions of those documents that appears to encompass the conduct.

2. When conduct may pose a threat to the safety of fellow members of the law school community, the faculty counselor will, in the exercise of his/her judgment, advise the student to report the conduct to the Dean or to the other appropriate authorities within and outside the University.

3. When conduct otherwise interferes with the law school experience, the faculty counselor may in the exercise of his/her judgment offer to mediate the dispute between the students in an informal process designed to resolve the problem rather than adjudicate fault. Because mediation is a consensual undertaking, the faculty counselor will attempt mediation only with the consent of both students. Mediation proceedings will be confidential; no record of the mediation, or of the grievance, will appear in either student's file. Should either student decline to participate in informal mediation, the faculty counselor will counsel the aggrieved student respecting other remedies, if any, which may be available.

B. Grievances Respecting Faculty Members:

1. Both the College of Law and the University have formal grievance procedures in place for resolving grievances against faculty members. Those mechanisms contemplate fault-based adjudicatory processes appropriate for serious misconduct, but offer no mechanism for resolving grievances that do not rise to the level of serious misconduct. Student grievances either fester without resolution or grow into charges of misconduct. The former undermines student morale; the latter, requiring an adjudication of fault or exoneration, cannot resolve the grievance satisfactorily and may worsen the relationship between students and faculty.

2. When approached by a student with a grievance against a faculty member, the faculty counselor will advise the student of the various formal grievance procedures available under College of Law and University rules. In addition, the faculty counselor may in the exercise of his/her judgment, offer to mediate the grievance in an informal process designed to resolve the problem rather than adjudicate fault. Because mediation is a consensual undertaking, the faculty counselor will attempt mediation only with the consent of both the aggrieved student and the faculty member. Mediation proceedings will be confidential; no record of the mediation, or of the grievance, will appear in either the student's file or the faculty member's file. Should either the student or the faculty member decline to participate in the informal mediation, the faculty counselor will counsel the aggrieved student respecting other remedies, if any, which may be available.

C. Grievances Respecting Members of the College of Law Administration:

1. Grievances against members of the College of Law administration may involve matters formally assigned to an appeal process by the College of Law regulations. An example would be the process for securing accommodations based on a disability. In these situations, a faculty counselor should explain that matters already committed to a formal appeal process cannot be mediated.

2. Grievances may also arise from time to time respecting the resolution of matters governed by College of Law or University rules, which afford no discretion to an administrator, such as tuition refunds after withdrawal from the school. A faculty counselor approached will explain the rule to the student and the absence of discretion to waive the rule.

3. Other grievances against members of the College of Law administration may arise from time to time. Those grievances may arise from the day-to-day exercise of discretionary authority by members of administrative staff, and by their superiors, and are most likely to arise in matters within the purview of the Associate Dean of Students. When those grievances involve administrative staff under supervision of the Associate Dean of Students, a faculty counselor will counsel the aggrieved student to first seek to resolve the matter by discussing it with the Associate Dean of Students. If the matter thereafter remains unresolved, or if the matter originates with the Associate Dean, and is not committed to a formal appeals process, a faculty counselor will counsel the aggrieved student respecting the remedies, if any, available under College of Law and University rules. In addition, the faculty counselor may in the exercise of his/her judgment offer to mediate the grievance in an informal process designed to resolve the problem rather than adjudicate fault. Because mediation is a consensual undertaking, the faculty counselor will attempt mediation only with the consent of the aggrieved student and the member of the administration. Mediation proceedings will be confidential; no record of the mediation, or of the grievance, will appear in either the student's file or the administrator's file. Should either the student or the administrator decline to participate in the informal mediation, the faculty counselor will counsel the aggrieved student respecting other remedies, if any, which may be available.

4. If the grievance involves administrative staff who do not report to the Associate Dean of Students, the faculty counselor will refer the student to the appropriate senior administrator, who will act based on the procedures in the preceding paragraph.

D. Formal Grievance Procedures Respecting Faculty or Members of the Administration:

1. Any student who has a grievance concerning a member of the faculty or the staff may file the grievance in writing with the Assistant to the Dean. Upon receipt of a written grievance, the Dean will review the grievance to determine if the grievance presents a complaint upon which action should be taken.

