

# STUDENT HANDBOOK



General Policies  
Academic Policies and Procedures  
Honor Code of Conduct

Effective  
Academic Year 2009-2010

## INTRODUCTION

The Barry University Dwayne O. Andreas School of Law *Student Handbook* includes two basic instruments which relate to all academic matters, the Academic Policies and Procedures and the Honor Code of Conduct.

The *Student Handbook* is both a formal notice to you of the regulations and interpretations included within this *Handbook* and a handy guide to the operating rules of the School of Law to which you may refer as necessary.

The School of Law reserves the right to modify the requirements for admission and graduation, to change the program of study, and to amend any regulation affecting the student body if it is deemed in the best interest of the School of Law or the students to do so.

Please keep this handbook.

## NOTICE

This handbook contains general statements of policies and procedures currently in force at Barry University Dwayne O. Andreas School of Law. It includes both faculty adopted and administrative policies. All policies are subject to change, and changes are effective when announced in *Moot Points*, on the school web, or any other means reasonably calculated to communicate notice to students. The Handbook is not meant to, and does not determine the outcome of every situation that may arise. It is not a contract, and is not intended to create specific rights, impose specific duties on the school or administration, or in any other way limit the school's authority.

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# **MISSION STATEMENT**

## ***INTRODUCTION***

Barry University Dwayne O. Andreas School of Law is a mission-driven institution located in Central Florida, one of the fastest growing areas of the country. Begun in 1995 as the University of Orlando, the focus and leadership for its current development started in 1999, when Barry University acquired the law school, merging it into the University. To understand the School of Law's mission and the extent to which it has defined and determined its growth and development, requires an understanding of the University's mission. The centrality of that mission is reflected in all of the University's public statements, the environment of the institution, the programmatic development of the University and its priorities, and the ways in which it serves its various constituencies and the communities where campuses are located. The Dominican Sisters of Adrian, Michigan, who founded the University in 1940 and continue to sponsor the institution, captured the mission in a simple statement.

## ***BARRY UNIVERSITY MISSION STATEMENT***

Barry University is a Catholic institution of higher education founded in 1940 by the Adrian Dominican Sisters. Grounded in the liberal arts tradition, Barry University is a scholarly community committed to the highest academic standards in undergraduate, graduate and professional education.

In the Catholic intellectual tradition, integration of study, reflection and action inform the intellectual life. Faithful to this tradition, a Barry education and university experience foster individual and communal transformation where learning leads to knowledge and truth, reflection leads to informed action, and a commitment to social justice leads to collaborative service.

Barry University provides opportunities for affirming our Catholic identity, Dominican heritage, and collegiate traditions. Catholic beliefs and values are enriched by ecumenical and interfaith dialog.

Through worship and ritual, we celebrate our religious identity while remaining a University community where all are welcome.

## **CORE COMMITMENTS**

Catholic intellectual and religious traditions guide us in the fulfillment of our mission. The mission and values of the Adrian Dominican Sisters serve as the inspiration for our core commitments.

### ***Knowledge and Truth***

Barry promotes and supports the intellectual life, emphasizing life-long learning, growth and development. The University pursues scholarly and critical analysis of fundamental questions of the human experience. In the pursuit of truth, the University advances

development of solutions that promote the common good and a more humane and just society.

### ***Inclusive Community***

Barry is a global, inclusive community characterized by interdependence, dignity and equality, compassion and respect for self and others. Embracing a global world view, the University nurtures and values cultural, social and intellectual diversity, and welcomes faculty, staff, and students of all faith traditions.

### ***Social Justice***

Barry expects all members of our community to accept social responsibility to foster peace and nonviolence, to strive for equality, to recognize the sacredness of Earth, and to engage in meaningful efforts toward social change. The University promotes social justice through teaching, research and service.

### ***Collaborative Service***

Barry is committed to serving local and global communities through collaborative and mutually productive partnerships. The University accepts responsibility to engage with communities to pursue systemic, self-sustaining solutions to human, social, economic and environmental problems.

Approved by the President and the Executive Committee of the Administration on May 15, 2008; approved by the Board of Trustees on May 30, 2008; submitted to the General Council of the Adrian Dominican Sisters for final approval; Council approval received via letter from Sister Rosa Monique Pena, OP on June 20, 2008.

## ***SCHOOL OF LAW MISSION STATEMENT AND STRATEGIC GOALS***

Barry University Dwayne O. Andreas School of Law is the only Dominican Law School in the United States and the first American Law School to be part of a university founded by women religious. The School of Law endeavors to offer a quality legal education in a caring environment with a religious dimension so that study and reflection lead to informed action and a commitment to social justice leads to collaborative service. The School of Law promotes the highest standards of ethics and competence in the practice of law and other pursuits. The School of Law seeks to challenge students to embrace intellectual, personal, ethical, spiritual, ecological, and social responsibilities in an atmosphere of academic freedom. The program strives to equip its graduates to apply the knowledge, values, and skills they acquire to enhance personal growth, the legal profession, the judicial system, society, and the Earth community. Within its Catholic Dominican tradition, the School of Law values matters of faith through religious freedom and acceptance of diversity.

## Strategic Plan Goals

### I. Curriculum

The School of Law strives to:

- obtain membership in the Association of American Law Schools (AALS);
- provide a strong background in substantive law and a breadth of curricular offerings that integrate skills and values to enable students to pursue a variety of areas of legal interest;
- provide in-house clinics, clinical placements, professional skills training courses, and competition team opportunities that build on the legal foundation acquired in the curriculum;
- encourage students and faculty to examine the forces and policies shaping the law and legal institutions in a culture of academic freedom that promotes rigorous intellectual exchange;
- provide courses and degree programs reflecting the Law School=s commitment to the well-being of the Earth community;
- ≡ provide courses and programs to enhance our Concentration in Child and Family Law.

### II. Professionalism

The School of Law strives to:

- foster in students the highest standards of professionalism, ethics, and moral values;
- prepare students for leadership roles in the profession, in the development and reform of the law, and in the communities of which they are a part;
- raise awareness in students of legal and social injustices to nurture a lifelong commitment to public service and pro bono activities;
- partner with the bench and bar to support the ongoing educational needs of the legal profession.

### **III. Faculty**

The School of Law strives to:

- attract qualified faculty members of diverse backgrounds and experiences;
- protect academic freedom of faculty in all spheres of academic life;
- assist faculty members in the development of their teaching, scholarship, and service to the community.

### **IV. Community, Faith, and Diversity**

The School of Law strives to:

- attract, recruit, and retain qualified students of diverse backgrounds and experiences;
- foster a collegial and inclusive environment within the Law School community;
- encourage a diverse array of student organizations to build community and to promote personal and professional growth;
- invite students to explore ways in which faith or values may inform their personal and professional lives;
- raise awareness within the Law School of its Dominican Catholic identity in an inclusive environment;
- inspire dedication to service within the Law School, provide channels for service activities that benefit the Earth community, and encourage students to respect and experience the natural world.

### **V. Career Services and Financial Aid**

The School of Law strives to:

- help students to develop and achieve academic and career goals.

### **VI. Legal Information Resources**

The School of law strives to:

- provide appropriate information resources to the Law School, the university, the alumni, the bench and bar, and the central Florida community.

## **VII. Facilities and Resources**

The School of Law strives to:

- provide campus facilities commensurate with the growth of the Law School and its programs;
- identify, cultivate, and solicit funding resources for Law School programs and initiatives, including individuals, organizations, and foundations;
- provide campus facilities consistent with the mission to promote Earth-friendly objectives.

## **VIII. Assessment**

The School of Law strives to:

- provide for an ongoing self-assessment process to determine if the institution is accomplishing its mission and meeting its stated goals.

# **GENERAL POLICIES**

## ***I. ALCOHOL AND DRUGS***

In keeping with the Drug-Free Schools and Committees Act Amendments of 1989, no use of alcohol or use of any controlled or unlawful substances is permitted on the Barry University property at any time, except alcohol may be served at school-sanctioned activities with prior approval of the Dean. A student's violation of the policy will subject the student to sanctions which may include reprimand, suspension, or expulsion.

Barry University may grant a medical leave of absence for treatment for a first drug or alcohol offense. Medical leave of absence is also available to students who are drug or alcohol abusers who do not abuse substances on the Barry University property or at University-sponsored functions.

## ***II. STUDENTS WITH A DISABILITY***

Under applicable law, accommodation plans are individually tailored to the needs of each person. Thus, persons with similar disabilities may be accommodated differently. Accommodations will be acted on only at the request of the affected individual and will be evaluated on a case-by-case basis for the appropriate and reasonable accommodation.

