

ACADEMIC POLICIES

FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW

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ACADEMIC POLICIES

Preface

These Academic Policies were promulgated and codified by the Florida International University College of Law in February 2002, and have been periodically amended since that time.

Students should read these policies carefully; all students are presumed to have full knowledge of their contents.

Introduction

These policies are divided into 10 parts. Each part is designated by a roman numeral and a title in capital letters. These parts are divided into one or more subparts. Each subpart is designated by a capital letter and an underlined title in initial caps. The “ABA Appendix” lists those sections of these Policies that are related to, based upon or compelled by standards of the American Bar Association and the specific ABA standard that is related to the contents of the listed section.

PART I. GENERAL PROVISIONS

A. Defined Terms

001. **Defined Terms**

Add/drop period – The period at the beginning of each semester designated in writing by the Registrar, during which students may, generally, change courses without obtaining permission of the Dean. (§ 802)

Administrative F – A grade of “F” entered on a student transcript for a course by the Records Office at the direction of the Dean because the student initially received an incomplete in the course and did not follow the required procedures to remove the incomplete, or because, without prior authorization, the student failed to take a scheduled examination, or because the student violated the Code of Student Conduct. (See §§ 1203, 2602, 2701, and 2807.) Administrative F grades may be accompanied by a notation on the transcript of the reason the student received the F grade.

College – The Florida International University College of Law.

Course – An offering of the College for which a student is authorized to receive credit which counts toward the minimum number of credit hours needed for graduation.

Course Credit Hours – A credit hour is an amount of work that reasonably approximates: (1) not less than 50 minutes of classroom or direct faculty instruction and 120 minutes of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or (2) at least an equivalent amount of work for other credit-bearing academic activities such as field placements, law review, trial advocacy, and board of advocates.

Dean -- The Dean of the College of Law or such person as the Dean may designate.

Faculty – The faculty of the College of Law.

Foundation course – A course required in the first year of the full-time division and the first three semesters of the part-time division. The foundation courses are Torts (4 credit hours), Contracts (4 credit hours), Property (4 credit hours), Civil Procedure (4 credit hours), Criminal Law (3 credit hours), Constitutional Law (4 credit hours), Introduction to International and Comparative Law (3 credit hours), and Legal Skills and Values I (3 credit hours) and II (2 credit hours). These foundation courses comprise the foundation curriculum. (See § 701)

Full-time student – Either a student enrolled in a minimum of 12 credit, or a student enrolled in less than 12 credit hours who qualifies for such enrollment under § 301, 303 or 304 and who is employed for fewer than 20 hours per week. (§ 301)

Good academic standing – Describes the status of a student whose cumulative grade point average is 2.00 or above. (§§ 1501, 1601, 1701)

Independent study – An arrangement between a faculty member and a student under which a student produces written work that has gone through multiple drafts under the supervision of the faculty member. Independent studies are graded on a credit/fail basis. (§§ 2301-2306)

Leave of absence – An absence of a semester or more permitted in writing by the Dean to an enrolled student that interrupts the normal course of a student's progress to graduation in consecutive semesters. (§§ 2601-2602)

Part-time student – A student who is enrolled in a minimum of six credit hours and who is not a full-time student; or a student who qualifies for enrollment in fewer than 8 credit hours under §§ 301, 303, or 305. (§301)

Records Office – The FIU College of Law Student Records Office.

Student – Unless otherwise specified, a student of the FIU College of Law.

Upper level – Describes a student who has completed the foundation curriculum, or a course other than a course in the foundation curriculum.

Withdrawal – A voluntary termination of enrollment at the College of a student in good standing approved by the Dean, having the consequence that the student may not re-enroll at the College unless readmitted. (§§ 2701-2702) [Compare withdrawal from a course, §§ 804]

B. General Principles

010. **Compliance with applicable law.** These Academic Policies shall be interpreted and applied so as not to violate applicable law, including but not limited to laws establishing the rights of persons with disabilities.
011. **Disclaimer.** The College of Law reserves the right to modify these Academic Policies. Nothing in these Academic Policies may be considered as setting forth terms of a contract between a student or prospective student and the College of Law.

PART II. GENERAL ENROLLMENT REQUIREMENTS

A. Two Divisions: Full-Time/Day and Part-Time/Evening

101. **Two divisions; transfer from one division to the other.** The College of Law offers both a full-time/day division and a part-time/evening division. Ordinarily, full-time students will earn the J.D. degree in three years and part-time students in four years (including at least two summer sessions). Students are admitted to either the full-time/day division or the part-time/evening division, and may transfer from one division to the other only for good cause and with approval of the Dean, space permitting. Except for compelling reason and with written approval of the Dean, students must take the first 31 hours of law school course work in the division to which they were admitted.

B. Time for Completion of J.D. Requirements

201. The requirements for the J.D. degree may be completed no earlier than 24 months and not later than 84 months after a student has commenced law study at the College of Law or at a law school from which the College of Law has accepted transfer credit.

C. Minimum and Maximum Course Loads

301. **Minimum course load.** Except as provided in § 304, a student must be enrolled in a minimum of 12 credit hours each semester, and be employed for no more than 20 hours per week, to be considered a full-time student for purposes of these policies. Except as provided in § 303 or 305, a student must be enrolled in a minimum of six credit hours in the fall/spring semester or a minimum of five credits during the summer session to be considered a part-time student for purposes of these policies.

