

**Barry University** | LAW



# STUDENT HANDBOOK

**2024-2025**

**This Handbook supersedes all preceding Handbooks and any other documents or provisions relating to provisions contained within unless specifically authorized or exempted by the Dean or the Associate Dean for Student Affairs.**

**All students are responsible for knowing and adhering to the guidelines and regulations contained in this Handbook.**

***Revised August 21, 2024, September 18, 2024.***

**Notice:**

*This Student Handbook is updated and distributed primarily at the beginning of each academic year. Any amendments that are adopted during the academic year will be published in the online version. Students will be notified of changes by any means reasonably calculated to communicate notice to students. Students are responsible for checking their student email accounts daily and checking the official website so they may be kept informed of all announcements, etc.*

*Questions about any provision of this Student Handbook are to be directed to the Associate Dean for Student Affairs.*

**Table of Contents**

**INTRODUCTION ..... 6**

**DISCLAIMER ..... 6**

**BARRY UNIVERSITY MISSION STATEMENT ..... 7**

**SCHOOL OF LAW MISSION STATEMENT ..... 7**

**NONDISCRIMINATION POLICY ..... 8**

**STATEMENT OF INSTITUTIONAL LEARNING OUTCOMES ..... 10**

**BARRY LAW SCHOOL ADMINISTRATION ..... 12**

**BARRY LAW SCHOOL DEPARTMENTS ..... 12**

**ACADEMIC CALENDAR ..... 13**

**GENERAL POLICIES ..... 15**

    DEAN’S AUTHORITY.....15

    ALCOHOL AND DRUGS .....15

    ANIMALS ON CAMPUS .....15

    BARRY ONLINE BOOKSTORE .....15

    CAMPUS CAFE.....16

    CAMPUS PARKING.....16

    CAREER SERVICES AND STUDENT LIFE.....16

    CHANGE OF ADDRESS .....17

    CHILDREN ON CAMPUS .....17

    COMPUTER USE POLICY .....17

    CYBER COMMUNITIES, ONLINE SOCIAL NETWORKS, AND OTHER WRITTEN AND ELECTRONIC COMMUNICATION .....17

    EMERGENCIES .....18

    FACILITIES AND CLASSROOMS .....18

    FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA) .....18

    FIREARMS ON CAMPUS .....19

    FOOD AND BEVERAGES IN CLASSROOMS .....19

    IDENTIFICATION CARDS .....19

    INFORMATION TECHNOLOGY.....20

    LAW LIBRARY .....20

    LAW REGISTRAR .....21

    LOST AND FOUND .....21

    MILITARY RECRUITING .....21

    PROHIBITED INTERFERENCE WITH BARRY UNIVERSITY CONTRACTUAL/ PREFERRED PROVIDER RELATIONSHIPS.....21

    PHOTOCOPIERS ON CAMPUS .....22

    SECURITY ON CAMPUS .....22

    SMOKING ON CAMPUS.....22

    STUDENT COMPLAINTS .....22

    STUDENT FINANCIAL SERVICES/FINANCIAL AID POLICIES.....23

    STUDENT MAIL.....27

    STUDENTS WITH DISABILITIES .....27

    USE OF THE BARRY LOGO .....28

<b>ACADEMIC POLICIES AND RULES.....</b>	<b>29</b>
DEFINITIONS .....	29
COURSE LOAD REQUIREMENTS .....	29
WORKLOAD POLICY.....	30
CREDITS REQUIRED FOR GRADUATION .....	31
REGISTRATION PRACTICES AND PROCEDURES .....	31
RECOMMENDED COURSE PROGRESSION FOR REQUIRED COURSES .....	32
CLINICS AND EXTERNSHIPS .....	36
ORDER OF PRIORITY FOR REGISTRATION OF COURSES.....	36
ORDER OF PRIORITY FOR REGISTRATION OF DAY COURSES .....	38
ORDER OF PRIORITY FOR REGISTRATION OF EVENING COURSES.....	39
ORDER OF PRIORITY FOR WAITLISTED COURSES .....	39
ORDER OF PRIORITY FOR LLM STUDENTS .....	39
ADD/DROP POLICY .....	39
AMENDMENT TO LAW SCHOOL APPLICATION .....	40
ATTENDANCE POLICY .....	40
CLASS OR EXAM CANCELLATIONS DUE TO EMERGENCIES .....	41
CLASS RANKINGS .....	42
DOCUMENT AND TRANSCRIPT REQUESTS.....	42
VARIATION FROM RULES FOR HARDSHIP .....	42
LEAVE OF ABSENCE.....	42
WITHDRAWAL FROM LAW SCHOOL .....	43
RETURN OF TITLE IV FUNDS .....	43
<b>EXAMINATIONS .....</b>	<b>45</b>
EXAMINATION PROCESS .....	45
DEPARTURE FROM EXAMINATION SCHEDULE .....	45
REGULATIONS CONCERNING EXAMINATIONS .....	46
EXAM REVIEW POLICY .....	49
<b>GRADING .....</b>	<b>50</b>
REPORTING GRADES.....	50
CREDIT FOR NON-CLASSROOM ACTIVITIES .....	53
AUDITING COURSES.....	54
VISITING STATUS.....	54
<b>TRANSFER POLICIES .....</b>	<b>55</b>
REQUIREMENTS TO TRANSFER TO ANOTHER LAW SCHOOL .....	55
TRANSCRIPT RELEASE.....	56
<b>ACADEMIC STANDARDS.....</b>	<b>56</b>
NOTICE PROVISIONS .....	56
MINIMUM ACADEMIC STANDARDS FOR ADVANCEMENT .....	56
<b>COMPREHENSIVE LEGAL ACADEMIC SUCCESS PROGRAM (CLASP) .....</b>	<b>59</b>
CLASP WORKSHOP REQUIREMENT .....	59
DIAGNOSTIC BAR EXAMINATION.....	59
MPRE MOCK EXAM .....	59

SIMULATED BAR EXAMINATION.....	60
CLASP EXIT INTERVIEW .....	60
FLORIDA BAR APPLICATION .....	60
<b>REQUIREMENTS FOR GRADUATION.....</b>	<b>61</b>
GENERAL REQUIREMENTS.....	61
UPPER-LEVEL WRITING REQUIREMENT .....	62
PRO BONO REQUIREMENTS .....	64
PRO BONO EXCEPTION.....	65
PROFESSIONAL ENHANCEMENT REQUIREMENT .....	66
CLASP REQUIREMENT.....	66
GRADUATING WITH HONORS .....	66
HONORS CERTIFICATE IN CHILDREN AND FAMILY LAW .....	67
HONORS CERTIFICATE IN LITIGATION AND ADVOCACY .....	68
HONORS CERTIFICATE IN ENVIRONMENTAL AND EARTH LAW.....	68
<b>THE HONOR CODE OF CONDUCT.....</b>	<b>71</b>
SECTION I: DEFINITIONS .....	71
SECTION II: CONDUCT INCOMPATIBLE WITH PROFESSIONAL STANDARDS.....	75
SECTION III: SANCTIONS.....	80
SECTION IV: PROCEDURE FOR ACTIONS .....	81
SECTION V: MISCELLANEOUS .....	92
SECTION VI: NOTICE .....	93
<b>STUDENT CONDUCT CODE .....</b>	<b>94</b>
SECTION I: INTRODUCTIONS .....	94
SECTION II: DEFINITIONS .....	94
SECTION III: DISCIPLINE AUTHORITY.....	95
SECTION IV: JURISDICTION .....	96
SECTION V: VIOLATION OF LAW AND CONDUCT CODE .....	96
SECTION VI: PROHIBITED CONDUCT.....	97
SECTION VII: ADMISSION OF VIOLATIONS/OTHER ADMISSIONS.....	100
SECTION VIII: DISCIPLINE PROCEDURES .....	100
SECTION IX: SANCTIONS .....	105
SECTION X: APPEALS.....	106
SECTION XI: IMPLEMENTATION OF SANCTIONS.....	106
SECTION XII: MAINTENANCE OF DISCIPLINARY RECORDS .....	106
SECTION XIII: AMENDMENTS TO CONDUCT CODE .....	106

## 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 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, capture the mission in a simple statement.

## DISCLAIMER

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

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

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 at any time, and changes are effective when announced by any 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. Students are responsible for checking their student email accounts daily and checking the official website so they may be kept informed of all announcements, etc.

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. The new handbook is in effect immediately, there will be no grandfathering in of prior policies or procedures.

## **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.

**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 in June 2008.**

## **SCHOOL OF LAW MISSION STATEMENT**

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 religious women. 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 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 matter of faith through religious freedom. The School of Law seeks to enhance diversity in our community and the profession and endorses recruitment and retention of members of underrepresented groups, particularly racial and ethnic minorities, to create a more diverse faculty, staff, and student body.

***Amended by the faculty of the School of Law on Aug. 16, 2013***

## **NONDISCRIMINATION POLICY**

Barry University does not discriminate on the basis of race, creed, color, ethnicity, national origin, ancestry, religion, gender, sexual orientation, gender identity, gender expression, genetic information, familial status, marital status, pregnancy, age, disability status or military status. This policy applies to students, employees, applicants, and trustees with respect to participation in any program, benefit, activity, or student/employment opportunity offered by the University. Every member of the University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this policy as a condition of enrollment.

Further, every University employee has an obligation to observe Barry University policies and implementation of federal and state law as a term of employment. No person shall be retaliated against for reporting violations or concerns about prohibited discrimination or bias through appropriate University channels.

Nothing in this nondiscrimination statement shall require Barry University to act in a manner contrary to the beliefs and teachings of the Catholic Church or the University mission statement.

**Barry University Non-Discrimination Policy. Approved by the President and the Executive Committee of the Administration on May 16, 2012; Approved by the Board of Trustees on May 30, 2012.**

The School of Law is committed to providing a work and learning environment that is free of discrimination, 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.

### **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. Nothing in this section shall preclude a complaint being filed directly with the Dean.

This policy and procedure cover all allegations of harassment or discrimination. In all instances the Associate Dean for Student Affairs of the Law School will refer these matters to the University Title IX Coordinator.

### **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:*
  - *Unreasonably interfering with an individual's work performance; or*
  - *Creating an intimidating or hostile environment.*

## STATEMENT OF INSTITUTIONAL LEARNING OUTCOMES

- I. **ABA Standard 302(a): Knowledge and Understanding of Substantive and Procedural Law**
  - a) Students should demonstrate knowledge and understanding of the law as applied in trial and appellate courts, transactional practice, and as tested, in the bar exam.
  
- II. **ABA Standards 302(b): Legal Analysis and Reasoning, Legal Research, Problem Solving, and Written and Oral Communication in a Legal Context**
  - a) Students should be able to produce effective court memoranda and appellate briefs to analyze fact patterns using predictive and persuasive styles of legal writing by synthesizing, analogizing, and distinguishing cases, statutes, and rules with due attention to correctness of expression, organization, and coherent legal analysis.
  - b) Students should be able to identify and marshal key facts, concepts, and related legal issues raised in hypothetical fact patterns and apply the law to these fact patterns to resolve those legal issues and evaluate possible outcomes.
  - c) Students should be able to recognize precedent, know the difference between binding and persuasive authority (understanding their respective weight), and plan and implement research strategies to find sources of primary and secondary authority from digital legal databases, books in the law library, and the internet, and be able to provide proper citation forms for such authorities.
  - d) Students should be able to communicate effectively, integrating doctrine, facts, theory, skills, and ethics, both in writing and orally, state a legal argument one-on-one or to a group, and coherently and persuasively deliver such an argument to a court, with due attention to civility, decorum, and deference.
  
- III. **ABA Standard 302(c): Exercise of Proper Professional and Ethical Responsibilities to Clients in the Legal System**
  - a) Students should be able to apply the applicable rules of professional conduct to determine proper and ethical courses of action in the practice of law, consistent with the values and responsibilities of the legal profession and its members and should develop their professional identity in the sense of understanding what it means to be a lawyer and the special obligations lawyers have to their clients, the legal system, and society.
  
- IV. **ABA Standard 302(d): Other Professional Skills Needed for Competent and Ethical Participation as a Member of the Legal Profession**
  - a) Pursuant to the Mission of the Barry University School of Law to provide quality education in a caring environment with a religious dimension, students should have the ability to work with others of diverse backgrounds and understand the importance of building an inclusive community characterized by interdependence, equality, and compassion for self and others and should promote social and ecological justice through performing pro bono work or community service.
  
- V. **ABA Standard 303(c): Education to Law Students on Bias, Cross-cultural Competency and Racism.**

- a) Students should be able to demonstrate an understanding of the importance of cross-cultural competency to represent clients professionally and responsibly and to fulfill the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law. (Interpretation 303-6).

***Adopted by the School of Law Faculty August 13, 2015, updated by the School of Law Faculty May 6, 2022.***

## **BARRY LAW SCHOOL ADMINISTRATION**

### **Office of the Dean – Law Advocacy Center, 3rd Floor, Suite 309**

Leticia M. Diaz, Dean and Professor of Law

Whitney A. Curtis, Senior Associate Dean for Academic Affairs, Associate Professor of Law  
Library

Beth Parker, Interim Associate Dean for Student Affairs, Associate Dean of Information Services,  
Director of Law Library, Assistant Professor of Law

Angelo Milone, Associate Dean, Communications, Enrollment Marketing and Outreach

Mary Ruggeri, Director of Dean's Office Operations

Donya Jackson, Administrative Assistant III, Associate and Assistant Dean's

## **BARRY LAW SCHOOL DEPARTMENTS**

Admissions – ALC, 1st Floor. Room 108

Career Services and Student Life – ALC, 1st Floor. Room 105, 106, 107

Center for Earth Jurisprudence – ALC, 1st Floor. Room 101

Clinical Programs - Law Library, 2nd Floor. Room 201

Comprehensive Legal Academic Success Program (CLASP) – Law Library, 2nd Floor. Room 226

Finance Department – LAC, 3rd Floor. Room 310 F & G

Human Resources – LAC, 3rd Floor. Room 310 D

Information Technology – Law Library, 1st Floor, Room 113

Institutional Advancement – LAC, 3rd Floor., Room 310 C

Law Facilities Department – Modular Building C

Law Library – Euliano Law Library

Registrar's Office – LAC, 1st Floor Room 109

Student Financial Services - LAC, 1st Floor Room 109

# ACADEMIC CALENDAR

## Barry University School of Law 2024-2025 Academic Calendar

FALL SEMESTER-2024		
August 20-22	Tuesday - Thursday	Practice Ready Institute
August 20-22	Tuesday - Thursday	Orientation
August 23	Friday	2L/3L Orientation (On Campus)
August 23	Friday	2L Comp Exam (On Campus)
August 23	Friday	Bar Sim Exam (On Campus)
August 26	Monday	<b>Classes Begin for All Students</b>
September 2	Monday	Labor Day Holiday (Law School Closed - No Classes)
October 25	Friday	MPRE Mock Exam
November 25	Monday	Last Day of Classes - Follow Mon Schedule (make-up for Labor Day)
November 26	Tuesday	Make-up classes for T/TH classes
November 27	Wednesday	Fall Holiday (Law School Closed- No Classes)
November 28-29	Thursday - Friday	Thanksgiving Holiday (Law School Closed - No Classes)
December 2	Monday	Make-up classes for M/W classes
December 3-December 9	Tuesday-Monday	Reading Period
December 9	Monday	<b>Final Exams Begin</b>
December 20	Friday	<b>Final Exams End</b>
December 20	Friday	<b>Official Graduation Posted on 12/20/24 (No Ceremony)</b>
December 21 - January 5	Saturday - Sunday	Christmas Holiday Break (Law School Closed - No Classes)
<b>FALL SEMESTER-2024</b>	<b>Saturday Make-Up Days for Re-Scheduled Fall Classes</b>	
September 21	Saturday	Make-up Date
October 5	Saturday	Make-up Date
October 19	Saturday	Make-up Date
November 2	Saturday	Make-up Date
November 16	Saturday	Make-up Date

SPRING SEMESTER-2025		
January 6	Monday	Law School Re-opens
January 7-9	Tuesday - Thursday	Practice Ready Institute
January 8-10	Wednesday-Friday	1L Spring Orientation
January 10	Friday	Bar Sim Exam
January 13	Monday	<b>Classes Begin for All Students</b>
January 20	Monday	Martin Luther King Holiday (Law School Closed - No Classes)
February 25-26	Tuesday - Wednesday	Florida Bar Exam
March 3-7	Monday - Friday	Spring Break (No Classes)
March 14	Friday	Mock MPRE Exam
April 17-20	Thursday - Sunday	Easter Break (Law School Closed - No Classes)
April 22	Tuesday	Follow Thurs Schedule (make-up for Easter)
April 23	Wednesday	Last Day of Classes (Follow Fri schedule make-up for Easter)
April 24	Thursday	Make-up day for Monday-Wednesday classes
April 25	Friday	Make-up day for Tuesday-Thursday classes
April 26-May 4	Saturday-Sunday	Reading Period
May 5	Monday	<b>Final Exams Begin</b>

May 15	Thursday	<b>Final Exams End</b>
May 16	Friday	<b>Graduation Ceremony (Official graduation date posted as 05/16/25)</b>
<b>SPRING SEMESTER-2025</b>		
<b>Saturday Make-Up Days for Re-Scheduled Spring Classes</b>		
February 1	Saturday	Make-up Date
February 15	Saturday	Make-up Date
March 15	Saturday	Make-up Date
March 29	Saturday	Make-up Date
April 12	Saturday	Make-up Date

<b>SUMMER SEMESTER-2025</b>		
May 20-22	Tuesday - Thursday	Practice Ready Institute
May 26	Monday	Memorial Day Holiday (Law School Closed - No Classes)
May 27	Tuesday	<b>Classes Begin</b>
July 4	Friday	July 4th Holiday (Law School Closed - No Classes)
July 15	Tuesday	Last Day of Classes (Make-up for July 4th, Follow Fri Schedule)
July 16	Wednesday	Make-up day for Monday -Wednesday classes
July 17	Thursday	Make-up day for Tuesday -Thursday classes
July 18-21	Friday - Monday	Reading Period
July 22	Tuesday	<b>Final Exams Begin</b>
July 29	Tuesday	<b>Finals Exams End</b>
July 29	Tuesday	<b>Official Graduation Posted on 7/29/25 (No Ceremony)</b>
July 29-30	Tuesday-Wednesday	Florida Bar Exam
<b>SUMMER SEMESTER-2025</b>		
<b>Saturday Make-Up Days for Re-Scheduled Summer Classes</b>		
June 14	Saturday	Make-up Date
June 28	Saturday	Make-up Date
July 12	Saturday	Make-up Date

Revised 6/26/2024

## GENERAL POLICIES

### Dean's Authority

Each student is admitted upon the condition that if, in the Dean's opinion, a student's continued enrollment in the Law School, would not be in the Law School's best interest, or the student has committed an act contrary to the Law School's rules, or the student is deemed not to be a person of character or integrity qualified for admission to the legal profession, the student may, at any time, be suspended or dismissed by the Dean.

In addition, irrespective of any rule or policy, the Dean has the ultimate authority in all matters addressed in this handbook and may exercise such authority determined to be in the best interest of the Law School.

All decisions made by the Dean are final and are unreviewable, including determinations made on Petitions for Variances.

### Alcohol and Drugs

In keeping with the Drug-Free Schools and Committees Act Amendments of 1989, no use of alcohol or 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 the 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.

#### Student-Life Alcohol Policy:

Student organizations may not serve alcohol at on-campus events. Any exceptions sought to this "dry" policy must be presented to and officially approved in writing by the Associate Dean for Student Affairs and the Dean of the Law School. Student organizations may not serve alcohol at off campus events, except the Barristers Ball.

The Barristers Ball is held once a year in the spring semester and must be managed and supervised by an administrative employee of the Law School, namely the Director of Student Life and Event Planning or designee. A law student is not an acceptable designee for this purpose.

Student organizations may hold approved events at off-campus venues that serve alcohol.

### Animals on Campus

Apart from registered service animals that assist individuals with disabilities, animals are not permitted on campus without prior permission from the Dean or the Dean's designee.

### Barry Online Bookstore

All required course textbooks, course packs, course supplements, study aids, basic school supplies, merchandise, and apparel with the Law School's name or logo are available 24/7 via our online bookstore at [www.barrystore.com](http://www.barrystore.com).

1. Go to [www.barrystore.com](http://www.barrystore.com)
2. Shop
  - a) *by Student ID*, which will populate all your courses - if that does not work, use Shop by Courses
  - b) *Shop by Courses* (Program will default to Barry University)
3. **Select Term** (e.g.: Fall 2023)
4. If using Shop by Courses, you will need your class schedule. Select the Department (LAW), Course, and Section.
5. **Place items in cart.**
6. **Create an account.**
7. **Choose payment method** (if paying with book voucher, use your student ID number as the payment method)
8. All Barry Law Students must choose **Ship to HOME** Address to receive any/all orders. **DO NOT** choose Pick Up in Store.

Please use your Barry Law email address for communication purposes.

If you have any questions, contact the bookstore at:

**Email:** [d.lerner@follet.com](mailto:d.lerner@follet.com) or [s.king@follett.com](mailto:s.king@follett.com) - email is the preferred method of contact, as it can be answered much quicker than by phone.

**Call:** (305) 899-3970 during regular business hours.

### **Campus Cafe**

The Sidebar Café is located in a portion of the Moot Court building. The independent vendor sells food and beverages in a café style setting, which offers a separate seating area. The hours of operation are Monday through Friday from 7:30 a.m. – 2:30 p.m. There are upscale vending options available after 2:30 p.m. Operational times vary during semester breaks, summer session, and holidays.

### **Campus Parking**

Parking in the Law School parking lot is permitted in lined spaces only. Visitor parking must remain available to visitors and may not be used by members of the Law School community. Student parking is not permitted in spaces that are reserved for faculty, administration, staff, other law school officials, and guests at any time. Parking violators are subject to fines and/or towing at the owner's expense. For students, enforcement may also include disciplinary procedures as described in the *Student Conduct Code*.

### **Career Services and Student Life**

Career Services-The Career Services Office (“CSO”) supports the Barry University School of Law’s mission by facilitating connections between students, alumni and employers that support the pursuit of fulfilling career paths. The office offers a variety of interview programs, networking events, and volunteer opportunities for employers to take part in.

Student Life-Barry Law students are encouraged to broaden their experiences by participating in the many student organizations offered. When students participate in student groups, you will enhance your professional skills and build rapport with faculty advisor and peers.

### **Change of Address**

All students must indicate their current permanent address, local address, and emergency contact information at the time of enrollment. Students are responsible for keeping current mailing address, phone number, and emergency contact information. All changes can be made by logging into the [Student Portal](#). Failure to keep information updated may prevent students from registering or receiving transcripts.

### **Children on Campus**

Absent prior approval from the Dean or Dean's designee, it is the Law School's policy that children are not allowed on campus, including but not limited to the library and classrooms. Barry University School of Law-sponsored events designated for families are excluded from this provision. While we understand that childcare emergencies happen, Barry Law is not able to provide emergency childcare on campus. A violation of this policy may result in appropriate disciplinary action.

