

CODE OF ACADEMIC REGULATIONS – July 31, 2009

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

The Academic Regulations cover the following topics:

I. Graduation Requirements

II. Good Standing, Probation, and Dismissal

III. Withdrawal and Leave of Absence

IV. Class Rank, Dean’s List, Graduation with Honors, and Highest Grade Awards

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I. Graduation Requirements

Candidates for the J.D. degree are subject to requirements concerning (A) minimum GPA; (B) credit hours earned; (C) terms of enrollment; (D) maximum time for completion; (E) required courses; and (F) approval by the Board of Trustees. Those requirements are explained in this section. Students who enrolled before March 2004 should consult (G) for exceptions to the list of required courses in (E). Transfer students, foreign attorneys, and students who visit at other law schools are also subject to the course and credit hour rules in (H). Joint degree students are subject to the rules in (I).

A. Minimum GPA: Students must attain a cumulative average of 2.00 or better.

B. Credit Hours Earned: Students must earn at least 90 credits. Three limitations apply to those credits:

1. At least 76 must be “classroom credits.” Credits earned in the following are NOT classroom credits: Clinics (other than the associated classroom pre-courses); Guardian Ad Litem (offered before Fall 2005); Judicial Internship (the 2-credit placement); Consumer Protection Internship (the 2-credit placement); nonlaw courses; Street Law; Student Activity credits; and Supervised Research. See V.F (Earning Academic Credit) for individual limitations on nonclassroom credits.

2. No more than 12 can be in courses designated as distance learning courses.

3. At least 60 credits must be earned at NSU Law Center. No more than 30 credits can be earned for courses taken in other graduate programs or at other law schools. Even if taken through NSU Law Center, no more than 30 credits can be earned for foreign study. Foreign study credits are credits earned from foreign law schools and credits earned from foreign programs sponsored by U.S. law schools.

C. Terms of Enrollment: Students must complete at least 6 regular semesters (or at least 5 regular semesters and two summer terms). To substitute two summer terms for one regular semester, a student must earn at least 10 credits combined for the two summer terms. Students must spend the last four regular semesters as a resident student at the Law Center. Student Affairs can grant exceptions for a legitimate academic purpose or in cases of personal or family hardship, but a student must spend at least two of the last four semesters in residence at the Law Center, and must spend at least four semesters total in residence at the Law Center.

D. Maximum Time for Completion: Unless waived by the faculty for good cause, students must complete all degree requirements within 5 years of beginning studies as a full-time student (6 years of beginning as a part-time student). The faculty will not grant a waiver that would result in a student completing the program more than 7 years after beginning.

E. Required Courses: Pass all of the courses listed in Categories 1, 2, and 3 below:

•*Category 1 Courses Required of All Students:*

•*Category 2 Courses for Which Students Must Satisfy Requirements from Each of Three Menus:*

First Year Full-Time Division	
Fall	Winter
Contracts	Civil Procedure
Criminal Law	Constitutional Law I
Lawyering Skills and Values I	Lawyering Skills and Values II
Legal Study Skills I	Legal Study Skills II (elective if cumulative 2.70 or better for first semester)
Torts	Property

First Year Part-Time Division	
Fall	Winter
Contracts	Civil Procedure
Lawyering Skills and Values I	Lawyering Skills and Values II
Legal Study Skills I	Legal Study Skills II (elective if cumulative 2.70 or better for first semester)
Torts	Property

Second Year Full-Time Division (see also category 3)	
Fall	Winter
Business Entities	Two of three upper class menu courses*
Constitutional Law II	
Evidence	

Second Year Part-Time Division (see also category 3)	
Fall	Winter
Constitutional Law I	Two of three upper class menu courses
Criminal Law	

Third Year Part-Time Division	
Fall	Winter
Business Entities	
Constitutional Law II	
Evidence	

Before Graduation Both Divisions: Professional Responsibility

Final Semester Both Divisions: Advanced Legal Analysis

Critical Skills Program Requirements: Students will not be allowed to graduate until Student Affairs receives a certificate of completion with regard to their CSP requirements.

ALSV Menu: students must pass at least 2 courses from a single track: general practice; litigation; or transactional. A list of qualifying ALSV offerings appears on the Academic Affairs page of the Law Center website. (Notes: A student cannot satisfy this requirement by taking both Negotiating Workshop and Interviewing & Counseling. Litigation track students must pass Civil Pre-Trial Practice.)

Upper Class Course Menu: students must pass at least 2 of the following 3 courses: Criminal Procedure; Family Law; and Wills & Trusts. These three courses are offered every winter semester in both day and evening division. (Notes: A student who takes Criminal Procedure AAMPLE® (in summer 2007 or earlier) is deemed to have successfully completed Criminal Procedure but is eligible to retake the course for P/D/F credit. A student who takes Introduction to Fourth Amendment AAMPLE® (in summer 2008 or thereafter) is not deemed to have successfully completed the Criminal Procedure menu course and will be graded on the regular law school grading scale if he/she enrolls in Criminal Procedure. 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.)

Upper Class Writing Requirement: students must earn at least a C+ in a Seminar or have a full-time Shepard Broad Law Center faculty member certify that a note or comment written for Nova Law Review or Journal of International & Comparative Law is of comparable quality. (Notes: A Seminar must be taught by a full-time Shepard Broad Law Center faculty member or an NSU emeritus/emerita faculty member. Seminar will appear in the course title. A student who will be attending another law school as a transient student may petition the Associate Dean-Academic Affairs for permission to count a seminar taught at that other school for writing requirement credit. If the Associate Dean grants permission, a full-time NSU Law faculty member must read the seminar paper and certify that it satisfies the writing requirement. Supervised Research does not satisfy the upper class writing requirement for any student who enrolled after Fall 2002.)

• ***Category 3 Critical Skills Program Second Year Program:***

Students whose overall first year grade point average is below 2.60 must pass Elements of Legal Analysis I. Second year students whose overall average is below 2.60 after the first semester of second year must also successfully complete Elements of Legal Analysis II. Second year students who did not earn at

least a 2.60 in either first year semester must successfully complete Elements of Legal Analysis II even if their overall average is at least a 2.60 after the first semester of second year.

F. Approval by the Board of Trustees. A student can graduate with a J.D. degree from the Law Center only upon recommendation of the Law Center forwarded through the Dean's Office to the President and Trustees of the University. The University will not confer a degree until the Law Center's Student Affairs Office determines 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.

G. Required Courses for Students Enrolled before March 2004:

1 **Students who enrolled in Fall 2002 as full-time first-year students** must successfully complete the following courses: Advanced Legal Analysis; Corporations or Evidence; Civil Procedure; Constitutional Law I & II; Contracts; Criminal Law; Lawyering Skills & Values I, II, III, and IV; Professional Responsibility; Property; Torts; and Upper Class Writing Requirement (including Supervised Research with a grade of C+ or better taught by full-time Shepard Broad Law Center faculty member).