302. **Maximum course load.** Except as provided in § 303, a full-time student may not enroll in more than 16 credit hours of courses, and a part-time student may not enroll in more than 11 credit hours of courses in one semester.
303. **Extraordinary circumstances.** In extraordinary circumstances, the Dean may grant permission for a part-time student to enroll in fewer than six credit hours of courses; for a part-time student to enroll in 12 hours of courses; and for a full-time student to enroll in more than 16 credit hours of courses in one semester.
304. **Exception to minimum course load requirement: full-time students.** A student may take fewer than 12 credit hours in the student's final semester of enrollment at the College and still be considered a full-time student, if the student needs fewer than 12 credit hours to complete the 90 credit hours required for graduation.
305. **Exception to minimum course load requirement: part-time students.** A part-time student may take fewer than six credit hours in the student's final semester of enrollment at the College if the student needs fewer than seven hours to complete the 90 credit hours for graduation.

[Sections 401 et seq. reserved.]

D. Attendance and Punctuality

501. **General rule.** A student enrolled in any course must regularly and punctually attend class. Except when an instructor has established more exacting attendance requirements pursuant to §502, a student who is absent for more than 15% of the class hours in a semester (one class hour equals 50 minutes) shall be deemed not to have regularly attended class, and shall receive a reduction of a letter grade (e.g., A- to B+) for every absence beyond 15% of the class hours in the course.
502. **Specific attendance and punctuality requirements.** An instructor may establish more exacting attendance, and punctuality, requirements in the instructor's course and, during the add/drop period, shall notify the students of those requirements in the course syllabus or by some other form of written notice.
503. **Exceptions.** The Dean shall grant exceptions to the attendance requirements under §§501 and 502 for: (1) absences due to medical and other emergencies, or (2) absences, with two-weeks advance notice to the course instructor, due to religious holidays or approved co-curricular activities. The Dean may grant exceptions to this policy in other extraordinary circumstances
504. **Record of attendance.** Faculty members shall keep records of attendance in their classes.

505. **Maintain current address information.** Each student is required to provide and keep current the student's mailing address with the Records Office.

E. Employment

601. **Restrictions applicable to full-time students.** A full-time, first-year student should not undertake any employment, because the rigorous demands of law study require the full energy and time of the student. No student may be employed for more than 20 hours in any week in which the student is enrolled in more than 12 class hours. This restriction may be waived prospectively by the Dean or the Dean's designee upon written request for good cause shown.
602. **Employment by part-time students.** While it is recognized that many part-time students will be employed while attending law school, the rigorous demands of law study require the part-time student to devote substantial energy and time, especially during the first three semesters. Thus, part-time students should work no more than 40 hours per week and preferably fewer hours if possible.

PART III. SPECIFIC COURSE AND ENROLLMENT REQUIREMENTS

A. Required Courses

701. **Foundation curriculum (first year of full-time program and first three semesters of part-time program).** All students must successfully complete the foundation curriculum, which consists of 31 credit hours taken in the first year of the full-time program or the first three semesters of the part-time program. The foundation curriculum is composed of the following courses: Contracts (4 credit hours), Torts (4 credit hours), Property (4 credit hours), Constitutional Law (4 credit hours), Civil Procedure (4 credit hours), Criminal Law (3 credit hours), Introduction to International and Comparative Law (3 credit hours), Legal Skills and Values I (3 credit hours), and Legal Skills and Values II (2 credit hours).
702. **Upper level requirements.** All students must successfully complete the following upper level courses: Legal Skills and Values III (2-3 credit hours), Professional Responsibility (3 credit hours), and at least one seminar that entails the writing of a multi-draft paper, and the Experiential Course Requirement (6 credit hours) as provided in Section 704. In furtherance of the curricular emphases in Legal Skills and Values and in International and Comparative Law, students also must satisfy a distributional requirement by taking at least two Litigation or Alternative Dispute Resolution courses and at least one course in International and Comparative Law. Courses will be assigned to these areas by the faculty as they are approved for inclusion in the curriculum

703. **Pro bono requirement.** All students must satisfy a pro bono service requirement through the College's Pro Bono Program. The requirement, to be completed by full-time students during the second year of law school and by part-time students during the fourth through seventh semesters of law school, entails 30 hours of useful legal-related community service in a program established or approved by the College.

704. **Experiential Course Requirement**

All juris doctorate candidates entering fall 2016 and thereafter must successfully complete, with a passing grade C or above, a minimum of six credits hours of experiential course work.

- (a) "Experiential course" means a clinical course, externship placement, trial advocacy course, or appellate advocacy course, or other simulation course.
- (b) No student may enroll in more than twenty (20) credit hours of experiential courses, with a maximum of twelve (12) credit hours in trial advocacy courses, twelve (12) credit hours of clinical courses, or twelve (12) credit hours of externship placements, or twelve (12) credits hours in simulation courses.
- (c) (1) Except as provided in sub-paragraph (c)(2), no student may enroll in any experiential course until completion of 45 credit hours towards graduation.
(2) The requirements of paragraph (c)(1) shall not apply to the Judicial Externship Placement, trial advocacy course, or appellate advocacy course.
- (d) Enrollment in any experiential course is subject to satisfaction of all requirements of the particular experiential course.
- (e) The requirements of paragraphs (b), (c) and (d) of this section are non-waivable, except for good cause shown.
- (f) The Associate Dean for Academic Affairs shall report to the faculty on all waivers granted of the requirements of paragraphs (b), (c), and (d).

B. Changes in Course Schedule

801. **Records Office requirement.** All changes in student schedules, including changes from one section of a course to another and any change pursuant to the procedures required or authorized in §§ 803 through 806, must be processed through the College of Law Records Office.
802. **Add/drop period.** The Dean shall designate in writing the "add/drop" period as well as any add/drop period policies and procedures in addition to those set forth in these Academic Policies. Copies of such policies and procedures will be made available to all students.
803. **Requirements during add/drop period.** Except where the instructor has established limitations on dropping, a student may drop a course through the last day of the add/drop period without the permission of the instructor. Failure to attend class does not constitute a drop; however, a student who fails to attend each

class meeting of a course in which the student is enrolled during the add/drop period may be administratively dropped from the course by the Dean.