2. If the Dean decides no action should be taken based on the allegations contained in the grievance, then it will be returned to the individual with a brief written explanation of the reason(s) why it is not appropriate to take any action.

3. If the Dean decides an inquiry should be made to determine whether the complaint alleges conduct that should result in some action concerning the complaint, then the Dean will invoke the following procedures:

a. If the Dean determines that there is a basis for the complaint and informal resolution under 2 or 3 is not appropriate or was unsuccessful, then he/she will appoint an Ad Hoc Committee to investigate the complaint. This Committee will be composed of four faculty members and one student; except that if the complaint concerns a staff member, then the Committee will be composed of three faculty members, one staff member, and one student. The Committee will request that the parties involved attend a hearing, at which time both parties shall submit their evidence and arguments concerning the matter. The Committee will provide the Dean with a written finding of the facts and recommended solution for appropriate action by the Dean.

b. The Dean shall respond to all complaints within 90 days of their filing. The time period begins to run on the date the grievance is filed with the Assistant to the Dean.

c. If the Dean is a party to or witness in the matter of the complaint, then the Associate Dean for Academic Affairs will review the complaint under the procedure set forth above, including any recommendation for a solution. If both the Dean and the Associate Dean for Academic Affairs are unavailable, then the full faculty will meet to appoint a committee.

The Assistant to the Dean will be the custodian of records for all actions under this procedure.

12.3. Appendix C. Student Complaints

STUDENT COMPLAINTS

As an ABA-accredited law school, Nova Southeastern University, Shepard Broad College of Law, is subject to the ABA Standards for Approval of Law schools. The Standards may be found at

http://www.americanbar.org/groups/legal_education/resources/standards.html

Reporting a Complaint

Any student at the Shepard Broad College of Law at Nova Southeastern University who wishes to bring a formal complaint to the administration of the law school of a significant problem that directly implicates the law school's program of legal education and its compliance with the ABA Standards should take the following steps:

1. The student should submit a complaint in writing to an Associate Dean for Academic Affairs or the Associate Dean of Students. The written complaint should be submitted by email, U.S. mail, fax, or personal delivery.
2. The written complaint should describe the problem, behavior, program, or process in sufficient detail to permit an investigation and it should demonstrate how it implicates the law school's program of legal education and the school's compliance with a particular and specified ABA Standard.
3. The written complaint must specify that it is a complaint regarding the law school's program of legal education and its compliance with the ABA Standards.
4. The written complaint must provide the name of the student submitting the complaint and contact information including the student's official NSU email address, street address, and phone number for further communication about the complaint.

Procedures for Addressing Complaints

1. The administrator to whom the complaint is submitted (or the administrator's designee) should acknowledge the complaint within ten (10) business days of receipt of the written complaint. Acknowledgment may be made by e-mail, U.S. mail, or by personal delivery.

2. Within three weeks of acknowledgment of the complaint, the administrator or the administrator's designee shall either meet with the complaining student or respond to the substance of the complaint in writing. The student shall either receive a substantive response to the complaint stating what, if any, steps the law school is taking to address the complaint or further investigate the complaint.
3. Within ten (10) business days of being advised of any action the law school is taking to address the matter, the student may appeal the decision to the Dean of the law school.
4. Any decision made on appeal by the Dean shall be final.
5. A copy of the written complaint and a summary of the process and resolution of the complaint shall be kept in the office of the Dean of the law school for a period of eight years.
6. The law school will not in any way retaliate against an individual who makes a complaint under this section, nor permit any faculty member, administrator, employee or student to do so.
7. Complaints may also be filed with the Florida Department of Education.

Non-Exclusive Complaint Policy and Procedure

Please note that this procedure does not apply to student complaints that are covered by the law school's Code of Academic Regulations, Code of Student Conduct or the Nova Southeastern University Student Handbook. Those policies and procedures contain separate sections pertaining specifically to Sexual Harassment or discriminatory harassment and grievances against others in the law school community.