2 **Students who enrolled in Fall 2002 as part-time first-year students** must pass the following courses: Advanced Legal Analysis; Corporations or Evidence; Civil Procedure; Constitutional Law I & II; Contracts; Criminal Law; Evidence; Lawyering Skills & Values I & II; Professional Responsibility; Property; Torts; and Upper Class Writing Requirement (including Supervised Research with a grade of C+ or better taught by a full-time Shepard Broad Law Center faculty member). They must also pass two ALSV courses from the general practice track, litigation track, or transactional track (but cannot use both Negotiating Workshop and Interviewing & Counseling as the two courses); students electing the litigation track must pass Civil Pre-Trial Practice.

3 **Students who enrolled in Fall 2003 as first-year students in either division** must complete all course requirements listed in I.(E) with the exception of Legal Study Skills I & II and Elements of Legal Analysis I & II. Students who (because of leave of absence or other reason) are considered second year students in 2005-2006 are not exempt from ELA.

H. Requirements for Transfer Students, Foreign Attorneys, and Students Who Visit Other Law Schools: The Associate Dean-Academic Affairs follows Admissions Committee and faculty guidelines in admitting transfer students and foreign attorneys and awarding advanced standing credit to all students.

1 **Transfer Students:** To receive credit for work done at an ABA-accredited (or state-accredited) law school, a transfer student must earn the greater of a C or the minimum grade that school requires as its graduation average. The transfer of credit form will indicate how many additional credits and which courses are required for graduation. A transfer student must earn at least 60 credits at the Law Center. The Associate Dean cannot reduce the number of credits earned at the Law Center below 60.

2 **Foreign Attorneys:** Foreign attorneys will receive credit for no more than 30 credits of prior coursework. The transfer of credit form will indicate how many additional credits (60 or more) and which courses are required for graduation. Foreign attorneys in their final year at the Law Center 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.

3 **NSU Students Who Visit Other Law Schools:** To receive credit for work done as a visiting (transient) student at an ABA-accredited law school, a Law Center student must earn the greater of a C or the minimum grade that school requires as its graduation average. The transfer of credit form will indicate whether an NSU student will be permitted to use a course taken elsewhere in satisfaction of a course that is required by the Law Center (an option only for students with at least a 2.60 cumulative grade point average) or to satisfy a Law Center prerequisite. The transfer of credit form will also indicate if a course will be subject to the 14-credit limit on nonclassroom courses. 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 NSU Law Center.

I. Joint Degree Students: Joint degree students may count up to eight (8) credits taken in the other program toward their law degree (instead of the normal limit of four (4)). The increased limit applies only if the student completes the other degree before (or in the same semester) as the law degree. The additional four (4) credits will not count as nonclassroom credits but is included in the overall 30-credit limit on courses taken other than at NSU Law Center. See II.A (Good Standing) rules concerning taking courses in both programs in the same semester.

II. 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 2.60 are subject to additional limitations. Those rules are explained in this section. Only grades earned at Shepard Broad Law Center are used in determining whether a student has attained any grade point average requirement listed in this section. This section explains both requirements for and consequences of: (A) Good Standing; (B) Probation; and (C) Dismissal. Special rules apply based on admissions status and year of admission (D).

A. Good Standing:

1 **Average of 2.00:** To be in good academic standing, a student (other than a first-semester first-year 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 he/she is eligible for probation.

2 **Average below 2.60:** Even though they are in good standing, students whose cumulative grade point average is below 2.60 are subject to the following limitations if they began their Law Center studies after March 2004:

Required Courses: Any student whose cumulative GPA is below 2.60 must take all required courses at the Law Center and cannot substitute courses taken elsewhere.

Dual Degree Programs: Any student whose cumulative GPA is below 2.60 at the end of his/her first year is ineligible to participate in a dual degree program (e.g., University of Barcelona).

Joint Degree Programs: No student whose cumulative GPA is below 2.60 may simultaneously take courses in another program as part of a joint degree program. Students who wish to take such courses may take them in a term during which they are not taking any Law Center courses.

Clinic: No student whose cumulative GPA is below 2.60 at the *beginning* of the semester prior to that student's last semester of law school may take a full-time clinic during his/her last term or semester of school. (For example, a student who plans to graduate in May can take a full-time clinic in the winter semester only if he/she has at least a 2.60 at the beginning of the preceding fall semester. A student who plans to graduate in December can take a full-time clinic in the fall semester only if he/she has at least a 2.60 at the beginning of the preceding winter semester.)

B. Probation:

1 **Required Average:** A first-year student whose grade point average is between 1.70 and 1.99 after the first semester is on probation in the next semester. A first-year student whose cumulative grade point average is between 1.90 and 1.99 after the second semester is on probation for the next term or semester.

A student whose cumulative grade point average is below 2.00 at any other time is ineligible for probation and will be dismissed.

See II.D for the effect of admission status on the required average.

2 **Consequences of Probation:**

Courses: No student on probation may receive credit for a course taken at another law school.

Nonclassroom Credits: No student on probation may take nonclassroom credit courses (see list above in I.B (Graduation Requirements)).

Student Activities:

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 Law Center 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.

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.

C. Dismissal:

1 Consequences of Dismissal: Students who are academically dismissed are not eligible to continue studies at the Law Center. Dismissal is final and unreviewable by any means other than through the process included in Section IX, Waivers of Law Center Rules.

a. A student who is academically dismissed from the Law Center may apply for admission as a first year student for any subsequent academic year.

b. A student who is academically dismissed from another law school may apply for admission as a first year student only if (1) he/she waits at least two academic years following dismissal before reapplying for admission as a first year student *or* (2) in the case of an application before the two-year period elapses, he/she furnishes a letter from the prior law school that satisfies Standard 505 of the American Bar Association Standards for Approval of Law Schools.

The application described in (a) or (b) is made using the normal Law Center admissions process, including filing an application for admission.

2 **Grade Point Average for Dismissal:**

First Year, First Semester: A student who fails to achieve a cumulative grade point average of 1.70 after the first semester of law school is academically dismissed.

First Year, Second Semester: A student who fails to achieve a cumulative grade point average of 1.90 after the second semester of law school is academically dismissed after that

semester and is ineligible to attend summer school.

All subsequent Terms: A student who fails to achieve a cumulative grade point average of 2.00 at the end of any term of enrollment (including any intensive term, summer term, or regular semester) following the second semester of law school is academically dismissed. For this purpose, intensive terms and mini-terms in the same summer will be combined rather than treated as separate terms.

D. Effect of Admission Status

- 1 **Evening/Part-Time Students:** The rules above apply to evening division/part-time students in the same manner as to day division/full-time students. The first two evening/part-time semesters constitute the first two semesters of the first year of law school.
- 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 term of enrollment (including any intensive term, summer term, or regular 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.
- 3 **Foreign Attorneys:** A foreign attorney is subject to the rules applied to First Year students in his/her first two semesters at the Law Center.
- 4 **Students Repeating the First Year:** A student who is admitted to the Law Center as a first year student but who was previously dismissed from any law school, or who withdrew from any law school after taking at least one second semester examination, is subject to the rules governing transfer students.
- 5 **Visiting Students:** A student who is attending the Law Center as a visiting student is subject to the rules governing transfer students.
- 6 **Students Who Enrolled as First-Year Students Before March 2004:** To avoid dismissal, a student who enrolled as a first-year student before March 2004 must attain a 1.75 cumulative average by the end of the first year of law school and must attain a 2.00 cumulative average by the end of the second year of law school. Students cannot use grades earned in summer school to reach the prior year's required cumulative average. A student who drops below a cumulative 2.00 average at any time after completing the second year of law school will be dismissed.