804. **Restrictions on changes after add/drop period.** The per credit hour tuition fee will be fully refunded for courses dropped during the official add/drop period. A student who withdraws from the College of Law after this deadline will receive WI grades and no tuition will be refunded. After the add/drop period, a student must receive written permission from the Dean upon a showing of good cause to withdraw from a course on the student's schedule. A student must obtain written permission of the Dean upon showing a compelling reason to add a course to the student's schedule after the add/drop period.
805. **Enrollment at overlapping times prohibited.** No student may enroll in courses scheduled to meet at the same hour or at overlapping times.

C. Auditing

901. **Auditing.** Students may audit courses in which space is available with permission of the instructor and the Dean. Permission should not be sought unless the student intends to attend class regularly for the entire semester. No record is kept of courses audited, and no fees are charged to students.

Auditing by non-College of Law students is generally not allowed, and may be allowed only in extraordinary circumstances with the approval of the Dean and the instructor, space permitting and under terms prescribed by them and upon payment of the required tuition and fees. Any certification of auditing of this type shall state that the College of Law makes no representation as to the individual's qualifications, attendance, or comprehension of the materials.

PART IV. STANDARDS FOR GRADING AND GRANTING CREDIT

A. Grading System

1001. **General rule.** Student performance in all courses offered by the College shall be graded in accordance with the grading curve set forth in §§ 1101-1104 below and counted in a student's cumulative grade point average.
1002. **Grading system and grade point equivalents.** All courses except those graded on a credit/fail basis will be graded on the following system: A = 4.00 grade points per credit hour; A- = 3.67; B+ = 3.33; B = 3.00; B- = 2.67; C+ = 2.33; C = 2.00; C- = 1.67; D = 1.00; and F = 0.00.

Other transcript grade notations are as follows: AF = administrative F; P = satisfactory (pass); IN = incomplete; IP = in progress; W = withdrawal; AW = administrative withdrawal; AU = audit.

1003(a). **Anonymous grading.** All examinations are graded anonymously. Papers submitted for credit in a course, seminar, or independent study and work involving evaluation of student performance during the course of the semester need not be graded anonymously.

1003(b). **Hybrid Courses.** A hybrid course is a course that offers the student the option of being graded anonymously based on the students examination performance, graded non anonymously based on the submission of a multi-draft research paper, or graded non anonymously based on a serial writing option, i.e, the submission of a minimum of four separate papers completed throughout the semester. The purpose of the hybrid course is to improve student writing by providing students with feedback on multiple drafts of a research paper or on several shorter papers. The requirements of the research paper are established by section 702 of the Academic Policies. The requirements of the serial writing option, including the length of each paper and the degree of independent research to be conducted by the student, will be determined by the supervising faculty member.

1004. **Adjustment of grades based on class participation.** An instructor may make an adjustment of one grade level for a student's classroom performance during any course. Such grade is in addition to any examination grade, or grade derived from papers, projects, or other graded course work, and has the effect of increasing or decreasing the course grade to the next higher or lower grade (e.g., from C to C+ or C-). The instructor wishing to grade classroom performance under this section must announce the criteria for such grading within the first two weeks of class. At the conclusion of anonymous grading, the instructor will receive a grade adjustment sheet for all students in the course. If the instructor has complied with this section, the instructor may raise or reduce the grade of a student by one grade level (e.g., from C+ to B-). No grade may be decreased from a "C-" or "D."

A faculty member may calculate the distribution of grades prior to adjustments of grades based on class participation pursuant to this section and will be deemed to have satisfied the grading policy distributions, so long as the number of grades raised does not exceed the number of grades lowered by more than 10%.

Otherwise, a faculty member must calculate the distribution of grades to include all of the adjustments to satisfy the grading policy.

1005. **Reporting of grades.** The cumulative grade point average of any student is determined by multiplying each grade given for every graded course taken at the College by the total number of semester hours assigned to that course, adding the products and dividing the total by the number of graded credits attempted. Grade point averages are calculated to the third or thousandth decimal place. Grade point averages are calculated for every student upon the submission of course grades for each semester and summer session, where applicable. No course taken on a non-graded basis that is not failed shall be considered in computing a student's grade

point average. No course taken at another law school shall be considered in computing a student's grade point average.

1006. **Class rank.** Full-time and part-time students shall be ranked separately in the division in which they completed the last semester. Class rankings are available only after the conclusion of the spring semester. At the request of the student, the student's class rank may be released to third parties.

B. Grade Normalization

1101. **Foundation curriculum:** In all foundation curriculum courses, except Introduction to International and Comparative Law, the distributional requirements must be met:

- (i) between 10% and 15% of the grades shall be A;
- (ii) between 10% and 20% of the grades shall be A-;
- (iii) between 15% and 25% of the grades shall be B+;
- (iv) between 15% and 25% of the grades shall be B;
- (v) between 10% and 15% of the grades shall be B-;
- (vi) between 10% and 15% of the grades shall be C+;
- (vii) between 10% and 15% of the grades shall be C; and
- (vi) between 0% and 15% of the grades shall be C- or below.

1102. **Upper level courses:** In all upper level courses with an enrollment of more than 15 students, other than seminars, and in Introduction to International and Comparative Law, the following distributional requirements must be met:

- (i) between 10% and 15% of the grades shall be A;
- (ii) between 10% and 20% of the grades shall be A-;
- (iii) between 20% and 35% of the grades shall be B+;
- (iv) between 20% and 35% of the grades shall be B;
- (v) between 5% and 15% of the grades shall be B-; and
- (vi) between 0% and 20% of the grades shall be C+ or below.