### **Computer Use Policy**

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-procedures/computerUsage.html>

### **Cyber Communities, Online Social Networks, and Other Written and Electronic Communication**

The Law School recognizes that participation in cyber communities, online social networks, and written and electronic communication venues, can be used in positive ways to build community both on and off campus. However, these outlets may also be used in inappropriate and harmful ways. Barry Law students who choose to utilize cyber communities and online social networks are expected to exercise discretion and to uphold standards of good taste, respect, and professionalism. Professional conduct extends to all forms of social networks, including but not limited to Facebook, Twitter, Instagram, Snapchat, YouTube, TikTok, texting, emailing, photographing, videotaping, and any other means of communication. As future members of the legal community, law students should conduct themselves in all matters with courtesy, integrity, and civility. Students should also be aware that some online activities and other activities involving written and electronic communication may give rise to a complaint under the Student Conduct Code or the Honor Code of Conduct or may be reported by third parties to relevant bar character and fitness authorities. Students must follow privacy laws and professionalism guidelines when sharing information about other students, faculty, staff, and others they meet during their time at the Law School. Permission must be obtained prior to recoding or taping.

**Students may not record class lectures.** Failure to follow these rules may result in a violation of the Student Conduct Code.

## Emergencies

In the event of an emergency, all students must comply with the direction of any Barry Law School official or emergency personnel. Students are encouraged to act expeditiously and disseminate messages as appropriate.

The Law School recognizes that emergencies may occur that require immediate dissemination of information. To assist with the immediate dissemination of official emergency announcements, students must verify that their emergency contact information is up to date. Students update their information by logging into the [Student Portal](#) and clicking “Emergency Contact Information” under the Communication section. Failure to keep emergency contact information updated may prevent students from registering or receiving transcripts.

In the event of any emergency requiring cancellation of classes or examinations, students will be notified. To comply with the requirements of the ABA, any cancelled class or examination will need to be made up at a scheduled time for which attendance is expected and mandatory.

## Facilities and Classrooms

**Reporting Issues in a Classroom:** If students find an issue in a classroom, building, or with IT equipment that needs to be repaired, they should immediately report it to faculty, staff, or security. They will submit an email to the appropriate department.

**Reserving a classroom:** The Law School Campus provides access to classroom spaces for faculty, staff, law students, and student organizations. Reservations will be accepted after all course schedules have been finalized and classrooms are scheduled for each semester. Some restrictions may apply during specific times of the semester. The campus follows the semester schedule and its holidays.

Visit <https://weblaw.barry.edu/room-reservations/> for the process of making a room reservation as well as rules and regulations.

*\*Disclaimer: In rare instances, it may be necessary to move a reservation for class or other school sponsored event.*

## Family Educational Rights and Privacy Act of 1974 (FERPA)

The Family Educational Rights and Privacy Act of 1974 (“FERPA”) provide the following rights for students attending the Barry University School of Law:

- The right of the student, with minor limitations, to inspect and review his or her educational records.
- The right, with certain exceptions, to prevent disclosure to third parties of information from his or her records.
- The right to withhold public disclosure of any or all items of so-called “directory information” by written notification in the Fall and Spring semesters of each academic year during which such

notification is made. Under current School of Law policy, the term “directory information” includes a student’s name, campus address, home address, campus telephone number, home telephone number, date and place of birth, a major field of study, participation in officially recognized activities and sports, weight, and height of members of athletic teams, dates of secondary school, and previously attended education agency or institution attended by the student.

- The right to file a complaint with the Department of Health, Education, and Welfare (HEW) concerning the alleged failure of the Barry University School of Law to comply with the requirements of the Act and the regulations promulgated thereunder.

The procedures to exercise the above rights are explained in the Barry University School of Law Policy regarding the confidentiality of student records. Included within the Policy is a list of the types and locations of educational records maintained by the Barry University School of Law, with the title and address of the officials responsible for those records.

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:

1. Other officials, administrators, and instructors within the institution who have legitimate education interests.
2. 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.

Students are prohibited from disseminating student email addresses or contact information to any outside person or entity without the express authorization of administration.

### **Firearms on Campus**

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.

### **Food and Beverages in Classrooms**

If anyone brings food or beverages into the classroom, they are responsible for cleaning up the area and leaving no trash behind. A violation of this policy may result in appropriate disciplinary action. Food and drinks are not allowed in the Moot Courtroom.

### **Identification Cards**

Each student will be issued an identification card. In preparation, students should have a portrait-style photo of themselves ready when clicking the link below:

<https://barry.onlinephotosubmission.com/#/home>

Follow the steps to place your identification card order. When your card is ready, it will be mailed to the Orlando Law campus, and you will be notified when available for pickup. Students who lose their

identification card should report its loss immediately to the IT department so that the card can be deactivated and replaced.

## Information Technology

The IT department is located on the first floor of the Law Library. They are your primary contact for services such as email issues, computer laptop issues, and exam software.

Hours of operation: 8:00 a.m. – 6:30 p.m. Monday - Thursday  
8:00 a.m. – 4:00 p.m. Friday  
Evening Support available Monday – Thursday 5:00 pm – 9:00 pm

## Law Library

The Law Library services for Barry Law students:

- **Services and assistance provided by library professionals and paraprofessionals.** Get your questions answered by emailing [lawreferencelibrarians@barry.edu](mailto:lawreferencelibrarians@barry.edu), calling (321) 206-5700, or dropping by in person.
- **24/7 on-demand access to most library resources.** Online resources and library information can be accessed on the library website at <https://eguides.barry.edu/BarryLawLibraryHome/Home>
- **A comfortable place to study, research, and collaborate.** The library building has collaboration areas, quiet areas, and study rooms. Study rooms and some other study areas will require an advanced reservation, which can be made from the website or <https://barry-law.libcal.com>. Current library hours can be found on the library website.
- **Reference Services:** A Reference Librarian should be a student's go-to point for answers to any questions they might have. Reference Librarians will point you to the right place to locate the information you need. Students should consult librarians for questions about legal research, recommendations for study techniques, and any other law school-related information. Reference Librarians are available to help with research and instruction questions throughout the day. The fastest way to contact a Reference Librarian is to email or text [LawReferenceLibrarians@barry.edu](mailto:LawReferenceLibrarians@barry.edu). A Reference Librarian will get back to you with either the answer to your question or offer to consult you further. Students can also make an appointment by filling out a Personal Research Consultation Request Form, available online at <https://barry.libwizard.com/f/perc>
- **Access Services:** When you visit the Law Library, stop at the Circulation Desk to check in for any reservations you have. The Law Library's Reserve Collection is maintained behind the Circulation Desk. These include popular study aids and physical course reserve material, like books or DVDs. Most physical reserve materials can be checked out for a period of four hours. Digital course reserves, like copies of articles, can be found online in individual Canvas classes. Study aids may also be found digitally on the library website at <https://eguides.barry.edu/BarryLawLibraryHome/StudyAids>. It is the Law Library's policy not to collect course textbooks/casebooks. Books for student courses can be obtained online at the bookstore <https://www.bkstr.com/barrystore/home>.

- **Technical Services:** The people behind the scenes working hard to keep books available and databases running smoothly work in the Library's Technical Services area. (Not to be confused with IT, which is a separate department.) You may occasionally interact with them if you are having database access issues or need something notarized.

### **Law Registrar**

The Registrar's Office is located on the first floor of the Legal Advocacy Center, Suite 109. The Registrar's Office is your primary contact for services such as course registration information, document requests, petitions, final exam information, and amendment to your law school application.

Hours of operation:      8:30 a.m. – 6:00 p.m. Monday - Wednesday  
   8:00 a.m. – 7:00 p.m. Thursday  
   8:30 a.m. – 5:00 p.m. Friday

Students are encouraged to Visit the [Registrar's Office website](#) to access quick links, forms and policy information. You may contact the Registrar's Office at [lawregistrar@barry.edu](mailto:lawregistrar@barry.edu).

### **Lost and Found**

The Law School's Lost and Found is located on the first floor of the Library at the Circulation Desk and the first floor of the LAC building at the Registrar Office receptionist window.

### **Military Recruiting**

Because the military considers age 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.

In 1994, Congress adopted 10 USC Sec. 983, 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.

### **Prohibited Interference with Barry University Contractual/ Preferred Provider Relationships**

At times, Barry University may enter a contractual or preferred relationship with providers for the benefit of the institution and its student body. To the extent any contractual or preferred relationship exists, once notified of the relationship, no student is permitted to take any action to the detriment of this contractual or preferred relationship. This prohibition on interference includes, but is not limited to, the following:

- Advertising or marketing on campus or at any Barry University-sponsored function
- Distributing flyers on campus or at a Barry University sponsored function
- Distributing information via student or organization listservs
- Writing on whiteboards in classrooms; or
- Posting on web pages/ social media profiles affiliated with Barry University.

Students are prohibited from providing student emails or contact information to third parties without the express authorization of administration. Any violation of this prohibition may be a violation of the Student Conduct Code.

### **Photocopiers on Campus**

There is a total of five (5) photocopiers intended for student use on the law campus. Copies cost five cents a page for black and white and thirty cents a page for color. The copy machines in the library can also scan documents to PDF or JPG format and send them to a student's e-mail address, which is free.

**Law Library locations** – two on 1<sup>st</sup> floor, one on 2<sup>nd</sup> and one on 3<sup>rd</sup> floor.

**ALC building Student Life Center** - 1<sup>st</sup> floor.

More information about copying, printing, and scanning can be found at [Copying, Printing, and Scanning at the Barry Law Library](#)

*Notice: The copyright law of the United States (U.S. Code Title 17) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is responsible for any infringement.*

### **Security on Campus**

The Law School employs a 24-hour security guard. If you need any assistance, please contact the on-campus Security Office at the following number: 321-206-5744 or 407-733-9618. All incidents, regardless of the time of occurrence, involving theft, fire, destruction of property, illegal substance use, assault, or personal injury require an incident report filed with the Security Guard on duty.

### **Smoking on Campus**

Barry University School of Law is a smoke-free campus. Barry is dedicated to maintaining a safe and healthy academic environment, improving air quality, and promoting the comfort of students, faculty, staff, and guests. As such, smoking or inhaling tobacco, or other smoking products, by any method, including but not limited to cigarettes, cigars, pipes, and e-cigarettes (this includes vaping), is not permitted on campus. Any violation of this prohibition may be a violation of the Student Conduct Code.

### **Student Complaints**

As an ABA-accredited law school, Barry University Dwayne O. Andreas School of Law is subject to the ABA Standards for Approval of Law Schools. The Standards may be found at [Standards \(americanbar.org\)](#)

### **Procedures for Bringing or Initiating Complaints:**

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

1. The student shall submit a complaint in writing to the Associate Dean for Student Affairs. The written complaint shall be submitted by E-mail, U.S. Mail, Fax, or personal delivery.
2. The written complaint shall describe the problem, behavior, program, or process in sufficient detail to permit an investigation and it should demonstrate how it implicates the Law School's program of legal education and the school's compliance with a particular and specified ABA Standard.
3. The written complaint shall specify that it is a complaint regarding Barry University School of Law's program of legal education and its compliance with the ABA Standards.
4. The written complaint shall provide the name of the student submitting the complaint and contact information including the student's official Barry University School of Law email address, street address, and phone number for further communication about the complaint.
5. No anonymous complaints will be considered.

### **Procedures for Addressing Complaints:**

1. The Associate Dean for Student Affairs (or designee) shall acknowledge the complaint within five (5) business days of receipt of the written complaint. The acknowledgment may be made by E-mail, U.S. Mail, or by personal delivery.
2. Within two (2) weeks of acknowledgment of the complaint, the Associate Dean for Student Services (or designee) shall either meet with the complaining student or respond to the substance of the complaint in writing. The student shall either receive a substantive response to the complaint or information about what steps the Law School is taking to address the complaint or further investigate the complaint.
3. Within ten (10) days of being advised of any action the Law School is taking to address the matter, the student may appeal the decision to the Dean of the Law School. Any decision made by the Dean shall be final.
4. A copy of the written complaint and a summary of the process and resolution of the complaint shall be kept in the Office of the Dean of the Law School for up to eleven (11) years.
5. A copy of this policy shall be published in the Student Handbook.

## **Student Financial Services/Financial Aid Policies**

### **General Information**

Graduate education represents a significant investment of personal and financial resources. It is the student's responsibility to meet his or her financial obligation to Barry Law. Students who plan to use

financial aid funds to meet their financial obligation must plan early to do so and follow all the application steps and requirements outlined on the [Office of Student Financial Services website](#) and in its printed publications. It is the student's responsibility to read and understand all policies and requirements regarding financial aid eligibility. Students are responsible for maintaining required enrollment status to receive and retain Federal Financial Aid and Institutional Scholarship eligibility. **Of special note, a student must take a minimum of six (6) semester hours to be eligible for financial aid, Federal Student Loans, Institutional Scholarship and Grant awards, etc.** Additional information about required enrollment status can be viewed on the Office of Student Financial Services website. Federal Student Aid cannot be awarded for classes that do not count toward the student's degree. For example, a student with only three credits remaining towards graduation would be ineligible for financial aid and would be unable to take additional credits to obtain federal financial aid eligibility. A part-time student who is otherwise eligible for financial aid may enroll in additional credits so long as those credits remain within the part-time tuition block of 12 credits.

### Payment of Tuition

Tuition and fees must be paid by the published deadline. Class registration will be cancelled for non-payment of tuition and fees. Failure to meet tuition payment arrangement deadlines will result in a monthly late payment fee of \$250 being assessed. The \$250 fee will be assessed and posted to the delinquent student account on the first Friday following the start of classes. An additional \$250 fee will be assessed on the first day of each succeeding month until the account is paid in full.

Satisfactory payment/ satisfactory payment arrangements:

1. If paying by cash or check, in person, pay by the close of business on the first day of classes; by mail, postmarked no later than the first day of classes.

Barry University School of Law  
Attn: Finance/CFO Department  
6441 E. Colonial Dr.  
Orlando, FL 32807

2. If paying by credit card: Visa, Master Card, or American Express by the close of business on the first day of classes. PLEASE NOTE: credit or debit card users will be assessed a separate convenience/service fee of 2.85% of the payment amount. Paying by ACH transactions (entering bank routing and account number to send the funds to the Law School directly from a bank account) remain FEE-FREE. Also, note that the convenience fee/service charge will not show on your Barry Law Student Account. Barry University does not retain any of this convenience/service fee. Two-line items will appear on your credit/debit card account or bank statement; one is for the student account payment (Barry Law tuition, other charges, etc.) and the other is for the service / convenience fee being charged by Flywire, a third-party payment processing provider.
3. If using the Monthly Payment Plan, set up an account through the [Student Self-Service portal](#).
4. If paying by a student loan, be sure to meet all published Financial Aid Deadlines.

### **Disbursement of Excess Funds**

Scholarship, grant, and student loan funds are credited to the student account (along with any third-party payments received) prior to the first day of classes. The excess funds beyond tuition, fees, and book charges (if the student charged books to the anticipated financial aid) will typically be disbursed by the end of the second week of classes. Delayed disbursement may occur for the following categories of students:

1. 1L students whose current term grades have not been finalized.
2. Students on Academic Probation whose current term grades put them at risk for dismissal,
3. Students who have not established half-time attendance as determined by the Law School's attendance, or
4. Any student who is deemed to be at risk for becoming ineligible to attend the Law School for any reason.

**Note:** *The Law School reserves the right to credit student loan funds to student's account while delaying the crediting of institutional scholarship and grant awards until eligibility for the institutional funds can be determined.*

Because Federal Regulations require schools to obtain authorization from students to use Federal Student Aid to pay for charges other than tuition and required fees, the student is required to complete the Federal Student Aid Authorization Form on the [Student Self Service Portal](#) for federal student aid to be applied to bookstore and other miscellaneous charges.

### **Scholarships**

There is a wide range of scholarships, which are renewable if certain academic criteria are met. The scholarship renewal process for students who begin in the fall occurs automatically after spring term grades are posted. Renewal is based on maintaining the minimum cumulative law GPA as specified in the initial award letter. If a student's cumulative GPA falls below the specified requirement, or if the student withdraws, is suspended, or takes a leave of absence during enrollment, the scholarship will be forfeited.

Students who lose their original scholarship due to failure to meet the stipulated conditions will forfeit the scholarship permanently. There is no appeal process for lost scholarships, and the decision is final. This policy ensures fairness and consistency across all scholarship recipients, maintaining the integrity of the scholarship program.

### **Satisfactory Academic Success Progress (SAP)**

Federal regulations governing the student financial assistance programs stipulate that to continue to be eligible for the Title IV funds (e.g., Direct Unsubsidized, Direct Grad PLUS Loan) students must maintain satisfactory academic progress towards a degree. To maintain satisfactory academic progress toward a degree, students must achieve and maintain cumulative Grade Point Average (GPA) and complete a minimum of credit hours.

The chart below outlines the required SAP standards:

Year of Study	Required Satisfactory Completion of Courses Attempted at Year's End	Cumulative GPA Required
First Year	75%	2.00
Second Year	75%	2.00
Third Year	75%	2.00
Fourth Year	75%	2.00

1. **Maximum Time Frame:** Law Students are eligible to receive financial aid up to 33% over and above the maximum credit hours required to obtain his/her law degree. Credits attempted during all periods of enrollment (including summer,) will be counted toward the maximum time frame. **Note: If academically eligible to attend, a student may attend the summer term and pay out of pocket (not utilize Federal Student Aid Funds) to make-up credit hour deficiencies and GPA for the new academic year.**
2. **Treatment of Punitive and Non-Punitive Grades and Courses:** All courses with a grade of F (fail), I (incomplete), W (withdrawn), and repeated courses will be considered in the calculation of credit hours attempted, but not successfully completed and will be subject to satisfactory academic progress. Audited courses are not considered in awarding financial aid; therefore, they will not be counted in the determination of satisfactory academic progress. Incomplete (I) grades will be calculated as failing grades regarding credit hour completion until the courses has been satisfactorily completed.
3. **Notification of Satisfactory Academic Progress:** All financial aid awards are considered estimates until the final grades, and cumulative GPA's following the spring term are reviewed by the Office of Student Financial Services. Students who have not met the minimum standards of satisfactory academic progress as outlined above, or are academically dismissed, are considered on financial aid suspension and no longer eligible for Federal Student Aid. Notification of the financial aid suspension will be emailed within 14 business days of the suspension determination to the student's Barry email account and designated as "Official Notification."
4. **Reinstatement of Financial Aid Eligibility:** Options for achieving the required GPA and Credit Hour Completion are as follows:
  - Attending and paying out of pocket for summer classes (or following term) to make up the credit hour and GPA deficiencies for the new academic year (or subsequent term), or
  - Appealing the financial aid suspension as described below.
5. **Financial Aid Appeal Process:** Any student who does not meet the satisfactory academic progress standards and is able to document extenuating circumstances may appeal the suspension of financial aid eligibility as follows:
  - Complete and submit the Barry Law Satisfactory Academic Progress Appeal Form (The SAP Appeal Form is available in the Office of Student Financial Services or by email

request) to the Office of Student Financial Services, SAP Committee, with all required documentation including written explanation of why SAP requirements were not met.

- Submit an academic plan that has been approved by the Director of Academic Success, explaining how the student plans to regain academic standards.
- *The student will be notified by email and certified mail of the decision within ten (10) business days of the receipt date of the appeal form. This decision shall be final.*

### **Institutional Refund Policy**

**\*\*NOTE THAT THE ADD/DROP POLICY SUPERCEDES THE INSTITUTIONAL REFUND POLICY\*\***

- 1) Students who withdraw from classes will receive a tuition refund based on the following schedules:

#### **During the Fall or Spring Semester:**

- Before classes begin and during the first week of classes 100%
- During the second week of classes 80%
- During the third week of classes 60%
- After the third week of classes 0%

#### **During the Summer Semester:**

- Before classes begin and through the first scheduled meeting 100%
- Through the third scheduled class meeting 50%
- After the third scheduled class meeting 0%

#### **During the Practice Ready Institute (PRI) Session:**

- Before the first scheduled class meeting 100%
- Before the second scheduled class meeting 50%
- During or after the second scheduled class meeting 0%

- 2) When computing refunds, the official withdrawal date shall be the last day of attendance.

### **Student Mail**

Student mail folders are located in the Law Library on the first floor to the right. The mail folders are only utilized by faculty, student organizations and administration as a method to correspond or provide items to students. These mail folders are for internal campus use only and NOT to be used as a delivery method for U.S. mail deliveries to students.

### **Students With Disabilities**

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 accommodations.

The current procedure is to refer the individual who requests accommodations to the Office of Accessibility Services (OAS) 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 accommodations 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 Accessibility Services, the Associate Dean for Student Affairs is notified of the necessary accommodations, and they are implemented.

Students should contact the Office of Accessibility Services to arrange accommodations.

Voice/TDD (305) 899-3488. Email: [accessibility.services@barry.edu](mailto:accessibility.services@barry.edu)

Temporary medical conditions are not covered under the Americans with Disabilities Act. However, if a student is requesting accommodations due to a temporary medical condition, the student must provide the Office of Accessibility Services all documentation verifying the nature of the condition, expected duration of the condition, and what type of accommodation is necessary. All requests must be accompanied by a physician's verification that such accommodations are medically necessary, and requests will be evaluated on an individual basis.

All policies and procedures for assessing and handling requests for reasonable accommodations made by qualified individuals with disabilities may be found by visiting the Office of Accessibility Services' webpage at the following link: <http://www.barry.edu/accessibility-services>

It is the sole responsibility of the student to seek the necessary accommodations. No accommodations will be given if the student fails to initiate the request.

### **Use of the Barry Logo**

Any individual or student group seeking to obtain permission to use the Law School's logo, seal, or other trademarked material should direct their request to the Associate Dean of Communications, Enrollment Marketing and Outreach. Any use of the Law School's logo, seal, or other trademark must be approved. Failure to follow these procedures may be a violation of the Student Conduct Code.

## ACADEMIC POLICIES AND RULES

### Definitions

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

### Course Load Requirements

**Full-Time Student.** The normal academic course load for a full-time student is fifteen (15) credit hours per semester, thirty (30) credit hours per academic year. The academic load for a full-time student may vary from no less than thirteen (13) credits to no more than sixteen (16) credit hours per semester. Students may petition to exceed this requirement and take an overload, but at no time will students be permitted to enroll in more than seventeen (17) credit hours per semester. Except in extraordinary circumstances, a student must have a cumulative GPA of 2.800 or above to be eligible to take an overload.

**Part-Time Student.** The normal academic course load for a part-time student is from six (6) to twelve (12) hours per semester. However, the minimum acceptable number of hours attempted during any academic year is six (6) hours per semester unless the student needs fewer than six (6) credits to graduate.