III. Withdrawal and Leave of Absence

A. Leave of Absence: To obtain a leave of absence for up to one year, a student applies to the Student Affairs 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.

B. Withdrawal: A student considering withdrawing from school should first consult with Student Affairs. A student's status—Good Standing, on Academic Probation, or Academically Dismissed—will not be changed because the student decides to withdraw.

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

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

IV. Class Rank, Dean's List, Graduation with Honors, and Highest Grade Awards

A. General Rules

1 **Class Rank:** Student Affairs 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). Class rank is based on cumulative grade point average and includes only grades earned at Shepard Broad Law Center. Students who switch divisions (e.g., from day to evening or from evening to day) will thereafter be ranked in the division they were in during the 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.

2 **Dean's List:** Student Affairs 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 Shepard Broad Law Center.

3 **Graduation with Honors:** A student graduates with honors by earning the following cumulative average for work done at Shepard Broad Law Center:

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

4 **Highest Grade Awards:** Faculty members may designate a "highest grade" for each course section they teach in a regular semester or summer term. Students designated for these awards receive certificates from Student Affairs.

B. 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 Law Center as visiting students are eligible only for Highest Grade Awards.

V. Earning Academic Credit

Students earn academic credit by (A) registering for courses in a timely manner; (B) satisfying the prerequisites for courses taken; (C) meeting the attendance and preparation requirements for those courses; (D) completing the exam or other course requirements; and (E) receiving a passing grade. Section V.(E) also provides information about grade normalization in first-year classes, transmitting grades, grade changes based on clerical errors, and repeating courses in which the student received a grade. Minimum and maximum credit limitations apply to (F) nonclassroom courses. Section (G) describes limitations on concurrent enrollment in clinics, academic courses, and co-curricular activities. Section (H) describes limits on credit for distance learning (usually online) courses.

A. Registration and Drop/Add

1 Registration: 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 A.(3) for special registration rules pertaining to courses taken at another law school, nonlaw courses, and student activity credits.

Preference for Courses:

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 ALSV offerings courses will be allocated equitably between day and evening division students.

Third-Year Day: Third-year day students have priority for all upper class day courses that are not designated second year preference or required courses.

Second-Year Day: Second-year day students have priority for all day sections of Business Entities, Constitutional Law II, Criminal Procedure, Evidence, Family Law, Income Tax, Mediation Workshop, Trusts, Wills, and Wills & Trusts. Second-year day students have priority for all day sections of Professional Responsibility and Trial Advocacy in the winter semester and summer term. This preference applies to first-year students registering for fall courses and to second-year students registering for winter and summer courses.

Evening Students: Required and menu courses will be offered to evening students in a manner that allows them to take all of them before graduation.

Failure to Take Course During Preference Period: A student who does not take an elective or menu course for which he/she has preference during the second year day (second or third year evening) 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, after all students with preference have had an opportunity to register.

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.

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 instructor if seats are available after students enrolling for credit have registered; permission is to be obtained from the Associate Dean-Academic Affairs for courses taught by adjunct faculty. Audited courses do not count toward any graduation requirements.

First-Year Students: First-year students 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.

Course Caps: All seminars and ALSV offerings are capped at 20 or fewer students. No faculty member can increase a cap for a course, seminar, ALSV offering, clinic, or externship. With the exception of the American & Caribbean Law Workshop and the Judicial Administration Internship, no seats are available in any course, seminar, ALSV offering, clinic, or externship by Permission of the Instructor.

2 Dropping and Adding Courses:

Drop/Add Period: The drop/add period begins on the date announced by Student Affairs. With the exception of Supervised Research, 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 through the end of the second week of classes for a regular semester (the drop period for Supervised Research in summer terms will be twice as long as the drop period for other classes).

Adding Courses: Students cannot add a course, including Supervised Research, after the drop/add period ends. Attendance requirements are not waived for students who add a course during the drop/add period.

Withdrawing from Courses:

Required Courses: A student may not withdraw from a required course (other than Professional Responsibility) except in extraordinary circumstances upon written petition approved by the Associate Dean-Student Affairs and the instructor.

Clinic or Externship: A student may withdraw from a clinic or externship after the semester or term begins only with the instructor's permission and upon a showing of extraordinary circumstances. The withdrawal petition is to be filed with the Associate Dean-Student Affairs.

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 instructor's permission.

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 instructor can award a grade of F if the student is doing unsatisfactory work at the time of withdrawal.

3 Special Registration Rules:

Courses Taken at Another Law School: Students register for courses taken at another law school when that other program holds its registration. Those credits will be added to the student's Law Center record by a Transfer of Credit form after the Law Center receives an official transcript showing the student received the grade required for credit. To receive Law Center credit for courses taken at another law school, the student must obtain approval from the Associate Dean-Academic Affairs before taking the course. When relevant, the Associate Dean will determine whether the course taken satisfies Shepard Broad Law Center course requirements or prerequisites.

Nonlaw Courses: Students register for courses taken in a graduate program other than a law school when that other program holds its registration. Those credits will be added to the student's Law Center record by a Transfer of Credit form after the Law Center receives an official transcript showing the student received at least a B (or a P in a P/F course). To receive Law Center credit for a nonlaw course, the student must obtain approval from the Associate Dean-Academic Affairs before taking the course. Unless the student is in an approved joint degree program between the Law Center and the other school, the Law Center will approve no more four (4) nonlaw credits.

Student Activity Credits: Students register for student activity credits (Nova Law Review, ILSA Journal of International & Comparative Law; International Citator; moot court,, trial, and other competitions) during the normal registration or drop/add periods. Students who are selected for a competition team after the drop/add period ends will be allowed to register late. Registration for all student activity credits is done through Student Affairs rather than through web registration.

Supervised Research: Students register for Supervised Research during the normal registration and drop/add periods. Registration is done through Student Affairs rather than through web registration. Students must present a signed form from the supervising faculty member.

B. Prerequisites: Course prerequisites are published on the Law Center 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 nonclassroom 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 instructor 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 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.

C. Attendance and Preparation: Regular attendance and preparation are required in all courses. Penalties for failure to comply are set forth below.

1 Attendance – The Mandatory 20 Percent Maximum Absence Rule: The rules in this section are self-executing. Faculty members are not required to announce attendance rules in advance unless they are

invoking a stricter attendance standard than that set forth in this section.

Effect of Absences Exceeding 20 Percent of Classes: Students who miss an excessive number of classes will receive a grade of F. They will be barred from attending class, completing further class work, taking the final examination, and submitting any other course assignments. If a student receives an F due to excessive absences but can show that his or her excessive absences were caused, in whole or in part, by extenuating circumstances, the student may petition, to the Associate Dean for Student Affairs, to have the grade of F changed to an I (or to a W if the W is appropriate). The Associate Dean for Student Affairs may then grant or deny the requested grade change. If the Associate Dean denies the student’s petition, the student may appeal that decision to the full faculty. If the petition is granted, whether by the Associate Dean for Student Affairs or by the faculty, 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.