1103. **Other grades.** After satisfaction of the grade normalization requirements set forth in §§ 1101-1102, the distribution of other grades of (B-, C+, C, C-, D, and F) is at the instructor's discretion.

1104. **Exceptions.** Departure from the grade normalization requirements set forth in §§ 1101-1103 may be permitted by the Dean upon written request of a faculty member explaining the reasons for the departure.

C. Changes in Grades

1201. **General rule: computation error as basis for grade change.** An instructor may change the grade for a course only in cases of computational error subsequently reported to the Records Office by the instructor. The instructor shall report all such

changes to the Records Office no later than the conclusion of the semester following the course.

1202. **Exception: grade change involving re-enrollment.** Notwithstanding the provisions of § 1201, the grade for a course in which a student is required or permitted to re-enroll pursuant to the standards for continuation and graduation shall be averaged with the grade earned for the initial enrollment for the purpose of computing grade point average. Both the grade earned on the initial enrollment and the grade earned on the re-enrollment shall appear on the student's transcript.
1203. **Exception: grade change involving misconduct.** In accordance with the College of Law Student Conduct Code, the Dean may administratively change a grade to an F as a sanction for student misconduct on an examination, in the preparation and submission of a paper, or in the performance of other responsibilities for a course.

D. Credit

1301. **No credit for failing grades.** A student shall receive no credit for a grade of F.
1302. **Maximum credit for non-classroom work.** Except in extraordinary circumstances and with the approval of the Dean, students may receive no more than a total of six credit hours for any non-graded courses and independent studies in which the majority of the work is performed outside of the classroom. Such academic programs are: Moot Court Board, moot court competitions, and the FIU Law Review. Credits earned in excess of the six credit hour limitation shall not be counted toward the 90 credit hours required for graduation, but shall be recorded on the student's transcript.

E. Incompletes

1401. **Missed examinations.** The Dean may authorize a student to receive an incomplete when the student is unable to take or complete an examination during the regularly scheduled examination period because of illness, accident, or other extraordinary circumstances. An incomplete is a temporary notation on a transcript that can be removed only pursuant to § 1403.
1402. **Non-examination courses.** The instructor in a non-examination course may grant an incomplete to a student for good cause as determined by the instructor. Such incompletes do not require the approval of the Dean. An incomplete is a temporary notation on a transcript that must be removed pursuant to § 1403.
1403. **Removal of incomplete.** An incomplete must be removed from the student's record by the last day of the semester that follows the semester in which the student received the incomplete. Unless the Dean authorizes continuance of the incomplete on the student's record, an incomplete that is not removed in accordance with the

preceding rules shall be converted to a grade of administrative F and the student shall receive no credit for the course.

V. STANDARDS FOR CONTINUATION AND GRADUATION

A. Academic Probation and Supervision after First Semester

1501. **Academic probation – lower than 2.00 grade point average.** Except as provided in §§ 1601-1602, a student who earns a grade point average of less than 2.00 at the close of the first semester may enroll in the following semester at the College, but shall be on academic probation and must adhere to the following conditions: submission of the student's schedule to the Dean for approval; participation and regular attendance in any academic support program or course prescribed by the faculty; re-enrollment in any foundation course in which the student received a grade of F; [See § 1703. Required retaking of courses with grade of F]; regular attendance in all classes [See § 501. General rule]; prohibition against the student serving as a member of any faculty student committee or as an officer of a law school student organization; if the student's outside workload is determined to be a factor contributing to the student's academic performance, reduction of the student's outside workload as determined by the Academic Standards Committee; and such additional terms and conditions of probation as the Committee may establish. To continue to the second year, a student who has earned a grade point average below 2.00 at the close of the first semester must increase the student's cumulative grade point average to 2.00 or above by the end of the second semester.

1502. **Academic supervision – Bottom 20% of the Class.** A student with a GPA of 2.00 or above but who ranks within the bottom 20% of the class after one semester shall be on academic supervision and must adhere to the following conditions: submission of the student's schedule to the Dean for approval; participation and regular attendance in any academic support program or course prescribed by the faculty; re-enrollment in any foundation course in which the student received a grade of F; [See § 1703. Required retaking of courses with grade of F]; and regular attendance in all classes [See § 501. General rule].

B. Exclusion and Readmission

1601. **Exclusion after First Semester.** A full-time J.D. student who fails to earn a cumulative grade point average of 1.60 or better upon completion of the first semester shall be excluded from the College. The Dean shall notify a dismissed student of the student's dismissal by letter sent to the student's last known address.

1602. **Readmission.** A student who is excluded under §1601 may not petition the Academic Standards Committee for readmission.
1603. **Exclusion After Second or Any Subsequent Semester – lower than 2.00 grade point average.** A student (full-time or part-time) who fails to earn a cumulative grade point average of 2.00 or better upon completion of the second or any subsequent semester shall be excluded from the College subject to the provisions of § 1604. The Dean shall notify a dismissed student of the student's dismissal by letter sent to the student's last known address.
1604. **Readmission.** A student who is excluded under § 1603 but has earned a cumulative grade point average of 1.80 or above may petition the Academic Standards Committee for readmission. A student readmitted under this section shall continue to the third or subsequent semester of law school, subject to §§ 1701 and 1703 regarding probation and retaking of courses in which the student earned an F. There shall be a strong presumption against readmission and the Committee shall not grant readmission except under the most compelling and extraordinary circumstances, and then only if the Committee is clearly convinced that (a) the student will be able to successfully complete the curriculum and pass a bar examination; and (b) the student will be able to earn a cumulative grade point average of 2.00 or better upon completion of the subsequent semester; and (c) any personal problems or other factors that contributed to the student's poor academic performance are not likely to reoccur. Unless petitioning under §1902, a student readmitted under this section who fails to earn a cumulative grade point average of 2.00 or better upon completion of any subsequent semester may not petition for readmission.
- 1605 **Readmission procedure.** All requests for readmission shall be made to the Dean, who shall refer them to the Academic Standards Committee. Requests must be made in writing and mailed or delivered to the Dean's office within such time specified by the Dean. The request for readmission must set forth evidence suggesting satisfaction of the readmission standards stated in this section. The Academic Standards Committee shall adhere to the following procedures with readmission decisions:
1. All petitioners who have a right to petition for readmission shall, upon request in the petition, be given a hearing on a date set by the Committee.
 2. The hearing shall not substitute for or excuse the written petition. The hearing will be informal. The petitioner should briefly outline points not made in the petition, present any written or oral evidence supporting his or her petition, and be willing to answer any questions or supply any information requested by the Committee.
 3. Except as agreed by the student and the Committee, the hearing will be closed to any other person not on the Committee.

