

J.D. STUDENT HANDBOOK

**FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF LAW**

As Revised, Effective Fall 2023

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J.D. STUDENT HANDBOOK

Preface

This J.D. Student Handbook was promulgated and codified by the Florida International University College of Law in February 2002, and has been periodically amended since that time.

Students should read these policies carefully; all students are presumed to have full knowledge of their contents. These policies are in addition to any applicable University regulations, policies, and procedures.

Introduction

Each part of this Handbook 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.

PART I. GENERAL PROVISIONS

A. Defined Terms

01. **Defined terms**

Add/drop period – The period at the beginning of each semester designated in writing by the Registrar’s Office, 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 Registrar’s Office at the direction of the Dean (1) because the student initially received an incomplete in the course and did not follow the required procedures to remove the incomplete (see § 1403), (2) because the student, without prior authorization, failed to take a scheduled examination (see §§ 2502, 2601), or (3) as an assigned sanction for a violation of the FIU Student Conduct and Honor Code (see §§ 1202, 2808). 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 that counts toward the minimum number of credit hours needed for graduation.

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

Faculty – The faculty of the College.

FIU Student Conduct and Honor Code – The Student Conduct and Honor Code is a regulation that outlines students' rights and university expectations. All FIU students, including College of Law students, have a responsibility to adhere to the Student Conduct and Honor Code.

Foundation curriculum – The courses that are normally completed by full-time students in the first two semesters and by part-time students during the first three semesters of law study as set forth in § 701.

Full-time student – Either a student enrolled in a minimum of 12 credit hours or a student enrolled in less than 12 credit hours who qualifies for such enrollment under § 301, 303, or 304.

Good academic standing – Describes the status of a student whose cumulative grade point average is 2.00 or above. (§§ 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 pass/fail basis. (§§ 2201-2206)

Leave of absence – An absence of a semester or more by an enrolled student that interrupts the normal course of the student's progress to graduation in consecutive semesters as permitted in writing by the Dean. (§§ 2501-2502)

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.

Registrar's Office – The College Registrar's Office.

Student – Unless otherwise specified, a J.D. student of the College.

Upper-level – Describes a student who has completed the foundation curriculum or has been admitted to the College as a transfer student after completing the first year of law school at another law school; or describes a course other than a course in the foundation curriculum.

Withdrawal – A voluntary termination of enrollment at the College, approved by the Dean, of a student in good standing, having the consequence that the student may not re-enroll at the College unless readmitted. (§§ 2601-2602) [Compare withdrawal from a course, § 804.]

B. General Principles

10. **Compliance with applicable law.** This J.D. Student Handbook 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.
11. **Disclaimer.** The College reserves the right to modify this J.D. Student Handbook. Nothing in this J.D. Student Handbook may be considered as setting forth terms of a contract between a student or prospective student and the College. However, being a student in the College of Law comes with the responsibility to adhere to this J.D. Student Handbook and other applicable University Regulations, policies, and procedures.

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 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. Except for compelling reason and with written approval of the Dean, students must complete the foundation curriculum in the division to which they were admitted. After completion of the foundation curriculum, a student may transfer from one division to the other upon request to the Registrar

B. Time for Completion of J.D. Requirements

201. **Time for completion of J.D. requirements.** The requirements for the J.D. degree may be completed no earlier than 24 months and, except in extraordinary circumstances, no later than 84 months after a student has commenced law study at the College or a law school from which the College has accepted transfer credit. Whenever a student is permitted on the basis of extraordinary circumstances to exceed the 84-month program limitation, the College shall place in the student's file a statement signed by the Dean explaining the extraordinary circumstances warranting the exception.

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 in a semester 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 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 up to 18 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 six 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, by the first day of class, shall notify the students of those requirements in the course syllabus or by some other form of written notice.
503. **Exceptions.** In general, the Dean shall grant exceptions to the attendance requirements under §§ 501 and 502 due to military obligations, jury duty, religious days, serious illness, disability accommodations as approved by the Disability Resource Center, serious family emergencies, participation in approved cocurricular activities (e.g., competition teams and on-campus interviewing), and in other extraordinary circumstances. Instructors must afford students a reasonable amount of time to complete course work and/or assignments missed during their approved absence.
504. **Record of attendance.** Instructors shall keep records of attendance in their classes.

505. **College communications with students.** The College will send official notices provided for in this J.D. Handbook to students at their FIU-issued email accounts.

E. Employment

601. **Recommendations applicable to full-time students.** A full-time, first-year student should not undertake any employment, especially during the first semester, because the rigorous demands of law study require the full energy and time of the student. Full-time, upper-level students should not be employed for more than 20 hours in any week in which the student is enrolled in more than 12 credit hours.