12.4. Appendix D. Supplemental Academic Conduct Standards and Disciplinary Process

COLLEGE OF LAW SUPPLEMENTAL ACADEMIC CONDUCT STANDARDS:

Preamble

The Shepard Broad College of Law of Nova Southeastern University requires all members of its community to be honest and forthright in dealing with each other. This requirement of honesty, in every aspect of the academic experience, is reflected in the NSU Code of Student Conduct and Academic Responsibility and in these Supplemental Academic Conduct Standards, the adoption of which is expressly authorized by the NSU Code. Every law student has a duty to comply with all of the academic conduct standards of the University and the College of Law. Any law student who observes a violation of these standards should file a complaint in the manner required by the College of Law's Academic Disciplinary Process or report his or her observation to a member of the College of Law administration or faculty.

The following provisions supplement the NSU Code of Student Conduct and Academic Responsibility:

I. Definition of "Academic Exercise"

For the purposes of applying the NSU Code of Student Conduct and Academic Responsibility, and these Supplemental Academic Conduct Standards, to conduct engaged in by a student at the College of Law, the term "academic exercise" refers to any work done by a law student which will be evaluated in connection with the earning of academic credit or honors, or in completion of academic requirements, including (but not limited to) examinations, research papers, and other assignments to be completed by a student in fulfillment of the requirements of a course, workshop, or seminar. In addition, any work done by a student in connection with the following activities shall be considered an "academic exercise," even if no academic credit is awarded therefor: law review, moot court, the Citator program, trial and other skill-related competitions, and work done as a research or teaching assistant.

II. Additional Violations

The following acts or omissions are violations of the NSU Code of Student Conduct and Academic Responsibility:

A. Violation of Anonymous Grading System

1. Breach of anonymity, when it is required in connection with an examination or other written assignment, with the intent to gain an advantage in the grading process;
2. Any other breach of required anonymity.

With respect to an unintentional breach of anonymity, the following rules shall apply:

A first such violation shall result in (a) a warning to the student, and (b) the placement in the student's file of a written acknowledgment (by the student) of the violation. A second (or subsequent) such violation shall be treated as a violation of the NSU Code, *provided*, that the sanction imposed for any such second (or subsequent) violation shall be limited to the imposition of a community-service requirement.

B. Interference with Access to Library Materials

Any act intended to deprive other students of access to library materials of any type.

C. Obstruction of Justice

Intentionally making a false statement, refusing to answer a relevant and legitimate question, refusing to testify, or otherwise refusing to cooperate, during any investigation or hearing conducted pursuant to the College of Law's Academic Disciplinary Process.

D. Harassment of Participants in Academic Disciplinary Proceedings

Harassment, by a student, of any member of the Shepard Broad College of Law community who is or who has been involved in any proceeding of the Academic Disciplinary Process, including its appeal process. This provision includes those who are considering filing charges as well as those who may be called as witnesses if charges are filed.

III. Additional Available Sanctions

In addition to the available sanctions set forth in the NSU Code of Student Conduct and Academic Responsibility, the following may be imposed as sanctions:

- A. A requirement that a specified number of hours of community service be performed.
- B. The imposition of a lower, or failing, grade in, and/or denial of academic credit for, the course or activity in connection with which the violation occurred.
[If the ultimate decision in a proceeding conducted pursuant to the College of Law’s Academic Disciplinary Process is one that exonerates the accused student, then a faculty member may not lower the student’s grade based upon that faculty member’s belief that the student did in fact commit a violation.]
- C. Removal from, or denial of eligibility for, any or all leadership positions or membership in any student organization or activity.
- D. A requirement that the student apologize to the complainant, if the complainant is a member of the College of Law faculty or administration.
- E. Public or private reprimand; *provided*, that no public reprimand shall identify the student by name or contain any other information tending to identify the student. For purposes of this provision, “information tending to identify the student” includes, but is not limited to, the student’s year in school, the course in which the violation occurred (if any), and the professor or other person who filed the complaint, *provided*, that the reprimand may indicate the type of academic setting (*i.e.*, doctrinal course, seminar, workshop, LRW section, ASP course, or law journal) in which the violation occurred. The College of Law recognizes, however, that there are instances in which disclosure of any information surrounding a student disciplinary matter, even with the redaction of identifying information, may inadvertently result in disclosure of a student’s identity. Accordingly, before releasing a public reprimand, it must first be determined in each case, taking into account the totality of the circumstances, whether a reasonable likelihood exists that the identity of the student will be ascertainable therefrom despite the redaction of identifying information. If it is concluded that such a likelihood exists, the information regarding the decision shall not be released to anyone other than the student who is the subject of the proceeding and members of the College of Law faculty and administration. The student may, however, consent in writing to waive his or her rights to privacy, thereby allowing the dissemination of a public reprimand to the entire College of Law community.