The current procedure is to refer the individual who requests accommodations to the Office of Disability Services on Barry=s main campus in Miami Shores. This office coordinates accommodations for eligible persons on a case-by-case basis each semester in compliance with Federal and State laws. The person seeking accommodation must provide that office with appropriate documentation of each disability that demonstrates an accompanying substantial limitation to one or more major life activities. Once appropriate documentation has been received by the Office of Disability Services, the Associate Dean for Student Affairs is notified of the necessary accommodations and they are implemented.

Students should contact the Office of Disability Services to arrange accommodations. Voice/TDD: (305) 899-3499. Email: [DisabilityServices@mail.barry.edu](mailto:DisabilityServices@mail.barry.edu). Fax: (305) 899-3959.

### ***III. EQUAL OPPORTUNITY POLICY***

The School of Law hires qualified employees and admits qualified students without consideration of any race, color, creed, age, gender, religion, sexual orientation, national or ethnic origin, or disability. It does not discriminate on the basis of race, color, creed, age, gender, religion, sexual orientation, national or ethnic origin, or disability in the administration of its admissions policies, education policies, hiring policies, scholarship and loan programs, or other school administered programs. On-campus recruiters, except for military recruiters who are governed by 10 U.S.C. § 983, must affirm in writing that they do not discriminate or they will not be permitted to use our facilities or services for recruitment.

#### **A Message about Military Recruiting**

Because the military considers age, sexual orientation, and physical disability in its recruiting practices, Barry University School of Law believes that allowing the military to recruit on campus is inconsistent with its non-discrimination policy and that of the Association of American Law Schools, of which the school is a fee-paid member.

Congress, in 1994 adopted a provision known as the Solomon Amendment which requires schools to provide the military with full access to campus for recruitment purposes or risk termination of federal funds.

The School of Law has modified its non-discrimination policy to make its Career Services available to the military as required by federal law. Nevertheless, Barry University School of Law is committed to providing a caring and inclusive environment for all students. The School of Law also respects the right of every student to choose a career path that satisfies his or her professional and personal goals, and therefore makes these opportunities available to its students.

#### **IV. PROHIBITED CONDUCT, SEXUAL HARASSMENT AND DISCRIMINATION**

The School of Law is committed to providing a work and learning environment that is free of discrimination, and harassment, and other prohibited conduct. This policy applies to all employees, administrators, instructors, students, and any other person who does business with the School of Law. This policy includes, but is not limited to, the relationship between instructors and students.

##### **A. DISCRIMINATION AND SEXUAL HARASSMENT**

It is a violation of this policy for any administrator, instructor, or other employee and/or student to engage in or condone harassment or acts of unlawful discrimination.

It is the responsibility of every employee to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of this institution are implemented.

Any person who believes he or she has been the subject of harassment or discrimination has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties.

The Dean=s Designee shall be responsible for assisting employees and students seeking guidance and/or support in addressing matters relating to sexual harassment or inappropriate behavior of a sexual nature or any other forms of harassment. For student complaints, the Dean=s Designee is the Associate Dean for Student Affairs; if the complaint is against the Dean=s Designee, then the complaint should be made to the Dean.

This policy and procedure covers all allegations of harassment or discrimination. In all instances, it is anticipated that the School of Law will make a determination under this policy and procedure regardless of any filing of complaints with external agencies or courts.

##### **B. PROHIBITED CONDUCT**

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when directed toward an employee, student or applicant particularly when one or more of the following circumstances are present:

1. Toleration of such conduct is made either explicitly or implicitly a term or condition of the individual=s employment, admission or academic evaluation;
2. Submission to or rejection of such conduct is used as the basis for employment decisions or academic evaluation affecting such individuals;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual=s work performance or creating an intimidating, hostile, or offensive working or learning environment.
4. Other unlawful harassment is verbal or physical conduct that denigrates or shows hostility towards an individual because of that individual=s race, color, religion, gender, national origin, age, sexual orientation or disability when it has the purpose or effect of:
  - a. Unreasonably interfering with an individual=s work performance; or
  - b. Creating an intimidating or hostile environment.

## **V. *PRIVACY ACT OF 1974***

The Privacy Act of 1974 requires institutions to establish appropriate procedures for granting access to student records. Such access must be within a reasonable time, not to exceed 45 days from the date of the request. For University students 18 years or older, no release is permitted of personally identifiable records, files or personal information contained in them without the written consent of the student, except to the following:

- A. Other officials, administrators and instructors within the institution who have legitimate educational interests;
- B. Officials of other institutions in which the student intends to enroll. The student must be notified of the transfer of records, receive a copy of the records and, if so desired, have a hearing to challenge the content of the records;
- C. Authorized state and federal officials as defined in the Privacy Act.

The student may inspect and secure copies of material from his/her file or records that do not jeopardize the confidentiality of others. Transcripts of academic records shall contain information about disciplinary action when appropriate.

## **VI. FIREARMS**

No person shall be permitted to possess a firearm, concealed or unconcealed, on any campus of the University or at functions sponsored by the University. This policy does not apply to security personnel specifically authorized by the Dean or to law enforcement personnel who are authorized to carry weapons. A student who possesses a firearm in violation of this policy will be subjected to sanctions.

# **ACADEMIC POLICIES & PROCEDURES**

## **OF THE SCHOOL OF LAW**

### ***I. DEFINITIONS***

- A. “Dean” means the Dean of the Barry University Dwayne O. Andreas School of Law, or any person serving as interim or acting Dean or an official designee appointed by the Dean.
- B. “Senior Associate Dean” means the Associate Dean for Academic Affairs of the Barry University Dwayne O. Andreas School of Law, any person serving as interim or acting Associate Dean, or, if there is no Associate Dean, then a designee selected by the Dean;
- C. “Associate Dean” means any Associate Dean of the School of Law.
- D. “Assistant Dean” means any Assistant Dean of the School of Law.
- E. “Registrar” means the Office of the Registrar for the purpose of filing petitions under the Academic Code.
- F. “Academic Standards Committee” means the Academic Standards Committee of the School of Law appointed by the Dean.
- G. “School of Law” means Barry University Dwayne O. Andreas School of Law.
- H. “University” means Barry University.
- I. Any use of grammatical gender reference shall be interpreted as applying equally to males and females.
- J. “Academic Year” means the period from the first day of the fall semester through the last day of exams of the spring semester.
- K. “Summer Term” is the period from the first day of classes in the summer through the last day of exams in the summer.

## II.

## COMPUTER USE POLICY

### Barry University Dwayne O. Andreas School of Law

Computing facilities at the Law School are provided for the use of registered students, faculty and staff. The Law School views the use of computer facilities as a privilege, not a right. The following conditions apply to all users of Barry University Dwayne O. Andreas School of Law computers and information systems. Violations of any of the conditions are considered unethical and may be unlawful. Suspected violations will be confidentially reported to the appropriate law school authorities and may result in loss of computer privileges or further sanctions. For the complete University Computer and Network Usage Policy, go to:

<http://bucwis.barry.edu/doit/policies/computerUsage.htm>.

## POLICIES

Accounts are considered the property of Barry University. All access to networked computer systems must be approved by the Law School. Attempts to use accounts without authorization, or to use accounts for other than their intended purposes, are violations of this rule. Loopholes in computer security systems or knowledge of passwords shall not be used to damage computer systems, obtain extra resources, take resources from another user, gain access to systems, or use systems without proper authorization. Attempts to overcome the security systems of any Barry Law School computer are strictly prohibited. The University reserves the right to disable and terminate accounts for misuse. Computer equipment and accounts are to be used for appropriate educational reasons and are not to be used for commercial purposes. Incidental appropriate personal use of Law School computers is allowed. Personal use is incidental when the personnel, hardware, software, and infrastructure resources consumed are minimal. Examples of appropriate use include using e-mail to keep in contact with family and friends; shopping the Internet for bargains; comparison shopping via the Internet; and purchasing airline tickets.

Programs and files are considered confidential unless they have explicitly been made available to other individuals. Systems personnel may access files when necessary for the maintenance of central computer systems. While performing maintenance, every effort is made to insure the privacy of users' files. However, if violations are discovered, they will be reported immediately to the Associate Dean for Information Resources.

From time-to-time, the Law School will create listservs to facilitate discussion among list members. The lists are reserved for legitimate discussion purposes. All users are expected to use the listserv in a fair and courteous manner. This includes having tolerance for opposing views and the ability to discuss matters without losing one's composure. Listserv residents should act professionally at all times. Not every joke is funny to everyone; not every tale needs to be told.