602. **Recommendations applicable to 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 part-time students to devote substantial energy and time to their studies, 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 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), at least one seminar that entails the writing of a multi-draft paper, and also the Experiential Course Requirement (6 credit hours) as provided in § 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 no later

than a student's penultimate semester, entails 30 hours of useful legal-related community service in a program established or approved by the College.

704. **Experiential course requirement.** All students must complete, with a grade of 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, 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, 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.

B. Changes in Course Schedule

801. **Registrar's 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 804, must be processed through the Registrar's Office.

802. **Add/drop period.** The Registrar's Office 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 this J.D. Student Handbook. Copies of such policies and procedures will be made available to all students.

803. **Requirements during add/drop period.** A student may drop a course through the last day of the add/drop period without the permission of the instructor, so long as there is not a pending academic integrity matter. 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 after this deadline will receive WI grades and no tuition will be refunded. After the add/drop period, a student may withdraw from a course on the student's schedule after meeting with the Associate Dean for Academic Affairs or the Associate Dean for Students. 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 explicit permission of the instructor and the Dean. Permission should not be sought unless the student intends to attend class regularly for the entire semester. Tuition and fees are the same whether the student is taking the class for credit or for audit. Students who take classes on an audit basis do not earn credit nor is the class included in the student's grade point average calculation.

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 pass/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. **Anonymous grading.** (a) 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.

(b) It is not a violation of the anonymous grading requirements of subsection (a) for the Dean to notify an instructor of a student's disability accommodations recommended by the University's Disability Resource Center, including any in-class and testing accommodations.

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 shall notify students of the criteria for such grading by the first day of class in the course syllabus or by some other form of written notice. 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.”

An instructor 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, an instructor 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, when applicable. Courses taken on a non-graded basis that a student passes shall not be considered in computing the 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 first year and every fall and spring semester thereafter. With the written consent 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 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 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
 - (viii) 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. **Exceptions.** Departure from the grade normalization requirements set forth in §§ 1101-1102 may be permitted by the Dean upon written request of an instructor 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 Registrar's Office by the instructor. The instructor shall report all such changes to the Registrar's Office no later than the conclusion of the semester following the course.
1202. **Exception: grade change involving misconduct.** In accordance with the FIU Student Conduct and Honor Code, a grade may be administratively changed to an F as a sanction for academic misconduct.
1203. **Grades involving re-enrollment.** When a student is required or permitted to re-enroll in a course pursuant to the standards for continuation and graduation, both the grade earned on the initial enrollment and the grade earned on the re-enrollment shall appear on the student's transcript and shall be included in the calculation of the student's grade point average.

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: the FIU Law Review, other faculty-approved law journals, and the various moot court and other faculty-approved competition teams. 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 made up within two terms, including summer term, or it will automatically default to an Administrative F. There is no extension of the two term deadline.

PART V. STANDARDS FOR CONTINUATION AND GRADUATION

[Sections 1501 et seq. reserved.]

A. Exclusion and Readmission

1601. **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 §§ 1602-1605. The Dean shall notify a dismissed student of the student's dismissal by email sent to the student's FIU-issued email account.
1602. **Readmission.** A student who is excluded under § 1601 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.

1603. **Readmission procedure.** All petitions for readmission shall be made to the Dean, who shall refer them to the Academic Standards Committee. Petitions must be made in writing and mailed or delivered to the Dean's office within such time specified by the Dean. The petition for readmission must set forth evidence suggesting satisfaction of the readmission standards stated in § 1602. The Academic Standards Committee shall adhere to the following procedures with readmission decisions:

1. All excluded students 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, if any, will be informal. During the hearing, the petitioner should briefly outline points not made in the petition, present any written or oral evidence supporting their 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 Students to serve as resources for the Committee's deliberations. Readmission will be granted only by affirmative vote of a majority of the members present at the hearing.
5. The student will be informed in writing of the Committee action within three business days following the decision. 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 student, a written statement of the considerations justifying the decision shall be placed in the student's file.

1604. **Petitions for reconsideration and absence of appeal.** The Academic Standards Committee's decision to deny readmission is final and may not be appealed to any College or University officer or body. Except as provided in § 1605, a petition for reconsideration will not be granted.

1605. **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 petition and any 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. A decision by the Committee not to certify a petition for reconsideration may not be appealed to any College or University officer or body.

1606. **Application for admission as a new student.** A person excluded under § 1601 and not readmitted pursuant to §§ 1602-1605 may reapply for admission to the College as an entering first-year student enrolling no earlier than the calendar year following the calendar year in which the student was dismissed.