4. The Committee will discuss the petition outside the presence of the petitioner. The Committee may invite the Associate Dean for Academic Affairs and Associate Dean for Admissions and Student Services to serve as resources for the Committee's deliberations. Readmission will be granted only by affirmative vote of a majority of the members present.
 5. The student will be informed in writing of the Committee action within three business days following the hearing. The student cannot expect to be informed of the Committee action personally on the day of the hearing.
 6. If the Committee decides to readmit, a written statement of the considerations justifying the decision shall be placed in the student's file.
1606. **Petitions for reconsideration and absence of appeal.** The Committee's decision to deny readmission or certification to the faculty is final and may not be appealed to any College or FIU officer or body. Except as provided in § 1607, a petition for reconsideration will not be granted.
1607. **Reconsideration.** A student denied readmission may file a petition for reconsideration only once and only if there existed a compelling reason for the student's failure to maintain good academic standing that was unknown to the student at the time of the student's hearing before the Academic Standards Committee. In extraordinary circumstances the Committee, by unanimous vote of Committee Members present, may certify a petition for reconsideration to the full faculty, which may grant such a petition by a majority vote.
1608. **Application for Admission as a New Student.** A person excluded under § 1601 or excluded under § 1603 and not readmitted by the Academic Standards Committee, may reapply for admission to the College of Law as an entering first-year student enrolling no earlier than the calendar year following the calendar year in which the student was dismissed.
1609. **Standard for Admission as a New Student.** The Admissions Committee shall admit an applicant as an entering first-year student under § 1608 if and only if the Admissions Committee is clearly convinced that (a) the applicant will be able to successfully complete the program of legal education and be admitted to the bar and (b) any personal problems or other factors that contributed to the applicant's prior academic exclusion have been satisfactorily resolved and are not likely to recur. The previously excluded applicant must submit a written statement addressing these issues along with the student's application for admission to the College of Law. If the applicant is admitted, a written statement of the considerations justifying the decision shall be placed in the student's file.

C. Probation and Academic Supervision After Second or Subsequent Semester

1701. **Probation – 1.80 to 1.99-grade point average.** A student with a cumulative grade point average below 2.00 as of the end of any semester or summer session who is permitted to continue in law school shall be on probation. The terms and conditions of probation shall be as provided in § 1501. To continue to the next semester, a student who is readmitted under § 1604 must increase the student's cumulative grade point average to 2.00 or above by the end of the semester for which the student has been readmitted.
1702. **Academic supervision requirements.** A student who ranks within the bottom 20% of her or his class at the close of the second or any subsequent semester may enroll in the following summer session and semester at the College, but must adhere to the following conditions: submission of the student's schedule to the Dean for approval; re-enrollment in any foundation course in which the student received a grade of F [See § 1703. Required retaking of courses with grade of F]; and regular attendance in all classes [See § 501. General rule]. If the student's outside workload is determined to be a factor contributing to the student's academic performance, the student shall make every reasonable effort to reduce such workload.
1703. **Required retaking of courses with grade of F.** Any student who earned an F in a foundation course but who is permitted to continue in the College is required to re-enroll in that course. Grading and credit for the re-enrollment shall be governed by the provisions of §§ 1202 and 1302.

[Sections 1801 et seq. reserved.]

D. Graduation Requirements

1901. **General requirements.** In order to graduate from the College of Law, a student must:
1. Earn a cumulative grade point average of 2.00 or greater for all graded course work;
 2. Pass all required courses, and earn a grade of C or better in Professional Responsibility;
 3. Complete at least 90 credit hours of law school course work with passing grades, of which at least 78 credit hours were in graded courses. No more than 13 credit hours of "D" grade work can be applied to the 90 credit hours of course work.

4. In the event the student has either been subject to continuation requirements imposed under these policies or been subject to readmission requirements imposed under these policies, either have satisfied those requirements, or have been excused from doing so by the Dean, who may excuse the satisfaction of such requirements in compelling circumstances;
 5. Satisfy the pro bono service requirement established by § 703.
 6. Satisfy all requirements for the degree within the time periods specified in § 201.
1902. **Additional semester to meet 2.00 grade point requirement.** Subject to § 201 regarding maximum years to qualify for degree, a student who fails to earn a cumulative grade point average of 2.0 upon completion of 90 credit hours of course work may petition the Academic Standards Committee for permission to continue his or her studies for an additional semester. To be permitted to continue, the student must persuade the Committee that the student is capable of successful completion of the curriculum. Such permission shall be granted only in compelling circumstances. In making this readmission determination, the Committee should consider the factors for readmission set forth in § 1604. If the Committee readmits a student, it may impose any conditions it deems appropriate.
1903. **Completion of requirements by graduation date.** All requirements for graduation must be completed prior to the date of graduation for a degree to be granted at that time. The Dean may waive this requirement in extraordinary circumstances.