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 has the discretion to treat any physical absence from the classroom, during the entire duration of the class—including lateness, earliness in departing, and absence from the room in mid-class—as an absence. A faculty member may not treat any other behavior on the part of a student—including being unprepared for class—as an absence. A faculty member who treats a physical absence for less than the full class as an absence must include those rules in the course syllabus.

Reason for Absence Is Irrelevant for Purposes of 20 Percent Rule and Penalty: The attendance rules apply to all absences. No distinction is made between excused and unexcused absences. For example, a student who misses a class during the drop/add period is treated as absent.

Hurricanes and similar disasters: The Excessive Absences Rule is automatically suspended when a hurricane warning is issued for Broward, Miami-Dade, and Palm Beach Counties. The Dean may also suspend the Excessive 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 Day Division and the Evening Division. In addition, the Dean may suspend the Excessive Absences Rule for similar disasters (*e.g.*, pandemics) in the Dean’s discretion.

The table below indicates the maximum number of absences allowed before a student is withdrawn from the course.

Number of Class Meetings	Maximum Absences
1 or 2	0
3, 4, 5, 6, or 7	1
8, 9, 10, 11, or 12	2
13, 14, 15, 16, or 17	3
18, 19, 20, 21, or 22	4

Number of Class Meetings	Maximum Absences
23, 24, 25, 26, or 27	5
28, 29, 30, 31, or 32	6
33, 34, 35, 36, or 37	7
38, 39, 40, 41, or 42	8
43, 44, 45, 46, or 47	9
48, 49, 50, 51, or 52	10
53, 54, 55, or 56	11

2 Attendance – Faculty Discretion to Lower the Mandatory 20 Percent Maximum. A faculty member may establish a stricter standard for absences than the mandatory 20 percent maximum described above by incorporating the lower maximum in the syllabus for the course and announcing it at the beginning of the semester, but under any such standard must excuse absences based on extenuating circumstances if the total absences do not exceed the number allowed under the 20 percent rule. Unless a student misses more than 20 percent of the classes, a faculty member may only lower to the next grade a student’s final grade as a penalty for unexcused absences that exceed a stricter standard than the 20 percent rule.

3 Preparation—Effect on Grades

Raising of Grades: In a seminar or workshop, a student’s class participation may be taken into account by a faculty member, in determining the student’s final grade, in any manner, and to any extent, which the faculty member 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 who invokes this rule must give written notice to the students in that class at the beginning of the semester.

Lowering of Grades: A faculty member may lower to the next grade a student's final grade in a course if the student is deemed by that faculty member to be unprepared for class during more than two (2) class sessions. A student who does not respond to a faculty member's question may be deemed by that faculty member to be unprepared for class. Each faculty member 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 are not required to announce its application in advance.

Reporting Raising and Lowering of Grades: Before submitting final examination grades, the instructor must transmit to Student Affairs the names of students to receive raised or lowered grades. Student Affairs will then tell the instructor which anonymous numbers are to have grades raised and lowered. Instructors raising or lowering grades in courses not graded anonymously can raise or lower

students' grades without going through Student Affairs.

D. Examination or Other Course Requirements: Students are required to take examinations at the regularly scheduled date and time unless their absence has been excused by Student Affairs, in which case a make-up examination will be scheduled. Student Affairs has the discretion to reschedule a final examination, at the request of the student, only based upon an emergency or a student's disability, or because the student has two or more examinations scheduled on the same calendar day. Student Affairs will not reschedule an examination because of a student's vacation plans, airplane flights, or similar personal decisions. In the event that an examination is rescheduled, for whatever reason, it will be rescheduled only for a date later than the date on which the examination is originally scheduled to be given.

Accommodated examinations ideally should not begin before the regular exam. When this is not possible and an accommodated examination must begin before the regular examination, the accommodated examination will be started at a time that ensures that the accommodated student finishes no earlier than the exam end time for students taking non-accommodated exams. In no event will an accommodated examination be given on a date that is earlier than the date scheduled for non-accommodated exams in that course.

A faculty member cannot change the scheduled date of an 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.)

Students must submit other coursework, such as seminar papers and workshop drafting projects, by the scheduled due date unless the instructor grants an extension. Incomplete work must be made up within the allotted time frames.

1 Examinations and Quizzes:

When required: The Law Center requires a written examination in every course for which credit is given, except clinical work and courses requiring extensive written work such as student competitions, LSV I & II, ALSV offerings, seminars, and supervised research projects. Faculty members may elect to give quizzes or other written work in addition to the examination.

Anonymity of Grading: Any examination or quiz worth more than 25% of a final grade will be graded anonymously. The administration will distribute anonymous numbers for these examinations and quizzes. If the instructor administers more than one anonymously graded examination or quiz during a course, a different anonymous number will be distributed for each. Instructors must inform the administration during the first week of the semester if they will administer any anonymously graded examinations or quizzes other than a final examination. Students must not put their names or other identifying information on these examinations, quizzes, or any other assignments that instructors have designated as anonymously graded.

Posting and Calculating Grades: Instructors will submit each student's grade by the student's anonymous number designated by the administration for use on exams administered during the final exam period. If necessary, the administration will correlate anonymous numbers from other graded assignments with the final exam anonymous number.

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.

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

A student who for extraordinary 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 Affairs 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 instructor directly.

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 instructor will determine the date of any make-up examination. That date cannot be later than the end of the examination period of the second regular semester following the term for which the grade of Incomplete was given. The instructor will determine if a student who has missed an exam will take the missed exam, take a different exam, or wait until the instructor next teaches the course and take the exam given in that later semester or term. A student who does not take the examination within the required time will receive an F.

Failure to Complete Examination: A student who begins an examination has decided that he/she 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 he/she will be unable to complete an examination should notify Student Affairs before the examination and request an excused absence.

If a student is not able to complete an exam that he or she has started due to a *bona fide* medical problem, the student will be expected to provide professional documentation of his or her medical problem 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, and he or she will be required to take a final exam in the same course the next time it is offered at the Law Center. By agreement, the faculty member responsible for the exam and the Law Center administration may devise alternative remedies appropriate to the circumstances.

Take-Home Examinations: The same rules apply to take-home examinations. The administration has the authority to fashion an appropriate remedy if a student is able to document that an unanticipated illness or injury, occurring after he/she picked up a take-home examination, prevented him/her from timely completing and returning the examination in the time allowed.

Problems During Examination: All Law Center examinations are proctored. If a student discovers a problem, such as an examination with missing pages, or becomes ill during the examination, he/she should immediately report the problem to the proctor. The proctor will consult with Student Affairs if he/she is unable to resolve the problem.

Reporting Examination and Quiz Grades: After the instructor has completed grading of all mid-

term examinations, quizzes, and final examinations for a course, he/she will submit these grades to the Student Affairs Office along with the names of any students whose grades will be raised or lowered for class participation. The grades of those students shall be modified before the instructor posts the grades for the course on WebSTAR.

2 Papers and Other Student Work: When a course requires completion of a paper or other project to remove a grade of Incomplete, the 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 term 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 instructor and Student Affairs determine a lesser sanction is appropriate.

E. Grading:

1 Grade Considered Passing Grade: 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 nonlaw graduate program. The Associate Dean-Academic Affairs, acting in conjunction with the faculty as necessary, will determine whether to pre-approve courses at other law schools or in graduate programs.