## Workload Policy

**Out-of-Class Work.** In accordance with ABA Standards, in addition to the time spent in classroom sessions or direct faculty instruction, students are required to devote the appropriate amount of time on out-of-class work to earn academic credit. At a minimum, students must complete 30 hours of out-of-class work for each credit earned. Thus, throughout the semester, or term, students are required to complete the following:

Credit Hours	Out-of-Class Work
1 unit of credit	30 hours
2 units of credit	60 hours
3 units of credit	90 hours
4 units of credit	120 hours
5 units of credit	150 hours
6 units of credit	180 hours

### Students enrolled in a clinic are required to complete the following:

- For a 6-credit clinic, a minimum of 270 hours per semester, which includes 180 minutes of classroom instruction per week.
- For a 3-credit clinic, a minimum of 135 hours per semester, which includes 90 minutes of classroom instruction per week.
- For advanced clinics, a minimum of 45 hours per credit hour per semester, which includes a minimum of 60 minutes of classroom or direct faculty instruction per week.
- All students are required to record their time as directed by clinical faculty.
- Students enrolled in an externship field placement are required to complete the following:
  - A minimum of 45 hours per fieldwork credit hour per semester.
  - A 2-credit classroom component, including a minimum of 60 hours total during the semester of out-of-class work.
  - All students are required to record their time as directed by externship faculty.

Students enrolled in directed research and other non-regularly scheduled classes (such as Law Review, Earth and Environmental Law Journal, Child and Family Law Journal, Moot Court, Trial Team, Research Assistant, Teaching Assistant, and Dean’s Fellows) must consult with their faculty supervisors to determine the requirements.

For any student enrolled in clinics, externship-field placements, directed research, or other courses with non-regularly scheduled classes, course credit may be withheld for failure to comply with this policy.

**Employment.** A student may not be employed more than twenty (20) hours per week in any week in which the student is enrolled in more than twelve (12) class hours. In extraordinary circumstances, a student may petition to the Senior Associate Dean for Academic Affairs for permission to work up to twenty-five (25) hours per week.

### **Credits Required for Graduation**

Ninety (90) semester credits are required for graduation.

### **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 Senior Associate Dean for Academic Affairs. At no time will students be permitted to enroll in more than nine (9) hours over the summer. Students on probation with a GPA lower than 2.000 are not eligible to take courses in summer term.
- A student's grades for summer term (whether at Barry University School of Law or another ABA accredited law school) may affect the student's GPA but will not affect the student's probationary status, if any. Unrestricted advancement to any semester or term will be assessed only at the end of the Fall and Spring semesters.
- Summer enrollment must be at least six (6) credit hours to be eligible for financial assistance. The maximum number of credit hours allowed in the summer term is eight (8) credit hours unless a variance is granted.

### **Registration Practices and Procedures**

1. Absent extraordinary circumstances required courses are to be taken in the sequence set out in the recommended course progression for required courses located in the Student Handbook.
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 completed with a grade of "D" or higher prior to enrollment in the advanced course, except for Motions and Depositions which requires a "C" or higher in FL Civil Practice as a pre-requisite.
4. The faculty wishes to become more involved with the student body individually for purposes such as, but not limited to, promotion of professional development and identity, assisting with academic progress and compliance with Law School requirements, and encouraging employment efforts. To support this endeavor, to register for courses in any term following their first year in law school a student must have their schedules approved by their faculty mentor.
5. In deciding whether to approve a student's proposed schedule, the faculty mentor should take into consideration the student's background and interests, academic history, employment opportunities, course requirements, the Recommended Course Progression for Required Courses, bar passage advice, and other factors that may affect academic success, such as but not limited to, employment and participation in extra-curricular and co-curricular activities.
6. Students who are over-registered have until 14 calendar days before the start of classes to adjust their schedules to fit the tuition block for which they should be enrolled. Students who are over-registered after that time will have their schedules adjusted by the Registrar's Office, with classes chosen to be dropped at the discretion of the Registrar. If a class that is dropped is closed/waitlisted, the seat will be offered immediately to the next student on the list and the

student whose schedule was changed can add his/her name to the bottom of the list when add/drop opens.

7. Credit for Law Review, Journals, Trial Team, and/or Moot Court will be posted in the semester in which the credit was earned. To be eligible for membership on law review and journals, students must have completed their required full-time or part-time first year program.
8. Unless an approved participant in the 3+3 program, every student must have completed the work for an undergraduate degree before starting the law program. Any aid disbursed to a student who cannot verify the degree confirmation date on an official transcript from a regionally accredited institution that does not meet the aforementioned requirement will be returned to the lender, and the student will be liable for the tuition and any fees accrued.
9. Students admitted in the fall semester, whose admissions files are not complete by October 15<sup>th</sup> in their first semester/term, will be administratively withdrawn and not allowed to continue their enrollment. Students admitted in the spring semester, whose admission files are not completed by the end of the 4<sup>th</sup> week after the start of classes in their first semester/term will be administratively withdrawn and not allowed to continue their enrollment.
10. Official transcripts, letters of good standing, certification forms, or degree verification to state or foreign bars, and other letters/forms will be held, and future registration precluded for students or graduates who have an outstanding balance, have not provided appropriate documents (including, but not limited to official transcripts from undergraduate work and/or approved visits to other law schools) as required and/or have not appropriately completed or provided paperwork as required.

### Recommended Course Progression for Required Courses

**Full-Time Students Admitted in the Fall.** Courses listed in *italics* are required to be taken in the semesters noted. Courses not listed in italics are recommended to be taken in the following sequence:

**First Year- Fall (15 cr):**

*Civil Procedure (4 cr)*  
*Contracts (4 cr)*  
*Criminal Law (3 cr)*  
*Tools for Success (1 cr)*  
*Legal Research & Writing (3 cr)*

**Second Year- Fall (11 cr):**

*Constitutional Law (4 cr)*  
*Evidence (4 cr)*  
*Professional Responsibility (3 cr)*  
Experiential Courses

**Third Year- Fall:**

Bar-Related Courses  
Experiential Courses  
ULWR

**First Year- Spring (14 cr):**

*Criminal Procedure (3 cr)*  
*Legal Research & Writing (3 cr)*  
*Property (4 cr)*  
*Torts (4 cr)*

**Second Year- Spring (9 cr):**

*Business Organizations (3 cr)*  
*Commercial Law (3 cr)*  
*FL Civil Practice (3 cr)*  
Bar-Related Courses  
Experiential Courses  
ULWR

**Third Year- Spring (7 cr):**

*Bar Essay Writing (2 cr)*  
*Bar Survey (3 cr)*  
*Florida Constitutional Law (2 cr)*

**Full-Time Students Admitted in the Spring.** Courses listed in *italics* are required to be taken in the semesters noted. Courses not listed in italics are recommended to be taken in the following sequence:

**First Year- Spring (15 cr):**

*Civil Procedure (4 cr)*  
*Contracts (4 cr)*  
*Criminal Law (3 cr)*  
*Tools for Success (1 cr)*  
*Legal Research & Writing (3 cr)*

**First Year- Fall (14 cr):**

*Business Organization (3 cr)*  
*Constitutional Law (4 cr)*  
*Legal Research & Writing (3 cr)*  
*Property (4 cr)*

**Second Year- Fall (3 cr):**

*FL Civil Practice (3 cr)*  
Bar Related Courses  
Experiential Courses  
ULWR

**Third Year- Fall (7 cr):**

*Bar Essay Writing (2 cr)*  
*Bar Survey (3 cr)*  
*FL Constitutional Law (2 cr)*

**First Year- Summer (7 cr):**

*Criminal Procedure (3 cr)*  
*Torts (4 cr)*

**Second Year- Spring (10 cr):**

*Commercial Law (3 cr)*  
*Evidence (4 cr)*  
*Professional Responsibility (3 cr)*  
Experiential Courses  
ULWR

**Third Year- Spring:**

Bar-Related Courses  
Experiential Courses  
ULWR

**Part-Time Students.** Courses listed in *italics* are required to be taken in the semesters noted. Courses not listed in italics are recommended to be taken in the following sequence:

**First Year- Fall (11 cr):**

*Contracts (4 cr)*  
*Criminal Law (3 cr)*  
*Tools for Success (1 cr)*  
*Legal Research & Writing (3 cr)*

**Second Year- Fall (11 cr):**

*Business Organization (3 cr)*  
*Property (4 cr)*  
*Torts (4 cr)*

**Third Year- Fall (7 cr):**

*Constitutional Law (4 cr)*  
*Commercial Law (3 cr)*  
Experiential Courses  
ULWR

**Fourth Year- Fall (4 to 12 cr):**

Bar-Related Courses  
Experiential Courses  
ULWR

**First Year- Spring (10 cr):**

*Civil Procedure (4 cr)*  
*Criminal Procedure (3 cr)*  
*Legal Research & Writing (3 cr)*

**Second Year- Spring (7 cr):**

*Evidence (4 cr)*  
*Professional Responsibility (3 cr)*  
Experiential Courses

**Third Year- Spring (3 cr):**

*FL Civil Practice (3 cr)*  
Bar-Related Courses  
Experiential Courses  
ULWR

**Fourth Year- Spring (7 cr):**

*Bar Essay Writing (2 cr)*  
*Bar Survey (3 cr)*  
*Florida Constitutional Law (2 cr)*

**List of Required Courses.** The following courses are required for graduation. Note that some of these courses may be prerequisites to other courses:

Bar Essay Writing (2 credits)  
Bar Survey (3 credits)  
Business Organizations (3 credits)  
Civil Procedure (4 credits) (1L)  
Commercial Law Overview (3 credits)  
Constitutional Law (4 credits)  
Contracts (4 credits) (1L)  
Criminal Law (3 credits) (1L)  
Criminal Procedure (3 credits) (1L)  
Evidence (4 credits)

Florida Civil Practice (3 credits)  
Florida Constitutional Law (2 credits)  
Legal Research & Writing (6 total credits) (1L)  
Professional Responsibility (3 credits)  
Property (4 credits) (1L)  
Tools for Success (1 credit)  
Torts (4 credits) (1L)  
“Experiential Courses” (6 credits)

**“Experiential Courses”** *Graduation Requirement* (at least 6 credits of the following):

Advanced Civil Government Externship Field (2-4 cr)	Criminal Defense Class Component (2 cr)
Advanced Civil Poverty Externship Field (2-4 cr)	Criminal Defense Externship (6 cr)
Advanced Criminal Defense Externship Field (2-4 cr)	Criminal Prosecution Class Component (2 cr)
Advanced Criminal Prosecution Externship Field (2-4 cr)	Criminal Prosecution Externship (6 cr)
Advanced Judicial Externship Field (2-4 cr)	Drafting Wills and Trusts (2 cr)
Advanced Child & Family Externship (2-4 cr)	Environmental and Earth Law Clinic (6 cr)
Advanced Environmental & Earth Law Clinic (2-4 cr)	Environmental Dispute Resolution (2 cr)
Advanced Immigration Clinic (2-4 cr)	Florida Evidence Practice (3 cr)
Advanced Juvenile Clinic (2-4 cr)	Immigration Clinic (6 cr)
Advanced Legal Research (3 cr)	Interviewing, Counseling, & Problem Solving (2 cr)
Advanced Legal Writing (3 cr)	Judicial Externship (2 cr)
Bankruptcy Clinic (3 cr)	Judicial Extern Field & Class (2 cr)
Children & Family Externship (6 cr)	Judicial Defense Clinic (6 cr)
Child & Family Field (4 cr)	Law Practice Technology (3 cr)
Civil Government Class Component (2 cr)	Law Office Practice (3 cr)
Civil Government Externship (5 cr)	Mediation (3 cr)
Civil Poverty Externship (5 cr)	Mediation Externship (2 cr)
Civil Poverty Externship Field (1 cr)	Motions and Depositions (3 cr)
Collaborative Family Law Clinic (3 cr)	Non-Profit Corporate Externship (5 cr)
Commercial Law Trial Advocacy (3 cr)	Non-Profit Corporate Externship Field (3 cr)
Contracts Drafting (2 cr)	Tax and Estate Planning (3 cr)
	Trial Advocacy (3 cr)

\*Students may not use the same course to fulfill multiple graduation requirements (i.e., cannot use an experiential course to also fulfill the ULWR or vice versa)

\*Students may receive academic credit for only one of two substantially similar courses such as, but not limited to, Commercial Trial Advocacy/Trial Advocacy, Motions and Depositions/Florida Family Law Motion Practice, and Sea Piracy/International Law of the Sea.

\*In addition, all students are required to complete the Upper-Level Writing Requirement (ULWR), the Pro Bono Service Requirement, the CLASP Requirement, and a minimum of six (6) hours of Professionalism Enhancement Program offerings. See Graduation Requirements section for details on how to complete these requirements.

**Limited Enrollment Courses.** Some courses may have limited enrollment. The Registrar will advise students in the event a course has limited enrollment.

**Practice Ready Institute (PRI).** A student must have completed 18 credit hours to be eligible to take a PRI. Only one PRI per term is permitted and a student cannot take more than a total of four PRI's.

**Pre-Requisites.** A student must have completed any course that is a pre-requisite for another course before being permitted to register for the course with the pre-requisite. At the discretion of the Senior

Associate Dean for Academic Affairs, a pre-requisite may be waived, or permission may be granted to take the pre-requisite concurrently with the course.

**Courses Requiring Permission to Register.** Permission to register is required in a clinical externship placement, in-house clinic placement, Teaching Assistant, Research Assistant, Dean’s Writing Fellow, Dean’s Study Fellow, or Directed Research. The minimum number of hours needed for credit as a Research Assistant, Teaching Assistant or VITA coordinator is 120 hours. Research Assistants may work a maximum number of 140 hours. Research Assistants that do not fulfill the 120-hour requirement in one semester may be paid up to 80 hours for that semester or carry the hours completed over the next semester in which case credit will be awarded after having fulfilled the minimum requirement. The Dean’s Writing Fellow or Dean’s Study Fellow can work 10-hours maximum per week for credit or pay.

**Areas of Concentration.** The Law School offers three different areas of concentration in which students may earn an Honors Certificate: Child and Family Law, Litigation and Advocacy, and Environmental and Earth Law. See Appendix I for additional information about these concentrations, including the requirements for the Honors Certificates. Information is also available in the Registrar’s office.

### Clinics and Externships

Externships and Clinics are a credit-bearing experience for a student. To take an externship or clinic, a student must apply through the Clinical Programs Office. The applications for these are due much earlier than registration because students are required to be interviewed by the Clinical Programs Office to ensure that they meet all requirements set forth by Barry Law, as well as the requirements set forth by each individual clinic and externship placement. Barry Law has specific educational objectives that have been approved by the faculty for a student to receive at each of our externship placements. Thus, each externship placement must agree to give our students the experience to justify the credit. Students can apply for an externship a semester in advance.

The GPA minimum requirement for participation in clinics and externships are as follows:

- Judicial Externship for federal courts and state appellate courts 3.0
- Judicial Externship for state trial courts 2.4
- In- house clinics and Non-Judicial Externships 2.0  
(Juvenile Defense Clinic, Environmental and Earth Law Clinic, Immigration Clinic, Collaborative Family Law Clinic, Bankruptcy Clinic, Civil Government Externship, Prosecution Externship, Criminal Defense Externship, Children and Family Externship, Civil Poverty Externship, Non-Profit Corporate Externship, and Mediation Externship)

Students are limited to one clinic or externship during their program of study but may apply for a variance if space permits.

### Order of Priority for Registration of Courses

1. Course descriptions are available on the Student Portal and in the Barry University Graduate Catalog.
2. Course registration must be done through the Student Portal <https://studentportal.barry.edu/Student/Account/Login>.

### 3. Registration steps for using the Student Portal

## Student Registration - PLAN

#### PLAN

1. Log into <http://StudentPortal.Barry.edu/>
2. Click on the Course Catalog.
3. Click on Advanced Search, if it is not defaulted to it.
4. Set filters to:
  - a. Section Listing (not Catalog Listing)
  - b. Term – FALL Semester 1 2023
  - c. Subject – Law
5. Click the Search button at the bottom of the page.

#### CATALOG ADVANCED SEARCH

Results View

Catalog Listing

Section Listing

Term:  Meeting Start Date:  Meeting End Date:

Courses And Sections

Law

## Student Registration - PLAN

1. On the next screen, you will see all the course sections being offered for FALL Semester 1 2023.
2. There are additional filters on the left for you to use as needed.
3. Click on a **Course Section** to Add it to your Fall registration plan.
4. Repeat as needed to add more **Course**

Advanced Search Selection: LAW

Show Filters Filters Applied: Fall Semester 2023

Term	Status	Section Name	Title	Dates	Location	Instructional Methods
Fall Semester 2023	Closed	<a href="#">LAW-5010-LA</a>	LEGAL RESEARCH AND WRITING 1	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person
Fall Semester 2023	Closed	<a href="#">LAW-5106-LA</a>	CRIMINAL LAW	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person
Fall Semester 2023	Closed	<a href="#">LAW-5300-LA</a>	PROFESSIONAL RESPONSIBIL	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person
Fall Semester 2023	Closed	<a href="#">LAW-5302-LA</a>	CONSTITUTIONAL LAW	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person
Fall Semester 2023	Closed	<a href="#">LAW-5312-LA</a>	EVIDENCE	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person
Fall Semester 2023	Closed	<a href="#">LAW-5337-LA</a>	CONTRACTS	8/21/2023-12/15/2023	Orlando Campus	Lecture In-Person

\*When selecting a **course section**, please make sure it has a section code at the end of the course. Example: LAW-5010 **XX**.  
If there is no section code, you are not in the right place.

1. Once your **Course Sections** are approved you can:
  - Register for the open courses by clicking on the **Register Now** button
  - Add yourself to a waitlist by clicking **Add to Waitlist** for **each course as needed**.
2. If a class has a waitlist, you will register to be on the waitlist.
3. If a class has seats available, you will register for a seat.

## Student Registration - REGISTER

\*\*You may need to confirm your Personal and Emergency information under User Options before the **Register/Waitlist** buttons will be available.

<input type="checkbox"/>	LAW-6454-LA: CIVIL GOV EXTERNSHIP FIELD	2 Credits, Pass/Fail only	Brown, B	TBD	TBD	<span style="background-color: #FFD700; padding: 2px;">This section has a waitlist</span>
<input type="checkbox"/>	<a href="#">LAW-5106-LA: CRIMINAL LAW</a>	3 Credits	Davoli, J	TTh 1:00 PM - 2:30 PM	Orlando Campus New Law Building, 107	<span style="background-color: #90EE90; padding: 2px;">Registered, but not started</span>
<input type="checkbox"/>	<a href="#">LAW-6170-LW: PROTECTIONS, CHILD AND LAW</a>	3 Credits	Franchina, L	TTh 8:00 PM - 9:30 PM	Orlando Campus TBD	<span style="background-color: #FFD700; padding: 2px;">Waitlisted</span>

## Student Registration - GET APPROVAL

1. Go to the Home Page and Click on Student Planning.
2. Next, click on Plan and Schedule.
3. Under Advising, click Request Approval. This will notify your mentor and they will review and approve/deny your planned schedule.
4. You will see a thumbs up  once approved or a thumbs down if denied.

NOTE: You may see two advisors listed:

1. One is your Academic Mentor
2. One is your CLASP Counselor

Your Academic Mentor is the one to approve your course/section selection(s).

4. All courses will require approval by the student's faculty mentor.
5. Registration will follow the online process as outlined in the Registration Packet sent to all students Barry email address from the Registrar's office. All students will be required to register/waitlist themselves.
6. Full-time Day students will register for day sections of required courses. Full-time and Part-time Evening students will register for the evening sections of the required courses.
7. If a course is scheduled in both the day and the evening in a particular semester and the day section is closed, full-time Day 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, full-time and part-time Evening students may register for any day section if the Registrar certifies that space is available in the particular course or course section. Day students have priority for courses offered during the day and evening students have priority for courses during the evening.
8. Students registered for the Honors Certificate in Litigation and Advocacy will receive priority for seats in Motions and Depositions.
9. Course selection will not be confirmed until payment has been received or payment arrangements verified.

### Order of Priority for Registration of Day Courses

1. Full-time students who are in their final semester before graduation.
2. Part-time 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.

### **Order of Priority for Registration of Evening Courses**

1. Part-time 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 part-time students.
4. Third-year part-time students.
5. Second-year part-time students
6. Any other eligible student.

### **Order of Priority for Waitlisted Courses**

1. The order of priority on a waitlist for a day course or evening course will be the same as specified in the above. The above notwithstanding, priorities on a waitlist may be determined by a lottery system or a random number assignment.
2. If a seat opens in a waitlisted course and you are next on the list, the Registrar will contact you at your Barry email address informing you the seat has opened. You will be given a deadline by which an answer is needed if you would like the seat or not. If no response is given by the deadline, the spot will be given to the next person in line. The Registrar's office will drop you from the list automatically if you do not get into the class.

### **Order of Priority for LLM Students**

1. LL.M. students will follow the steps outlined in the Registration Packet sent via email and will register for classes at the same time as J.D. students.
2. Priority for registration will be given to J.D. students over LL.M. students.

### **Add/Drop Policy**

#### **a) Timeframe For Add/Drop:**

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 session of the course.

#### **b) Adding and Dropping Courses During Add/Drop Week:**

Required courses may not be dropped without the approval of the Senior Associate Dean for Academic Affairs. Such approval shall not be given absent extraordinary circumstances beyond the control of the student.

#### **c) Dropping/Withdrawing for Courses After Add/Drop Week:**

- To withdraw from a required course or a limited enrollment course, a student must have the approval of the Senior Associate Dean for Academic Affairs. Such approval shall not be given absent extraordinary circumstances beyond the control of the student. Students should file a Petition for Variance with the Registrar's Office. If withdrawn, a "W" shall be entered on the student's transcript.

- 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 Senior Associate Dean for Academic Affairs. Such approval shall not be given absent extraordinary circumstances beyond the control of the student; a “W” shall be entered on the student’s transcript.
- Courses may not be added after Add/Drop Week.
- A clinical student may withdraw from a clinic course only with the prior approval of the appropriate director of the particular clinical program and the Senior Associate Dean for Academic Affairs.
- An externship student may withdraw from an externship only with the approval of the externship director and the Senior Associate Dean for Academic Affairs.
- A student in Motions and Depositions may withdraw from the class only with the prior approval of the Senior Associate Dean for Academic Affairs. Approval will be granted only upon a showing of extraordinary and unforeseen circumstances. This requirement of prior approval to withdraw applies once a student registers for Motions and Depositions, and regardless of when the request to withdraw is made.
- A course may not be dropped if it would result in the student being enrolled in less than the minimum required course load unless a variance is granted by the Senior Associate Dean for Academic Affairs.
- Any withdrawal may have financial consequences. Students should consult with the Office of Student Financial Services.

### **Amendment to Law School Application**

All law students are required to provide complete and accurate information on their law school application. Except for places of employment and residences that occur after the submission of the application, the law student has a continuing obligation to update the information contained in application and to correct any information that is incorrect. This applies to any incidents that occur after submission, but which are explored in the application. Information should be added or corrected as soon as it is practicable to do so. In most cases, amendments should be made and submitted to the Registrar’s Office within the first semester of a student’s 1L year. To amend your law school application, students should complete the Amendment to Application form found on the Registrar’s Office webpage. Failure to amend your application could result in a violation of the Student Conduct Code.

### **Attendance Policy**

- a) Class attendance is both mandatory and critical. Students are also expected to be in class on time.
- b) Only students enrolled in the course section may attend class unless prior approval has been given by the Dean or Dean’s designee.
- c) ABA Standards require law schools to adopt, publish, and adhere to a class attendance requirement. To meet this standard, the law school requires that students attend 80% of the regularly scheduled

class sessions or the student will be administratively withdrawn from the course, receiving a W/F on his/her/their transcript. This policy permits a maximum of 20% absences with no option to petition for any excused absences.