VI. HONORS

2001. **Dean's List.** All students who attain an average of 3.00 or better in any semester (but not summer sessions) are named to the Dean's List for that semester. Full-time students must earn at least 12 hours of credit for the semester with a minimum of six credit hours in graded courses. Part-time students must earn at least eight hours of credit for the semester with a minimum of five credit hours in graded hours. [See § 2108. Designation of transfer credit on transcript.]
2002. **Degree awards.** The awards of *summa cum laude*, *magna cum laude*, and *cum laude* are awarded on the following criteria:
1. *Summa cum laude* – a student whose cumulative grade point average is 3.75 or higher.

2. *Magna cum laude* -- a student whose cumulative grade point average is below 3.75 but is 3.50 or higher.
3. *Cum laude* -- a student whose cumulative grade point average is below 3.50 but is 3.25 or higher.

Students who complete the degree requirements at the conclusion of the summer session or the fall semester of any year will be considered for the above honors with the subsequent spring graduating class.

VII. CREDIT FOR WORK AT OTHER COLLEGES AND LAW SCHOOLS

2101. **Transfer credit generally.** As provided in the following sections, a student may transfer credits for a course taken at another law school if the student earned a grade of C or higher in the course at the other law school.
2102. **Transfer students – maximum transferable hours.** A student may transfer to the College after completing the first-year curriculum in good academic standing at an ABA accredited law school. Except as permitted by the Dean for good cause, a transfer student may transfer a maximum of 32 credit hours.
2103. **Students with foreign degrees.** A student who has earned a professional degree from a foreign institution that is equivalent to a J.D. in the United States may apply to the Dean for advanced standing. On a case-by-case basis, the Dean may award transfer credit for work completed at the foreign institution. The Dean may waive enrollment in a required course only on a showing that the course substantially duplicates work already completed. [See §§ 701-702.] Required Courses.] In no event may a student receive credit for more than 30 hours of course work at a foreign law school.
2104. **Transfer credit for course work in other law school programs.** On a case-by-case basis, the Dean may award transfer credit for course work taken at another law school, law school summer program, foreign summer law program, or foreign law school. A student wishing to receive transfer credit for such work must seek the Dean approval in advance of enrolling in the other law school program. In making a determination regarding whether to approve such enrollment, the Dean shall consider, among other factors, the rigor of the course work and the student's grade point average. The Dean may waive enrollment in a required course only on a showing that the course substantially duplicates work already completed. In no event will the Dean approve transfer credit in an amount greater than 44 credit hours.
2105. **Students visiting foreign law schools.** With the permission of the Dean, a student who has completed the foundation curriculum may visit at a foreign law school under terms and conditions approved by the Dean and by the Office of the

Consultant on Legal Education of the American Bar Association. A student who visits at a foreign law school may transfer a maximum of 16 credit hours.

2106. **Students enrolled in courses in another graduate program.** With the advance written approval of the Dean, a student may receive up to six hours of credit toward the J.D. degree for appropriate and relevant graduate level courses taken in another graduate program, provided that the student earns a B or above in such course or courses. The credit for such course or courses will be entered on the student's College transcript as a "pass" with the designation "P." No credit will be given for a course in which the student earned a grade of B- or below.
2107. **Joint degree students.** A student who is admitted to a joint degree program may transfer a maximum of nine credit hours from the other graduate school unit participating in the joint degree program.
2108. **Designation of transfer credit on transcript.** Transfer credit for a course in which a student earned a grade of C or better (or the equivalent) at the other law school will be entered on the student's College transcript as a "pass" with the designation "P." No transfer credit will be given for a course in which the student earned a grade of C- or below.

VIII. CREDIT FOR NONCLASSROOM WORK

A. Independent Study

2201. **General description.** An upper level student may earn credit for independent study supervised by an instructor in accordance with the provisions in §§ 2202-2206 below.
2202. **Eligibility.** To be eligible for an independent study, a student must have a cumulative grade point average of at least 2.40, unless the supervising instructor and the Dean jointly approve the independent study project in advance. To enroll in an independent study, the student must present to a faculty member a prospectus describing in detail the project, the resources to be consulted, and the final product that student will be produce. The faculty member must review and approve the proposal prior to the student's enrollment.
2203. **Maximum credit.** A student may earn credit toward the J.D. degree for no more than two independent study projects. A student may receive no more than two hours of credit for a single independent study project.
2204. **No duplication of credit or credit for paid work.** A student shall not receive independent study credit if the student is otherwise receiving or has received credit for the project. A student shall not receive independent study credit if the student is receiving monetary consideration for the project.

2205. **Grading.** Independent studies shall be graded on a pass/fail basis.

2206. **Faculty supervision.** Except with the approval of the Dean, only full-time faculty members may supervise independent study projects. A faculty member should supervise no more than three independent study projects in a single semester, and all projects must be in an area in which the faculty member is or has been teaching or working unless there are no other faculty members possessing that expertise.

B. Moot Court

2301. **Credit for moot court competitions.** An upper level student may earn up to two credits for satisfactory participation in a moot court, trial or other intercollegiate competition approved by the Dean.

2302. **Credit for Moot Court Board of Advocates.** A student may earn one credit hour per semester on a pass/fail basis, up to a maximum of two credit hours, for satisfactory participation as a member of the Board of Advocates. Students should register for credit in the semester they serve as a member of the Board of Advocates. In addition to other sanctions authorized by written Board of Advocates procedures, a member may receive a grade of “F” in a semester of unsatisfactory service. The Board of Advocates faculty advisor will determine, with the advice of the chairperson of the Board of Advocates, whether credit is to be received for Board of Advocates service.