## EXAMPLES OF MISUSE

Examples of misuse include, but are not limited to, the following:

Using the network to gain unauthorized access to any computer system; attempting to circumvent data protection schemes or uncover security loopholes; deliberately wasting or overloading computing resources; masking the identity of an account or machine, including sending e-mail anonymously; attempting to monitor, or tamper with, another user's electronic communications; reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.

Because consuming information resources, including personnel, hardware, software, and infrastructure, in a manner that burdens the system is inappropriate, downloading large files or large numbers of small files may be inappropriate.

Classroom professors determine appropriate classroom use of computers; however, computer users are asked to be aware of, and sensitive to, their surroundings. It can be terribly disruptive, and therefore inappropriate, for example, to keep a computer open during class for non class purposes, especially when audio or active video displays disturb classmates.

### **III. COURSE LOAD REQUIREMENTS**

#### **A. COURSE LOAD**

1. Full-time Student. The normal academic course load for a full-time student is fifteen (15) hours per semester, thirty (30) semester hours per academic year. The academic load for a full-time student may vary from no less than thirteen (13) to no more than sixteen (16) hours per semester.
2. Extended-division Student. The normal academic course load for an extended-division student is from ten (10) to twelve (12) hours per semester. However, the minimum acceptable number of hours attempted during any academic year is eight (8) hours per semester unless the student needs fewer than eight (8) credits to graduate.

#### **B. YEARS ALLOWED FOR COMPLETION OF DEGREE REQUIREMENTS**

The course of study for this J.D. degree shall be completed no earlier than 24 months and no longer than 84 months after a student has commenced law study at B.U.S.L. or a law school from which B.U.S.L. has accepted transfer credit.

### **C. CREDITS REQUIRED FOR GRADUATION**

Ninety (90) semester credits are required for graduation.

### **D. SUMMER TERM**

The School of Law conducts a seven (7) week summer term. There is no minimum course load; a student is not permitted to register for more than eight (8) semester hours without permission from the Associate Dean for Academic Affairs. Students on probation with a GPA lower than 1.900 are not eligible to take courses in summer term.

### **E. VARIATION FROM RULES FOR HARDSHIP**

Petition for Variance. A student may petition the Associate Dean for Academic Affairs in writing for a variance from the rules stated in Sections III A-D.

## **IV REGISTRATION PRACTICES AND PROCEDURES**

### **A. REGISTRATION**

1. Absent extraordinary circumstances, required courses are to be taken in the sequence set out at IV, B, below.
2. A student who has failed a required course must retake and pass the course or its equivalent within the next twelve (12) months.
3. If a student fails a course which is a prerequisite to an advanced course, the prerequisite must be successfully completed with a grade of **A** or higher prior to enrollment in the advanced course.
4. All registration forms and required adjustment forms must be signed by the student's faculty mentor.
5. Credit for Law Review, Trial Team, and/or Moot Court will be posted in the semester in which the credit was earned.
6. Because of the time commitment for externships, students registering for an externship are limited to registering for evening courses.
7. Students with incomplete files will not be registered. First year students who submit a Spring registration form in the summer with their Fall registration form will automatically be registered for classes if their academic file is

complete and if all registration paper work has been received. If not, registration will be placed on hold and students will be subject to the \$100.00 late fee.

## **B. REQUIRED COURSES**

1. Full-time students must register for required courses in the following sequence:

First Year B Fall:

Civil Procedure I  
Contracts I  
Criminal Law  
Legal Research and Writing I  
Torts I

First Year B Spring:

Civil Procedure II  
Contracts II  
Elective  
Legal Research and Writing II  
Torts II  
Property

Second Year B Fall:

Business Organizations  
Constitutional Law  
Evidence  
Professional Responsibility

Second Year – Spring:

Commercial Law Overview  
Criminal Procedure  
Skills Component

Third Year – Fall:

Capstone Course  
Florida Civil Practice

2. Extended-division students must register for courses in the following sequence:

First Year B Fall:

Contracts I  
Legal Research and Writing I  
Torts I

First Year B Spring:

Contracts II  
Criminal Law  
Legal Research and Writing II  
Torts II

Second Year B Fall:

Civil Procedure I  
Professional Responsibility  
Property

Second Year B Spring:

Civil Procedure II  
Constitutional Law  
Evidence

Third Year – Fall:

Commercial Law Overview  
Criminal Procedure

Third Year – Spring:

Business Organizations  
Skills Component

Fourth Year – Fall:  
Capstone (or Spring)

Fourth Year – Spring:  
Capstone (or previous Fall)  
Florida Civil Practice

3. The following courses are required for graduation. Note that some of these courses may be prerequisites to other courses:

Business Organizations (3 credits)  
Capstone Course (1 of 4 offered – Required in Third Year)  
    Administrative Law (3 credits)  
    Remedies (3 credits)  
    Conflicts of Law (3 credits)  
    Federal Jurisdiction (3 credits)  
Commercial Law Overview (3 credits)  
Criminal Procedure (3 credits)  
Evidence (4 credits)  
Florida Civil Practice (3 credits)  
“Skills course”: (One of the following)  
    Advanced Appellate Advocacy, All externships, All In-House Clinics, Commercial Trial Advocacy, Drafting Wills and Trusts, Florida Probate Practice, Immigration Law, Interviewing, Counseling and Problem Solving, Law Office Practice, Mediation, Motions and Depositions, Trial Advocacy, Moot Court Team or Trial Team, VITA Coordinator.

### **C. LIMITED ENROLLMENT COURSES AND COURSES REQUIRING PERMISSION TO REGISTER**

1. Limited Enrollment Courses. Some courses may have limited enrollment. The Registrar will advise students in the event a course has limited enrollment.
2. You must have successfully completed any course that is a pre-requisite for another course before you are permitted to register for the course with the pre-requisite. At the discretion of the professor, a pre-requisite may be waived or permission granted to take the pre-requisite concurrently.
3. Courses requiring permission to register. Permission to register is required in a clinical placement or Directed Research.

4. A student may qualify for the designation “Concentration in Children and Family Law” on her/his transcript if s/he takes and receives a passing grade in Family Law **AND**, any three of the following:

Children and the Law I  
Education Law  
Adoption Law  
Making The Divorce Work  
Children and Families Clinic

Children and the Law II  
Disabilities Law  
Children’s Rights Seminar  
Mediation  
Mediation Externship

#### **D. PRIORITY FOR REGISTRATION FOR COURSES**

1. Full-time students will register for the day sections of the required courses. Extended-division students will register for the evening sections of the required courses.
2. Deviation for Elective Courses. If an elective course is scheduled both day and evening in a particular semester and the day section is closed, full-time students may register for any evening section if the Registrar certifies that space is available in the particular course or course section. If the evening division section is closed, extended-division students may register for any day section if the Registrar certifies that space is available in the particular course or course section.
3. Course registration may be done in person, by mail, e-mail or by fax. Course selection will not be confirmed until payment has been received or payment arrangements verified. Day students have priority for courses offered during the day and evening students have priority for courses offered during the evening.
4. Course Descriptions are available on the Internet.

#### **E. PRIORITY FOR REGISTRATION IN DAY COURSES**

1. Full-time students who are in their final semester before graduation.
2. Extended-division students who are in their final semester before graduation, if no corresponding evening section is open for registration.
3. Other third year full-time students.
4. Second year full-time students.
5. Any other eligible student.

## **F. PRIORITY FOR REGISTRATION IN EVENING COURSES**

1. Extended-division students who are in their final semester before graduation.
2. Full-time students who are in their final semester before graduation, if no corresponding day section is open for registration.
3. Other fourth year extended-division students.
4. Third year extended-division students.
5. Second year extended-division students.
6. Any other eligible student.

## **G. PRIORITY ON WAIT LIST FOR COURSES**

The order of priority on a wait list for a day course will be the same as that specified in Section IV, E. The order of priority on a wait list for an evening course will be the same as that specified in Section IV, F. The above notwithstanding, priorities on a wait list may be determined by a lottery system or random number assignment.

## **H. ADD/DROP POLICY**

1. The Add/Drop period shall last for two weeks (five days before the beginning of the semester and the first five days of each semester). For classes that meet on Saturday, students may add/drop on the following regularly scheduled class meeting day. The Add/Drop period for the summer term shall end at the beginning of the second class session.
2. Adding and Dropping Courses during Add/Drop Week:  
  
For required courses, a student must have the approval of the Associate Dean for Academic Affairs; such approval shall not be given absent extraordinary circumstances beyond the control of the student.
3. Dropping Courses after Add/Drop Week:
  - a. To withdraw from a required course, a student must have the approval of the Associate Dean for Academic Affairs; such approval shall not be given absent extraordinary circumstances beyond the control of the student; a AW@ shall be entered on the student=s transcript.