Violations

Substantive and procedural rules are provided for in documents available on the College of Law website.

12.5. Appendix E. Email Policy

I. PURPOSE

Email at the Nova Southern University Shepard Broad College of Law (hereinafter “the College of Law”) serves the purpose of allowing students, faculty, and staff to quickly and effectively communicate with each other. Email serves its primary function at the College of Law by fostering communication in support of the school’s goals — teaching, research, and public service — and in support of the administrative functions necessary to effectuate those goals. In order to most effectively use and manage this resource for the benefit of all members of the College of Law community, all of those members — including students, faculty, and staff — must adhere to the provisions of this policy.

II. GENERAL RULES

The rules set forth in this section shall apply to all emails sent to or from the College of Law server, and shall apply in conjunction with all other rules set forth in this policy. Violations of these rules shall be governed by section V of this policy.

A. Except where otherwise provided, no student will be enabled or allowed to send any email to the following email groups at the College of Law:

1. All Student (“allstudent”);
2. Staff;
3. Faculty and Staff (“facstaff”);
4. Faculty and Faculty Executive Session (“faculty” or “facexecsession”);
5. First year class;
6. Second year class;
7. Third year class;
8. Fourth year class;
9. Any student section, except that first year students may use their own section’s e-mail group; and
10. Student groups or faculty groups.

B. The College of Law upon request, will create email groups for student organizations affiliated with the College of Law, and those organizations shall govern the use of their own email groups, consistently with the provisions of this policy.

C. Under no circumstances may any College of Law email or forum be used in a manner that promotes or contains any of the following:

1. unlawful activities;
2. sexual or other forms of harassment;
3. personal attacks on others that would be perceived as offensive or abusive by a reasonable reader;
4. violating guidelines regarding copyright or other intellectual property;
5. vulgar language;
6. other communications whose content is deemed to be inappropriate on the part of a member of the legal profession; or
7. a violation of any other University or College of Law guideline or policy found in the NSU Student Handbook at http://www.nova.edu/studentaffairs/forms/studenthbk_2016-17.pdf including but not limited to:
 - a. The University's email policy, and
 - b. The University Code of Student Conduct and Academic Responsibility

D. This policy applies to all emails sent to and from email addresses on the NSU or the College of Law server, including emails from non-NSU email accounts.

E. Anyone may report a violation of this policy to in accordance with Academic Disciplinary Process. The Academic Disciplinary Process is posted on the College of Law Intranet. All reports of suspected violations shall include:

1. A copy of the email allegedly violating this policy;
2. The name of the sender who allegedly violated this policy; and (c) the rule in this policy allegedly violated.

III. GROUPS

The following e-mail groups shall be created, in addition to other groups, to facilitate mass communication with members of the College of Law community. Violations of any rules set forth in this section shall be governed by section V of this policy.

A. Allstudent

1. Group Members: The allstudent email group will consist of every member of the College of Law student body. Inclusion is mandatory, and no student may withdraw from the allstudent email group.
2. Group Use: The allstudent email group may be used only for the purpose of sending official College of Law communications to students, and only by the following persons:
 - a. College of Law administrators;
 - b. College of Law faculty;
 - c. College of Law staff; and
 - d. Student organization presidents.
3. Definitions:
 - a. Associate Dean of Students (Office of Student Services)
 - b. "Official College of Law communications" are:
 - i. Official notices sent by any administrative staff member at the College of Law;
 - ii. Notices of College of Law events sponsored by or associated with student organizations, faculty, staff, or administration;
 - iii. Academic or educationally-related communications, including, but not limited to, law-related articles and any other information that enhances the legal education of students at the College of Law; and
 - iv. Notices of external events of special interest to the legal community.
 - c. "Student Organization Designee" shall include (for the purpose of this section and throughout this policy) the chief executive officer of any student organization at the College of Law, as defined by that organization's constitution or by-laws, or a person designated by the chief officer of a student organization submitted by written notice to the Office of Student Services and the President of the Student Bar Association.