During the Fall and Spring semesters the 20% rule allows:

- Three (3) absences in a class that meets once a week.
- Six (6) absences in a class that meets twice a week.
- Eight (8) absences in a class that meets three times a week.
- Zero (0) absences are allowed for PRI's.

During the Summer semester the 20% rule allows:

- Two (2) absences in a class that meets once a week.
- Three (3) absences in a class that meets twice a week.
- Four (4) absences in a class that meets three times a week.
- Zero (0) absences are allowed for PRI's.

- d) Students whose total absences exceed “the maximum” (as defined in (3) above) will be automatically administratively withdrawn from the course by the Senior Associate Dean for Academic Affairs or his/her designee and will not be allowed to sit for the final exam. Notice will be forthwith provided to any such student(s). A grade of “WF” will be recorded on the student’s transcript. Students will still be responsible for all financial fees associated with the course. The sole relief available for a student is to take a leave of absence and petition the Senior Associate Dean for Academic Affairs or his/her designee to convert a “WF” to a “W.”
- e) A student who is unprepared, late for class, or leaves early may be counted absent and/or dismissed from class for that day.
- f) It is the sole responsibility of the student attending any class to make sure that he or she personally signs the attendance roster. A student who attends class but fails to sign the roster may request the professor to verify attendance.

To be considered, such a request shall:

- Only be a single email sent to the professor.
- Be within three hours from the end of the class in question.
- It is solely within the discretion of the professor to grant or refuse such a request.

- g) Students are solely responsible for tracking their own attendance. As a courtesy, students can view their attendance online in the [Student Portal](#).

### **Class or Exam Cancellations Due to Emergencies**

When it becomes necessary to cancel classes or examinations due to emergencies, the School of Law will disseminate messages via email, through the official Barry University emergency messaging system. To comply with the requirements of the ABA, any cancelled class or examination must be made up at a scheduled time for which attendance is expected and mandatory.

To assist with the immediate dissemination of official Barry University emergency announcements, students must verify that their emergency contact information is up to date. Students update their information by logging into the [Student Portal](#) and clicking “Emergency Contact Information” . Students must verify that all phone numbers are correct under the Communication section. Failure to keep emergency contact information updated may prevent students from registering or receiving transcripts.

### **Class Rankings**

Class ranks are completed two times an academic year. Once after the completion of the fall semester, and once at the end of the spring semester. First year law students (1L) will only get a percentage and not a ranking.

### **Document and Transcript Requests**

Students should submit all document requests to the Registrar’s Office. Visit the Registrar website for more information at <https://qapreview.barry.edu/en/academics/law/registrar/>

Transcripts can be requested by visiting:

<https://www.parchment.com/u/registration/20199991/account>

### **Variation from Rules for Hardship**

The Petition for Variance form can be found on the Law Registrar website at <https://qapreview.barry.edu/en/academics/law/registrar/>

Students must fully complete the petition for variance form and provide all supporting documentation to the Registrar’s office. Failure to follow this procedure may result in the delay on the decision.

### **Leave of Absence**

- A student may apply for a leave of absence for good cause for a period of up to two consecutive semesters. Good cause may include illness of the student, death or illness of a family member, job change, active-duty assignment in the armed forces, or other significant reason.
- The request shall be submitted in writing to the Registrar Office, 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 form from a qualified health care professional to continue the course of study.
- 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.

- A student may not register for or be registered in any coursework or school activity while on leave of absence, but he/she may make up any deferred final examinations or complete any deferred seminar papers, course papers, or directed research papers outstanding.
- A leave of absence will affect Veteran's Educational Benefits, forfeiture of Institutional Scholarships and Grants, 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.
- A request for a leave of absence during a student's first semester of study, if granted and prior to the receipt of grades, shall be deemed to be a withdrawal and the student must reapply to be reinstated.

### **Withdrawal from Law School**

- a) A student will be withdrawn from the School of Law if:
  - The student's admission file is not complete within thirty (30) days of the start of their first semester.
  - The student voluntarily requests such withdrawal by submitting the Withdrawal / Transfer / Leave of Absence form to the Registrar's office.
  - The student fails to register within five (5) days after classes begin and has not been granted a leave of absence.
  - The student registers but fails to attend without notification.
  - The student fails to attend class and is absent four (4) consecutive weeks at any time in the Fall or Spring term, two (2) consecutive weeks at any time in the summer term.
- b) Any student who has been withdrawn from the School of Law may file a Petition for Reinstatement. The petition must be filed with the Registrar's Office. If the Petition for Reinstatement is denied, the student must apply for admission as a de novo student through the standard admissions process.
- c) Upon reinstatement, the student shall continue in the same academic status as when withdrawn and no grades will be purged from the students record.
- d) If a student withdraws during his/her first semester of study, the student must reapply for admission as a de novo student; such applications shall be forwarded to the Admissions Committee for action.
- e) Failure to follow proper withdrawal procedures may affect the amount of refund, if any. Please be advised that even if the proper procedures are followed, a withdrawal may still result in financial liability to the Law School.

### **Return of Title IV Funds**

- a) If a student withdraws from all courses or stops attending classes before completing up through the 60% point of the enrollment period, a portion of the total federal aid received must be repaid.
- b) If a student fails to attend class or is absent four (4) consecutive weeks at any time in the Fall or Spring term, or two (2) consecutive weeks at any time in the summer term, the student can be administratively withdrawn. The return of Title IV Funds is calculated to determine the amount of

unearned aid to be returned to the Department of Education using the last day of attendance as the official withdrawal date. The student would be responsible for their share of the tuition once the unearned aid is returned. Failure to pay Barry Law will result in a Financial Aid and Registrar HOLD being placed on the student's account, preventing students from registering or receiving transcripts.

- c) A student may be required to return loan funds when there have been loan funds disbursed more than 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 either in person or by email request.
- d) The federal formula for Return of Title IV Funds determines the amount of federal aid that a student must repay.
- e) 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. Depending on timing and circumstance the student may also be required to return all or a portion of any institutional aid received, including but not limited to merit scholarships, grants, etc.
- f) Within forty-five (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 forty-five (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.
- g) If a student withdraws from school after the University's tuition refund policy deadline, but prior to completing up through 60% point as mandated by federal government, the student will still owe the difference to the University. This may include all or a portion of any institutional aid received including but not limited to merit scholarship, grants, etc.
- h) 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.
- i) 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.
- j) A student will have forty-five (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 all outstanding balances are paid in full. If the full amount is not paid within forty-five (45) days, the student MUST be reported to the United States Department of Education (USDOE) 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 to recover the outstanding balance.

## EXAMINATIONS

### Examination Process

Each term, students will be assigned anonymous examination numbers by ExamSoft. Students must keep examination numbers confidential. Students will enter their number on all examination blue books, examination question packets, and 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 Administrator on Duty.

- **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. The evaluation may also include assessment of performances of students in the role of lawyers, which may include clinical work, Moot Court, Trial Team, legal writing and research, seminars, and individual research papers. Required courses are always closed book examinations.
- **Materials Permitted During an Examination.** Each professor will inform students of the materials permitted in the examination. Students will be informed either in the course syllabus and/or on the last day of class.
- **Take-Home Examination.** A professor may give a take-home examination. Each student must complete the take-home exam in ExamSoft. At no time is a student to contact the professor for the exam, nor is a student to receive the exam from another student.
- **Anonymous Grading.** Most examinations are graded anonymously. Papers submitted for credit in a course, seminar, Legal Research and Writing, Directed Research, and work involving evaluation of student performance during the semester (e.g., Experiential Classes, Clinics) need not be graded anonymously.

### Departure from Examination Schedule

- **Scope.** This section applies to all examinations, including take-home examinations, whether administered during the final examination period or not. Students are bound by the exam schedule. A student who fails to take an examination when scheduled to do so will receive an "F" for the examination, unless the examination has been deferred according to the procedures outline below.
- **Policy on Deferral of Examinations.** For good cause only, the Senior Associate Dean for Academic Affairs may defer student's examination. Good cause shall be limited to serious illness of the student or a close family member, the death of a close family member, military service, observance of a religious holiday, mandated court appearance, or other extraordinary circumstances beyond the student's control. Appropriate documentation is required.

- **Procedure for Requesting Examination Deferral.** A student requesting an examination deferral shall complete a Petition for Variance and file it with the Registrar's Office at least **24 hours prior** to the time for which the exam is scheduled. Due to 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. Any contact with professors during the examination period for any reason is an Honor Code violation. **No examination may be deferred more than ten (10) calendar days absent extraordinary circumstances.**
  
- **Emergency Deferral of Examinations.** If a student is unable to take an examination for a good cause which arises within 24 hours immediately prior to the scheduled examination time, the student may telephone the Senior Associate Dean for Academic Affairs or the Registrar's Office for permission to defer the examination. ***Under no circumstances should a student contact the professor.*** The Senior Associate Dean for Academic Affairs, or the Administrator on duty, will be available each day or night of the examination period. If a deferral is provisionally granted, students must file a petition for variance with appropriate documentation to the Registrar's Office within forty-eight (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 provisionally granted unless extended by the Senior Associate Dean for Academic Affairs. No deferral will be granted once the scheduled exam commences.
  
- **Hardship for Exams.** Students may file a petition for 'Hardship' relief to the Registrar's Office. It is considered a hardship for students to have three (3) exams scheduled in twenty-four (24) hours. The following rules apply:
  - 1) An exam scheduled in the morning and another one in the evening does not constitute a hardship unless the student is receiving some form of accommodation.
  - 2) An exam scheduled in the evening and another one the next morning does not constitute a hardship unless the evening exam is four hours long.
  - 3) An exam scheduled in the morning, one in the evening, and another one the following morning does constitute a hardship.
  - 4) An exam in the evening, one the following morning, and the third that same evening does constitute a hardship.
  - 5) 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.
  - 6) Under no circumstance may an exam be re-scheduled for an earlier date and time than the original exam date.
  - 7) Students must submit a Petition for Variance for "Hardship" relief with supporting documentation to the Registrar's Office.

### Regulations Concerning Examinations

- **Punctuality.** Scheduled examination times will be adhered to strictly. On the day of the exam, each student is required to report to the assigned exam room at least **thirty (30) minutes** prior to the exam time. If a student arrives late for an exam, whether regular or rescheduled, the

student will be allowed to take the exam but will not be granted any additional time to compensate for a late start.

- **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 will collect all materials at the end of every examination.
- **Computers.** Any student may take an exam on a personal laptop after downloading the appropriate exam software. 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.
  - Barry Law uses ExamSoft's Exemplify product, which provides a secure environment in which to take the exams.
  - If a student's computer fails, the student must immediately begin to write the exam in bluebooks. No make-up exam will be issued.
  - If a student fails to download the exam before entering the examination room, student must use bluebooks for the exam. Any delay due to technical issues does not extend the exam time.
  - To use a laptop running Exemplify, the student's laptop must meet the 'Minimum System Requirements' found at: <https://examsoft.com/resources/exemplify-minimum-system-requirements>
  - The Exemplify software must be installed and registered at least forty-eight (48) hours before the first examination. The student must take a mock exam each semester. This will allow you time to contact the Department of Information Technology (DoIT) staff to address any problems. Students who do not register in a timely fashion will have to take the final examination in blue books.
  - The registration process includes downloading each exam a student will be taking at least forty-eight (48) hours before the examinations begin. 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, students will complete the exam in Examsoft. The answers must be uploaded to ExamSoft's secure website prior to leaving the examination room. Students may not leave the campus until they receive verification that their examination has been uploaded. Students will receive two (2) confirmation messages. One message will appear on their laptop after they upload the exam. The second confirmation will be an email sent to the student's school email account.
  - It is important for each student to take a mock exam before taking a real exam. The practice exam will allow students to find out whether ExamSoft will have any problems on their laptops. If a student experiences any problems, we can correct those problems

before the exam period and help the students have a trouble-free exam using ExamSoft. A student will be required to handwrite his/her exam if their laptop fails.

- **Any attempt to disable or tamper with Exemplify's security features will be considered a violation of the Student Honor Code.** It is each student's responsibility to familiarize himself/herself with their equipment, the Exemplify software, and instructions provided by ExamSoft on its website prior to the start of each exam. Please allow sufficient time to become familiar with both the computer and the application. Commencement of the exam will not be delayed due to a hardware problem with a laptop.
- 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. It may be best to use blue books for the exam.
- Do not use your computer if you have been experiencing any trouble with it. Exemplify is a solid, well-tested software product, but like any software, it may perform erratically when mounted on a faulty computer.

#### **At Least Forty-Eight (48) Hours Before Exam Day:**

- 1) Register Exemplify. 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.
- 3) Make sure that your computer is virus free.
- 4) Familiarize yourself with the software by using the built-in Practice Exam feature after you install and register Exemplify. Taking the practice exam not only helps you become familiar with the system but also helps identify potential hardware and software issues.
- 5) Make sure that your computer's battery has at least twenty (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 Exemplify and let it reboot your computer once the exam password has been written on the board or verbally relayed to the exam takers.
- 2) If you have not downloaded your exam prior to entering the examination room, you will be required to complete the exam in a blue book.
- 3) Bring your power cord, an extension cord, your exam number, and your Barry ID, or some other photo ID. A photocopy or picture of an ID is not sufficient. Failure to provide a photo ID will result in the student being unable to sit for the exam.
- 4) Heed the warning screen with RED STOP SIGNS indicating that you should not begin the exam until instructed to do so.
- 5) During the exam, use care when highlighting and deleting, otherwise it will significantly change your answers. Exemplify only allows you to undo the last action.

- 6) Students who do not take the time to become familiar with their laptop computer or with the Exemplify program should handwrite their exams. No administrative relief will be granted if an exam file is deleted or otherwise altered.
- 7) If you encounter issues while using Exemplify, contact the information services staff at least forty-eight (48) hours before your first examination. You may also wish to visit the following web page: <https://Examssoft.com/barrylaw> .
- 8) Failure to upload the exam prior to leaving campus is an Honor Code Violation and will result in a grade of 0 for the examination.
- 9) You must retrieve your Anonymous # from Examssoft.

**Exam Discussion:**

It is an Honor Code violation to discuss the exam with anyone at any time prior to the release of final grades.

**Required Disclosure:**

A standard cover sheet is used for all examinations. This cover sheet states that any student having information relating to any incident of academic dishonesty is required to report that information before leaving the examination room. This statement 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 the final examination is a violation of the Honor Code of Conduct and may lead to dismissal from the Law School.

**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. You must submit your take-home examination before the deadline, otherwise you will be locked out of the exam, and you will receive a zero for the final exam.

**Exam Review Policy**

Students may request to review an examination once all grades have been released for the semester. The review policy is as follows:

- Exam reviews for the spring and summer semesters will occur near the beginning of the following fall semester. An appointment schedule will be available when the fall semester begins.
- Exam reviews for the fall semester will occur near the beginning of the following spring semester. An appointment schedule will be available when the spring semester begins.
- There are no exam reviews in the three (3) weeks prior to the start of examinations or during examination periods.
- Students requesting to review Bar Essay Writing, APEX, Florida MC, and Bar Survey Exams are required to contact the CLASP Department directly to schedule a review.
- Examinations are not available for review after one (1) year.

Students should contact the Faculty Assistants either in person, or via email, to obtain the exam review scheduling link and instructions on how to schedule your own appointment. Students are required to supply the following information when scheduling an appointment:

- First and Last Name, Exam ID Number, Professor Name, Course Title, Course Section
- Appointments should be made at least 48 hours in advance to allow ample time for exam review preparation.

## GRADING

### 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 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 the [Student Portal](#).

### Grading Scale and Distribution:

#### Grades and Grade Points

The Grade Point Numeric Equivalency for all coursework is as follows:

A	4.0
A-	3.7
B+	3.3
B	3.0
B-	2.7
C+	2.3
C	2.0
C-	1.7
D+	1.3
D	1.0
F	0.0

### Pass-Fail Courses

In certain courses, a grade of P (Pass) is assigned if the student satisfactorily completes the course. A grade of 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.

### Grade Distributions

- a) The Strongly Recommended Grade Distribution for required first-year courses applies to those courses that are required for completion of the first-year curriculum. "Strongly recommended" means that a faculty member must justify in writing deviations from the recommended distribution to the satisfaction of the Senior Associate Dean for Academic Affairs.

A, A-, B+	10%-15%
B, B-	35%- 40% (Combined A/B grades not to exceed 50%)
C+, C	35%- 45%
C- & below	5%- 15%

- b) The Strongly Recommended Grade Distribution for required upper-level courses applies to the courses that are required for graduation. "Strongly recommended" means that a faculty member must justify in writing deviations from the recommended distribution to the satisfaction of the Senior Associate Dean for Academic Affairs.

A, A-, B+	up to 20%
B, B-	(100% minus total percentage awarded in other ranges)
C+ & below	up to 40%

- c) The Recommended Grade Distribution for upper-level elective courses applies to upper division elective courses except those with enrollments of twenty students or fewer as to which there is no recommended distribution. "Recommended" means that the grades submitted by the faculty member will stand. However, the Senior Associate Dean for Academic Affairs may request justification from the faculty member in the event of a gross deviation from the Recommended Distribution.

A, A-, B+	up to 20%
B, B-	(100% minus total percentage awarded in other ranges)
C+ & below	up to 20%

- d) This policy does not apply to Tools for Success, Legal Research & Writing courses, upper division courses with a student enrollment of less than twenty (20) or for clinics and non-classroom activities that have been approved for grading on a pass/fail basis.

- e) The faculty has the prerogative and responsibility to assign grades. To the extent his or her grade distribution deviates significantly from the strongly recommended/ recommended distribution, he or she will provide the Senior Associate Dean for Academic Affairs a request for a deviation, from the strongly recommended distribution. The Senior Associate Dean for Academic Affairs will forward the grades to the Registrar's Office for appropriate data entry purposes.

### **Grade for Classroom Performance**

A professor may raise or lower the course grade one increment (e.g., B to B+) for a student's classroom performance during any course. Such adjustment may be made to any examination grade or grade derived from papers, projects, or other graded coursework. A professor wishing to grade classroom performance must announce the policy in the syllabus. No student may be lowered from a "D" to an "F" or raised from an "F" to a "D" based on classroom performance.

### **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.

### **Requirement to complete the LLM Program**

An overall grade point average of 2.00 is required to complete the LLM program. For LLM students, there will be no change to the current grading system; however, LLM students will be identified by the Registrar so that they can be pulled out of the grading distribution.

### **Incomplete Grade**

A professor may give an "I" for any paper or project required for a final grade in a course or Directed Research Project with the showing of good cause by a student and the approval of the Senior Associate Dean for Academic Affairs. The student may be allowed 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.

The failure of a student to submit the paper or project within the extended time period will result in an automatic grade of "F".

### **Grade Changes**

- a) Any grade for a course or seminar submitted by a professor and received by the Registrar's Office is final and may not be changed by the professor except as provided below.
- b) A grade given by a professor in a course, seminar, or special course, may only be changed by the professor if the original grade was "incomplete" or if the grade given was the result of a mathematical or clerical error. No other grade changes are allowed.
- c) Professors may not conduct a de novo review of exams/grades.
- d) There is no process for appealing a grade.

### Credit for Non-Classroom Activities

- a) **Credit.** In all instances, credit must be posted in the semester it is earned.
- b) **Service on Law Review.** Requirements and specific academic credits are awarded as determined by Law Review and approved by the Faculty Advisor. A Pass/Fail grade will be awarded.
- c) **Service on Child and Family Law Journal.** Requirements and specific academic credits are awarded as determined by the Child and Family Law Journal and approved by the Faculty Advisor. A Pass/Fail grade will be awarded.
- d) **Service on Environmental and Earth Law Journal.** Requirements and specific academic credits are awarded as determined by the Environmental and Earth Law Journal and approved by the Faculty Advisor. A Pass/Fail grade will be awarded.
- e) **Moot Court Competitions.** Subject to the approval of the Moot Court Faculty Advisor, a student, during his/her law school career, may earn a maximum of one (1) credit per competition or satisfactory participation in approved interscholastic competitions. A Pass/Fail grade will be awarded during the semester in which the student competes. A cumulative GPA of a least 2.500 is required to participate in Moot Court. No student not a member of Moot Court may participate in a competition under the Barry Law name.
- f) **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 (1) credit per competition for satisfactory participation in approved interscholastic competitions. A Pass/Fail grade will be awarded during the semester in which the student competes. A cumulative GPA of at least 2.300 is required to participate in the Student Trial Advocacy Team. No student not a member of Trial Team may participate in a competition under the Barry Law name.
- g) **Teaching Assistant.** Subject to the approval of the Legal Research and Writing Professor, a student during his/her law school career may earn a maximum of one (1) credit per semester for satisfactory work as a Legal Research and Writing teaching assistant. A Pass/Fail grade will be awarded. A cumulative GPA of at least 2.300 is required to participate as a Teaching Assistant.
- h) **Dean's Fellow.** Subject to the approval of the Assistant Dean for Academic Success and Bar Preparation, a student during his/her law school career may earn a maximum of one (1) credit per semester for satisfactory work as a Dean's Fellow (to include, for example, Dean's Study Fellows, Dean's Bar Application Fellows, Dean's MPRE Fellows, etc.) A Pass/Fail grade will be awarded.
- i) **Research Assistants.** Subject to the approval from the faculty member for whom the student is performing research, a student during his/her law school career may earn a maximum of one (1) credit per semester for satisfactory work as a faculty research assistant. A letter grade will be awarded. A cumulative GPA of a least 2.400 is required to participate as a Research Assistant.
- j) **VITA Coordinator.** Subject to the approval of the VITA Faculty Advisor, a student during his/her law school career, may earn a maximum of one (1) credit per academic year for satisfactory participation as the VITA Coordinator. A Pass/Fail grade will be awarded.
- k) **Eligible students.** Students must have the requisite cumulative GPA to participate in and earn credit for any non-classroom activity.

- l) **Maximum credits.** No student shall be permitted to earn more than twelve (12) credits toward graduation for non-classroom activities. Non-classroom activities include the field placement segment of externships; Child and Family Law Journal; Dean's Fellow; Directed Research; Environmental and Earth Law Journal; Law Review; Moot Court; Research Assistant; Teaching Assistant; Trial Team; and VITA Coordinator. All In-House Clinics are considered classroom credits and do not count towards the 12 non-classroom credits.

### Auditing Courses

- a) **Registration.** At the end of add/drop a student may register to audit an elective course with permission from the professor if the Registrar certifies that space is available. If an overload would result, permission must be obtained from the Senior Associate Dean for Academic Affairs.
- b) **Course Requirement.** Attendance requirements must be met, or a grade of "W" will be entered. An audited course may not subsequently be taken for credit. A grade of "AU" will be awarded for a completed course. Audited courses are not included in calculating the GPA or residency requirement.
- c) **Financial Aid.** Credit hours for audited courses are not considered when determining enrollment status for Federal Student Loans, Institutional Scholarship and Grant Awards, and Veterans' Educational Benefits.
- d) **After Graduation.** Practicing attorneys may audit a course if the Registrar certifies that there is space available.

### Visiting Status

A student may request to visit another ABA approved Law School (ABA approved). Visiting status may also be approved if the student shows that substantial hardship will result if the visiting status is not granted. Attending another 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. Students will not be approved to visit during their last semester.