- b. A student may withdraw from an elective course before the beginning of the fourth week of class of the Fall or Spring semester (or second week of class of the Summer Term); beyond that period, a student may not withdraw from an elective course without the approval of the Associate Dean for Academic Affairs; such approval shall not be given absent extraordinary circumstances beyond the control of the student; a **AW@** shall be entered on the student=s transcript.
  - c. Courses may not be added after Add/Drop Week.
  - d. A clinical student may withdraw from a clinic course only with the prior approval of the appropriate director of the particular clinical program.
4. A course may not be dropped if it would result in the student being enrolled in less than the minimum required course load (see III, A) unless a variance is granted by the Associate Dean for Academic Affairs.

## **V. ATTENDANCE**

### **A. ATTENDANCE STANDARDS**

- 1. Class attendance is mandatory; students are also expected to be in class on time.
- 2. A student may not be absent for more than 20% of the total hours of a course during the semester.
  - a. Absences during actual participation in school sanctioned activities (Moot court competitions, STAT competitions, court appearances on behalf of in-house clinics), which participation is approved by the sponsoring faculty member, shall not be included in the 20% limitation.
  - b. For any course in which a student exceeds the 20% limit on absences, the student shall receive one full letter grade lower than the student would otherwise have received without the excessive absences (including D to F) unless the student shows good cause to find that the reasons for the absences in excess of 20% were the result of **extraordinary, unforeseen** circumstances. A petition for relief under this provision shall be filed with the Associate Dean for Academic Affairs who shall have final authority to determine whether relief should be granted.
  - c. Missing class due to work is not an unforeseeable circumstance.

3. A student who is unprepared, late for class, or leaves class early may be counted absent and/or dismissed from class for that day, whether or not the policy is stated in the class syllabus.
4. Students are required to track their own absences.

**B. CLASS CANCELLATIONS DUE TO EMERGENCIES OR ADVERSE WEATHER**

When it becomes necessary to cancel classes because of adverse weather conditions, the School of Law will give official notice as early as possible to the following radio and television stations:

FM Radio:	WLOQ 103.1	WMMO 98.9
AM Radio:	WDBO 580	WFLA 540
Television:	WESH CHANNEL 2	WFTV CHANNEL 9

**C. LEAVES OF ABSENCE**

1. A student, for good cause, including illness of the student, death or illness of a family member, job change, active duty assignment in the armed forces, or other significant reason, may apply for a leave of absence for personal reasons for a period of up to two consecutive semesters.
2. The request shall be submitted in writing to the Associate Dean for Academic Affairs, together with appropriate documentation supporting the reason for the requested leave of absence. In the event a leave of absence is granted for medical reasons relating to the student, the student shall be required to submit a release/clearance from a qualified health care professional in order to continue the course of study.
3. A request must be submitted prior to the semester for which the leave is sought. However, if unforeseen circumstances prevent a student from providing a prior written request, the institution may grant the student's request for a leave of absence if the institution receives the written request with documentation within four weeks of the unforeseen circumstances.
4. A student may not register for or be registered in any course work or school activity while on leave of absence, but (s)he may make up any deferred final examinations or complete any deferred seminar papers, course papers, or directed research papers outstanding.
5. Leaves of Absence will affect Veteran's Educational Benefits and may affect student loan repayments and grace periods. Students should meet with

the Office of Student Financial Services regarding the effects of a granted Leave of Absence.

#### **D. WITHDRAWAL FROM SCHOOL**

1. A student will be withdrawn from the School of Law if:
  - a. the student voluntarily requests such withdrawal by submitting the proper form to the Registrar's office or;
  - b. the student fails to register within five (5) days after classes begin and has not been granted a leave of absence.
  - c. the student registers but fails to attend without notification.
2. The student with an incomplete file after their first semester will not be eligible to register for their second semester and will be administratively dismissed.
3. Any student who has been withdrawn from the School of Law under V, D, 1, may file a Petition for Readmission. The petition must be filed with the registrar who shall forward it to the Associate Dean for Academic Affairs for action. If the student's GPA is below 2.00, the petition shall be forwarded to the Academic Standards Committee for action.
4. Upon readmission under V, D, 2, the student shall continue in the same academic status as when withdrawn and no grades will be purged from the student's record.
5. If a student withdraws during his/her first semester of study, the student must reapply for admission as a de novo student; such application shall be forwarded to the Admissions Committee for action.
6. Failure to follow proper withdrawal procedures may affect the amount of refund, if any.

#### **E. INSTITUTIONAL REFUND POLICY**

1. Students who withdraw from school will receive a tuition refund based on the following schedules.
2. During the Fall or Spring Semester:
  - a. Before classes begin 100%
  - b. During the first week of classes 80%
  - c. During the second week of classes 60%
  - d. During the third week of classes 40%
  - e. After the third week of classes 0%

3. During the Summer Session:
  - a. Before classes begin 100%
  - b. Prior to the second scheduled class meeting 75%
  - c. Prior to the third scheduled class meeting 50%
  - d. Prior to the fourth scheduled class meeting 25%
  - e. After the fourth scheduled class meeting 0%
4. When computing refunds, the official withdrawal date shall be the last day of attendance or the date of official notification received, whichever is later.

## **F. RETURN OF TITLE IV FUNDS**

If a student withdraws from all courses or stops attending classes before completing 60% of the enrollment period, a portion of the total federal aid received may need to be repaid.

A student may be required to return loan funds when there have been loan funds disbursed in excess of the amount of aid that was earned (based on the date of withdrawal) during the term. The amount of federal aid earned is determined by multiplying the total federal aid for which the student qualified by the percentage of time during the term that he/she was enrolled. Examples of the refunds may be obtained from the Office of Student Financial Services or from the School of Law web page.

The federal formula for Return of Title IV Funds determines the amount of federal aid that a student must repay.

The responsibility for returning unearned Title IV aid is shared between the University and the student. The federal formula calculates the proportion of disbursed aid that could have been used to cover University charges (tuition and fees), and the portion that was disbursed directly to the student for books and living expenses. This means that a student may have to IMMEDIATELY return unearned aid to the School of Law, which will be returned to the borrower=s lender, as specified by law. This will, in turn, decrease the borrower=s outstanding loan balance.

Within 45 days of the date of the institution=s determination that a student withdrew, the institution will notify the student of the amount of overpayment that is due and will return the institution=s share of unearned aid from tuition and fees to the lender. The student has 45 days to repay the unearned aid to the University and cannot receive any Title IV aid at any institution until required overpayments have been returned.

If a student withdraws from school after the University=s tuition refund policy deadline, but prior to the 60% mandated by federal government, the student will still owe the

difference to the University. A student will be billed for the amount that is returned to the lender, as well as any amount due to the University.

When a student applies for and is granted a leave of absence, the institution will complete the Return of Title IV funds process using the student=s last day of attendance as the withdrawal date.

If a student is dismissed due to failing to meet the School of Law minimum academic standards, the student is subject to the Return of Title IV funds requirement. The student may owe a portion of the loan proceeds back to the lender. The amount of the refund is determined by the Return of Title IV funds calculation based on the last day of attendance in the term.

A student will have 45 calendar days after the date of notification to refund any unearned aid to the University. Transcripts and records will be placed in a hold status until this balance is paid in full. The student will NOT be permitted to enroll at the University until outstanding balances are paid in full. If full amount is not paid within 45 days, the student MUST be reported to United States Department of Education as receiving an overpayment of Title IV funds, and will NOT be eligible for federal financial assistance at any other institution. The USDOE has the ability at their discretion to seize tax returns and impose other restrictions in an attempt to recover the outstanding balance.

## **VI. EXAMINATIONS**

### **A. EXAMINATION PROCESS**

Each semester, students will be assigned anonymous examination numbers by the Registrar. Numbers shall be picked up before the beginning of the reading period. Students should keep examination numbers confidential. Students will enter their number on all examination blue books, examination question packets and on the outside of the examination envelope provided. Any concerns that arise during the examination shall be directed to the proctors, who shall then refer the matter to the Dean on Duty.