2303. **Eligibility.** Subject to the following exceptions, a student must have a cumulative grade point average of at least 2.50 at the time of selection in order to serve with or without academic credit as a Board member or to participate in an intercollegiate competition. With the prior joint approval of the Dean and the faculty supervisor, a student with a cumulative grade point average below 2.50 may participate in a competition. The faculty advisor to the Board of Advocates, at the Director’s discretion, may invite a student with a cumulative grade point average below 2.50 but not less than 2.20 at the time of selection to become a member of the Moot Court Board if the student has otherwise demonstrated exceptional qualifications.

2304. **Grading.** Credit for work as a Board member shall be granted on a ~~credit~~pass/fail basis.

C. Law Review

2401. **General.** A student invited to join the FIU Law Review may earn credit for participation on the staff of that journal in accordance with the provisions of this Subpart VIII C.

2402. **Eligibility: prerequisites.** Successful completion of the foundation curriculum, in accordance with rules established in the Law Review Bylaws, is a prerequisite to

participation on the staff of the FIU Law Review. Successful participation in law review work for at least two semesters shall be a prerequisite to a student's serving as an editor of the Law Review.

2403. **Eligibility: grades.** The Law Review may grant membership to students who have earned above a cumulative GPA of 2.67 and a combined GPA of 2.67 in LSV I and II, in accordance with rules established in the Law Review Bylaws. In order to serve as an editor on the Law Review, a student must have earned above a cumulative GPA of 2.67 at the time of election.
2404. **Credit hours for Law Review participation.** A student may earn credit for participation on the Law Review, service on the editorial board, and by writing a note or comment, in accordance with rules established in the Law Review Bylaws.
2405. **Grading.** Credit for participation on the Law Review shall be granted on a pass/fail basis.
2406. **Law Review Constitution and Bylaws.** The Law Review Constitution may be amended only by a two-thirds vote of the Law Review Faculty Advisory Committee. The Law Review Bylaws may be amended only by a majority vote of the Law Review Faculty Advisory Committee.

IX. LEAVES OF ABSENCE AND WITHDRAWAL

A. Leaves of Absence

2501. **Leaves of absence; bases.** Depending on the circumstances, the Dean may grant a student a one or two semester leave of absence from the College for the following reasons:
1. The student is unable to complete a semester or to enroll in the following semester as a result of medical, personal, or financial difficulties.
 2. The student chooses to interrupt his or her studies after the student has completed the foundation curriculum in order to fulfill the requirements of a joint degree program or to pursue another extraordinary educational opportunity.
 3. The Dean determines that there is other good cause for the leave of absence.
2502. **Leaves of absence: application procedure.** A student shall request a leave of absence from the Dean no later than the beginning of the examination period of the

semester during which the student wishes the requested leave to begin. A student who fails to request a leave of absence within this time, and who also fails to take a scheduled examination in any course without the Dean's prior authorization, shall receive an administrative F in such course.

B. Withdrawal

2601. **Withdrawal: application procedure.** The Dean may approve a student's withdrawal from the College upon receipt of a request no later than the beginning of the examination period of the semester in which the withdrawal is requested, provided that the student is not subject to exclusion under the standards for continuation and graduation set out in §§ 1501-1703. A student who fails to request a withdrawal within this time and who fails to take a scheduled examination in any course without prior authorization of the Dean shall receive an administrative F in such courses.

2602. **Effect of withdrawal.** A student who has withdrawn from the College may re-enroll only after application and readmission to the College.

X. EXAMINATIONS.

A. Examination Schedule

2701. **Taking examination: general rule.** All examinations must be taken on the date and at the time set forth in the examination schedule, except when a delayed or rescheduled examination is authorized under §§ 2702-2706. No examination may be administered prior to the time set forth in the examination schedule.

2702. **Delayed taking: compelling reasons.** The Dean may authorize a delay in a student's examination if the student submits compelling reasons for the delay based upon health reasons, accident, personal emergency, or other extraordinary circumstances.

2703. **Delayed taking for health reasons: required procedure.** A student who seeks a delay in an examination for health reasons must provide documentation signed by a licensed healthcare professional or provider that certifies the student is unable to take an examination on the scheduled date. The document must also include the earliest possible date on which the student can take the examination. All documentation must be provided to the Associate Dean for Academic Affairs, who will schedule the make-up exam on the first exam day allowed in the student's medical clearance

2704. **Delayed taking for non-health reasons: required procedure.** All requests for delays in examinations for extraordinary circumstances other than health must be approved by the Dean.

2705. **Delayed taking; final date.** All delayed examinations must be taken by the close of the examination period for that semester, unless otherwise authorized by the Dean.
2706. **Rescheduled taking.** A student may reschedule an examination only when that student has two exams on the same day or one exam each day for three consecutive days.
2707. **Failure to take examination: administrative F.** A student who, without authorization, fails to take an examination shall receive an administrative F for the examination.

B. Rules Applicable During Examinations

2801. **Assigned rooms.** Except for take-home examinations, all students shall write their examinations in the room(s) assigned by the Records Office. Each student shall sign in and sign out of the examination room as directed by the examination proctors.
2802. **Use of materials by examinees.** Students shall not consult any materials during an examination, including but not limited to books, notes, outlines, papers, computer files, prior examinations or answers prepared for prior examinations; provided, that when an instructor authorizes the use of outside materials during an examination, the student may consult the outside materials specifically designated by the instructor.
2803. **Beginning and ending writing.** No student may begin writing or typing an examination until the proctor or the instructor has issued an instruction to begin. Every examinee will stop writing or typing immediately upon announcement by the proctor or instructor that the examination has ended.
2804. **Communication only with proctor or Office of the Registrar.** All questions and requests for clarification during an examination shall be directed to the proctor or the Office of the Registrar. No student shall converse with another for any purpose in an examination room after an examination has begun.
2805. **Leaving room during examination.** After an examination has begun, a student may leave the examination room for the purpose of going to a restroom or relaxing in a nearby corridor. Under no circumstances may a student leave the building during the course of an examination until his or her examination materials have been turned in to the proctor.