2 Grades Earned Before Matriculation: With the exception of transfer students and foreign attorneys, who receive a transfer of credit form from the Associate Dean-Academic Affairs, no course taken before matriculation at the Law Center will receive Law Center credit.

3 Grading Scale: The Law Center uses the following grading system:

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

AU Audit; no credit or effect on average
W Withdrawal NC No Credit

I Incomplete

P Pass; no effect on average

Nonclassroom credits other than Supervised Research are graded on a P/D/F system. A D or F affects the student's average; a P does not. Grading standards for courses in the Critical Skills Program will be described on the CSP web page.

4 Average Grade Range:

Courses Subject to the Average Grade Range: Civil Procedure; Constitutional Law I; Contracts; Criminal Law; Lawyering Skills & Values I; Lawyering Skills & Values II, Property, and Torts.

Average Grade Range (AGR): The average grade in each section (or combined sections if an instructor teaches more than one section of a course in the same semester) of the courses listed above will fall between 2.50 and 2.70. Every instructor teaching a course listed above shall certify that his or her grades comply with the average grade range and submit to the Student Affairs Office and the Associate Dean-Academic Affairs printed copies of the spreadsheet that shows compliance with the average grade range.

Inclusions in AGR 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 20 calendar days from the end of the exam period) shall be graded and included in the calculation of the average grade range for the course. Before entering grades on WebSTAR, the instructor will check with the Student Affairs Office to verify there are no outstanding examination answers for the course.

Exclusions from AGR Computation:

Grades 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 D);

Grade changes approved by the Associate Dean-Academic Affairs as clerical errors (only the original grade is used in determining compliance with the average grade range);

Grades imposed pursuant to the NSU Code of Student Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards;

Grades for which there is a charge pending under the NSU Code of Student Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards; and

Any failing grade given to a student as a result of excessive absences, pursuant to the provisions of Section V.C.1 of the Code of Academic Regulations.

5 **Transmitting Grades:** Instructors input their grades into the University WebSTAR system. Students can view their grades on WebSTAR. Grades are not released in any other manner.

6 **Clerical Errors:** A faculty member who has posted grades can change a grade only to correct a faculty member's clerical error. No grade will be changed unless the faculty member submits a written explanation to the Associate Dean-Academic Affairs describing the clerical error. If the Associate Dean determines that the proposed change is not clerical, the faculty member may ask that the issue be decided by the Student Affairs Committee,

7 **Effect of Failing Grade:** A student who fails a required course must retake it during the next regular semester of enrollment that it is offered in his/her division; a student who fails an elective course may retake it if he/she wishes. Both grades will appear on the transcript and count in the student's cumulative average.

8 **Effect of Passing Grade:** A student may not retake a course in which he/she received a passing grade. The only exception applies to successful AAMPLE students, who may retake Criminal Procedure (summer 2005 through summer 2007) or UCC: Negotiable Instruments (summer 2005 and thereafter) for P/D/F credit.

F. Maximum Credits for Nonclassroom Credits: A student cannot count more than 14 nonclassroom credits toward graduation requirements. In addition to this aggregate limit, the following individual credit limitations apply:

Clinic Credit Cap Note: the clinic credit limit is 9 for those students enrolled in a Law Center Clinic that is offered for more than 6 credits. This exception applies only to clinics; it does not increase the nonclassroom credit cap above 14.

Course/Activity	Maximum Credits
Clinics (other than pre-courses)	6 see note above
Guardian Ad Litem (before Fall 2005)	2
Consumer Protection Internship (other than the class	2
Judicial Internship (other than the class)	2
Non-clinic Internship	2
Nonlaw courses*	4
Street Law	2
Student Activity (competitions only)	4
Student Activity (publications only)	5
Student Activity (competitions & publications)	5
Supervised Research	2

*Students enrolled in joint degree programs are subject to different rules for nonlaw courses. Those rules are discussed in I.I (Graduation Requirements).

**Student Activity credits associated with particular activities are discussed in Appendix A.

G. Concurrent Enrollment in Clinics, Academic Courses, and Co-Curricular Activities. For purposes of this rule, “course” refers to any course, seminar, workshop, or supervised research project for which credit is awarded.

1 **Full-time Clinics:** Students may enroll in only one course, regardless of the number of credits awarded, while enrolled in a full-time law clinic. This rule applies to both semester and summer term clinics.

2 **Part-time Clinics:** Students may enroll in additional courses, up to a maximum of 15 credits, while enrolled in a part-time clinic. The maximum limit is 8 credits if the clinic is offered in a summer term.

3 This rule is subject to the following restrictions:

a. A student who wishes to enroll in a course during a full-time or part-time clinical semester must first obtain the written approval of both the clinic director and, if applicable, the field placement supervisor. This rule does not require clinic directors to approve such requests. It merely gives them discretion to approve such requests in appropriate circumstances.

b. At the time this written approval is sought, the field placement supervisor must be fully informed of the student's academic obligations and must agree to release the student from clinic work for the academic activity. Without such advance agreement, the student may not enroll in the course.

4 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, International Citator, and moot court, trial, and other competitions.

A student who wishes to enroll in a co-curricular activity during a full-time or part-time clinical semester must first obtain the written approval of both the clinic director and the faculty advisor or faculty coach for the activity. Without such advance agreement, the student may not enroll in the activity.

H. Distance Learning courses. Students may not enroll for credit in a distance learning course until they have completed at least 28 law school credits. Students may not earn more than 4 credits in a term for distance learning courses nor may they count more than 12 distance learning credits toward their J.D. requirements. A distance learning course is a course in which more than 1/3 of the instruction is not regular classroom instruction. Courses offered principally online, through audio or computer conferencing, by video cassette, or by correspondence are examples of distance learning courses.

VI. Minimum and Maximum Credit Limitations Per Term

A. Minimum Credits: Unless a student has permission from the Student Affairs Office, a full-time student cannot enroll in fewer than 13 credits per fall or winter semester, and a part-time student cannot enroll in fewer than 8 credits per fall or winter semester. See I.C (Graduation Requirements) for the effect of summer credits on accelerating graduation. (Note: full-time students in a 12-credit clinic may continue to take only 12 credits for the clinic semester.)

B. Maximum Credits: A full-time student may not enroll for more than 18 credit hours during a semester. A part-time student may not enroll for more than 12 credit hours during a semester. The maximum course load for a summer session is 9 credit hours for full-time and 6 credit hours for part-time students. If a student is employed more than 20 hours per week, he/she is subject to the part-time student credit limitations even if registered as a full-time student. No Law Center administrator has the authority to waive any of the maximum credit limits.

VII. Nondiscrimination Policy; ADA Accommodations

A. Nondiscrimination: The Law Center prohibits discrimination based on race, color, age, sex, nondisqualifying disability, religion or creed, national or ethnic origin, veteran status, marital status, or sexual orientation in the administration of its educational policies, admissions policies, scholarship and loan programs, or other Law Center-administered programs.

B. Americans with Disabilities Act Accommodations:

1 Academic 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.

2 **Procedure:** Students must request accommodations in writing, and by meeting with Student Affairs personnel, preferably before enrollment, if possible, or early in the term. Students use the "Petition for Special Accommodations" form, available in Student Affairs, to request all accommodations. Student Affairs personnel and each student will assess his/her needs and determine appropriate accommodations, which are provided contingent upon individual need.