1. **Necessity of Evaluations.** The scholastic achievement of students shall be evaluated from the inception of their studies. Scholastic achievement shall be evaluated by written examinations of suitable length and complexity, papers or other documents except that evaluation also may include assessment of performances of students in the role of lawyers. Such roles may include clinical work, Moot Court, legal writing and research, seminars and individual research papers.
2. **Materials Permitted During an Examination.** Each professor will inform students of the materials permitted in the examination in the course syllabus and on the last day of class.

3. **Take Home Examination.** A professor may give a take home examination. Each student in the course in which a take home examination is given must obtain the examination from the Registrar during working hours on the day scheduled for the start of the examination and return the examination to the Registrar during working hours on the day appointed for the return of examinations. Students will be notified in the course syllabus if a take home exam will be given.
4. **Anonymous Grading.** Most examinations are graded anonymously. Papers submitted for credit in a course, seminar, legal writing and research, or Directed Research, and work involving evaluation of student performance during the course of the semester (e.g., Clinics) need not be graded anonymously.

## **B. DEPARTURE FROM EXAMINATION SCHEDULE**

1. **Scope.** This section applies to all final examinations, including take home examinations, whether administered during the final examination period or not. Students are bound by the exam schedule which is published in the registration packet. The exam schedule is also on the Law School's internal website and published in *Moot Points*. A student who fails to take a final examination when scheduled to do so will receive an "F" for the examination, unless the examination has been deferred according to the procedure outlined below.
2. **Policy on Deferral of Examinations.** Final examinations will be deferred for good cause only. Good cause shall be limited to serious illness of the student or a close family member, death of a close family member, military service, observance of a religious holiday, or mandated court appearance. Appropriate documentation is required.
3. **Procedure for Requesting Examination Deferral.** A student requesting an examination deferral shall complete an Administrative Variance Form and file it with the Registrar at least 24 hours prior to the time for which the exam is scheduled. Because of the breach of anonymity, students shall not approach a professor about deferring an examination or disclose to a professor that an examination deferral has been granted. Professors do not grant exam deferrals.
4. No examination may be deferred more than ten (10) days absent extraordinary circumstances.
5. **Emergency Deferral of Examinations.** If a student is unable to take an examination for good cause which arises within 24 hours immediately prior to the scheduled final examination time, the student may telephone the Senior

Associate Dean for Academic Affairs or Dean on Duty for permission to defer the examination. The Associate Dean for Academic Affairs or Dean on Duty will be available each day or night of the final examination period.

If granted, the student must submit a formal written request to the Associate Dean for Academic Affairs with appropriate documentation within 48 hours after the deferral has been granted. This documentation must provide persuasive evidence of some extraordinary event beyond the control of the student which made the student miss the examination, or the deferral will expire within 48 hours from the date granted unless extended by the Associate Dean for Academic Affairs.

6. **Deferred Examination Fee.** If special arrangements must be made, a \$50 fee may be charged for any deferred examination.
7. **Hardship for Exams.** It is a hardship for students to have 3 exams scheduled in 24 hours. Students may petition the Associate Dean for Academic Affairs for relief.
  - A. If you have an exam scheduled in the morning, and another one in the evening, that does not constitute a hardship, unless you are receiving some form of accommodation.
  - B. If you have one scheduled in the evening and another one the next morning, that does not constitute a hardship unless the evening exam is four hours long.
  - C. If you have an exam scheduled in the morning, one in the evening, and another one the following morning, that would constitute a hardship.
  - D. If you have an exam in the evening, one the following morning, and the third that same evening, that would also constitute a hardship.
  - E. If the scheduled exam is a take home exam, the due date and time shall be considered the scheduled exam date and time for purposes of this rule.
8. Petitions are available in the Registrar's Office.

## **C. REGULATIONS CONCERNING EXAMINATIONS**

1. **Proctors.** All final examinations are administered by persons other than the professor(s) of the course. Proctors will pass out examinations, blue books and other materials, and receive examinations by anonymous number at the end of every examination.

2. **Computers.** Any student may take their exam on their laptop after downloading the appropriate software. Students using laptops will be seated in a room separate from those students writing exams. Students may not leave campus without receiving confirmation that the exam answers have been successfully uploaded. Any student leaving campus before uploading examination answers will receive an 'F' for the course.
3. **Using a Computer for Examinations at Barry University Dwayne O. Andreas School of Law.** The Law School offers students the option to take final examinations using laptop computers. We use ExamSoft's SofTest product, which provides a secured environment in which to take the exams. SofTest serves as a simple word processor similar to Word and WordPerfect, with the ability to undo the user's last action and provides spell checking.

In order to use a laptop, a student must download the latest version of the software from <http://www.examssoft.com/barrylaw>. The software must be installed and registered at least 48 hours before the first examination. The student must take a practice exam each semester in secure mode. This will allow the technology staff to address any problems before it is time to take an examination. Students who do not register in a timely fashion will have to take the final examination by hand writing answers in blue books.

The registration process includes downloading each exam you will be taking at least forty-eight hours before the examination begins. Exam files are password protected to ensure that the exam is opened only at the appropriate time during the exam. On the day of the exam, following the exam administrator's instructions, you will type your answers to the exam questions. Your answers will be uploaded to ExamSoft's secure web site automatically after you complete your exam, exit SofTest, and reboot and log back on to your computer. It is important to let your computer reboot and log back in after the exam is complete or your answer will not be uploaded and received by the school. Do not leave campus until you receive verification that your examination has been uploaded. You will receive 2 confirmation messages. One will appear after you upload the exam. The second will appear as an e-mail in your school e-mail account.

It is also important for you to take a **secure** practice exam before you take a real exam. The reason behind taking this practice exam is as follows.

The practice exam will allow you to find out whether Examsoft will have any problems on your laptop. If you experience any problems, we can correct those problems before the exam period and help you have a trouble free exam using Examsoft. You **MUST** take the practice exam before attempting to take a real exam using Examsoft. You will be required to handwrite your exam if your laptop crashes because you did not take the practice exam.

**Any attempt to disable or tamper with SofTest's security features will be considered a violation of the student Honor Code. It is your responsibility to familiarize yourself with your equipment, the softest software and instructions provided by Examsoft on its web site prior to the start of your exam. Please allow yourself sufficient time to become familiar with your laptop and the application. Commencement of the exam will not be delayed due to a hardware problem with your laptop.**

### **Know your computer**

Do not borrow a computer that you are unfamiliar with to take your exam. If you are unfamiliar with the computer you will use, you may become frustrated with the operation of the software. You will be better off using Blue Books instead.

Do not use your computer if you have been experiencing any trouble with it. SofTest is a solid, well-tested software product, but like any software, it may perform erratically when mounted on a faulty computer.

SofTest may only be used on a PC. It is not compatible with any Macintosh operating system; nor can it be used with PC emulation software. The minimum recommended system requirements are:

CPU = 200 Mhz

RAM = 64 MB

Drives = 50 MB of free space and one floppy drive

Operating System = English versions of Windows 98, ME, 2000 (Pro), XP and Vista.

Software = Internet Explorer 5.0 or greater

Internet Connection: An Internet connection is required to download SofTest (AOL users must have AOL 6.0 or higher)

### **At Least Forty-Eight Hours Before Exam Day**

1. Register SofTest. Note that you can only download exam files once so only do so on the computer you intend to use on exam day.
2. Ensure that your computer meets the specifications listed above, including the requisite 50 MB of free hard drive space.
3. Make sure that your computer is virus free.
4. Make sure your PC is free of disk errors by running SCANDISK (click Start Button, Programs, Accessories, System Tools, Scandisk or Disk Cleanup or ask the Information Services Staff ).
5. Familiarize yourself with the software by using the built-in Practice Exam feature after you install and register SofTest. Taking the practice exam not only helps you become familiar with SofTest, but also helps identify potential hardware and software issues.

6. Make sure that your computer's battery has at least 20 minutes of charge before the exam in case there is a temporary power outage.

## **On Exam Day**

1. Arrive one-half hour before the start of the exam to familiarize yourself with your surroundings and to prepare your computer for the examination. You may launch SofTest and let it reboot your computer once the exam password has been written on the board or verbally relayed to the exam takers.

2. Bring your power cord, an extension cord, your exam number, and your Barry ID.

3. Heed the warning screen with RED STOP SIGNS indicating that you should not begin the exam until instructed to do so.

4. During the exam, use care when highlighting and deleting, or otherwise significantly changing your answers: SofTest only allows you to undo the last action.

5. Students who do not take the time to become familiar with their laptop computer or with the SofTest program should handwrite their exams. No administrative relief will be granted if an exam file is deleted or otherwise altered.