Students must meet all requirements listed below:

- 1) A student must be in good standing and have a minimum cumulative GPA of 2.25 to visit at another law school.
- 2) Students interested in visiting another law school must complete a [Visiting Student Request Form](#) located on the Registrar web page. The completed form must be submitted to the Registrar's Office.
- 3) The Senior Associate Dean for Academic Affairs must pre-approve the courses to be taken in advance. Credits from any visit which was not approved by the School of Law shall not be accepted.
- 4) Required Courses given at Barry University School of Law may not be taken at another law school.

- 5) The request for visiting status for one semester during the regular academic year at another law school may be possible 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.
- 6) Course Loads while visiting at another law school may not exceed the maximum course load of 6 – 12 credits for part-time or 13-16 credits for full-time students. Summer courseloads can be no greater than eight (8) credit hours.
- 7) Tuition and fees are the student’s responsibility and must be paid to the school which is subject to the visit. Although loans will be available, a student’s Law School scholarship support will not be available. Students should speak with the office of Student Financial Services about all loan issues.
- 8) Students who have received permission to visit at another law school will have their enrollment reflected on the Student Portal. To expedite financial aid and other processes, students will be enrolled in a non-billed course. Once an official transcript from the other law school arrives and is processed, students will be dropped from the course. Students are advised that if their cumulative GPA falls below 2.00 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 may be rescinded retroactively. There may also be financial penalties.
- 9) 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. The School of Law will transfer only those credits for which courses were completed with a grade of C or higher.

## **TRANSFER POLICIES**

### **Requirements to Transfer to Another Law School**

- a) Students wishing to transfer to another law school must complete the five (5) steps below in chronological order:
  - 1) Set an appointment and meet with the Associate Dean for Student Affairs,
  - 2) Submit a Letter of Good Standing Request form to the Registrar’s office,
  - 3) Submit the Withdrawal form WHEN TRANSFER IS CERTAIN,
  - 4) Complete an Exit Survey, and
  - 5) Meet all financial obligations to Barry University.
- b) Students holding an Executive Board, Chair, or other leadership position in a student organization or serving as a member on the Barry Law Review, Child and Family Law Journal, Environmental and Earth Law Journal, Moot Court Honors Board, or Student Trial Advocacy Team (Trial Team) must also set an appointment and meet with the Director of Student Life and respective faculty advisor.
- c) Any outstanding financial obligations must be made current through the Financial Aid department.

## Transcript Release

The Registrar will release transcripts once the requesting student has met all the above requirements for transfer. The Law School uses Parchment to prepare transcripts. Transcripts may be obtained directly from the Parchment website: <https://www.parchment.com/u/registration/20199991/account>

## ACADEMIC STANDARDS

This Article 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, or, if granted by petition, be placed on academic probation. During a period of probation, the student must sufficiently improve his/her academic performance to attain and thereafter continue to maintain the academic standards set forth herein.

### Notice Provisions

1. Any student who is directed to meet with the Director of Academic Success or a CLASP counselor, given a Term Warning as defined below, placed on academic probation, or dismissed shall be notified by the Dean or their designee.
2. Such notice shall be sent by first-class mail to the home address the student has on file with the Law School and via the student's school email.
3. If the student fails to receive notice, that shall not affect its sufficiency.

### Minimum Academic Standards for Advancement

#### Academic Dismissal

1. Any student with a cumulative GPA, as it is customarily calculated by the Law School, below 2.00 at the end of any semester, summer term, or study abroad session, shall be notified of his or her pending academic dismissal. Any student so notified, unless he or she has timely filed a petition for academic probation under 2.00 below, is immediately barred from attending classes and participating in any extracurricular activities, co-curricular activities, or student services. Any student who has timely filed such a petition is not barred from so attending or participating so long as the petition is pending. Such ability to attend classes or participate shall terminate if, and at the time of, the petition for academic probation is finally denied by the Dean.
2. In the case of extraordinary circumstances, any such student may petition one time for one semester of academic probation, to be considered the petition must contain the following:
  - a. Be submitted to the Registrar's Office attached to a cover email which in its subject line states the following: "Petition for Probation Due to Extraordinary Circumstances,"

- b. Be submitted to the Registrar's Office no later than seven (7) business days from the date of the notification of pending academic dismissal, and
- c. Show or provide each of the following:
  - What the student's precise cumulative GPA is as of the date of the notification of the pending academic dismissal.
  - A fully current law school transcript, from the Student Portal, including all grades from all semesters, summer terms and study abroad sessions, up to the date of the notification of the pending academic dismissal.
  - The extraordinary circumstances, in complete factual detail, that caused the student's cumulative GPA to fall below 2.00.
  - If the Petition for Academic Probation is not being made after the student's first semester a detailed explanation of why the student's cumulative GPA was already close enough to 2.00 that it could have fallen below 2.00 because of a semester, summer term, or study abroad session, of insufficient grades.
  - Why, in complete factual detail, such extraordinary circumstances (1) no longer exist, and (2) are not likely to recur.
  - Specifically, why, if given one semester of academic probation, the student is likely to (1) return to a cumulative GPA of 2.00 or higher by the end of that semester, (2) not fall below a cumulative GPA of 2.00 through the time of the student's graduation, and (3) pass the bar examination.
  - If the student believes it will support his or her petition for academic probation, attach documentary evidence.
3. Any such petition for academic probation shall be referred by the Registrar's Office to a subcommittee of the Academic Standards Committee consisting of the Chair of the Academic Standards Committee, or designee, and two other members of the Academic Standards Committee. Such subcommittee shall review the petition for academic probation taking into consideration criteria listed above in 2. (c) and make a recommendation to the Senior Associate Dean for Academic Affairs as to whether the petition for academic probation should be granted or denied. Upon reviewing the petition, the decision and recommendation of the Senior Associate Dean for Academic Affairs shall be final. If the petition is approved, a maximum of one semester of academic probation shall be granted. If it is denied, the student shall then be permanently academically dismissed.
4. Both the written recommendation and the final decision of the Senior Associate Dean for Academic Affairs shall be provided to the petitioner. No personal appearance on the petition by the petitioner shall be permitted absent a request by the reviewer or the Senior Associate Dean for Academic Affairs.
5. In no circumstances shall a student ever receive a second semester of academic probation.

### **Term Warning**

If a student's cumulative GPA is 2.00 or greater but falls below 2.00 for an individual semester, summer term, or study abroad session, the student will be given a term warning and will be required to meet with the Director of Academic Success and follow through with any provided directives or tasks. These directives or tasks may include, but are not limited to, being barred from participating directly or indirectly in any extracurricular activities, co-curricular activities, or student services. Failure to contact the Director of Academic Success within ten (10) calendar days of the date of the notice or failure at any time to follow through promptly and completely with all assigned directives or tasks shall be a violation (or violations) of the Student Conduct Code.

### **Academic Probation**

1. A student on academic probation will be required to meet with the Director of Academic Success for counseling and follow through with any provided directives or tasks, which may include, but are not limited to regular meetings with the Director of Academic Success, being barred from participating directly, or indirectly, in any extracurricular activities, co-curricular activities, or student services while on probation. Failure to contact the Director of Academic Success within ten (10) calendar days of the date of the notice, or at any time, to follow through promptly and completely with any provided directives or tasks shall entitle the Director of Academic Success to recommend to the Dean in writing that the probation be immediately terminated, and the student be academically dismissed. A copy of any such recommendation shall be provided to the student, who shall have five (5) business days to forward his or her response, by email, to the Dean. The Dean shall in his or her discretion take such action as they see fit, including but not limited to (1) academically dismissing the student, (2) adding additional or different directives or tasks to those already assigned to the student by the Director of Academic Success, or (3) continuing the probation, and its directives and tasks, as is.
2. Any student who, having been granted one semester of academic probation, has his or her cumulative GPA fall below 2.00, whether by the end of the probationary semester or at any time, thereafter, shall be academically dismissed. There is no appeal or petition from such dismissal, which shall be final.

### **Academic Supervision**

A student who has been on academic probation and has returned to good academic standing shall, thereafter, remain on academic supervision. The terms and conditions of which including, but not limited to, length of academic supervision or being barred from all extracurricular activities, co-curricular activities, and student services, shall be determined on a case-by-case basis by the Director of Academic Success. While such a student is on academic supervision, he or she shall be required to meet with the student's CLASP counselor for counseling and follow through with any provided directives or tasks. Failure to follow through promptly and completely shall be a violation (or violations) of the Student Conduct Code.

### **Other Academic Standards**

1. **Participation in Student Organizations.** The minimum standard for participation as an officer in a student organization or a Senator in the Student Senate is a cumulative GPA of 2.300. Other activities have their own specific GPA requirements. Students who fall below the specified minimum

are disqualified as being officers therein and must immediately resign. Absent a resignation, they shall be immediately removed from office by the Dean or Senior Associate Dean.

### **Readmission Following Dismissal**

No student who is finally academically dismissed shall be eligible for readmission to the Law School at any time.

## **COMPREHENSIVE LEGAL ACADEMIC SUCCESS PROGRAM (CLASP)**

### **Bar Preparation and Academic Success**

All students must comply and complete all of the CLASP graduation requirements set forth below which include workshop requirements, comprehensive diagnostic exam and remediation, MPRE Mock Exam, Simulated Bar Exam, and the CLASP Exit interview. Failure to complete all of the requirements could jeopardize your graduation date.

#### **CLASP Workshop Requirement**

All first year Barry University School of Law students are required to attend four (4) first year workshops in their first semester. Starting in the next academic year, from a student's start date, every student must attend a minimum of two (2) upper-level CLASP workshops a year. The workshops will cover pertinent skills for success based on a student's year in school. CLASP will monitor attendance and report to the Registrar Office those not in compliance. Workshop dates will be announced to the student body through various emails, signage on campus, and through their CLASP counselors.

#### **Diagnostic Bar Examination**

All first year Barry University School of Law students are required take the Comprehensive Diagnostic Examination (Comp Exam) immediately following completion of Torts, Civil Procedure, Property, Criminal Law, and Contracts. The test will be administered on the Friday before classes start in the fall semester. The test consists of multiple-choice questions covering the above-listed areas of law. The purpose of this exam is to identify areas of strengths and weaknesses early in a student's law school career so we can offer student's individualized support. Students who score below the expected range in any subject must complete any assigned remediation.

#### **MPRE Mock Exam**

All Barry University School of Law students must attend one or more mock MPRE exams prior to the semester of graduation. The requirement can be waived by showing a score of 80 or more on the official MPRE examination.

CLASP will administer two (2) mock MPRE exams a year.

### Simulated Bar Examination

All Barry University School of Law Students are required to take the Simulated Bar Exam on the Friday immediately preceding the first day of classes for the semester the student takes the Bar Survey class during their 3L year. This will take place over the course a day and include the following:

- Three (3) hours in the morning, which will include 33 Florida multiple choice questions and 2 Florida essay questions.
- Three (3) hours in the evening, which will include 100 MBE multiple choice questions.

### CLASP Exit Interview

All Barry University School of Law Students are required to attend an exit interview with a CLASP Counselor in their final semester of law school. August graduates will complete their exit interview in the Spring semester prior to their final summer semester.

### Florida Bar Application

All Barry University School of Law students are encouraged to complete and file a Student Application to the Florida Bar in their first semester of law school, *regardless of the jurisdiction in which a student intends to practice*. The Bar Fellows in CLASP are available to help students complete their application.

- Application deadline for students that start in the Fall semester: **January 15th**
- Application deadline for students that start in the Spring semester: **June 15th**

The ABA requires the Law School to offer experiential learning experiences to all our students. The State of Florida requires that most students participating in clinical experiences apply to the Florida Bar and pass the background check before participation, even if the student does not plan to take the Florida Bar exam. In addition, the Florida background check will alert students taking other bar examinations to any potential character and fitness issues, simplifying the process, and minimizing the chance of any delay in certification of good character and admission to the bar.

Law students who file their Student Application in their first semester of law school also take advantage of the lower application fee offered for first semester filers.

We highly recommend students begin their Florida Bar application, including assembling the documents you must submit with the application, as soon as possible. For example, law students need to order and obtain a certified copy of their birth certificate well in advance to meet the application deadline.

The application and checklists provided by the Florida Board of Bar Examiners are on the Bar's website at <http://www.floridabarexam.org>

## REQUIREMENTS FOR GRADUATION

### General Requirements

To Graduate from the School of Law, a student must:

1. Complete 90 academic credits of instruction, 60 of which must be completed at Barry University School of Law
2. Complete all required courses (apart from those accepted for transfer credit at the time of admission) at Barry University School of Law
3. Complete a minimum of six (6) credit hours in Experiential Courses
4. Complete the Upper-Level Writing Requirement (ULWR), no later than the semester before graduation.
5. Complete fifty (50) hours of Pro Bono Service; a minimum of twenty-five (25) hours must be legal pro bono, no later than the semester before graduation.
6. Complete six (6) hours of Professionalism with at least one (1) credit for cultural competency, no later than the semester before graduation.
7. Complete all CLASP Requirements.
8. Complete all required courses with passing grades (grades higher than "F"), including a minimum cumulative grade point average of 1.8 or greater in all required courses.
9. Attain a cumulative grade point average of 2.0 or greater.
10. Satisfy any financial obligations to the School of Law
11. Satisfy and resolve all outstanding Honor Code or Student Conduct Code complaints.
12. Submit an Intent to Graduate Form by the following dates:
  - **October 15<sup>th</sup>** of the semester prior to expected spring/summer graduation.
  - **March 15<sup>th</sup>** of the semester prior to expected fall graduation.
13. Be approved by the faculty for graduation.

***\*It is the sole responsibility of the student to track and complete all of the graduation requirements. Failure to do so may impact a student's expected graduation date. A graduation checklist is located on the Law Registrar webpage.***

## Upper-Level Writing Requirement

### Purpose

The faculty strongly believes that students should have opportunities beyond the first-year course in Legal Research and Writing to further develop their skills in legal research, analytic reasoning, and writing. Hence, the goal of the Upper-Level Writing Requirement is to improve the student's skills as effective writers by providing them with intensive and rigorous writing experience.

Through that intensive and rigorous writing experience, the students will expand their research skills and their ability to develop legal theories and arguments in the preparation of a substantial written product that is well organized, clearly written, and demonstrates significant research and original analysis.

### Timing

A student must complete and submit their ULWR paper no later than the end of the semester prior to their expected graduation date. **The deadlines below mean that the paper must be certified and submitted to the Registrar's office by the professor by the date specified.** This means the paper must be completed well in advance of the deadlines to allow the professor time to receive and certify the paper. **Students who fail to meet the deadlines will not graduate with his/her class.**

- A student graduating in Fall must have submitted the certification of satisfaction of this requirement no later than **October 15<sup>th</sup>** prior to his/her graduation.
- A student graduating in Summer must have submitted the certification of satisfaction of this requirement no later than **June 15<sup>th</sup>** prior to his/her graduation.
- A student graduating in Spring must have submitted the certification of satisfaction of this requirement no later than **March 15<sup>th</sup>** prior to his/her graduation.

### Acceptable Paper Types

#### Seminar Paper:

- A seminar paper written for a graded course taught by a *full-time faculty member*: The full-time faculty member 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 to be submitted to fulfill the requirement.) There is no additional academic credit beyond what may be earned by taking a seminar to fulfill the Upper-Level Writing Requirement.
- A seminar paper written for a graded course taught by an *adjunct faculty member*: If the student wishes to use such a paper supervised by an adjunct faculty member during a seminar to satisfy the writing requirement, the student must submit the paper to the Senior Associate Dean for Academic Affairs. He or she will then assign the paper 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 writing requirement. A paper written for a seminar taught by an adjunct faculty member that is submitted to the Senior Associate Dean for review by a

full-time faculty member must satisfy all the criteria for a ULWR paper including “General” and “Formatting” requirements and the “Evaluation Guidelines.” Any paper that does not meet these criteria will not be reviewed by a full-time faculty member.

**Note or Comment:**

- A Note or Comment that has been supervised and approved by a *full-time faculty member*: 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 must satisfy the requirement regardless of whether the Note or Comment has been published. There is no additional academic credit beyond what may be earned by using Law Review for a Note or Comment to meet the Upper-Level Writing Requirement. Law Review credit is earned only as a member of Barry’s Law Review.

**Directed Research Paper:**

- A paper written for a graded directed research project, under the supervision of a *full-time faculty member*: (1) students must be in good academic standing to be eligible for directed research and (2) may not receive more than two (2) credits for directed research in a single semester. The supervising professor must approve the paper as fulfilling the requirement.  
Requirements for a Directed Research Paper:
  - 7,500 words, inclusive of footnotes

*Please note:* that except for professors teaching seminar courses, who need not supervise directed research projects in that semester, may supervise no more than three (3) such directed research projects per semester.

**A Sole Authored Brief:**

- Written for an approved course taught and supervised by a *full-time faculty member*. The professor teaching the course must approve the brief as fulfilling the writing requirement. Requirements for the Sole Authored Brief:
  - 7,500-word length, inclusive of the following sections ONLY: Statement of Jurisdiction, Argument, and Conclusion and exclusive of all other sections of the brief and appendices.
  - Satisfying all other specifications required by the professor.

**ULWR General Requirements**

- The student must submit at least one (1) outline or initial draft of the written product and receive individualized feedback in writing from the faculty supervisor.
- The student must meet with the faculty supervisor at least once for feedback, guidance, and individualized assessment of the student’s written product.
- The student must undertake the re-writing of the draft as directed by the faculty supervisor to better organize its contents; to further develop a point, thesis, or analysis; or to ensure accurate and proper citations.
- The ULWR paper requires an in-depth research and rigorous analysis of a specific topic/ area of law. The paper is to be primarily of an analytical rather than a descriptive nature.

## **Format Requirements**

Every student must individually author a rigorous written work in the following format:

- 7,500-word length, inclusive of footnotes and exclusive of appendices except as indicated below.
- Line spacing of 2.0 (double-spaced)
- Margins of one inch.
- Page numbering at bottom center.
- Footnotes in standard Blue Book form.
- A Times New Roman 12-point font.

## **Evaluation Guidelines**

The paper should be well-researched and should make appropriate and critical use of primary and secondary sources with all sources cited accurately and properly (i.e., in “Blue Book” form).

The paper should represent original work consisting of criticism, analysis, synthesis, or history of law, or a law-related topic. It must advance and defend one or more central thesis.

The paper should be substantial and one that:

- Is the original work product of the student.
- Reflects substantial and thorough legal research.
- Describes the status of the existing law and reflects the scholarship in the discipline.
- Reflects appropriate clarity, organization, style, editing, and citation.
- Includes substantial, original, and strong analysis that evaluates the law and contributes to the discipline.

## **Electronic Publication of Student Scholarly Writing/ SSRN**

Students are encouraged to engage in original, scholarly research and writing while at Barry Law. Students who produce publishable written work should consider publishing their scholarship after consulting with a professor.

Students may also choose to submit their scholarly papers to other journals. However, Scholastica (useful in submitting scholarship to journals at other schools) will assess a charge to individual students for each submission made using their service.

## **Pro Bono Requirements**

1. Barry University School of Law commits itself to offering students a quality education in a caring environment that encourages community service, which ties into our religious Core Commitments. 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 of fifty (50) hours of pro bono or community service work prior to graduation, twenty-five (25) of which must be legal-related public service.

2. To qualify as pro bono, the service must be:
  - Law-related.
  - Undertaken without compensation or academic credit.
  - Supervised by a licensed attorney or law school faculty member.
  - Address the legal needs of underrepresented individuals or groups.

**NOTE: Legal work at a private law firm will not qualify as pro bono unless the attorney has taken the case on a pro bono basis for no fee.**

3. To qualify as community service, the service may include the following activities:
  - Volunteering at a non-profit charitable organization (non-law related)
  - Serving people who are disadvantaged or the earth community through a public agency, law firm, or other organization.
  - Engaging in a public service activity through a public agency, private law firm, or private organization.
  - Engaging in a public service activity with a Law School student organization or program.
4. Law related public service activities include (see ABA Interpretation 303-4):
  - Helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights.
  - Helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation.
  - Participating in activities providing information about justice, the law, or the legal system to those who might not otherwise have such information.
  - Engaging in activities to enhance the capacity of the law and legal institutions to do justice.
5. The goals of the pro bono requirement are threefold. First, the School of Law seeks to educate students about ethical responsibilities as attorneys to aid 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 real-life experience.
6. All students must complete the Pro Bono Completion Form for each pro bono or community service placement, which must be signed and verified by the Volunteer or Pro Bono Supervisor. Pro Bono hours should be submitted through Barry Connect. Questions regarding access to Barry Connect, pro bono hours, and the approval thereof, should be directed to the Career Services Office. The Director of Career Services approves and certifies all Pro Bono hours.
7. Pro bono requirements must be met (and reported) by the following dates:
  - Spring – Summer **October 15<sup>th</sup>** of the semester prior to expected graduation.
  - Fall – **March 15<sup>th</sup>** of the semester prior to expected graduation.

**\*Students who fail to meet the pro bono requirement deadline will not graduate with his/her class.**

### **Pro Bono Exception**

Because the VITA program only operates in the Spring Semester, the Senior Associate Dean for Academic Affairs may extend the deadline to March 15<sup>th</sup> of their graduating semester for those students who wish to participate in the VITA program in their graduating semester. The extension shall be

conditioned on the student filing a Petition for Variance by October 15<sup>th</sup> of the semester prior to graduation. The petition must first be approved by the VITA faculty advisor or his or her designee. The student must attach documentation that he or she has already completed at least 35 hours of pro bono service and agree that only service through VITA will satisfy any remaining pro bono hours.

### Professional Enhancement Requirement

Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. Barry Law strongly believes that professionalism is an integral part of the legal profession and that it embraces far more than simply complying with the minimal standards of professional conduct. To further those beliefs, each student must complete a minimum of six (6) hours of Professional Enhancement under the Student Professionalism Enhancement Program as a requirement of graduation. A minimum of one (1) hour of Professional Enhancement must be a cultural competency-approved program or event, focused on the importance of building an inclusive community characterized by interdependence, dignity, and equality, compassion, and respect for self and others. Although students are strongly encouraged to attend outside professionalism programs and events, credit is only granted for pre-approved Barry Law programs, which are typically sponsored by various law school departments as well as student organizations.

**Professionalism Enhancement requirements must be met (and reported) by the following dates:**

- **Spring/ Summer- October 15<sup>th</sup>** of the semester prior to expected graduation.
- **Fall- March 15<sup>th</sup>** of the semester prior to expected graduation.

The certification for the student's attendance will be tracked through Barry Connect. It is the student's responsibility to track their attendance for each event. **Students who fail to meet the professionalism requirement deadline will not graduate with his/her class.**

### CLASP Requirement

All students must comply and complete all of the CLASP graduation requirements set forth in this handbook which include workshop requirements, comprehensive diagnostic exam and remediation, MPRE Mock Exam, Simulated Bar Exam, and the CLASP Exit interview. Visit the CLASP Section for more detailed information. Failure to complete all of the requirements could jeopardize your graduation date.

### Graduating with Honors

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

## Honors Certificate in Children and Family Law

A student must apply for the program by contacting the Registrar's Office at [lawregistrar@barry.edu](mailto:lawregistrar@barry.edu). Upon completion of the program requirements, the student will receive an Honors Certificate in Children and Family Law, which will also be reflected on the student's transcript.