In order to receive accommodations, students must submit appropriate medical, psychological, or educational documentation to substantiate their needs. Confidentiality of records is maintained. Upon the student's written release, Student Affairs personnel can verify the disability, if necessary, and make recommendations for accommodations.

For more information concerning specific accommodations available and documentation guidelines, contact the Student Affairs Office.

VIII. Miscellaneous Student/Faculty Issues

A. Office Hours: Each faculty member has the right to set the time made available for consultation with students. Faculty members must devote a reasonable amount of time each week to a fairly regular schedule of office hours.

B. Recording Class Sessions: Each faculty member may permit or prohibit the use of tape recorders in class. Faculty members are encouraged to allow videotaping and audiotaping of classes meeting the evening before religious holidays on which the Law Center is closed as well as on religious holidays for which the Law Center is not closed.

C. Faculty Advisors: All students will be assigned a faculty advisor, who will be available to advise them throughout their academic career. The advisor will meet with advisees as needed.

IX. Waivers of Law Center Rules

A. Waiver Requests: Requests for waiver of any Law Center rule are to be presented in writing to the Student Affairs Office. Based on which group has the authority to act, that office will (1) rule on the request; (2) refer it to the Dean, the appropriate Associate Dean, or the Student Affairs Committee; or (3) if the petition relates to continuation of studies after academic dismissal, advise the student to use the procedures set forth below. Petitions decided by the Student Affairs Committee are decided with finality and are not reviewable by the full faculty.

1. Students who have failed to attain any minimum grade point average (GPA) currently required by the Law Center's Code of Academic Regulations by the deadline established in the Code for attaining that GPA will be academically dismissed. The Associate Dean for Student Affairs will promptly send a letter to each dismissed student notifying him or her of the dismissal, the right to submit a petition for reinstatement or readmission, the deadline for submitting such a petition, the right to continue attending classes until his or her petition has been decided upon, and the general nature of what should be contained in a petition.
2. Dismissed students will be permitted to petition the Student Affairs Committee (SAC) for readmission or reinstatement within 10 days following their receipt of the Associate Dean's dismissal letter. A petition for readmission will request that the student be permitted to waive the requirement that he or she wait two years before applying for readmission as a first year student, with no credit given for prior law school courses. A petition for reinstatement is a request that the Law Center allow the student to continue his or her legal 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.
3. The Office of Student Affairs will notify all faculty members of the identity of all students who have petitioned for readmission or reinstatement, and individual faculty members who know the student will be invited to submit written comments to the SAC with respect to the student's past performance and/or circumstances. This notification will not include the petition submitted by any student.
4. A panel consisting of five voting members of the SAC, along with the Associate Dean of Student Affairs sitting as a non-voting ex officio panel member, will consider and decide upon student petitions for readmission and reinstatement. The five voting members of the panel will consist of four faculty

members and one student or (in instances where the student petitioner has declined to waive confidentiality) of five faculty members. All decisions of this panel are final and not subject to appeal by any petitioning student. Any faculty member with new information, not previously considered by the committee, may request that the panel reconsider any decision it has made with respect to a student petition that the panel has acted upon. The committee will have discretion to honor or decline a request for reconsideration.

5. As to all petitions for reinstatement and readmission, the burden will be on the petitioning student to demonstrate fully within the student's written petition that: a) the student's poor academic performance was a result of extraordinary circumstances outside of the student's control (such as serious illness, unusual hardship, or qualitatively similar circumstances), b) the extraordinary circumstances that caused the student's poor academic performance have been fully resolved and no longer exist, and c) given one more semester of legal study, the student will be able to attain (and maintain thereafter) the requisite GPA.
6. The panel may request any supporting documentation or other information from the student that it determines will or may be helpful to its decision. The panel, in its sole discretion, may request that the student appear before it to respond to oral questions from panel members. Since it is not the faculty's intent to create a system of personal hearings before the panel, and since a student should fully explain all relevant circumstances in his or her petition, it should be rare that such appearances occur.
7. The panel may grant or deny all petitions before it. In the event that the panel grants a petition for readmission, the student will be permitted to apply to the Law Center for admission as an entering student for the following year in the normal manner, and his or her application will be considered along with those of all other applicants. Where the panel grants a petition for reinstatement, the panel may impose any condition(s) that it deems appropriate to improve the student's chances of success after reinstatement while maintaining the academic integrity of the program, including (without limitation) a) a requirement that the student take (or retake) certain courses, b) a requirement that the student refrain from outside employment, and /or c) a limitation on the number of credits a student may take in any given semester.

The panel will take minutes of its meetings and, following its disposition of student petitions, the panel will in writing notify each student petitioner of its decision in his or her case. The SAC will also report to the faculty by providing a summary of the outcome of its panel's decisions respecting student petitions. In addition, for the sake of both annual and year to year consistency, the SAC will maintain a record of its decisions, and the rationale for them, with respect to all petitions that, in the committee's view, will or may concern questions of precedential significance.

B. Application of Rule Changes: A change in Law Center rules, including a change relating to degree requirements that may occur after the original admission of a student to the Law Center, will apply to all students unless the new rule otherwise states or the Dean or faculty waives the change on the ground of hardship.

X. Student Participation in Law Center Governance: Faculty Committees and Faculty Meetings

A. Faculty Committees

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

2 **Student Members:** Students may sit on faculty committees other than the Contract Renewal, Promotion, and Tenure Committee and any committee whose charge includes the study of information that could be associated with individual students or faculty members. (This rule does not preclude students from serving on faculty recruitment committees.)

The Student Bar Association will appoint one primary, and one additional, student representative to faculty committees. The additional student can vote (a) only in the absence of the primary student representative or (b) if the faculty members of 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.

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.

3 **Provisions Relating to Student Affairs Committee:** The SBA will appoint four students to the Student Affairs Committee. One student shall be designated as the primary student representative and shall vote on committee matters. All of the students shall be eligible to serve as investigators and hearing panel members when the Student Affairs Committee is sitting as the Academic Disciplinary Board (referred to in Appendix E).

B. Faculty Meetings

1 **Frequency:** The Dean shall call faculty meetings no less frequently than once every month during the fall and winter semesters. The faculty code provides additional rules for meetings called by faculty members in the Dean's absence.

2 **Agenda:** The Dean shall prepare an informal agenda and distribute it to each member of the faculty and the SBA representatives before faculty meetings. Faculty members and the SBA representatives may add to the agenda prior to the meeting. Agenda items are to be distributed by 72 hours before a faculty meeting. If no items are received within that time frame, the Dean has the power to cancel the meeting. Faculty meetings are to end after two hours unless the faculty decides to extend the meeting time. Meetings will be adjourned and reconvened if an extension conflicts with a regularly scheduled class meeting time of a faculty member who is eligible to vote at that meeting.

3 **Student Representation:**

Two SBA representatives, appointed by the Student Bar Association president, may attend and participate in faculty meetings except those portions of the meeting dealing with (a) tenure, continuing

contract, or other faculty personnel matters (other than voting on an initial offer of employment) or (b) matters relating to other students who have not waived their right of privacy.