If you encounter issues in your use of SofTest, contact the information services staff at least forty-eight hours before your first examination. You may also wish to visit the following web pages: <http://weblaw.barry.edu/students/examsoft/closed.htm>;  
<http://www.examsoft.com/barrylaw>

**Exam Discussion.** If there are several sections of a course where the final exam is given on separate days, it is an honor code violation to discuss the exam if your section has already taken it.

4. **Required Disclosure.** A standard cover sheet is used in all examinations. The cover sheet, requiring any student having information relating to any incident of academic dishonesty to report that information before leaving the examination room, is to be signed by each student after the examination is over but before leaving the examination room. Failure to report a known incident of academic dishonesty occurring during a final examination is a violation of the Honor Code of Conduct and may lead to the dismissal from the School of Law.
6. **Take Home Examinations.** Students are required to certify compliance with the provisions of the School of Law Honor Code of Conduct on all take home examinations.

- 7. Examination Review Policy.** Students may review an examination following the recording of grades for the semester in which the examination is given, must make a request to the Registrar five days in advance of their appointment with the professor. If the course was with a full time faculty member, the student should contact that faculty member for review. If the course was taught by an adjunct faculty member, then the student would need to contact the Registrar's office.

## **VII. GRADES**

### **A. REPORTING GRADES**

The GPA of any student is determined by multiplying the numeric equivalent of the grade for the course by the number of semester hours for the course, totaling the numerical value of all courses taken, and then dividing the total by the number of attempted credits. GPAs are calculated upon the submission of course grades for each semester and summer term. Courses taken on a Pass-Fail basis shall not be considered in computing a student's GPA, except when a student receives a "fail." A "Fail" shall be computed into a student's GPA as a 0.0 for the number of credit hours assigned to the class.

Courses taken at another school either as a visitor or a transfer student shall not be considered in computing a student's GPA. Courses transferring from another law school will be shown only as "total credits accepted."

Following University policy, GPA's will be calculated to three decimal places for all purposes.

Once grades are approved, they are available for viewing on WebAdvisor.

### **B. GRADING SYSTEM**

1. Grades and Grade Points. The numerical equivalent of grades for all course work is as follows:

#### GRADE POINT DISTRIBUTION

A	4.0
B+	3.5
B	3.0
C+	2.5
C	2.0
D+	1.5
D	1.0

F 0.0

2. Pass-Fail Courses. In certain courses, a grade of P (Pass) is assigned if the student satisfactorily completes the course. P does not have a grade point or other equivalent. A grade of F (Fail) has a grade point of 0.0 and shall be factored into a student's GPA accordingly.
3. Legal Research and Writing 1 has a grading system of HP (High Pass), P(Pass) LP (Low Pass) or F. High Pass, Pass, and Low Pass all reflect that a student has satisfactorily completed the course. None of these assigned grades has a grade point or other equivalent except that a grade of F (Fail) has a grade point of 0.0 and shall be factored into a student's GPA accordingly. For purposes of transferring credits to another institution only, a Low Pass, Pass, or High Pass is the equivalent of a C.

4. Grade Distribution:

- a. The adopted grade distribution for first year courses is as follows:

A and B+	15%
B	25%
C+ and C	50%
D+ and below	10%

- b. The "strongly recommended" grade distribution for upper division courses is as follows:

A and B+	15%
B and C+	35%
C and below	50%

- c. This policy does not apply to upper division courses with a student enrollment of less than 20 or to clinics and non-classroom activities that have been approved for grading on a pass/fail basis.
- d. It is the faculty members' prerogative and responsibility to assign grades. To the extent his or her grade distribution deviates significantly from the required/recommended distribution, he or she will provide the academic dean with a written notification and rationale for the departure. For good cause shown, the Associate Dean for Academic Affairs may approve the requested deviation from the required/recommended distribution. The Associate Dean for Academic Affairs will forward the grades to the Registrar for appropriate data entry purposes.

5. Grade for Classroom Performance. A professor may raise or lower the course grade 0.5 (e.g. B to B+) for a student's classroom performance during any course. Such grade is an adjustment to any examination grade, or grade derived from papers, projects, or other graded course work. A professor wishing to grade classroom performance must announce the policy in the syllabus. No student may be lowered from a  $\text{AD}$  to an  $\text{AF}$  or raised from an  $\text{AF}$  to a  $\text{AD}$  based on classroom performance.
6. Grade for Repeated Course. Both courses, including the grade for each course, will be shown separately on the student's transcript. The grade for the repeated course as well as the original grade for the course will be averaged with the student's other grades in determining the student's GPA.
7. If a student is readmitted DeNovo, old grades will be shown on the student's transcript but will not be averaged with grades earned after the student's De Novo readmission.

### **C. INCOMPLETE**

1. Upon the showing of good cause by a student, a professor may give an "I" for any paper or project required for a final grade in a course or Directed Research Project and with the approval of the Associate Dean for Academic Affairs, allow the student to submit the paper or project no later than the date established by the academic calendar as the end of the last day of the regularly scheduled examination period of the next full academic semester.
2. The failure of a student to submit the paper or project within the extended time period will result in an automatic grade of F.

### **D. HONORS GRADUATES**

1. *Summa Cum Laude*. A student who has a cumulative GPA of 3.75 or higher as of commencement shall graduate *Summa Cum Laude*.
2. *Magna Cum Laude*. A student who has a cumulative GPA of at least 3.50 but less than 3.75 as of commencement shall graduate *Magna Cum Laude*.
3. *Cum Laude*. A student who has a cumulative GPA of at least 3.25 but less than 3.50 as of commencement shall graduate *Cum Laude*.

## **E. GRADE CHANGES**

1. General Rule. Any grade for a course or seminar submitted by a professor is final when received by the Registrar and may not be changed by the professor except as provided below.
2. Exceptions. A grade given by a professor in a course, seminar, or special course may be changed by the Professor if the original grade was "Incomplete" or if the grade given was the result of mathematical or clerical error.

## **F. CREDIT FOR NON-CLASSROOM ACTIVITIES (Posted the semester it is earned)**

1. Service on Law Review: Requirements and specific academic credits are awarded as determined by Law Review and approved by the Faculty.
2. Moot Court Competitions: Subject to the approval of the Director of Moot Court, a student, during his/her law school career, may earn one credit per semester for satisfactory participation as an advocate or witness in approved interscholastic competitions.
3. Student Trial Advocacy Team: Subject to the approval of the Trial Team Faculty Advisor, a student, during his/her law school career, may earn a maximum of one credit per semester for satisfactory participation in approved interscholastic competitions.
4. Teaching Assistant: Subject to the approval of the Director of Legal Research and Writing Program, a student during his/her law school career may earn a maximum of one credit per semester for a maximum of two credits during his/her law school career for satisfactory work as a teaching assistant.
5. Study Skills/Group Leader: Subject to the approval of the Director of Academic Success, a student during his/her law school career may earn a maximum of one credit per semester for a maximum of two credits during his/her law school career for satisfactory work as a study group leader.
6. Research Assistants: Subject to the approval from the faculty member the student is doing research for, a student during his/her law school career may earn a maximum of one credit per semester for a maximum of two credits during his/her law school career for satisfactory work as a research assistant.

7. Eligible students. So long as a student has a cumulative GPA at the end of any semester or summer session that is below 2.300, that student may neither register for non-classroom credits, nor participate in any Trial Team activity, including but not limited to competitions. A cumulative GPA of at least 2.500 is required to participate in Moot Court.
  
8. No student shall be permitted to earn more than twelve (12) credits toward graduation for non-classroom activities. Non-classroom activities include externships(except to the extent designated as classroom activities), Law Review, Student Trial Advocacy Team (Trial Team), Moot Court, Directed Research, Teaching Assistant, Research Assistant and Study Group Leader.
  - a) Non-classroom activities do not include in-house clinics.
  
  - b) Skills courses that are listed in F.8 above are considered non-classroom credits. Other skills courses are classroom credits. There is no limit on skills courses, just on non-classroom credits that count toward graduation.

## **G. AUDITING COURSES**

1. **Registration.** At the end of Add/Drop, a student may register to audit an elective course with permission of the professor if the Registrar certifies that space is available. If an overload would result, permission must be obtained from the Associate Dean for Academic Affairs.
  
2. **Course Requirement.** Attendance requirements must be met or a grade of  $\bar{A}W@$  will be entered. An audited course may not subsequently be taken for credit. A grade of  $\bar{A}AU@$  will be awarded for a completed course. Audited courses are not included in calculating the GPA or residency requirement.
  
3. Credit hours for audited courses are not considered when determining enrollment status for Veterans' Educational Benefits.
  