### Certificate Requirements

Complete five (5) core courses: Family Law; Protections Children & the Law; Rights Children & the Law; an approved skills component; and an approved writing course. In addition, a student must complete two approved electives and must maintain a 2.5 average in all the courses.

1. Introductory Children & Families Courses (A student must take **all** of these courses)
  - a. Family Law (3 credits)
  - b. Protections: Children & the Law (3 credits)
  - c. Rights: Children & the Law (3 credits)
  
2. Approved Electives Courses (A student must complete **two** of these courses).
  - a. Adoption Law (3 credits)
  - b. Education Law (3 credits)
  - c. Interviewing, Counseling and Problem Solving (2 credits)
  - d. PRI: Collaborative Family Law (The training class for Collaborative Family Law Clinic can be used as a **substitute** for the PRI: Collaborative Family Law course)
  
3. Seminars or Upper-Level Writing Paper (A student must complete **one seminar** or complete their upper-level writing paper in the area of children or family law.)
  
4. Clinical Courses (A student must take one of these courses.)
  - a. Juvenile Defense Clinic (6 credits)
  - b. Collaborative Family Law Clinic (3 credits)
  - c. Children & Family Externship (6 credits)  
(Department of Children & Families, Regional Counsel, Public Defender Juvenile Division, or Guardian Ad Litem Offices)
  - d. Externship in Juvenile Court (2 credits)
  
5. Relevant Courses (Students are not required to take these courses, and these courses do not satisfy any requirement of the certificate program. However, these courses would be helpful to anyone planning to practice children and family law)
  - a. Wills, Trusts & Estates (3 credits)
  - b. Disabilities Law (3 credits)
  - c. Psychology and the Law (3 credits)
  - d. Administrative Law (3 credits)
  - e. Federal Income Tax (3 credits)
  - f. Mediation (3 credits)
  - g. Mediation Externship (2 credits)
  - h. Motions and Depositions (3 credits)
  - i. Opinion and Scientific Evidence (3 credits)

### **Honors Certificate in Litigation and Advocacy**

A student must apply for the program by contacting the Registrar's Office at [lawregistrar@barry.edu](mailto:lawregistrar@barry.edu). Upon completion of the program requirements, the student will receive an Honors Certificate in Litigation and Advocacy, which will also be reflected on the student's transcript.

#### **Certificate Requirements**

Complete all of (1), (2), (3) & (4) (the number following the course name is number of credit hours for the course).

1. Motions and Depositions (3)
2. A Law School Trial Advocacy course (3); **OR** received credit as an advocate (**not a witness**) in a Trial Team extramural competition (1); **OR** receive credit as an advocate in a Moot Court extramural competition (1).
3. **AND** a clinical experience in a litigation placement in one of the following:
  - a. Juvenile Defense Clinic (6)
  - b. Civil Poverty Externship (5)
  - c. Criminal Defense Externship (6)
  - d. Environmental and Earth Law Clinic (6)
  - e. Immigration Clinic (6)
  - f. Prosecution Externship (6)
4. A student must take **two additional courses** from any combination of the following:
  - a. Juvenile Defense Clinic (6)
  - b. Civil Poverty Externship (5)
  - c. Criminal Defense Externship (6)
  - d. Environmental and Earth Law Clinic (6)
  - e. Florida Evidence (3)
  - f. Florida Criminal Procedure (3)
  - g. Immigration Clinic (6)
  - h. Judicial Externship (2)
  - i. Mediation (3)
  - j. Prosecution Externship (6)
5. Minimum of seven hours of graded credits.
6. GPA of 2.800 in the graded courses above to receive this Certificate.
7. High Honors (Overall GPA of 3.750) in the graded courses above.

### **Honors Certificate in Environmental and Earth Law**

A student must apply for the program by contacting the Registrar's Office at [lawregistrar@barry.edu](mailto:lawregistrar@barry.edu). Upon completion of the program requirements, the student will receive an Honors Certificate in Environmental and Earth Law, which will also be reflected on the student's transcript.

## Certificate Requirements

This program offers students a practical and visionary curriculum that includes a diverse array of environmental courses, skills and experiential experiences, and rigorous writing opportunities.

1. Three core courses.
2. Three approved electives.
3. A writing component through one of the following alternatives:
  - a. A paper satisfying the requirements of one of the approved electives.
  - b. Acceptance of an environmental article in *The Barry Law Review* or *The Environmental and Earth Law Journal*.
  - c. A Directed Research paper on an environmental topic; or
  - d. An Upper-Level Writing Requirement paper on an environmental topic.
4. At least 12 credit hours of core and elective courses; and
5. Maintain a 2.5 average for the courses.

### Core Courses:

Introduction to Environmental Law, Jurisprudence, and Justice (pass/fail) (1 credit)  
Environmental Law (3 credits)  
Skills/Experiential Component (at least 2 credits)

### Approved Skills Component (minimum of 2 credits):

Environmental and Earth Law Clinic (6)  
Environmental Dispute Resolution (2)  
Externship with governmental agencies, non-profits in environmental area (5)  
Mediation (3)  
Mediation Externship (2)  
Moot Court – competition (1) Motions and Depositions (3) Trial Advocacy (3)  
Trial Team – competition as an advocate (1)

### Approved Electives:

Administrative Law (3)  
\*Admiralty Seminar (2)  
Advanced Environmental and Earth Law Clinic (4)  
\*Advanced Ethics (2)  
\*Animal Law (2)  
\*+Climate Change Law and Policy (2)  
\*Directed Research on an environmental topic (1-2)  
\*Earth Jurisprudence Seminar (2)  
\*Earth Jurisprudence Survey Course (3)  
\*Energy Law (2)  
Environmental Dispute Resolution (2)  
\*+Environmental Ethics (3)  
+Florida Administrative Law and Environmental Regulation (3)

Florida Constitutional Law (2)  
\*+Hazardous Waste Law (2)  
\*International Law of the Sea (2)  
Land Use Planning (2)  
+Ocean and Coastal Law and Policy (2)  
\* Oil and Gas Law (2)  
\*Toxic Torts, Superfund, Redevelopment (2)  
Water Pollution Law (3)

**Notes:**

1. Writing courses are identified by an asterisk\*.
2. Courses that are provisionally approved are noted by a plus sign+.
3. Environmental Dispute Resolution may satisfy the Skills/Experiential requirement or serve as one of the Approved Electives.
4. For exam courses, students may discuss with professors the option of preparing papers that will satisfy the writing requirement.
5. To make sure that a paper is considered for compliance with the Certificate Program, a student should submit it to one of the Professors teaching in the Certificate Program (Professors Ahmad, or Stewart). This should be done after completing the paper, submitting it to the professor for the course or the Directed Research project, and receiving a grade for the course or the Directed Research project. If the student is graduating the semester in which the paper is completed, please submit it for Certificate compliance review at the same time that it is submitted to the professor for the course or the Directed Research project.
6. Students should register for the Certificate Program prior to submitting their paper for Certificate compliance review.
7. Please note that the list of electives will be updated in the future. Please check with the Associate Dean for Academic Affairs or the Coordinator of the Certificate Program if you have any questions about the Certificate Program.

# THE HONOR CODE OF CONDUCT

Effective April 11, 2008

Law Students are preparing to enter a profession that requires the highest trust, honor and irreproachable conduct and they shall, while in Law School, conduct themselves in a manner that reflects these high standards and conforms to the ethical requirements governing the legal profession.

This Honor Code sets forth the system by which Barry University School of Law regulates the standards of honesty and fairness within the School of Law. The foundation for this system is self-regulation. This principle of self-regulation demands the cooperation of every person in the law school community. Every member of the student body must be committed to the highest standards of conduct. This commitment establishes the foundation for a community of professionals who interact with trust and cooperation and thereby enhance the character and integrity of the school and the legal profession.

The following pledge is to be signed by each student as they enter the School of Law:

*In registering as a student at Barry University School of Law, I agree to abide by and support the Honor Code in all areas of Law School activity, including my academic work, any statement made to fellow students, members of the Faculty or Administration, and any dealings with the property of Barry University or that of my fellow students.*

It shall not be a defense to any alleged violation of this Honor Code that the accused did not know or understand that his conduct would violate this Code. However, nothing in the foregoing statement shall preclude the accused from disputing “intent” as defined herein with documentary, testimonial or other evidence.

## **SECTION I: DEFINITIONS**

- A. “Academic matter” is any matter arising out of a student’s admission, enrollment, attendance, matriculation in or graduation from this Law School, including but not limited to all examinations, including practice examinations, any law school competition, any Trial Team, Moot Court or Law Review competition, any outside writing competition, any written work which is a condition of membership in any Law School organization, and any other activity which in any manner affects or results in a law school grade or is in satisfaction of any other requirement for graduation.
- B. “Academic record” means law school grade point average, any grade in any law school course, membership in any academic organization such as Trial Team, Law Review or Moot Court, LSAT score, or any work or activity which is a requirement for graduation.

- C. "Accused" is any student who is the subject of a hearing on an Honor Code violation or against whom an Honor Code complaint has been filed.
- D. "Code" means this student Honor Code of Conduct for Barry University School of Law.
- E. "Communication device" is any electronic device designed to be capable of using the internet or communicating with any person, location, or entity in any way, or storing, recording, or transmitting any textual materials, scanned materials, electronic data, photographs, video, audio or student notes in any form or format.
- F. "Complaint" is a written charge alleging a violation of the Honor Code. A Complaint shall be filed against "John Doe" or "Jane Doe" if the name of the alleged violator is not known. Any such Complaint shall also be sufficient to trigger all investigative provisions of this Code. Additionally, any faculty member filing a Complaint shall have the right following any finding of probable cause by the Investigator, to advise the Prosecutor, Senior Associate Dean and/or the Dean of the sanction(s) the faculty member deems appropriate. At all times after the Complaint is filed, and upon request by the faculty member to any of these individuals, the faculty member has the right to be kept advised of the status of the proceedings.
- G. "Dean" as used herein means the Dean of Barry University School of Law, any person serving as interim or acting Dean or an official designee appointed by the Dean, or the interim or acting Dean.
- H. "Faculty member" includes any full-time professor, visiting or adjunct professor, instructor, or other person with primary responsibility for an academic course or any other academic or competition endeavor or task to be performed by any student.
- I. "Fellow student advisor" means any one student currently enrolled at the Law School who is engaged by the accused to assist in defending any charges of Honor Code violations in any way.
- J. "Honor Code Investigation Form," or any form by any other name performing the same function, is the official form used to state facts that should be investigated when a violation of the Honor Code is suspected.
- K. "Honor Code Court" means, subject to Section IV (I)(8) a "Court" composed of three members of the student body, all of whom shall have completed their first year of Law School, and two members of the full-time Faculty. Additionally, two alternate members shall be selected for each Hearing as provided by Section I (N) to serve as alternate jurors, both of whom shall be students. Subject to Section IV (I)(8), any students selected for an Honor Code hearing shall sit upon the Court at least through the conclusion of closing arguments.
- L. "Honor Code Court Chair" means the Senior Associate Dean, or any full-time faculty member she or the Dean designates to fill such role on a given Honor Code matter, who shall preside over the Honor Code Court but shall not vote.

- M. "Honor Code Court Faculty Member Selection" shall be by appointment by the Dean from among full-time faculty members for each Honor Code hearing to be held, including one faculty member to be ready as an alternate. To the greatest extent possible, different faculty members shall be appointed for each such hearing. The Dean, the Senior Associate Dean, the Investigator, and the Prosecutor are ineligible for appointment as members or alternate members of the Court. Upon faculty being selected for the Court on a given matter, they shall confidentially be informed as to the name of the accused and the general matter to be heard and asked by the Chair if they should be recused and replaced due to a conflict of interest or pre-existing bias, negative or positive, regarding the accused or the matter to be heard. No faculty member who is a designated Mentor for the accused or an actual or potential witness in the matter may serve on the Court. In the discretion of the Chair, and to avoid conflict or bias, said faculty member(s) may be excused and replaced.
- N. "Honor Code Court Student Member Selection" shall be made as follows: At the start of each academic year, the President of the Student Bar Association shall submit to the Senior Associate Dean a list of names comprised of one representative from each student organization sanctioned as a member of the Student Bar Association. For each Honor Code hearing that is held, the Senior Associate Dean shall randomly select five names from this list to serve on the Court, three as jurors and two as alternate jurors. No student who is on academic probation, is otherwise not in good academic standing, or who has a conflict of interest or pre-existing bias, negative or positive, regarding the accused or the matter to be heard, is eligible for selection as a member of the Court. Upon students being selected for the Court on a given matter, they shall confidentially be informed as to the name of the accused and the general matter to be heard and asked by the Chair if they should be recused for any grounds stated herein and replaced. In the discretion of the Chair, and to avoid conflict or bias, said student(s) may be excused and replaced. It shall be an Honor Code violation for any such student to (1) fail to be fully forthcoming, in detail, in any response(s) they provide to the Chair, and/or (2) fail to fully serve throughout the entirety of the Honor Court proceeding unless excused by the Chair for good cause shown.
- O. "Intent" or "intentionally" is an element of conduct that is satisfied if the student understood the nature of his conduct.
- P. "Investigator" means any full-time faculty member appointed by the Dean or Senior Associate Dean to investigate a given Honor Code matter. However, the Investigator may not be (1) the designated Mentor for the accused or an actual or potential witness in the matter, or (2) one who has a pre-existing bias, negative or positive, regarding the accused or the matter to be heard. The Investigator will be any full-time faculty member other than the Dean or the Senior Associate Dean.
- Q. "Prosecutor" means any full-time Faculty member, appointed by the Dean or Senior Associate Dean to prosecute a given Honor Code matter. However, the Prosecutor may not be (1) the designated Mentor for the accused or an actual or potential witness in the matter, or (2) one who has a pre-existing bias, negative or positive, regarding the accused or the matter to be heard.
- R. "Senior Associate Dean" means the Associate Dean of Academic Affairs of Barry University School of Law, any person serving as interim or acting Associate Dean, her designee, or, if there is no

Associate Dean or the Associate Dean is not available, then a designee selected by the Dean.

- S. "Signed statement of guilt" means a written statement, prepared by the Prosecutor and signed by an "accused," containing (1) the matters to which the accused is pleading guilty, (2) the Honor Code sections that have been violated, and (3) a statement in substantially the following wording that "I (the accused) understand that the recommendation of the Prosecutor is not binding on the Dean in determining the sanction(s) to be imposed against me; that any sanctions imposed by the Dean may be less than, equal to, or greater than those recommended by the Prosecutor, up to and including expulsion; and that the decision by the Dean in this regard is final in all respects. My guilty plea herein is completely knowing and voluntary, and not the subject of any promises, written or verbal, other than may have been made by the Prosecutor regarding his recommendation as to sanctions."
  - a. "Statement of charges" shall be prepared by the Investigator and shall include (1) the name(s) of the accused, (2) an attached copy of the Complaint, (3) the dates, places and a description of each violation for which the Investigator finds that probable cause exists to believe the Honor Code has been violated by the accused, and (4) for each such transaction or occurrence, a statement of the particular Honor Code section(s) that the Investigator finds have been violated.
- T. "Statement of no violations" shall be prepared by the Investigator, and shall include: (1) the name(s) of the accused, (2) an attached copy of the Complaint, and (3) a statement that the Investigator finds that no probable cause exists to believe that the Honor Code has been violated by the accused.
- U. "Student" means any person enrolled or matriculated as either a full or part-time student at the School of Law at any time relevant to an action under this Code.
- V. "Student Bar President" means the duly elected President of the Student Bar Association or any person serving as interim or acting Student Bar President.
- W. "Student Bar Vice-President" means the duly elected Vice-President of the Student Bar Association or any person serving as interim or acting Student Bar Vice- President.
- X. "Unauthorized source" means any source or textual material, notes, or method of any kind that is not specifically approved or allowed by the faculty member to be used in completing the examination, project, paper, or other assigned work.
- Y. "Vote" means a simple majority vote unless otherwise specified.
- Z. Unless otherwise specified, e.g., such as "calendar days," for purposes of calculating the date by which any acts required by this Code are to be done, the term "days" as used herein means a day on which the Dean's office is officially open.
- AA. Any use of grammatical gender references shall be interpreted as applying equally to all persons

regardless of their sex or sexual identification.

- BB. Unless expressly stated in this Honor Code, no stated deadline or time for performance is “jurisdictional.” “Jurisdictional” means that the failure to observe the deadline will waive either the relief sought or the right to take the action(s) described.
- CC. Notwithstanding any other provisions in this Honor Code, the Dean or Senior Associate Dean may appoint any other faculty member or Dean of any rank to temporarily discharge any of their duties herein, or those of the Investigator or Prosecutor.

## **SECTION II: CONDUCT INCOMPATIBLE WITH PROFESSIONAL STANDARDS**

**A. It is a violation of this Code for any student to intentionally engage in any conduct, directly or indirectly, which, with respect to any academic matter:**

1. gains for that student or any other student an unfair advantage; or,
2. disadvantages unfairly any other student; or,
3. misrepresents a material fact; or,
4. violates the *Florida Rules of Professional Conduct*.

By way of enumeration, but not by way of limitation, the following are examples of conduct that violate the Honor Code:

**B. With respect to any academic matter:**

1. possessing or appropriating or attempting to possess or appropriate any information or materials the use of which is not authorized by the Instructor;
2. committing, intentionally aiding, or intentionally abetting in the unauthorized giving or receiving of aid or assistance; or requesting unauthorized assistance;
3. consulting or using any “unauthorized source(s),” or, with respect to any competition, any sources prohibited by the rules of the competition involved;
4. owning, possessing, or using a teacher’s manual without the express written consent of the faculty member.
5. engaging in plagiarism, defined as the unauthorized appropriation or insufficient acknowledgment of or citation to the ideas, sources or work of another in any submitted draft or final work that is both material to the

assigned task and intended to convince a faculty member that the student is the true author. Proof of intent to convince the faculty member may be based solely on the submitted work but is subject to rebuttal by the accused both to the faculty member and in any subsequent Honor Code proceeding.

6. taking or destroying or attempting to take or destroy the academic materials of another student without the other student's consent.
7. removing or withholding Law Library materials from the library without authorization; hiding or obscuring such materials in the library or elsewhere; destroying or mutilating such materials or controlling or attempting to control the use of Library resources so as to disadvantage other students.
8. committing unprofessional conduct in a clinical program, including but not limited to any act or omission which violates the Florida Rules of Professional Conduct or, if the clinical program is conducted outside the State of Florida, the rules of professional conduct for the state in which the clinical program is being conducted.

**C. With respect to examinations:**

1. supplying or attempting to supply to another student, during an examination, any unauthorized source(s).
2. working on an examination other than during the authorized time period or in a room other than the one authorized for the taking of the examination.
3. copying, in any form, in whole or in part, questions on a controlled distribution exam, or, copying or using from any other student or unauthorized source, in any form, in whole or in part, answers to any in-class or take-home examination. For any examination which is scheduled to be given at more than one time or is to be given in different locations at the same time, communicating or commenting in any form or format, directly or indirectly to any other student(s), in any way regarding that examination following the time a student finished his examination and prior to the time all such scheduled examinations have been scheduled to conclude. This includes, but is not limited to, such communications or comments following an examination given at a regularly scheduled time and before any makeup examinations in the same course and under the same professor have been fully concluded.
4. for an examination that is scheduled to be given at more than one time or is to be given in different locations at the same time, communicating or commenting in any form or format, directly or indirectly to any other student(s) in any way regarding the examination following the time a student finished his examination and prior to the time all such scheduled examinations have been scheduled to conclude. This includes, but is not limited to, such communications or comments following an examination given at a regularly scheduled time and before any makeup examination(s) in the same course and under the same professor have been fully concluded.

5. taking an examination in the place of another student or satisfying any other class requirement imposed on another student.
6. identifying oneself on an exam or paper that is designated by the professor to be anonymous.
7. in regard to ExamSoft
  - a. leaving campus before uploading examination answers. If exam answers are not uploaded before leaving campus, the student will receive an F for the course. ExamSoft sends two notices confirming successful uploads. The first confirmation arrives when rebooting the laptop after uploading your answers. The second confirmation is e-mailed to the student's Barry e-mail address. The second e-mail should arrive within five or ten minutes after uploading the exam.
  - b. leaving campus without receiving confirmation that his/her exam answers have been successfully uploaded. If technical problems are encountered, or if the student fails to receive confirmation after ten minutes, a student shall immediately see a member of the Information Technology Staff. They will retrieve the locked exam.
  - c. answering portions of the examination out of order so as to gain access to his computer or unauthorized sources which would be otherwise unavailable. This includes, but is not limited to, the following scenario. An examination as presented begins with multiple choice questions and then chronologically proceeds to short answer or essay questions. The student uses ExamSoft to answer the short answer or essay questions first, uploads his answers, and then proceeds to answer the multiple-choice questions with his computer available to him/her to use "unauthorized sources."
8. at any time from the scheduled starting time of a student's examination, and until the student concludes the examination and turns in all test materials, having access to, having in the examination building, whether hidden or not, or otherwise possessing "unauthorized sources," cell phones or "communication devices," aside from his own personal laptop computer (if otherwise allowed to be used) and then failing to store any of these items at the front of the examination room throughout the student's taking of the examination.
9. during the time provided or allowed for any student to take any examination on campus, leaving the building in which the examination is to be taken, except after receiving specific permission from the proctor or faculty member to do so, and then signing out and indicating the reason for leaving the building.
10. while still on the premises of the Law School during or after the taking of an examination, failing or refusing to immediately allow inspection or testing of any materials, papers, "communication devices" or cell phones that a

student is believed to have taken into an examination room, after being requested to do so by any faculty member, proctor, Information Technology personnel, or member of the Law School administration or Registrar's office; provided that, such request must have been made only to investigate a possible violation of any portion of Section II (C) herein and such inspection or testing shall not in any event take any time longer than is reasonably necessary to complete the investigation. "Inspection or testing" as stated herein includes the requirement that the student immediately provide any and all passwords needed to fully access the device(s) to be inspected or tested. A student upon timely request shall be permitted to witness such inspection and testing.

11. upon concluding an exam, failing to place in the student's exam envelope(s) and thereby turn in (1) all examination questions or materials, (2) all student notes and scrap paper generated or produced during the exam, and (3) except in fully open book and/or fully open notes examinations, all written or published materials of any kind brought into the examination room, all without having made any copies thereof in any form or format, unless the student has received express permission from the professor in charge of the course to do so.

**D. With respect to attendance:**

1. submitting false information regarding class attendance, including written or oral communications.
2. certifying class attendance that is not in accordance with the professor's published policy.
3. signing an attendance/roll sheet for another student.
4. signing an attendance/roll sheet, and then, without the permission of the faculty member, leaving and missing all or a substantial portion of the class.

**E. With respect to employment:**

1. misrepresenting or having misrepresented his academic record, application, background or resume in any material respect to this Law School, any other educational institution, internship, externship, potential employer, or actual employer.
2. failing to appear for a scheduled legal employment interview, arranged by or through an employee of the Law School, whether held on or off campus, without providing adequate notice of cancellation (at least twenty-four (24) hours) according to the requirements of the scheduled interview.
3. misrepresenting the extent to which one is or has been employed.