4. Prohibitions and Limitations: Use of the allstudent email group, even by those persons permitted to send emails thereto, is subject to the following prohibitions and limitations:
 - a. Students may not “respond to all” to communications sent via the allstudent email group.
 - b. Emails sent to the allstudent email group may contain attachments, graphics, or similar files upon the prior approval of the Office of the Associate Dean of Students.
 - i. Faculty and administrators may attach text documents when necessary to disseminate academic or education related information or administrative material; and
 - ii. Student organization presidents may attach files upon the prior approval of the Office of the Associate Dean of Students.
 - c. No student organization designee may send more than one email per week to the allstudent or any student group. Any additional emails, including corrections of prior emails, must be submitted to the Office of the Associate Dean of Students for approval prior to sending.

C. Faculty & Staff

1. Group Members: The facstaff email group will consist of every member of the College of Law faculty, administration, and staff.
2. Group Use: Only the following persons may send emails to the facstaff email group for the purpose of sending communications to faculty and staff:
 - a. College of Law faculty, administration, and staff; and
 - b. College of Law student organization designees, who must adhere to the following additional limitations:
 - i. Student organization designee may only send emails to facstaff when necessary to invite faculty and staff to a College of Law event or inform the faculty and staff of the activities or accomplishments of College of Law students or organizations; and
 - ii. Student organization designee are each limited to sending one email per week to the facstaff email group. Any additional emails, including corrections to previous emails, must be submitted to the Office of the Associate Dean of Students for approval prior to sending.
3. Prohibitions: The facstaff email group may not be used in any of the following ways:

- a. Except where otherwise provided, students may not send any email to the facstaff email group. Students wishing to discuss an issue with particular faculty or staff members should email the faculty or staff member(s) directly.
- b. Faculty members and administrators may attach files to emails sent to the facstaff email group, but student organization designee may only attach files to such emails upon the prior approval of the Office of the Associate Dean of Students.

IV. VIOLATIONS

A. Violations of the email policy shall be treated, as violation of the code of Academic Regulation conduct violation will subject the student to the Academic Disciplinary Process.

V. ACADEMIC DISCIPLINE SUGGESTIONS

A. Remedies for Violations: If a violation of this policy is found to have occurred, a copy of any email may be placed in a student's record, which may carry negative implications if submitted to a state board of bar examiners. If the student's email privileges are revoked, that student must notify any of his or her professors who require students to communicate with him or her via email, so that the professor may make an accommodation for that student.

1. Student Violators

- a. Procedural Violations: A procedural violation occurs when a student violates any rule in this policy with the exception of violations of section II-C.
 - i. First Violation: A warning shall be issued.
 - ii. Second Violation: The student's group email privileges may be suspended for a period no longer than two weeks.
 - iii. Third Violation: The student's privilege of sending outgoing group emails shall be suspended for a period of time which is deemed appropriate, but not longer than the combination of (a) the remainder of the semester during which the violation occurred, and (b) the following semester.
- b. Violations of Section II-C of this Policy:

- i. First Violation: The student's privilege of sending outgoing group emails may be suspended for a period no longer than two weeks.
 - ii. Second Violation: The student's privilege of sending outgoing group emails shall be suspended for a period of time which is deemed appropriate, but not longer than the combination of (a) the remainder of the semester during which the violation occurred, and (b) the following semester.
2. Faculty/Administrator/Staff Violators
 - a. First Violation: A warning shall issue.
 - b. Second Violation: The violation shall be submitted to the Office of the Dean for appropriate action.