4. Practicing attorneys may audit a course if:
  - a) The registrar certifies that there is space available

## **VIII. ACADEMIC DEFICIENCY**

This section sets forth academic standards, in the form of a minimum cumulative GPA, which all students must meet to continue their legal studies at Barry University School of Law. Through these policies, the School of Law seeks to promptly identify those students whose academic performance suggests that they are unlikely to satisfactorily complete their studies at the School of Law and pass the Bar Examination. A student who fails to achieve these standards may be dismissed and/or placed on academic probation. During a period of probation, the student must sufficiently improve their academic performance so as to attain the academic standards set forth herein. If the student is successful, he/she shall be permitted to resume his/her studies without special restriction. If the student is unsuccessful, he/she shall be academically dismissed. Readmission following Academic Dismissal is available in only the most extraordinary of circumstances.

### **A. MINIMUM ACADEMIC STANDARDS FOR ADVANCEMENT**

1. The minimum standard for advancement to the second semester of study shall be a cumulative GPA of 1.500. A student who fails to meet this minimum standard shall be academically dismissed (see section VIII.B.7, below).
2. The minimum standard for unrestricted advancement to the second semester, and any subsequent semester and/or summer term of study, shall be a cumulative GPA of 2.000.
3. Academic Standards for Participation in Student Organizations: The minimum standard for participation as an Officer in a student organization is a cumulative GPA of 2.0. Students who wish to participate on the Executive-Board of the Student Bar Association or who wish to serve as an Officer in the Student Senate must earn a minimum cumulative GPA of 2.3.

### **B. FAILURE TO MAINTAIN MINIMUM ACADEMIC STANDARDS: PROBATION AND DISMISSAL**

1. Mandated Academic Probation
  - a. Any student who fails to achieve the GPA required under section VIII.A.2 for unrestricted advancement shall, upon the first such occurrence, be placed on one semester of Mandated Academic Probation, during which the student shall endeavor to raise his/her cumulative GPA to 2.000 or higher.

2. Action Following a Period of Mandated Academic Probation

- a. At the conclusion of the one-semester period of Mandated Academic Probation, one of the following actions shall be taken:
  - i. If the student's cumulative GPA rises to 2.000 or greater, the student shall be permitted to resume his/her studies, subject to any restrictions imposed by the Academic Standards Committee.
  - ii. If the student's cumulative GPA remains below 2.000, the Associate Dean for Academic Affairs, or his/her designee, shall issue a Notice of Academic Dismissal.
  - iii. Academic Dismissal becomes final (10) calendar days from the date indicated on the Notice of Academic Dismissal.
- b. The student has ten (10) calendar days from the date indicated on the Notice of Dismissal in which to file a Petition for Discretionary Probation in Lieu of Academic Dismissal.
  - i. Students who file a timely Petition for Discretionary Probation in Lieu of Academic Dismissal shall be permitted to continue to attend classes until the Academic Standards Committee has acted on the petition.
  - ii. Students who fail to file a Petition for Discretionary Probation in Lieu of Academic Dismissal within ten (10) calendar days shall be immediately academically dismissed.
  - iii. In such cases, dismissal shall be deemed final as of 5:00 p.m. EST, on the tenth (10) calendar day following the date indicated on the Notice of Dismissal. This becomes the "Date of Dismissal."

3. Petitions for Discretionary Probation in Lieu of Academic Dismissal

- a. A student petitioning for Discretionary Probation in lieu of academic dismissal must overcome the presumption of dismissal by clear and convincing evidence of the following:
  - i. compliance with the terms of Mandatory Academic Probation; and

- ii. substantial improvement in scholastic achievement during the period of Mandatory Academic Probation and the likelihood that an additional semester of probation will result in a cumulative GPA of 2.000 or greater.
- b. Form and Content
  - i. The petition shall be typewritten and titled "Petition for Discretionary Probation in Lieu of Academic Dismissal."
  - ii. The petition must allege each of the following elements: (1) the circumstances related to or impacting upon the student's academic performance; (2) that these circumstances have substantially changed and that these circumstances will not interfere with the student's future academic success; (3) that the student possesses the requisite ability to succeed in law school and in the practice of law; and (4) that the prior disqualification does not indicate a lack of capacity to complete the course of study or successfully engage in the practice of law.
  - iii. The student should attach to the petition any documents which support the student's allegations.
  - iv. If the student requests an appearance before the Academic Standards Committee, this request shall appear in writing in the body of the petition.
  - v. The petition shall also recite the dates of filing of, and decisions on, any prior petitions.
- c. Filing with the Registrar
  - i. All petitions for Discretionary Probation in Lieu of Academic Dismissal shall be filed with the Registrar, who shall forward the petition to the Chair of the Academic Standards Committee.
  - ii. All such petitions shall become part of the student's Law School records.
- d. Appearance Before the Academic Standards Committee
  - i. A petitioning student may request an appearance before the Academic Standards Committee to be

heard and questioned on the petition. Such a request may be granted if expressly stated in the petition, and waived if it is not.

- ii. The Academic Standards Committee may request that the petitioning student appear before the Academic Standards Committee to be heard and questioned on the petition, and present any documentation or other evidence requested by the Academic Standards Committee.

e. Action on the Petition

- i. After review of the student's petition and other Law School records, and the student's appearance before the Committee, if made, the Academic Standards Committee must either approve or deny the petition.
- ii. The Chair of the Academic Standards Committee shall provide written notice of its decision to the Dean, who shall notify the student.
- iii. The decision of the Academic Standards Committee shall become part of the student's Law School records.

f. Finality and Appeal

- i. The decision of the Academic Standards Committee on the petition is final and there shall be no appeal therefrom.

g. Waiver of Deadlines

- i. Any student seeking waiver of any deadline of Article VIII may submit a request in writing to the Registrar requesting such relief, who shall forward that request to the Academic Standards Committee. Such request must: (a) show the most extraordinary circumstances warranting waiver, and (b) not be repetitive, in whole or in part, of any other petition previously filed by the student. The Academic Standards Committee shall decide whether to allow the waiver request, which decision shall be final in all respects. If waiver is permitted, the student shall be notified of his/her opportunity to petition on the merits of the relief sought. Granting of a waiver does not imply that any petition on the merits will be successful.

- ii. Submission of a request for waiver shall not operate to toll or forestall any provision of section VIII.
    - iii. The student requesting a waiver is not permitted to appear before the Academic Standards Committee to support that request.
  - h. If the student's petition is denied, academic dismissal becomes final. If the student's petition is granted, one term of Discretionary Academic Probation shall be allowed.
4. Discretionary Academic Probation
- a. A student placed on Discretionary Academic Probation shall remain on such probation for one semester, during which time the student shall endeavor to raise his/her cumulative GPA to 2.000 or higher.
5. Action Following a Period of Discretionary Academic Probation. At the conclusion of the one-semester period of Discretionary Academic Probation, one of the following actions shall be taken:
- i. If the student's cumulative GPA rises to 2.000 or greater, the student shall be permitted to resume his/her studies, subject to any restrictions imposed by the Academic Standards Committee.
  - ii. If the student's cumulative GPA remains below 2.000, the student shall be academically dismissed (see section VIII.B.7, below). No further periods of Discretionary Academic Probation shall be permitted.
6. Two-Strike Rule
- a. If at any time following a student's successful completion of Mandatory and Discretionary Academic Probation, that student's cumulative GPA falls below 2.000, that student shall be academically dismissed.
7. Academic Dismissal
- a. The decision to academically dismiss a student under any provision of this section VIII lies with the Academic Standards Committee. The committee's decision to dismiss is final and there shall be no appeal there from.
  - b. A student academically dismissed shall be notified of such action by the Dean.

- c. Students academically dismissed under any provision of section VIII are immediately barred from attending classes and participating in any extracurricular activities of the law school.

### **C. PETITIONS FOR READMISSION**

1. Any student seeking readmission following Academic Dismissal must proceed through the regular Law School admissions procedure in place at that time.
2. Such applications will be considered by the Law School's Admission Committee.

### **D. GENERAL PROVISIONS**

1. Notice Procedure
  - a. Any student placed on academic probation, dismissed, or readmitted under any provision of section VIII, shall be notified by the Dean.
  - b. Such notice shall be made by first-class, certified mail, return receipt requested, to the home address the student has on file with the Law School.
  - c. Failure of the student to actually receive notice shall not affect its sufficiency.
2. Academic Probation
  - a. Probationary Period

A student placed on Mandated or Discretionary Probation:

    - i. following the fall semester, remains on probation through the conclusion of the spring semester;
    - ii. following the spring semester, remains on probation through the summer term and the conclusion of the fall semester;
    - iii. following the summer term, remains on probation through the conclusion of the fall semester.