2806. **Delayed takers: no communication regarding examination.** A student who is authorized to take a delayed examination shall not ask any student who has taken the examination about the contents thereof and shall take all necessary measures to avoid overhearing discussions about the contents of the examination.
2807. **Past examinees: no communication with delayed takers.** A student who has taken an examination shall not reveal or discuss the contents of the examination with any student in the class whom the former knows has not yet taken the examination.
2808. **Violations of policies: discipline.** A student who violates §§ 2806-2807 or who violates one of the examination rules promulgated by the Records Office or the Dean has also violated the Code of Student Conduct and therefore is subject to discipline in accordance with the provisions of that Code.
2809. **Additional policies and procedures.** The Records Office and the Dean shall have authority to publish other procedures to govern the administration of examinations and shall make such rules available in writing to all students.

C. Special Accommodations

2901. **Special accommodations.** Students in need of special accommodations because of a physical or learning disability must obtain approval from the designated University office. To be eligible for special arrangements, students must complete and submit a request to the Dean, who will forward it to the designated University office, by the end of the fifth week of the semester in which accommodation is sought. The Dean shall determine and administer the accommodation to be given on account of any disability.

XI. RECORDING

Definitions

For purposes of Part XI, “record” or “recording” means the act of capturing audio and/or still images and/or moving images, or streaming audio and/or still images and/or or moving images through the use of any device; “actual recordings” means the resulting product, including any copies of the first recording, that can be seen and/or heard at a later date with the assistance of a device.

A. Prohibitions Against Recording by Students

3000. **Classes.** A student must not record an FIU Law class or externship placement (or any part of a class or externship placement) without the express written permission of the professor.

3001. **Events.** A student must not record any FIU Law event (or any part of an event) at FIU Law unless otherwise permitted by the event organizer.
3002. **Meetings.** A student must not record a professor, staff member, or administrator of FIU Law during an out-of-class meeting or conference without the express written permission of the professor, staff member, or administrator.
3003. **Violations of policies: discipline.** A student who violates §§ 3000-3002 has also violated the Code of Student Conduct and therefore is subject to discipline in accordance with the provisions of that Code.

B. Recording by FIU Law Professors, Staff Members, or Administration

3004. **Classes.** A professor may record his/her FIU Law class (or any part of the class), or permit the recording of his/her FIU Law class, including student participation in that class, for professional-development purposes, pedagogical purposes, to comply with the recommendations of the FIU Disability Resource Center, or for any other purpose the professor deems appropriate. The professor may store, reproduce, post, or share the actual recordings.
3005. **Events.** A professor, staff member, or administrator may record any event (or any part of an event) at FIU Law, including student participation in that event. FIU Law may store, reproduce, post, or share the actual recordings for any reason.

C. Recording of FIU Law First-Year Classes for Major Religious Holidays

3006. **Requests to record first-year classes.** FIU Law, through the Office of Student Services, will arrange for the recording of all first-year classes that are held during major religious holidays. A student who wants to request a recording under this section must email the Office of Student Services at least two weeks before the class meeting and provide the course name(s), professor name(s), date(s), time(s), and room number(s) for the class(es) to be recorded. The Office of Student Services will contact the professor for permission to record his/her class; the professor has sole discretion to grant or deny permission. Classes missed due to travel will not be recorded.
3007. **Availability of actual recordings.** The actual recordings made under § 3006 will be available for a period of ten (10) days following the class meeting, and will be available only to the requesting student(s). Once the actual recordings are taken down, there will be no further student access to them. If a professor uses classroom management software that has media-streaming capabilities, the actual recording may be uploaded to the professor's classroom management software,

and the professor has discretion on how long and to whom to make that actual recording available.

3008. **No other classes will be recorded by FIU Law.** Other than the recordings made under § 3006, FIU Law will not record any classes at the request of a student under any circumstances. If a student wants to request a class recording for a medical or other disability-related reason, the student must make the request to the FIU Disability Resource Center, which will make a recommendation to FIU Law. A professor may adopt a different standard for recording requests in his/her class, and provide notice of that standard in his/her syllabus. If a professor's syllabus is silent on this topic, then the rules in Part IX apply.

D. Use of Actual Recordings

3009. **Actual recordings cannot be shared.** A student who has access to an actual recording of an FIU Law class cannot make a copy of the recording, share, post on a website, or distribute the actual recording or professional transcript of the actual recording in any way.
3010. **Written use agreement.** A professor may request that a student who has access to an actual recording or professional transcription of an FIU Law class or event submit a written use agreement that he/she will comply with these rules and any other rules that the professor may impose on the use of the actual recording or professional transcription.
3011. **Violations of policies: discipline.** A student who violates § 3009 or the terms of the written use agreement executed under § 3010 has also violated the Code of Student Conduct and therefore is subject to discipline in accordance with the provisions of that Code.

E. Students with Disabilities

3012. **Special Accommodations.** If the Disability Resource Center recommends that a student receive an accommodation that includes recording of a class or professional transcription of a class, § 3000 will not apply to that student; that student must comply with the remainder of Part XI, including §§ 3009-3011.

ABA APPENDIX

<u>Academic Policy</u>	<u>ABA Standard</u>
§ 010	Standard 213
§ 201	Standard 304
§ 302	Standard 304
§ 501	Standard 304
§ 601	Standard 304(f)
§§ 701-702	Standard 302(a)-(b)
§§ 804, 806	Standard 304
§§ 1501-1903	Standard 303(a), (c)
§ 1901	Standard 304(b)
§§ 2201-2405	Standard 305(a), (b)