12.6. Appendix F: **Academic Disciplinary Process**

Unless preempted by the NSU Student Disciplinary Process handled by the NSU Office of the Vice President of Student Affairs, the Academic Disciplinary Process (ADP) set forth herein shall be used to adjudicate complaints alleging violations by College of Law students of the NSU Code of Student Conduct and Academic Regulations, as augmented by the College of Law's Supplemental Academic Conduct Standards (collectively, "The Code").

1. Applicability

The ADP applies to all students enrolled in any program or course at the Shepard Broad College of Law. "All students" includes, but is not limited to:

- 1.1. J.D. students;
- 1.2. M.S. students;
- 1.3. Students enrolled in the Florida Bar Auxiliary Program;
- 1.4. Students enrolled in the Florida Law Certificate Program;
- 1.5. Students from another NSU college;
- 1.6. Visiting Law Students;
- 1.7. AAMPLE students; and
- 1.8. Non-degree seeking and auditing students.

2. Complaint

- 2.1. The ADP is initiated by the filing of a written Complaint against a student alleging a violation of the Code with the Office of the Dean of the Shepard Broad College of Law.
- 2.2. A Complaint may be filed by any member of the College of Law community, including faculty, administration, students, and staff members.
- 2.3. The Complaint should be filed within a reasonable time following the discovery of the alleged violation and must include the following:
 - 2.3.1. The name of the accused student(s);

- 2.3.2. A statement identifying the provision(s) of the Code allegedly violated;
- 2.3.3. A statement of facts supporting the allegation that a violation has occurred, including the date, time, and location that the alleged violation occurred;
- 2.3.4. The names of any witnesses known to the complainant;
- 2.3.5. The name of the person filing the complaint; and
- 2.3.6. When appropriate, any supporting documents as an attachment.

3. Processing of Complaint

- 3.1. Within three (3) class days after the Dean receives a Complaint alleging a violation of the Code, the Dean shall take one of the following two actions:
 - 3.1.1. Refer the Complaint to the appropriate disciplinary body, if the Dean determines that the Complaint is more appropriately the subject matter of another disciplinary process;
 - 3.1.2. Appoint an Investigator who shall investigate the allegation(s) contained in the Complaint. The Investigator shall be a member of the full-time faculty of the College of Law, unless the Dean determines that there is no faculty member suitable to serve as the Investigator, in which case the Dean may appoint such other person as the Dean finds suitable. The selection and appointment of the Investigator is not a basis for appeal absent clear and convincing proof of intentional misconduct by the Investigator.
- 3.2. Within three (3) class days following the receipt of a Complaint, the Dean shall notify the accused student of the filing of the Complaint and the name of the Investigator and the student's obligation to respond and cooperate with the investigation, or if the matter was referred to another disciplinary body, the name of that disciplinary body. Notification to the student of the filing of the Complaint and the action taken by the Office of the Dean shall be given in the following manner, or such other manner deemed sufficient to give actual notice to the student of the filing of a Complaint, the allegations made, and the student's responsibilities:

- 3.2.1. An email shall be sent to the student at the student's official College of Law email address advising the student to come to the Office of the Dean, where the Complaint shall be handed personally to the student, along with a letter advising of the action taken by the Dean pursuant to 3.1.
- 3.2.2. If the student does not come to the Office of the Dean within three (3) class days to retrieve the Complaint as specified in 3.2.1., the Complaint and letter advising of the action taken by the Dean pursuant to 3.1 shall be mailed to the student by certified mail, return receipt requested, directed to the student's last known address as it appears in the University's records.

4. Responsibilities of Investigator

- 4.1. At any time following appointment, the Investigator may:
 - 4.1.1. Recommend to the Hearing Officer that the Complaint be dismissed on the ground that it was not filed within a reasonable time following the discovery of the alleged violation, if the Investigator finds that the student was significantly prejudiced by the lateness of the filing of the complaint;
 - 4.1.2. Recommend dismissal of the Complaint on any other basis, including insufficiency of the Complaint based on the requirements of 2.3.
 - 4.1.3. Engage in plea negotiations with the student.
- 4.2. The investigation of the Complaint should be completed by such date as designated by the Hearing Officer who may grant the Investigator additional time in which to complete the investigation, upon a showing of good cause.
- 4.3. All members of the College of Law community, including a student, shall cooperate with the Investigator by responding fully and promptly to the Investigator's requests for information.
- 4.4. Once the Investigator completes the investigation, the Investigator shall prepare a written report that shall contain the following:
 - 4.4.1. A description of the investigative steps taken;