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.

The faculty may sit in executive session without the student representatives present or voting on any specific matter if $\frac{3}{4}$ of the faculty vote for such a session.

4 **Abstentions:** Abstentions are treated, for all purposes other than determining a quorum, as though the abstaining member was neither present nor voting.

XI. Rules of Conduct

Students, faculty, and staff govern themselves by codes of conduct expected of those aspiring to a learned profession. Relevant policies cover (A) romantic and sexual relationships between faculty and students and sexual harassment, (B) grievances against members of the Law Center community, (C) omissions or inadequate disclosure during the admissions process, (D) the NSU Code of Student Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards, and any other NSU policies governing students.

A. Romantic and Sexual Relationships Between Faculty and Students; Sexual Harassment:

1 Romantic and Sexual Relationships Between Faculty and Students:

Romantic or sexual relationships between a faculty member and a student then enrolled in the faculty member's class (including 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 to engage in a romantic or sexual relationship with a student then enrolled in the faculty member's class.

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

2 Sexual Harassment:

It is the intent of the University and the Law Center to protect all employees and students from sexual harassment. Sexual harassment of employees violates Title VII of the Civil Rights Act of 1964. Sexual harassment undermines the integrity of the employment and academic environment, debilitates morale, and interferes with the effectiveness of employees and students.

Nova Southeastern University and the Shepard Broad Law Center will not tolerate sexual harassment. Sexual harassment is an insidious practice. It demeans individuals being treated in such manner, and creates unacceptable stress for the entire organization. Persons harassing others will be dealt with swiftly and vigorously.

Normal, non-coercive interaction that is welcomed by both parties is not considered to be sexual harassment.

The sexual harassment policy applies to harassment of or by an employee, client, vendor, or student. The policy appears as **Appendix C**.

B. Grievance Procedure: The Law Center grievance procedure governs complaints based on discrimination, sexual harassment, or arbitrary conduct by Law Center employees. 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 Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards may be resolved under the grievance procedure.

Students with any grievance concerning a member of the Law Center 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.

The Grievance Procedure appears as **Appendix D**.

C. Admissions Application: The Associate Dean-Student Affairs determines sanctions for students whose admissions applications contain errors.

D. Academic Conduct Violations:

1 Offenses Committed in Summer 2005 or Thereafter:

NSU and the Law Center require all members of our community to be honest and forthright in their dealings with each other. This commitment is expressed in the Law Center and NSU academic conduct standards. Every law student has a duty to comply with the academic conduct standards of the Law Center and NSU. This duty includes holding fellow law students to these standards. Any law student that observes a violation should report his or her observation to a member of the administration or faculty or file a complaint with the Student Affairs Office. In addition to rules found in the NSU Code of Student Rights and Responsibilities, Shepard Broad Law Center students are subject to the Supplemental Academic Conduct Standards provided in **Appendix E**.

2 Offenses for Winter 2005 or Before:

The Honor Court has exclusive power to impose a penalty, including a lower grade, upon a student as a result of a finding or belief that the student has engaged in conduct that violates the Honor Code. However, a faculty member retains complete discretion to grade written work which is based wholly or partly upon research by the student. The Dean retains authority to address complaints of sexual harassment and other allegations of conduct that poses an imminent threat to the well being of others in the Law Center community. The Honor Code is posted as a separate document on the Law Center website.

E. NSU Policies: Students can find relevant Nova Southeastern University policies using links on the Law Center website.

Appendix A. Additional Rules for Student Activity Credits

A. Maximum Overall Credit for Law Review/Journal/Citator; Trial, Interviewing, Counseling, Negotiating, and Moot Court Competitions: In general, no student may earn more than four credits toward graduation for participation in Law Review/Journal of International & Comparative Law/Citator, Competitions, or for any combination of these activities. A student may earn up to five credits if at least one credit is for Law Review, Law Journal, or Citator.

B. Individual Credit Limits (Nova Law Review; Journal of International & Comparative Law; Citator)

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 less than two (2) credits for certain board positions.

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. This rule applies to all Citator staff members.

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.

C. Competitions: Trial, Interviewing, Counseling, Negotiating, and Moot Court

1 Two (2) Pass/D/Fail credits will be granted to students in any trial, interviewing, counseling, negotiating, or moot court competition under the supervision of the Moot Court Society, ATLA, or a Shepard Broad Law Center faculty member who meet both of the following criteria:

(a) Attend meetings (which include practice rounds) that are held for a minimum of 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

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

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

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

D. Registration Procedures

1 **Law Review/Journal/Citator.** A student seeking credit for service as a member of the Law Review/Journal/Citator must register for credit hours during the normal Law Center registration period,

including drop/add. Registration will be done manually rather than through WebSTAR.

2 **Competitions.** Students must sign a contract authorizing Student Affairs to register them for the appropriate number of credits for each relevant semester or term (0 credits for those students wishing to participate in a competition for no credit, presumably because they have already exhausted their limit on student activity or overall non-classroom credits) and to indicate that they understand the requirements, obligations, and responsibilities of participation on the competition team. (Registration will be done manually rather than through WebSTAR.)

Withdrawal from a competition team is permitted only for extraordinary circumstances, which shall be interpreted narrowly.

E. Method of certifying receipt of credit.

1 **Law Review/Journal/Citator.** No student will receive credit unless the faculty advisor to Nova Law Review, Journal of International & Comparative Law, or Citator 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.

2 **Competitions.** No student will receive credit unless a faculty advisor to the team certifies, at the end of the semester or term for which credit is sought, that the student participated in the competition and that the participation was of sufficient quantity and quality to merit academic credit.

Appendix B. Critical Skills Program

The Critical Skills Program (CSP) has segments that operate during each year of law school. The CSP section of the Law Center website will provide additional details about the programs described in this Appendix. Segments I and III apply to all students; Segment II applies to all students who began their studies after March 2004.

I. First Year Program: All first year students must satisfactorily complete Legal Study Skills I. Students who do not attain at least a 2.70 average in their first semester must satisfactorily complete Legal Study Skills II; other students may elect to enroll in Legal Study Skills II. Legal Studies Skills includes workshops, a mid-term examination (Uniform Multiple Choice/Essay Test) and performance requirements. This program begins in the summer before the student enters school.

A. Summer: Students will be assigned to read materials designed to encourage and prepare them for professional and effective academic performance.

B. Orientation: Students will complete workshops that introduce the language, culture, tasks and demands of law school. Students will also engage in one or more assessment events that involve writing.

C. Fall: Legal Study Skills All-Student Sessions and Lab Sessions

As part of the Law Center's goal to enable all Shepard Broad Law Center students to maximize their potential to become successful law students and law school graduates by diagnosing each student's learning aptitudes and skills and helping each student improve where needed, the Law Center will administer two interim examinations to the first year students. Each exam will be comprised of multiple choice and essay questions. The first exam will be in the fall semester and will cover the substantive law courses the first year students are taking that semester. The second exam will be during the winter semester and will cover the substantive law courses the first year students are taking that semester. The Law Center will provide each student with feedback regarding the results of the individual student's performances and provide each student with the opportunity to improve upon identified needs.