**F. With respect to matters specifically related to this Code:**

1. any failure to submit a completed "Honor Code Complaint Form" to the office of the Senior Associate Dean within five days following the date on which a student, based on personal observation, obtained information sufficient to form a reasonable likelihood in the mind of the student that an Honor Code violation has occurred.
2. no student shall induce a person to violate this Code.
3. notwithstanding any other provisions in this Code, it is a violation of this Code for any student to fail to fully cooperate in an Honor Code investigation or to fail to testify at or fail to bring requested items or materials to a hearing of the Honor Court when so requested by that Court, the Prosecutor or the accused, except that this subsection shall not apply to the accused or to those who cannot comply with the request for good cause shown. Any request to testify before the Court must be made in writing using the Notice to Attend Hearing form available in the Registrar's office.
4. submitting an Honor Code Complaint that is materially false, or, not based on personal observation sufficient to form a reasonable suspicion that an Honor Code violation has been committed by the person or persons complained against.
5. for an accused or his fellow student advisor, whether directly or through the attorney for the accused, to discuss with or take a statement in any form from any potential witness or witness, regarding a Complaint or its investigation, without first informing the potential witness or witness that his participating in any such discussion(s) or giving any statement(s) is strictly voluntary.
6. to harass by any means or directly or indirectly retaliate or threaten retaliation, in any form or by any method, against anyone who has submitted an Honor Code complaint, or, against any witness or potential witness relating to an Honor Code complaint.
7. as Honor Code matters should to the greatest extent possible be kept confidential, commenting, or otherwise speaking to any other person prior to the final conclusion of an Honor Code complaint or matter, in any form or by any method, regarding any of the allegations referred to in an Honor Code complaint or matter. This section does not apply to communications made by an accused to a "Fellow student advisor" or attorney engaged to assist the accused in defending against an Honor Code complaint.

**G. With respect to matters related specifically to the following graduation requirements:**

1. submitting false information, whether orally or in any other form or format, or false documentation to the Law School in connection with a student's pro bono or professionalism requirements or efforts to satisfy them; this includes but is

not limited to the number of hours claimed or the accuracy thereof, or the work or coursework actually done.

2. falsely certifying or claiming completion or satisfaction, in whole or in part, of any graduation requirement, whether made orally or in any other form or format, and whether or not concerning pro bono or professionalism requirements.

### ***SECTION III: SANCTIONS***

- A. Each failure to meet a responsibility set forth as part of the Barry University School of Law Honor Code shall constitute a separate violation of this Code. For each violation of this Code, a student is subject to discipline under this Code. Such discipline may include, but is not limited to, one or more of the following sanctions:
  1. verbal admonition.
  2. written admonition.
  3. verbal reprimand.
  4. written reprimand.
  5. exclusion or suspension from one or more functions, benefits, and privileges of the School of Law.
  6. removal from any student government office or position in any Law School sponsored activity or organization or from any other University- sponsored position of trust, responsibility, or interest.
  7. prohibited or restricted use of Law School facilities or services.
  8. monetary or other restitution, written or verbal apology, or designated community service.
  9. for misconduct related to coursework sanctions may include but are not limited to:
    - a. change of grade in a course.
    - b. involuntary withdrawal with prejudice from any course or seminar.
    - c. withdrawal of academic credit in a course; and/or.
    - d. receiving no credit for an academic work product, with or without an opportunity to redo the product.
  10. probation.
  11. suspension from the School of Law.
  12. expulsion from the School of Law.
  13. financial penalty as stated in Section III (G) herein.
  14. any other reasonable penalty as deemed appropriate.

- B. The above-identified sanctions may be imposed concurrently, with the exception of the sanctions of probation, suspension, and expulsion, which shall not be imposed concurrently.
- C. For any student found guilty after a Hearing before the Honor Court of any provision of Section II (B)(5), or Section II (C) (1), (3), (5) or (7), the sanction imposed shall be expulsion from the Law School, subject only to a lesser punishment being recommended by the Dean for extraordinary cause shown. Should the Dean make such a recommendation, she shall report it to the faculty at the next regularly scheduled faculty meeting. The faculty shall consider the recommendation and by secret majority vote decide whether to either impose the specific sanction(s) recommended by the Dean without alteration or expel the accused(s).
- D. All sanctions imposed against a student for any HonorCode violation(s) shall be reflected wherever appropriate in his/her permanent Law School records unless the Dean for good cause shown finds that such would be inappropriate.
- E. Any sanctions imposed in regard to this Code, or any withdrawals from Barry University School of Law while facing recommended sanctions, along with a brief description of the alleged underlying event(s), shall be publicly announced in the beginning of the issue of *The Docket* next following imposition of the sanctions; and, additionally, any sanctions or withdrawals from Barry University School of Law while facing recommended sanctions may be publicly announced in any other manner as determined by the Dean. However, in no event shall the name of the accused be stated in any such announcement(s).
- F. In determining what sanctions are to be imposed against an accused under this Code, the Senior Associate Dean and the Dean shall be entitled to consider an accused's entire history at the Law School, including but not limited to any prior history of Honor Code violations.
- G. Any student who in any semester or summer session pleads guilty to an Honor Code violation or is found guilty after a Hearing before the Honor Court, may lose between 25% and 100% of all scholarship monies otherwise due or to be available to him/her from the Law School from the date of pleading or the date of the Hearing, and until the student graduates. The Dean shall determine the amount to be lost. In no event, however, shall any student receive any scholarship monies for any period following expulsion or while he is under suspension.

#### **SECTION IV: PROCEDURE FOR ACTIONS**

- A. Reporting Violation(s)
  - 1. Alleged violations of the Code are to be set forth in writing or electronically transmitted using an Honor Code Investigation Form that is

available on the Law School's web page and/or from the Associate Dean of Academic Affairs or her designee; and/or in the Dean's Suite in LAC 311. Completed forms should be submitted to the Associate Dean of Academic Affairs who will conduct an initial investigation to determine whether the matter should be resolved by either an informal or formal resolution. The Senior Associate Dean shall keep a log identifying all alleged violations by (1) number, (2) date filed, (3) name of complainant(s) and name of accused(s), if known, (4) a brief description of the violation(s) complained of, and (5) the Final Decision(s) rendered. Upon request of any faculty member, this log shall be produced at any regularly scheduled faculty meeting.

2. An Honor Code violation may be reported by any student, faculty member, administrator, staff member, or proctor of Barry University School of Law.

#### B. Statute of Limitations

1. The Senior Associate Dean shall not initiate proceedings on an alleged exam violation that occurred more than 180 days prior to the report of the alleged violation or on any other type of violation that occurred more than one year prior to the report of the alleged violation. These deadlines are jurisdictional.

#### C. Action on Report of Violation(s)

1. Upon receipt of an Honor Code Investigation Form alleging violation(s) of the Code, the Senior Associate Dean shall conduct and complete an Initial Review within ten (10) days.

#### D. Conduct of Initial Review

1. The purpose of the Initial Review is to determine:
  - a. if the alleged conduct is a violation of the Honor Code and
  - b. if the offense is, on its face, minor in nature.
2. If the Senior Associate Dean determines that the alleged conduct is not a violation of the Honor Code, the Dean and the Registrar's Office shall be so notified.
3. If the Senior Associate Dean determines that the alleged conduct, if proven, is a violation of the Honor Code, and that the offense warrants punishment of less than suspension or expulsion, the Senior Associate Dean may make informal but final disposition of the case and impose such lesser punishment with the written consent of the accused as he or she deems appropriate, and notify the Registrar's Office thereof. In making this determination, the Senior Associate Dean shall be limited to speaking with the person who filed

the Honor Code Complaint and the accused. In the case of the latter, the Senior Associate Dean shall first provide the accused, in writing, notice of the rights and procedures found in Section IV(E)(2). Alternatively, at her election, the Senior Associate Dean may refer any matter to the Investigator even if the alleged conduct, if proven, warrants punishment of less than suspension or expulsion.

4. If the accused does not consent in writing to the disposition by the Senior Associate Dean within five (5) days after notice of her proposed disposition, he/she shall refer the matter for Initial Investigation as outlined in Section IV (E). Once the matter is referred for Initial Investigation, any such proposed disposition is null, void and not subject to acceptance by the accused. If the Initial Investigation has already been completed by the Investigator, the matter shall then be returned to the Prosecutor who shall notice it for Honor Court hearing in accordance with Section IV (F). Any sanction eventually imposed against the accused at any point in the entire Honor Code process may be less than, equal to, or greater than the unaccepted disposition imposed by the Senior Associate Dean. The five (5)-day deadline stated herein is jurisdictional.
5. If the Senior Associate Dean determines that the alleged conduct, if proven, is a violation of the Honor Code, and that the offense would warrant punishment of suspension or expulsion the Senior Associate Dean shall refer the matter to the Investigator who shall conduct an Initial Investigation as outlined in Section IV (E).

#### E. Conduct of Initial Investigation

1. In conducting the Initial Investigation, the Investigator, after consultation with the Prosecutor, shall interview and/or obtain statements from persons who may have knowledge of the Honor Code matter in question, including but not limited to recorded or written statements, and collect other written, physical, or electronic evidence as is deemed warranted.
2. The Investigator shall not question the accused or otherwise discuss the circumstances of the alleged violation(s) with the accused without first informing the accused, in writing, of the matters being investigated as of that time, including the time and place of the alleged violation(s); that the accused has the right to remain silent; that any statement made by him/her may be used against him/her in any proceedings; that the accused has the right to a fellow student advisor or attorney in all phases of the proceedings or Hearing; and that the Investigator will conduct a prompt investigation into the alleged violation(s). Nothing in this paragraph shall prevent the accused from giving a voluntary statement after notification of the above procedures. No potential witness or witness, regarding a Complaint or its investigation, shall be required to discuss with, or give a statement in any form to, the accused, his

fellow student advisor or attorney. Participating in any such discussion(s) or statements shall be strictly voluntary, and the accused, his fellow student advisor and his attorney shall so inform all potential witnesses or witnesses prior to commencing any discussion or taking any statement.

3. The Investigator shall, within fifteen (15) days of receiving the Complaint, conclude his investigation, and forward to the Prosecutor (1) the complete investigation file, (2) a “statement of charges” for all violations of the Honor Code for which the Investigator finds probable cause, and (3) if the Investigator finds no probable cause for any violations, a “statement of no violations.” “Probable cause” as stated herein means a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person is guilty of the Honor Code offense(s) charged in the Statement of Charges. The Prosecutor shall not meet with the accused, his/her fellow student advisor, or his/her attorney until after he/she has received and reviewed these materials. The Prosecutor may (1) refuse to fully prosecute all of the violations stated in the “statement of charges,” or (2) prosecute at all following a “statement of no violations,” only for good cause shown in writing and approved by the Senior Associate Dean, within ten days of the Prosecutor’s receipt thereof from the Investigator. If the final determination is that there are no Honor Code violations, the Senior Associate Dean and the Dean shall be so notified. In this event, both the Complaint and the “statement of no violations” shall be entered in the permanent Law School records of the accused, as well as in the log described in Section IV (A). Notices of “statement of charges” or “statement of no violations,” once final as provided herein, shall be served within five (5) days upon the accused at his designated Law School email address.
4. If the Prosecutor determines after receiving the materials described in Section IV (E)(3) that the Honor Code violation, if proven at a Hearing, does not warrant a sanction of suspension or expulsion, the Complaint and the investigation file shall be returned to the Senior Associate Dean, who shall proceed pursuant to Section IV (D)(3) and (4).
5. If the Prosecutor determines after receiving the materials described in Section IV (E)(3) that the Honor Code violations, if proven at a Hearing, warrants sanctions other than an admonition or reprimand, the Prosecutor shall, within ten days of having received the Complaint and investigation file:
  - a. Meet with the accused to request a plea of guilty to the commission of the Honor Code violation(s) as listed in the statement of charges and discuss what recommendation as to sanctions should be made by the Prosecutor to the Dean. If the accused pleads guilty as described herein, the Prosecutor shall within five days of this meeting, submit to the Dean, with a copy to the Senior Associate Dean, (1) the investigation file, (2) the statement of charges, (3) a “signed statement of guilt” by the

accused, and (4) the Prosecutor's recommendation as to sanctions to be imposed.

- b. The recommendation by the Prosecutor as to sanctions is not binding on the Dean. The Dean, upon receipt of the items and recommendation above, shall within ten days (1) fully consider the matter and determine what sanctions are to be imposed, and (2) give notice thereof to the accused, which shall be governed by the provisions of Section IV (F)(2) below. Any such receipt or affidavit shall be retained and made a part of the accused's permanent Law School records. Any sanctions imposed by the Dean may be less than, equal to, or greater than those recommended by the Prosecutor, up to and including expulsion. Subject to the provisions of Section III (C), the decision by the Dean as to what sanctions will be imposed shall be final in all respects.
- c. If a "signed statement of guilt" has not been obtained, or the accused has failed or refused to meet with the Prosecutor as described in (a) above, the Prosecutor shall schedule a full hearing of the matter before the Honor Code Court, to occur within not fewer than twenty (20) calendar days and not more than thirty (30) calendar days from the service as stated in Section IV (F)(2).
- d. The Prosecutor shall not have the power to plea bargain in any way as to any charges listed in the Statement of Charges, other than to agree to make any recommendation described in Section IV (E) (5)(a). However, if the accused agrees to plead guilty pursuant to Section IV (E)(5)(a), the Prosecutor shall additionally have the discretion to accept a plea of guilty to one or more of the charges in the Statement of Charges in satisfaction of all the charges listed therein.
- e. Should the Dean impose a penalty against an accused more severe than that which the Prosecutor has recommended, an accused may not withdraw his/her "signed statement of guilt" or have the right to an Honor Code Hearing. No statement of intent to withdraw from this Law School by any student, while that student is the subject of a pending Honor Code Complaint, shall be effective unless the Honor Code Prosecutor receives in writing at least seven (7) calendar days prior to the date first set for any Honor Court hearing the completed and signed form for withdrawal required by the Registrar's office. Should such withdrawal not be submitted fully and timely as required herein, or should the accused fail to attend the hearing, at the discretion of the Prosecutor the hearing may proceed fully and, in all respects, as directed in this Honor Code, including but not limited to having the Honor Court render those findings and recommendations described in Section IV (I) (5) and (6).

- f. The Prosecutor shall have the power to conduct any investigation he or she deems necessary in addition to that done by the Investigator.
- g. Any accused student may, at his or her election, consult with his/her specifically assigned Law School faculty mentor regarding his or her rights or liabilities under the Honor Code, unless said mentor is or may reasonably be either (1) a complainant against the accused student, or (2) a witness in regard to the Honor Code matter for which the student seeks consultation. Assuming that the mentor is neither, all communications on that subject by and between such student and the mentor shall be privileged and shall not be disclosed to the Dean, the Senior Associate Dean, the Honor Code Investigator, the Honor Code Prosecutor, or any member of the Honor Code Court, unless the accused otherwise waives this privilege.

F. Honor Code Court Hearing Procedure

- 1. If an Honor Code Court hearing is to be held, the accused shall be so notified in writing, and the notice shall include the following information as set forth below:
  - a. The Statement of Charges.
  - b. A statement of the date, time, and place of the hearing.
  - c. The names of witnesses who are likely to be called to testify against the accused.
  - d. The following portions of the Investigation file: (1) the "Statement of Charges" as described in Section IV (E)(3); (2) any written and signed, or mechanically or electronically recorded, statement(s) given to the Investigator or Prosecutor, and (3) if the accused offers to provide all writings, documents and other physical, electronic or demonstrative evidence, in any form or format, that the accused will, may or might use at trial, and in fact does provide all such materials to the prosecutor not less than ten (10) days before the hearing is first scheduled to begin, then and only in that event shall the prosecutor make reciprocal discovery thereof. Notwithstanding any other provision in this section, any other materials in the file of the Investigator or Prosecutor, including but not limited to notes or communications by or between the Investigator and the Prosecutor, shall be exempt from disclosure at any time.
  - e. A copy of this Honor Code.

2. Service shall be attempted upon the accused by at least two (2) of the following four methods - email to the student at his designated Law School email address, personal service, overnight mail and U.S. mail, return receipt requested, at the most current address the accused has on file in the Registrar's office. Effecting service by any method above shall constitute valid service. Proof of service may be made in the case of the last three methods stated above by return receipt or by an affidavit of mailing or personal service. In the case of service by email, service is effective as of the date and time of emailing provided that the email is not returned as non-deliverable. Any such receipt or affidavit shall be retained and made a part of the accused's permanent Law School records. Notice properly mailed, in the case of the last two methods stated above, shall be presumed to have been received three (3) days after mailing. Any notice to or service upon a student who is a witness or potential witness, regarding any specific Honor Code matter, shall be effective upon emailing as described herein.
3. Subject to the provisions stated in this section, the hearing shall commence no later than thirty (30) calendar days from the date of service effected under Section IV (F)(2),
4. After service is affected, either the Prosecutor or the accused may make a written request to the Honor Code Court Chair that the proposed or scheduled date for the commencement of the hearing be rescheduled to a date certain. The Chair shall grant the request only upon a showing of good cause and shall promptly notify both parties of the rescheduled date for commencement of the hearing. The Chair shall not reschedule a hearing to commence later than thirty (30) calendar days from the date originally set for the Hearing.
5. Should any juror(s) be successfully challenged for cause, the alternate jurors, in alphabetical order of their last names, shall take their places on the jury as may be required. Should there be no successful challenges for cause, the alternate jurors shall attend the entire Hearing until the end of closing argument when they shall be discharged. No alternate juror who is not a part of the jury shall participate in deliberations.

#### G. Rights of the Accused Upon Hearing

The accused at any Hearing shall have the right to:

1. be present at the hearing with a fellow student advisor or attorney who shall assist him/her in any or all phases of the Hearing, as desired. The accused is liable for all costs and expenses, incurred by the accused in connection with any Honor Code proceeding, and the accused will not be reimbursed by the

School of Law for any costs or expenses of any kind incurred as a result of an action under this Code.

2. have the full membership of the Court present.
3. challenge for cause any member of the Court.
4. hear and examine evidence presented to the Court.
5. cross-examine witnesses testifying at the hearing.
6. present evidence, but not the right to refuse to testify, see Section IV (I)(2).
7. present an opening statement and closing argument.
8. subject to Section IV (I)(1), compel student, Law School administration and faculty witnesses to attend, testify before the Court and/or produce evidence, pursuant to a Notice to Attend Hearing form, or other form by a different name providing the same function described in Section II (F)(3), provided that, no witness shall be barred from testifying or producing evidence in the absence of any such Notice; be present at the hearing and call witnesses, and present evidence in favor of the accused;
9. be informed in writing of the findings of the Court and any sanctions recommended.
10. request sequestration of witnesses.

#### H. Rights of the Prosecutor

The Prosecutor at any Hearing shall have the right to:

1. have the full membership of the Court present.
2. be present at the hearing and call witnesses and present evidence against the accused.
3. cross-examine witnesses called by the accused.
4. make an opening statement and initial and rebuttal closing arguments.
5. challenge any member of the Court for cause.
6. accept a "signed statement of guilt" from the accused, and immediately use the procedure found in Section IV(E)(5).
7. subject to Section IV (I)(1), compel student, Law School administration and

faculty witnesses to attend, testify before the Court and/or produce evidence, pursuant to a Notice to Attend Hearing form, or other form by a different name providing the same function described in Section II (F)(3), provided that no witness shall be barred from testifying or producing evidence in the absence of any such Notice; be present at the hearing and call witnesses, and present evidence in favor of the accused;

8. be informed in writing of the findings of the Court and any sanctions imposed.
9. request sequestration of witnesses, other than the accused. Receive notice from the accused, not later than fifteen (15) days prior to the date the Honor Court Hearing is first scheduled to occur, of the name, address, email address and telephone number of any "Fellow student advisor" or attorneys who will be participating in said hearing.
10. receive notice from the accused, not later than fifteen (15) days prior to the date the Honor Court hearing is first scheduled to occur, of the name, address, email address and telephone number of any "fellow student advisor" or attorney(s) who will be participating in said hearing on behalf of the accused.

#### I. Conduct of Hearing Generally

1. The Court Chair (hereinafter the "Chair") may upon timely request issue and serve Notices to Attend Hearing, or other forms by a different name providing the same function described in Section II (F)(3), presented by a party, to compel the attendance of witnesses and/or production of evidence at any hearing. Neither the prosecutor nor the accused may serve Notices to Attend Hearing upon any witness. For good cause shown the Chair may in its discretion refuse to issue or serve Notices of Hearing, or, if they have been served, not require, or permit witnesses to testify or produce evidence. No party may call the Prosecutor or any member of the Court to testify. The Prosecutor may call the accused to testify in his case in chief, and, if permitted by the Chair, in his rebuttal case. Upon an accused (1) refusing to testify fully, including but not limited to at any time during the hearing on examination or cross-examination by the Prosecutor, (2) claiming an invalid or inapplicable privilege, and thereby refusing to testify fully, in violation of any ruling by the Chair that the privilege does not apply, or (3) otherwise refusing to testify fully at any time during the hearing, without the Chair finding good cause for said refusal, the Chair shall instruct the panel (a) that such refusal raises a rebuttable presumption that any testimony that was not given by the accused would have been adverse to him/her, and (b) that due to said refusal the panel must disregard any defenses raised by the accused to the charge(s) against him or her.
2. The principles of evidence shall be relaxed to aid in a fair resolution of the case. All relevant evidence offered at the Hearing shall be admitted unless its

probative value is determined by the Chair to be substantially outweighed by the danger of unfair prejudice, confusion of issues, undue delay or undue presentation of cumulative proof. Any member of the Court has the power to question a witness after the questioning of that witness by the parties is concluded. Objections may be raised by any party to any particular questions asked by members of the Court. The Chair must rule on any procedural or evidentiary matters raised prior to or during the hearing. The Chair's ruling on procedural and evidentiary matters is final.

3. The Chair shall cause an audio or video recording to be made of the entire hearing. An accused or the Law School may cause a stenographic record to be created of the entire hearing at his or its own expense. Technical failures or other omissions, if any, regarding any audio or video recordings shall not be a basis for any requested relief by any party if it or he/she did not cause such a stenographic record of the entire trial to be created. Should a stenographic record have been made of the entire trial, no such technical failures or other omissions shall be a basis for any relief for any party absent extraordinary cause shown to the Chair. Any such decision on this matter, should it arise, shall lie solely and finally within the discretion of the Chair.
4. The Prosecutor has the burden of proving that the accused has violated the Code by a clear and convincing standard. "Clear and convincing" evidence is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.
5. After the close of the hearing, the Court shall sit in executive session to deliberate upon the evidence presented and shall continue deliberating until a decision is reached by simple majority vote. Should a Court member through illness or emergency be unable to complete the trial, one of the student alternates, as provided for in Section I (K), drawn by lot by the Chair from among the two alternates, shall replace the member who is leaving. Should deliberations have already commenced when the Court member leaves, the selected alternate shall still replace the leaving Court member, but the Court as a whole shall re-commence deliberations with the new alternate now included. Should two members be unable to complete the trial due to illness or emergency, the Chair shall install the second alternate, which shall follow the procedure herein. The Court shall prepare written findings, including findings of fact, conclusions of law, and the numerical vote of the Court regarding the guilt or innocence of the accused.
6. A verdict of not guilty will not be subject to review. If the Court finds the accused guilty, it shall also prepare a recommendation as to sanction(s) to be imposed on the accused. These recommendations shall be forwarded to the Dean and the Chair within three (3) calendar days of the Hearing.
7. The Chair shall serve notice to the accused of the decision of the Court within

five (5) calendar days of the Hearing. The notification shall be made as provided in Section IV (F)(2) above and shall include those matters stated in Section IV (I)(5) and (6).