- 4.4.2. The names of any persons from whom information was sought or obtained;
 - 4.4.3. The factual information gathered;
 - 4.4.4. The Investigator's findings of fact, if any;
 - 4.4.5. The Investigator's conclusion as to whether any violation the student violated the Code; and
 - 4.4.6. A recommendation for disposition of the Complaint.
- 4.5. In reaching conclusions and making recommendations, the Investigator shall not be limited by the particular Code violations identified in the Complaint.
- 4.6. The Investigator shall file the written report with the Hearing Officer who shall deliver copies as required in § 5.2 *infra*.

5. Responsibilities of Hearing Officer & Hearing Procedure

- 5.1. The Hearing Officer for the ADP shall be the Associate Dean for Academic Affairs, or such other person as the Dean may designate.
- 5.2. The Hearing Officer shall deliver copies of the Investigator's written report as follows:
 - 5.2.1. Within three (3) class days of receipt of the Investigator's written report, the Hearing Officer shall deliver to the student a copy of the report using the same procedure prescribed for delivery of the Complaint in § 3.2 *supra*.
 - 5.2.2. The Hearing Officer shall also deliver copies of the report as soon as practical to the following:
 - 5.2.2.1. The complainant, but only if the complainant is a member of the College of Law faculty, administration, or staff (not including student staff members); and
 - 5.2.2.2. The instructor/advisor, if the alleged violation occurred in connection with a course, or a co-curricular or extracurricular activity and the instructor/advisor is not the complainant.
- 5.3. If the report contains a recommendation of dismissal of the Complaint or a plea bargain agreed to in writing by the student, within five (5) days of receipt of the

report the Hearing Officer may accept such recommendation or plea bargain, reject the recommendation or plea bargain, or request the Investigator to perform additional investigative steps.

- 5.3.1. If the Hearing Officer accepts a recommendation of dismissal, then the Hearing Officer shall prepare a written determination reflecting same.
- 5.3.2. If the Hearing Officer accepts a recommended plea bargain, then such agreement shall be memorialized in a writing executed by the Hearing Officer and the student.
- 5.3.3. If the Hearing Officer requests additional investigation, the Investigator shall file a supplemental investigation report with the Hearing Officer by such date as designated by the Hearing Officer who may grant the Investigator additional time in which to complete the investigation, upon a showing of good cause. The Hearing Officer shall deliver copies of the supplemental report in accordance with § 5.2 *supra*.
- 5.4. If the Investigator's report does not contain a recommendation of dismissal or plea bargain agreed to in writing by the student, then the student must advise the Hearing Officer in writing that the student either accepts or rejects the conclusions of the Investigator and recommended disposition of the Complaint within five (5) class days of receipt of the Investigator's written report or supplemental report, if further investigation was requested by the Hearing Officer. The failure of the student to timely advise whether the conclusions and recommendations contained in the report are being accepted or rejected will be deemed an acceptance by the student.
- 5.5. If the student accepts the conclusions and recommendations contained in the report, the Hearing Officer will advise whether the recommended disposition of the Complaint is accepted by the Hearing Officer within 5 class days after the student's acceptance of the report.
- 5.6. If the Hearing Officer rejects a recommendation of dismissal or plea bargain agreed to in writing by the student, or rejects the conclusions and recommendations in the report after acceptance by the student pursuant to § 5.5 *supra*, or if the student timely advises that the student rejects the conclusions and recommendations of the Investigator, then the Hearing Officer shall hold an informal hearing to resolve any questions of fact, and consider

appropriate disposition of the Complaint and imposition of sanctions, if the Hearing Officer determines that the student did violate the Code.