1607. **Standard for admission as a new student.** The Admissions Committee shall admit an applicant as an entering first-year student under § 1606 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. If the applicant is admitted, a written statement of the considerations justifying the decision shall be placed in the student's file.

B. Probation and Academic Supervision

1701. **Probation.** A student with a cumulative grade point average below 2.00 as of the end of any semester or summer session but who is permitted to continue in law school shall be on 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; regular attendance in all classes [See § 501. General rule]; prohibition against the student serving as a member of any faculty 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 next semester, a student who is readmitted under §§ 1602-1605 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 their first-year section upon completion of the first or second semester or within the bottom 20% of the class at the close of any subsequent semester, and who is permitted to continue in law school, must adhere to the following conditions: submission of the student's schedule to the Dean for approval; 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 curriculum 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 §§ 1203 and 1302.

[Sections 1801 et seq. reserved.]

C. Graduation Requirements

1901. **General requirements.** In order to graduate from the College, 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 and in a minimum of six credit hours of experiential course work;
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. Participate in College of Law designated educational activities at the start of the program of legal education and at least once before graduation on bias, cross-cultural competency, and racism.
7. 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 their 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.

PART 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 credit hours for the semester with a minimum of six credit hours in graded courses. Part-time students must earn at least eight credit hours 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.

PART 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, 704. 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's 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 Managing Director of the American Bar Association Section of Legal Education and Admissions to the Bar. 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.

PART 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 2.00 and advance approval of the supervising instructor and the Dean. 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 the student will 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 compensation 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 during which 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 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 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 for 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.

PART 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 their 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 §§ 1601-1703. 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 such courses. If a student withdraws with a pending matter under FIU Regulations 2501 and 105, any applicable process or transcript notation(s) will continue regardless of the withdrawal.

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

PART 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.
2708. **Accommodated testing.** If a student's disability requires a change in the day or time of an exam, the student must register with the FIU Disability Resource Center (drc.fiu.edu). The FIU Disability Resource Center will work with the College to confirm what reasonable accommodations are necessary and how they will be implemented.

B. Rules Applicable During Examinations

2801. **Assigned rooms.** Except for take-home and remote examinations, all students shall write their examinations in the room(s) assigned by the Registrar's 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 Registrar's Office.** 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. Except when an approved ADA accommodation allows it, under no circumstances may a student leave the building during the course of an examination until their 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 §§ 2801-2807 or who violates one of the examination rules promulgated by the Registrar's Office or the Dean has also violated the FIU Student Conduct and Honor Code and, therefore, is subject to discipline in accordance with the provisions of that Code.
2809. **Additional policies and procedures.** The Registrar's 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.** To request ADA accommodations, students must self-identify and contact the FIU Disability Resource Center. If eligible for reasonable

accommodations, the DRC will contact the Dean or designee, who will coordinate the implementation of the recommended accommodations, auxiliary aids, or services.

PART 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 instructor.

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 an instructor, staff member, or administrator of FIU Law during an out-of-class meeting or conference without the express written permission of the instructor, staff member, or administrator.

3003. **Violations of policies: discipline.** A student who violates §§ 3000-3002 will be deemed to have violated the FIU Student Conduct and Honor Code and, therefore, is subject to discipline in accordance with the provisions of that Code.

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

3004. **Classes.** An instructor may record their class (or any part of a class), or permit the recording of their 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 instructor deems appropriate. The instructor may store, reproduce, post, or share the actual recordings.

3005. **Events.** An instructor, 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 Religious Days

3006. **Requests to record first-year classes.** The College, through the Office of Student Services, will arrange for the recording of all first-year classes that are held during religious days. 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), instructor 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 instructor for permission to record their class; the instructor 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 an instructor uses classroom management software that has media-streaming capabilities, the actual recording may be uploaded to the instructor's classroom management software, and the instructor has discretion on how long and to whom to make that actual recording available.
3008. **No other classes will be recorded by the College.** Other than the recordings made under § 3006, the College 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 the College. An instructor may adopt a different standard for recording requests in their class, and provide notice of that standard in their syllabus. If an instructor's syllabus is silent on this topic, then the rules in this Part XI apply.

D. Use of Actual Recordings

3009. **Actual recordings cannot be shared.** A student who has access to an actual recording of a College class cannot make a copy of the recording, or in any way share, post on a website, or distribute the actual recording, a professional transcript of the actual recording, or a link to the recording.
3010. **Written use agreement.** An instructor may request that a student who has access to an actual recording or professional transcription of a College class or event submit a written use agreement that they will comply with these rules and any other rules that the instructor 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 FIU Student Conduct and Honor Code 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.