- b. Terms of Probation
  - i. Any student placed on Mandated or Discretionary Academic Probation must, upon receiving notice thereof, meet promptly with both the Director of the Academic Success Program and the student's faculty mentor, who shall determine what measures the student shall take to improve the student's academic performance.
  - ii. Any student placed on Mandated or Discretionary Academic Probation is prohibited from participating in any and all extracurricular activities.
  - iii. The Academic Standards Committee may impose additional, specific conditions of probation. These conditions may include, but are not in any event limited to, requiring the student to reduce or eliminate outside employment and taking courses not required of other students.

## **IX. REQUIREMENTS FOR GRADUATION**

### **A. IN ORDER TO GRADUATE FROM THE SCHOOL OF LAW, A STUDENT MUST:**

1. Successfully complete 90 academic credits of instruction, 60 of which, including all required courses, must be completed at Barry University School of Law.
2. Full-time students may complete the Upper Level Writing Requirement during their third, fourth or fifth semesters (or the credit hour equivalent thereof for part time students). **At the latest**, the requirement must be met by the end of the student's fifth semester on the last date of classes of the semester (or credit hour equivalent thereof for part-time students).

### **UPPER LEVEL WRITING REQUIREMENT**

The Faculty strongly believes that students should have at least one small group teaching experience during their tenure at the Law School in which students may research a legal topic in depth, share what they have learned with other students and a member of the faculty who has expertise in that area, and write a rigorous work on the subject. Hence, students should fulfill the Upper Level Writing Requirement ("the Requirement") through taking a seminar. Students who are unable to take a seminar may fulfill the Requirement through a directed research project, or by publication.

Except for those students who fulfill the Requirement by publication, every student must individually author a rigorous written work in the following format:

1. Thirty (30) pages in length, inclusive of footnotes and exclusive of appendices;
2. Line spacing of 2.0 (double-spaced);
3. Margins of one inch;
4. Page numbering at bottom center;
5. Footnotes in standard Bluebook form;
6. Any standard type font (e.g., Times New Roman, CG Times, Ariel);
7. 12 point font; and
8. Written in a legal context.

A student may fulfill the Requirement by any of the following means:

a. A paper written for a graded seminar taught by a full-time faculty member. The faculty member teaching the seminar must approve the paper as fulfilling the Requirement. Whether to satisfy the Requirement or not, all students should take at least one seminar. Not all seminar papers need be submitted to fulfill the Requirement.

b. A Note or Comment, regardless of length, actually published in the *Barry Law Review* or in any other law review of an ABA-approved law school on or before the completion of the student's fifth semester (or the credit hour equivalent thereof for part time students) at the Law School. A student may submit a Note or Comment which a law review has not accepted for publication to satisfy the Requirement so long as it has been supervised by a faculty member as provided in paragraph 3 below and is in the format as set forth above.

c. A paper written for a graded directed research project (e.g. a two-credit directed research project requires a thirty (30) page paper) under the supervision of a full-time faculty member. The supervising professor must approve the paper as fulfilling the Requirement. Students must be in good academic standing to be eligible for directed research. Except for professors teaching seminar courses, who need not supervise

directed research projects in that semester, professors may supervise no more than three (3) such directed research projects per semester.

d. A graded paper written for a seminar taught by an adjunct faculty member. The student who wishes to use such a paper to satisfy the Requirement must submit the paper to the Associate Dean for Academic Affairs who will assign it to a member of the full-time faculty who will certify whether it meets the criteria of the Requirement. The grade for the paper and the seminar course will be determined exclusively by the adjunct faculty member teaching the seminar course and will not be affected by the full-time faculty member's determination that the paper does or does not satisfy the Requirement.

e. Full-time students may complete the Requirement during their third, fourth or fifth semesters (or the credit hour equivalent thereof for part time students). **At the latest**, the completed work is due in the student's fifth semester on the last date of classes of the semester. If a student is not able to meet this deadline, the student must apply to the Associate Dean of Academic Affairs for permission to hand in the work at a later date. If an extension has been granted, the paper must be turned in no later than the last day of classes of the final semester.

3. Barry University School of Law commits itself to offering students a quality education in a caring environment that encourages community service and assures a religious dimension. The Rules of Professional Conduct recognize that every lawyer has a professional responsibility to provide legal services to those unable to pay. To foster the mission of the University and the aspirations of our profession, the School of Law has adopted a "pro bono requirement" that each student perform a minimum number of hours of pro bono or community service work prior to graduation.

A student may satisfy the pro bono graduation requirement through any of the following activities, provided that the activity is undertaken without compensation or academic credit: volunteering at a non-profit charitable organization (either law or non-law related); providing legal assistance on a pro bono case under the supervision of an attorney; serving people who are disadvantaged or the earth community through a public agency, law firm, or other private organization; or engaging in a public service activity through a public agency, private law firm, or private organization.

To supplement this definition of the activities that will satisfy the pro bono requirement, the Office of Career Services in collaboration with the Mission Effectiveness Committee shall develop and maintain two lists: a list of approved public service activities, and a list of disapproved activities. The

Office of Career Services in collaboration with the Mission Effectiveness Committee shall revise these lists and present such revisions to the faculty for approval each year. The Honor Code of Conduct is applicable to student reporting of pro bono activities.

The goals of the pro bono requirement are threefold. First, the School of Law seeks to educate students about ethical responsibilities as attorneys to provide assistance to those who have limited access to the legal system. Second, the School of Law seeks to encourage in students a lifelong commitment to public service by providing information about public interest work and experiential opportunities. Third, the School of Law seeks to develop lawyering skills in students through pro bono opportunities.

Students graduating in 2008 and thereafter must complete 40 hours of Pro Bono activities.

**Pro Bono requirements must be met the semester before the student graduates.**

4. Attain a cumulative grade point average of 2.0 or greater;
5. Complete all required courses with passing grades (grades higher than “F”), including a minimum GPA of 1.8 or greater in all required courses.
6. Satisfy any financial obligation to the School of Law; and
7. Be approved by the Faculty for graduation.

## **X. VISITING STATUS**

- A. **A student must have a minimum cumulative GPA of 2.0, i.e. s/he must be in good standing at the time the application is filed.** Students are advised that if their cumulative GPA falls below 2.000 before or during their visit at another law school, they will be subject to the probation and dismissal rules established in the current Student handbook and that permission to visit at another law school will be rescinded retroactively. There may be financial penalties.
- B. **SUMMER VISITING.** The Associate Dean for Academic Affairs may approve, in advance, the request for a student requesting visiting student status for a summer term at another law school approved by the ABA if the student’s anticipated course load is no greater than that permitted by the School of Law in its summer session, and the Associate Dean pre-approves the courses to be required. Required courses given at Barry University School of Law may not be taken at another school.

- C. **VISITING DURING ACADEMIC YEAR.** The Associate Dean for Academic Affairs may approve, in advance, the request of a student seeking visiting student status for one semester during the regular academic year at another law school approved by the ABA if the student has a special interest in taking a concentration of courses in a particular area of legal specialization not offered at the School of Law, or if the student shows that substantial hardship will result if the visiting status is not granted. Attending another law school closer to home or with less expensive tuition does not constitute a substantial hardship. Visiting status for more than one semester is only granted in extraordinary circumstances, such as reuniting spouses following an involuntary military assignment of the spouse.
- D. **PRE-APPROVAL OF COURSES.** All classes must be approved in advance by the Associate Dean for Academic Affairs.
- E. **COURSE LOADS WHILE VISITING.** A student may not take a course load in another law school while visiting if it exceeds the maximum course load authorized by Section III, A or D.
- F. **UNAPPROVED VISIT.** Credits from any visit which was not approved by the School of Law shall not be accepted.
- G. **ACCEPTING GRADES OF VISITING STUDENTS.** The School of Law will only transfer credits for courses completed with a grade of C or higher.
- H. **COMPUTATION OF GPA.** All grades received from other law schools relating to work performed by visiting students from this School of Law will be reported as Courses transferring from another law school and will be shown only as “total credits accepted.” The credits will not be computed in the student’s GPA.

## **XI. NOTICE**

- A. Changes to this Student Handbook will be communicated to students by publication in *Moot Points*.
- B. Students are responsible for checking their Bucmail accounts daily so they may be kept informed of all announcements, etc.

Revised 6/03/09