- 5.6.1. The Hearing Officer shall have the discretion to determine the procedure for the informal hearing, which shall, at a minimum, provide the student the opportunity to present argument and evidence in a form specified by the Hearing Officer and shall not require adherence to the rules of evidence.
- 5.6.2. Any informal hearing shall be video recorded. The recording will be maintained by the Office of the Dean and may be maintained solely in electronic format. If requested by the student, the student will be given access to the recording. The College of Law is not obligated to produce a written transcript of the hearing.
- 5.6.3. Within five (5) class days following a hearing, the Hearing Officer shall issue a written determination that shall include the following:
 - 5.6.3.1. The Hearing Officer's findings of fact;
 - 5.6.3.2. The Hearing Officer's determination as to whether the student violated the Code; and
 - 5.6.3.3. If a violation did occur, the sanctions that will be imposed.
- 5.6.4. The Hearing Officer will deliver copies of the written determination using the same procedure prescribed for delivery of the Investigator's report in section 5.2 *supra*.
- 5.7. At any time following receipt of the Investigator's report and supplemental report, if any, the Hearing Officer may engage in negotiations or a mediation with the student to attempt to resolve the Complaint without the necessity of the hearing. Any such negotiations or mediations shall not be recorded. If the Complaint is resolved through negotiations or mediation the resolution shall be memorialized in a written agreement executed by the Hearing Officer or, depending upon the nature of the agreement, the Dean of the College of Law, and the student.

6. Student's Right to Appeal

- 6.1. The student shall have the right to appeal the Hearing Officer's decision to the Dean of the College of Law by providing written notice to the Dean that the

student objects to the Hearing Officer's decision within five (5) class days following receipt of the Hearing Officer's written determination.

- 6.2. The Dean may conduct appellate review of the Hearing Officer's decision using an informal process deemed appropriate by the Dean under the circumstances. The Dean shall overturn the written determination of the Hearing Officer only upon a finding that the determination was arbitrary and capricious.
- 6.3. All decisions by the Dean are final and are not subject to further appeal or review.
- 6.4. The Dean, or the Hearing Officer if there is no appeal, shall deliver copies of the final report, including the disposition of the Complaint and consequences to the student, for inclusion in the student's academic record to the student; to the Assistant Dean of Students; to the complainant, but only if the complainant is a member of the College of Law faculty, administration, or staff (not including student staff members); and to the instructor/advisor, but only if the alleged violation occurred in connection with a course or a co-curricular or extracurricular activity and the instructor/advisor is not the complainant.

7. Definitions and Miscellaneous Provisions

- 7.1. All dates by which action must be taken under the ADP may be extended by the Dean, Hearing Officer, or Investigator for good cause shown. All objections to the timeliness of the actions of the investigator must be provided in writing to the hearing officer as part of the informal hearing pursuant to § 5. All objections to the timeliness of the actions of the Hearing Officer must be presented in the written notice of appeal to the Dean.
- 7.2. "Class days" are defined as any day during which classes or final exams are being held at the Shepard Broad College of Law, including those held during the fall semester, winter semester, and summer session.
- 7.3. Except as otherwise provided above, delivery of a copy of all documents may be made by email attachment or hand delivery.
- 7.4. An accused student may, at any time after the student receives a copy of the initial complaint, agree in writing that all further documents may be delivered to the student as email attachments.

- 7.5. In the event that the Dean refers a Complaint to another disciplinary body pursuant to 3.1.1. *supra* and that disciplinary body resolves the matter as it implicates that disciplinary body's process without addressing the alleged Code violations, the College of Law may reinstate the ADP to consider the allegations that relate to a violation of the Code.
- 7.6. In the event that a student charged with, or found guilty of, academic misconduct withdraws (or attempts to withdraw) from the College of Law, the student's file shall note, as appropriate, that the student "WITHDREW WITH ACADEMIC MISCONDUCT CHARGES PENDING" (or similar wording) or was "EXPELLED FOR ACADEMIC MISCONDUCT" (or similar wording). The fact that the student withdrew with academic misconduct charges pending, or attempted to withdraw after being found guilty of academic misconduct, shall in no event be reported as simply "WITHDREW" (or similar wording). The fact that academic misconduct charges were pending, or that the student was expelled for academic misconduct, shall be made clear whenever the College of Law receives a lawful request for the student's records from any third party.
- 7.7. As used herein, the Office of the Dean may include such administrative offices as the Office of Student Services when