1 **All-Student Sessions:** Students will participate in a weekly required non-credit program. In general, the initial seven weeks will focus on such matters as time management, reading appellate cases and other legal materials, class preparation, note-taking, and outlining. The weeks following the Uniform Multiple Choice/Essay Test (UMC/ET) will begin with a review of the test ("Evaluating the Evaluation Results – Learning from the Test") and proceed to intensive outlining and exam preparation.

2 **Lab Sessions:** Students whose performance on the UMC/ET indicates the need for additional assistance will be required to participate in Lab Sessions, in which they will work one-on-one with Skills Instructors on critical reading, thinking, and writing exercises as well as specific time management and exam preparation strategies. Students cannot continue their studies unless they satisfactorily complete this component of the program.

D. Winter: Legal Study Skills All-Student Sessions and Lab Sessions

1 **All-Student Sessions:** Students will participate in a weekly required non-credit program. In general, the initial weeks will address learning from the first semester exams and a review of class preparation, note-taking, and outlining. The course will then turn to preparing for exams, initially for the second iteration of the

UMC/ET, and then to the second semester final exams.

2 **Lab Sessions:** Students whose performance on the second UMC/ET indicates the need for additional assistance will be required to participate in Lab Sessions, in which they will work one-on-one with Skills Instructors on critical reading, thinking, and writing exercises with individualized feedback on exercise performance and intensive exam prep strategy sessions. Students cannot continue their studies unless they satisfactorily complete this component of the program.

II. Upper Class Program: All Upper Class Students Who Began After March 2004

1 **Enrollment Requirement:** Any student whose cumulative GPA at the end of the first year was below 2.60 must complete Elements of Legal Analysis I in the fall of the second year. Any student whose cumulative GPA at the end of the first semester of the second year was below 2.60 (and any student whose semester GPA was below 2.60 in each first year semester irrespective of the cumulative GPA at the end of the first semester of the second year) must complete Elements of Legal Analysis II in the winter of the second year.

2 **Description:** ELA will have the following components: (1) it will concentrate on critical reading, thinking and writing skills; (2) the focus will be on preparing for class (reading assignments), taking notes in class (in both of these stages the emphasis will be on analysis), outlining what has been learned in multiple classes (synthesis), preparing for exams, and completing exams (satisfactory performance in timed situations); and (3) a class in which a variety of exercises of all of these skills will be required and individually evaluated. Students will be deemed to have successfully completed ELA based on evaluation by the Associate Dean-Critical Skills in consultation with the relevant Critical Skills Instructor.

3 **Clinic:** No student whose cumulative GPA is below 2.60 at the *beginning* of the semester prior to that student's last semester of law school may take a full-time clinic during his/her last term or semester of school. (For example, a student who plans to graduate in May can take a full-time clinic in the winter semester only if he/she has at least a 2.60 at the beginning of the preceding fall semester. A student who plans to graduate in December can take a full-time clinic in the fall semester only if he/she has at least a 2.60 at the beginning of the preceding winter semester.)

III. Advanced Legal Analysis: All students must successfully complete Advanced Legal Analysis during their final year of law school.

IV. Graduation Requirement. Students will not be certified for graduation until Student Affairs receives a certificate of completion of CSP requirements from the CSP office.

Appendix C. Sexual Harassment Policy

1 Sexual Harassment of or by an Employee, Client or Vendor

a. In accordance with the Equal Employment Opportunity Commission promulgated guidelines, unwelcome sexual advances, unwanted requests for favors of a sexual nature, and any other unwanted verbal or physical conduct of a sexual nature are considered sexual harassment if:

(1) Explicit or implicit submission to sexual overtones is made a term or condition of employment.

(2) Employment decisions are made on the basis of whether submission to or rejection of sexual overtones occurred.

(3) An individual's work performance is unreasonably interfered with by a sexually intimidating, hostile, or offensive atmosphere.

b. At Nova Southeastern University and Shepard Broad Law Center, sexual harassment of or by employees includes:

(1) Unwelcome or unwanted sexual advances. This includes unwelcome physical contact or sexual advances considered unacceptable by another individual.

(2) Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status.

(3) Verbal abuse that is sex-oriented or considered unacceptable by another individual, as well as sexually derogatory comments. This includes commenting about an individual's body or appearance when such comments go beyond mere courtesy; telling jokes that are clearly unwanted and considered offensive by others; or other tasteless sexually oriented comments or innuendoes or actions that offend others.

(4) Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attention to someone that reduces personal productivity or time available to work at assigned tasks.

(5) Creating a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually-oriented conversations, suggestions, requests, demands, physical contacts or attentions.

2 Sexual Harassment by Employees of Students. Sexual harassment by employees of students consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including unwelcome patting, pinching, or touching and offensive or demeaning sexual remarks, jokes, or gestures when:

a. Submission to such conduct is made to appear to be a term or condition of enrollment, attendance, or participation in a class;

b. Submission to or rejection of such conduct affects academic decisions; or

c. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment.

Classroom discussion of sex as it relates to the subject matter of a course is not sexual harassment. Because many law school courses encompass sexual issues, discussion of those issues is a necessary part of those courses and is protected by academic freedom.

3 Sexual harassment by students of students

Sexual harassment by students of students consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including unwelcome patting, pinching, or touching when such conduct occurs in the Law Center and has the purpose or effect of unreasonably interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment.

4. Procedure. Any student or employee who violates any portion of this policy will be subject to disciplinary action.

a. Violation by employees. All allegations of sexual harassment of or by an employee, client, or vendor will be promptly and thoroughly investigated by the University Human Resources Department, and should be reported promptly to the Director of Human Resources. An aggrieved student may also file a grievance under the Student Grievance Procedure set forth in the Code of Academic Regulations.

b. Violation by students. Any student alleging sexual harassment in the Law Center by a student should report the allegation to the Dean, who will investigate and take appropriate action, which may include suspension or expulsion of an offender from the Law Center.

Appendix D. Grievance Procedure

1 **Grievances Respecting Other Students:** A grievance against a fellow student may involve conduct that (1) appears to violate the NSU Code of Student Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards, (2) poses a threat to the safety of fellow members of the law school community, or (3) substantially interferes with a student's experience at the Law Center.

When conduct appears to violate the NSU Code of Student Rights and Responsibilities or Law Center Supplemental Academic Conduct Standards, the faculty counselor will advise the student of the relevant provisions of those documents, including both the provision that appears to encompass the conduct and the provision that obligates the student to file a conduct charge.

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.

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.

2 **Grievances Respecting Faculty Members:** Both the Law Center 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

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 Law Center 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.

3 **Grievances Respecting Members of the Law Center Administration:** Grievances against members of the Law Center administration may involve matters formally assigned to an appeal process by the Law Center 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.

Grievances may also arise from time to time respecting the resolution of matters governed by Law Center 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.

Other grievances against members of the Law Center 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 for Student Affairs. When those grievances involve administrative staff under supervision of an Associate Dean, a faculty counselor will counsel the aggrieved student to first seek to resolve the matter by discussing it with the Associate Dean. 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 Law Center 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.

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

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

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.

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:

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.

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.

If the Dean is a party to or witness in the matter of the complaint, then the Associate Dean-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 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.

Appendix E. Supplemental Academic Conduct Standards and Disciplinary Process

Violations

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

Appendix F. Email Policy

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