J. Review by the Dean

The Dean shall review all findings forwarded by the Court, including recommendation(s) for sanctions.

1. Unless the accused has failed to personally appear and attend throughout the Hearing, the accused may contest the findings of fact, conclusions of law, and/or the recommended sanctions, only by hand-delivering his written objections to the Dean's office within fifteen (15) calendar days of the Hearing. This deadline is jurisdictional.
2. The Dean may, in his discretion, permit the accused, with or without his student advisor or attorney, to appear in person to be heard in regard to the Dean's review herein, providing that the Prosecutor shall also be present at such time. The Dean shall not be required to permit any such personal appearance.
3. The Dean may remand the recommendations and findings of fact to the Court in order to seek clarity.
4. Within twenty (20) days of the Hearing, the Dean shall, subject solely to Section III (C), accept, reject, or modify the recommended sanctions of the Court and shall impose such sanctions as are deemed appropriate.
5. The Dean's action is final, subject solely to the provisions of Section III(C).
6. Other than as specified in this Honor Code, there is no right of appeal to any other person, office, or agency within Barry University or Barry University School of Law.

K. Confidentiality of Proceedings

1. At the preference of the accused, a Hearing may be held in public or in closed session. If the accused fails to express a preference, the Hearing shall be held in closed session.
2. All proceedings under the Code shall be conducted in a manner reasonably calculated to ensure confidentiality.

L. Records of Proceedings

Prior to issuance of a Final Decision on the charges by the Dean or the Senior Associate Dean, the Dean, the Senior Associate Dean, the Chair of the Honor Code Court, or the Prosecutor, as may be applicable, shall maintain files of all

written papers and evidence submitted and all written notices, orders, reports and decisions made in connection with the disciplinary proceeding. The stenographic record, if transcribed and filed either by the Law School or the accused, and audio or video recording of formal hearings of the Honor Court shall be retained as part of the files. After issuance of a Final Decision, the files shall be consolidated, and retained by the School of Law in the office of the Senior Associate Dean for at least four (4) years. The files of a disciplinary proceeding shall be confidential except insofar as disclosure is (1) required by law, (2) made by the Dean pursuant to any Final Decision, (3) made by the Dean or Registrar to bar examiners, licensing or certification authorities, (4) made by the Dean to prospective employers or educational institutions relative to an application of the student, (5) to be used as part of any litigation or potential litigation involving Barry University, the Law School or any of their agents or employees, or (6) made after a written waiver of confidentiality signed by the student.

M. Forms, Notices to Appear, Etc.

The Prosecutor, Investigator, Honor Court, Senior Associate Dean and/or Dean may at any time devise and create such forms and documents as are necessary to expedite proceedings under this Honor Code. Said forms shall be retained in a central location in the Registrar's Office and Senior Associate Dean's Office (unless otherwise designated) for use in Honor Code proceedings and activities and shall be made available to all parties in an Honor Code proceeding.

## **SECTION V: MISCELLANEOUS**

- A. This Code may be amended at any time by an affirmative vote of the majority of the Faculty of the Law School who are present at a special or general meeting.
- B. Any changes to this Code, whether by deletion, addition, or modification, shall become effective on the date of adoption by the Law School Faculty.
- C. Upon revision of this Code, whether by deletion, addition or modification, a copy of the revised Code shall be sent by e-mail to the student body, faculty and staff; provided that, the failure of any such student to receive the revised Code shall not in any respect affect the student's rights and obligations thereunder.
- D. The Dean or Senior Associate Dean shall, at the first regularly scheduled faculty meeting of each academic year, report to the faculty on those Complaints filed in the previous academic year, and the specific outcomes on each.
- E. The Dean or Senior Associate Dean shall, in the first issue of *The Docket* at the start of each academic year, report to the students in itemized but nameless fashion as to each Honor Code Complaint filed during the previous academic year, and the results

and sanction, if any, thereof.

**SECTION VI: NOTICE**

- A. Notices of sections changed in this Honor Code of Conduct will be communicated to students both by email and by publication in *The Docket*.
- B. Students are responsible for checking their student email accounts daily so they may be kept informed of all announcements in connection with the HonorCode.

# STUDENT CONDUCT CODE

## ***SECTION I: INTRODUCTIONS***

Enrollment at Barry University School of Law presumes an obligation on the part of the student to act at all times in a manner compatible with the University's purpose, processes, and functions. Students are expected to uphold standards of personal behavior. Further, students are expected to respect the rights and privileges of all members of the Barry community. In addition, the central aim of BUSL Student Conduct Code (hereinafter "Code" or "Conduct Code") is to develop professionalism, civility, and accountability throughout the student body. Entering the training for any profession requires a great deal of self-discipline. Law School is no different and since it is a self-regulating profession, self-discipline and holding one's peers to the approved standard is all the more imperative. The purpose of the Student Code of Conduct is to create a set of expectations of student conduct and to ensure a process for determining responsibility when such expectations are not met.

## ***SECTION II: DEFINITIONS***

- A. The terms "BUSL" means Barry University School of Law.
- B. The term "student" means an individual who has received an offer of admission to BUSL, who has enrolled in one or more classes or is a current student who has yet to graduate. The code shall cease to apply to an individual upon graduation, voluntary withdrawal, involuntary dismissal or leave of absence.
- C. The term "conduct code" or "code" means the Student Conduct Code.
- D. The term "school official" includes any person employed by BUSL or serving the school in an official capacity though not employed directly by the law school.
- E. The term "school community" includes any person who is a student, school employee, school official, or any other person serving the school in an official capacity.
- F. The term "school premises" includes all land, building, facilities, and other property in possession of, used, or controlled by BUSL.
- G. The term "school sponsored event" or "school sanctioned event" includes law school-sponsored events or activities held on or off campus during the advertised timeframe of the event as well as in the several hours preceding and following the event if the prohibited action/activity occurs within or within close proximity of the advertised venue. (For example, for an event held at a resort, students who are present at the hotel/resort prior to and after the event are responsible for their conduct the entire time they are on the property with the intention of attending the event or following the event and on any surrounding property to the specific event venue.)
- H. The term "complainant" means any person filing a Conduct Code Investigation

- Form consisting of allegations leading to a suspected violation of this Code.
- I. The term “respondent” means a student against whom a Conduct Code Investigation Form has been filed.
  - J. The term “parties” means both the complainant and respondent.
  - K. The “Associate Dean for Student Affairs” means the current member of the administration serving in this capacity or his or her designee. Any reference to “Associate Dean” in this Code is a reference to the Associate Dean for Student Affairs.
  - L. The term “investigator” means any full-time faculty member, other than the Dean or the Senior Associate Dean, appointed by the Dean in consultation with the faculty.
  - M. The term “suspension” means separation of the student from BUSL for a definite period of time, after which the student is eligible to return. Readmission, however, is not automatic and is at the sole discretion of BUSL. Conditions for readmission must be specified in the suspension notification. During suspension, the student is not allowed to be on campus, any university owned or leased property, or attend any university event, on or off campus.
  - N. The term “expulsion” means permanent separation of the student from BUSL. The student is not allowed to be on campus, any university owned or leased property, or attend any university event, on or off campus.

### ***SECTION III: DISCIPLINE AUTHORITY***

Final authority for student discipline is vested in the Dean. The Associate Dean for Student Affairs is responsible for the administration of the Student Conduct Code. Discipline authority may be delegated to specific school officials and committees in accordance with other school policies, rules, or regulations, or as deemed appropriate by the Dean or Associate Dean for Student Affairs, particularly when the Associate Dean for Student Affairs is the complainant. At any time, the Dean of the law school may determine that it is in the best interest of the law school community to remove the proceedings from the Conduct Code process and issue a decision on the matter within a reasonable time. The Dean may seek the input of any relevant faculty member, student, or administrator before deciding a sanction. The Dean may also waive or extend any time requirements outlined herein for good cause.

- A. Immediate Suspension. The Dean may, for good cause, impose an immediate suspension on a student at any time.
  - 1. An immediate suspension may be imposed to ensure the safety and well-being of members of the law school community or the law school itself.
  - 2. During an immediate suspension, a student will be denied access to the campus including classes, and/or all other school activities or privileges for which the student might otherwise be eligible.
  - 3. Upon issuance of an immediate suspension, a student is entitled to

the appeal rights listed under Section 10 of the Conduct Code.

4. Immediate Expulsion. The Dean may, for good cause, impose an immediate expulsion on a student at any time.
5. An immediate expulsion may be imposed to ensure the safety and well-being of members of the law school community or the law school itself.
6. Upon issuance of an immediate expulsion, a student is entitled to the appeal rights listed under Section 10 of the Conduct Code.

#### ***SECTION IV: JURISDICTION***

Jurisdiction under the Code extends to conduct which occurs on school premises or at school-sanctioned events, or conduct, regardless of location, which affects other members of the faculty, staff, or student body (whether on/off campus, through the internet, social media, or otherwise). Each student shall be responsible for his/her conduct from the time of admission through the conferral of a degree. This includes conduct occurring before classes begin or after classes end. Students are responsible for knowing the contents of the Code. Ignorance of the Code will not constitute an acceptable defense in any disciplinary meeting or hearing. The Code shall apply to a student's conduct even if the student withdraws from the school while a disciplinary matter is pending. The Code and its processes shall only be applicable with respect to alleged violations of the Code committed by students and shall not be applicable to faculty, staff, or law school administration. The Conduct Code governs all non-academic conduct issues. In the event of a conflict between the provisions of the Conduct Code and the Honor Code, the Dean or Associate Dean(s) will determine the appropriate course of action. The Conduct Code cannot be applied retroactively to events that predated its implementation. Appropriate jurisdiction is determined during the initial review of the complaint by the Associate Dean for Student Affairs. Jurisdiction may not be determined by the Discipline Committee.

#### ***SECTION V: VIOLATION OF LAW AND CONDUCT CODE***

A member of the law school community may file a complaint against a student charged with violation of a local, state, or federal law. Any violation of state, local, or federal law that affects the school community is a per se violation of the Student Conduct Code. Students who are charged with any legal or disciplinary charges outside of the Law School have an on-going obligation to disclose this information to the university. Disclosure must be made in writing to the Associate Dean for Student Affairs.

## **SECTION VI: PROHIBITED CONDUCT**

The Conduct Code is not strictly limited to the acts stated in this section. However, any student found to have engaged in one or more of the following acts will be subject to sanctions.

### **A. Prohibited Conduct Affecting the School Community**

- 1) Disruption of classes, clinics, meetings or other school-sponsored or school-related activities.
- 2) Failure to comply with directions of school officials and non-Barry University employees associated with the school and/or school-sanction events while acting within the scope of their duties.
  - a. Failure to file a student application to the Florida Bar by the deadline set forth in the student handbook violates this section.
  - b. Failure to follow through with recommendations or complete assignments as directed by a CLASP Counselor or the Director of Academic Success violates this section.
  - c. Failure to complete the mandatory first-year appointment with the Career Services Office violates this section. The mandatory first-year appointment must be completed for first-year students admitted in the fall term by February 15 of their first year of law school. Students admitted in the spring term must complete this meeting by June 15 of their first year.
  - d. Any other unprofessional conduct relating to this section is a violation.
- 3) Failure to report any legal or other outside disciplinary charges to school officials within 30 days. Reports must be made to the Associate Dean for Student Affairs by completing an Amendment to Application form available at the Registrar's office.
- 4) Acts of dishonesty affecting the school community not covered by the Honor Code or Student Organization Handbook.
- 5) Violating the terms of any disciplinary sanction imposed pursuant to the Conduct Code.
- 6) Violating any requirements of the *Student Handbook* may be a violation of the Student Conduct Code.

### **B. Prohibited Conduct Affecting People**

- 1) Physical or verbal abuse, harassment of any type, threats, stalking, intimidation, or any conduct which threatens or endangers the health or safety of any person.
- 2) Harassment that 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.
- 3) Any acts of or participation in hazing. Hazing includes, but is not limited to, any mental or physical requirement, request, or obligation placed upon a person that could cause injury, pain, fright, disgrace, or which is personally degrading. A person's consent to hazing will not constitute a valid defense.
- 4) Use or display of indecent, unprofessional, threatening, or otherwise inappropriate images, gestures, or written/verbal communications in the immediate vicinity of or directed at faculty, administration, staff or students, or non- employees associated with the law school for an event or other program. This includes but is not limited to security guards hired to control an event. All students are expected to conduct themselves in a professional, polite, and collegial manner at all times when interacting with Law School faculty, administration, staff, students, or non-employees associated with the Law School for an event or other program. Disruptive, rude, dishonest, or threatening behavior is not tolerated.
- 5) Disrupting a school official when such official is engaged in an activity within the scope of his/her duties. This includes disrupting employees engaged in managing or controlling a difficult situation.
- 6) Other actions, not listed above, which affect the law school community. This includes inappropriate use of the Conduct Code against fellow students.

C. Prohibited Conduct Affecting Property

- 1) Attempted/actual theft of and/or damage to property of the school or property of a member of the school community.
- 2) Use of university facilities and resources to send or post threatening, abusive, messages or images.
- 3) Any violation of the school's network and computer policies.

D. Prohibited Conduct Affecting Health, Safety, and Order

- 1) No person shall be permitted to possess a firearm, concealed or unconcealed, on any campus of the University.

- 2) No use of any controlled or unlawful substances is permitted on Barry University property at any time. Alcohol may not be served or used on campus property except at school-sanctioned activities with prior approval.
- 3) Violent, abusive, indecent, profane, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance or disrupts the normal operation within the law school community.
- 4) Smoking in unauthorized locations on school premises.
- 5) Speeding on campus.
- 6) Failure to observe any traffic or parking control device.

E. Prohibited Conduct Affecting the Discipline Process

- 1) Failure to appear at a disciplinary meeting or hearing.
- 2) Misrepresenting or falsifying information at a disciplinary meeting or hearing.
- 3) Attempting to discourage a person's participation in the discipline process. Harassment or intimidation of a complainant, witness, respondent, or other participant in a disciplinary meeting or hearing.
- 4) Harassment or intimidation of a school official or member of a disciplinary committee.
- 5) Failure to comply with any imposed sanction.

F. Other Conduct

- 1) Students are responsible for the conduct of their guests while on school premises, at school-sponsored activities and functions sponsored by any registered student organization.
- 2) Engaging in conduct not otherwise enumerated above, which reflects negatively on a student's character and fitness in law school does not reflect all conduct that could violate the code of conduct.

## ***SECTION VII: ADMISSION OF VIOLATIONS/OTHER ADMISSIONS***

A student who wishes to admit to a violation of the Conduct Code should contact the Associate Dean for Student Affairs or designee immediately. After discussing the matter with the Associate Dean for Student Affairs, the student should submit a written statement acknowledging any and all misconduct. Such an admission could potentially mitigate sanctions applied to the student.

## ***SECTION VIII: DISCIPLINE PROCEDURES***

### A. Filing a Conduct Code Investigation Form

- 1) Before a formal complaint is considered to be filed, any member of the law school community must first file a Conduct Code Investigation Form within 10 business days of the alleged incident(s) that the complainant believes to be a violation of this Code. The person filing the complaint will be hereinafter referred to as the “complainant.” Within ten (10) business days of receipt of the Conduct Code Investigation Form, the Associate Dean for Student Affairs shall notify the student (hereinafter, the “respondent”) of the alleged incident(s) that the complainant believes to be a violation of the Code.
- 2) The Conduct Code Investigation Form must be in writing, signed by the complainant, and directed to the Associate Dean for Student Affairs, or a designee thereof. **An anonymous report** will not be sufficient to initiate an investigation.
- 3) A complainant must participate in the process from beginning to end including any potential disciplinary meetings or hearings associated with the complaint. If the matter goes to a hearing, the complainant is responsible for bringing relevant witnesses and evidence to present the case.

### B. Initial Review

- 1) Upon receipt of a Conduct Code Investigation Form alleging a violation(s) of this Code, the Associate Dean for Student Affairs (or Dean’s designee in the case that the Associate Dean for Student Affairs is the complainant) shall conduct and complete an initial review within 10 business days after notification to the respondent to determine whether the facts alleged are factually sufficient to proceed as a formal complaint.
- 2) After the initial review, the Associate Dean for Student Affairs (or Dean’s designee in the case that the Associate Dean for Student Affairs is the complainant) may:
  - a. Dismiss a Conduct Code Investigation Form where the facts alleged

are found to have no basis or merit or where it is not feasible for the Law School to pursue sanctions. If probable cause is not found, the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) shall notify the complainant(s) and respondent(s) within twenty-four (24) hours of the determination that probable cause was not found. In this instance, the Conduct Code Investigation Form will be dismissed, and a formal Conduct Code complaint will not be filed.

b. Treat the Conduct Code Investigation Form as a formal complaint if the Associate Dean believes that the alleged facts rise to the level of a Conduct Code violation. In doing do, within fifteen (15) business days, the Associate Dean (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) may either:

- i. Follow the Disposition Agreement procedures set forth below or
- ii. Refer the matter to the Conduct Code Investigator for further review. The Conduct Code Investigator may question the accused and all other potential witnesses. Within fifteen (15) business days of receiving the formal complaint from the Associate Dean (or Dean's designee in the case that the Associate Dean is the complainant), the investigator shall conclude his or her investigation and forward the complete investigation file and noted conclusions and recommendations, including those for sanctions, regarding the case to the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant), who will review these findings.

3) Any written statements obtained from the accused or witnesses as part of the initial review, or the investigation may be shared with each party to the violation in order to procure a timely settlement of the matter.

#### C. Disposition Agreement

1) If the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) determines that the alleged conduct is a violation of the Code, the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant), in consultation with the Dean, may make an informal but final disposition of the case, and impose appropriate sanctions

via a disposition agreement. The Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) shall report findings of the formal complaint and issue any appropriate sanctions to the student within thirty (30) business days of receipt of the complete investigation file from the Conduct Code Investigator.

- 2) If the accused agrees with the disposition agreement, the matter is resolved.
- 3) If the accused does not agree with the proposed disposition agreement, the accused may seek alternative options to reach a final resolution as listed below.

#### D. Resolution Options

##### 1) Disciplinary Meeting (DM)

If a disposition agreement cannot be reached, the respondent is entitled to an *informal hearing* before the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant), also known as a disciplinary meeting (DM).

- a. During the DM, the accused will have an opportunity to respond to the complaint and present any relevant witnesses or evidence. The complainant may also be asked to participate in this DM and present witnesses and evidence.
- b. If a party is tardy or absent from the scheduled DM, an emergency occurrence will be the only acceptable excuse. Should a party be tardy or miss the second scheduled DM, the informal hearing will go forward without that person.
- c. At the conclusion of the DM, the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) will consult with the Dean and make a final recommendation within seven (7) days.
- d. Written notice of the decision of the disciplinary meeting, including any sanctions, will be sent to the accused via the student email account.
- e. Written notice of the final decision will be placed in the student's disciplinary file at the school. The disciplinary file will be maintained for future reference by the Associate Dean for Student Affairs.

##### 2) Discipline Committee Hearing (DC)

If the matter cannot be resolved by disposition agreement, the accused may opt for a *formal hearing* before the Disciplinary Committee or DC. The Associate Dean for

Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) is responsible for coordinating hearings before the DC.

- a. The DC shall be comprised of the five members. It shall be comprised of two (2) students, and three (3) full-time faculty members. The three faculty members are appointed by the Dean of the law school on an annual basis to serve on the DC for a one (1) year term and may be reappointed. The two student members of the DC are members of the Honor Court appointed annually by the President of the SBA from the five elected Honor Court members. One faculty member of the DC will be identified by the Dean to serve as chair of all DC hearings. All five (5) members are necessary to hear a complaint. The Dean, or her designee, and the SBA President, or her designee, will replace faculty and student members of the DC, respectively, when a vacancy or absence prevents a hearing from moving forward.
- b. The Dean or Associate Dean for Student Affairs may remove a member from the DC when the member has failed or refused to perform their duties or responsibilities. Student members found in violation of the Honor Code or Conduct Code may be removed from the DC. Parties may challenge a DC member on the grounds of a conflict of interest that might affect impartiality of the complaint. DC members may be disqualified upon a majority vote of the remaining members of the DC.

### 3) Hearing Procedures

The following procedures are followed in DC hearings:

- a. The respondent will receive written notice of the hearing date at least ten (10) days prior to the hearing.
- b. At least five (5) days prior to the hearing date, the parties shall submit to the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) a witness list for the pending hearing, a summary of each witness's expected testimony, and any materials the complainant and respondent are expected to present at the hearing. These materials will be shared with the parties to the case.
- c. A respondent's failure to appear or tardiness for a hearing, must be for good cause (medical or other emergency deemed so by the Associate Dean or designee). Documentation must be provided showing that an emergency occurred. If the respondent fails to appear within thirty (30) minutes of the scheduled start time, the hearing may proceed without him/her at the discretion of the faculty chairperson.

- d. Witnesses, other than the complainant and respondent, must be excluded from the hearing during the testimony of other witnesses.
- e. The faculty chairperson will exercise control over the proceedings. The chairperson shall have the right to exclude testimony or evidence which is not relevant to the charge(s). Information will be considered if it directly relates to the facts of the complaint or appropriateness of a particular sanction.
- f. The parties and DC may examine the information accepted by the chairperson and may question all witnesses. Witnesses may not be compelled to testify.
- g. Respondents may speak on their own behalf. They will not be forced to speak against themselves, and their silence shall not be used to their detriment.
- h. The standard for determining whether a violation occurred is whether it is more likely than not that the respondent violated the Code (preponderance of evidence).
- i. All hearings, up to the final resolution, shall be kept confidential by all participants unless the respondent chooses to waive confidentiality, in which case all parties are relieved of the responsibility of confidentiality. Any breach of confidentiality shall be brought to the attention of the Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant).
- j. The DC will deliberate following the hearing or within three (3) business days of the hearing in order to render a final decision as to whether or not the respondent should be found responsible under the Conduct Code. Decisions regarding whether a student shall be held responsible for a violation and the level of sanctions shall be by majority vote. The DC shall have full discretion to recommend any sanction it deems appropriate, which may include suspension or expulsion. The respondent's prior disciplinary record may be considered only to recommend an appropriate sanction.
- k. The DC's recommendation will be forwarded in writing to the Dean and Associate Dean for Student Affairs (or Dean's designee in the case that the Associate Dean for Student Affairs is the complainant) for review and approval. The Dean may either accept or reject the recommendation and may impose a different sanction up to and including expulsion. The respondent will be notified of the Dean's decision within thirty (30) business days of the hearing date, in

writing, of the final determination of the Conduct Code violation and any sanctions.

- l. A copy of the result from the formal hearing shall be placed in the student's permanent disciplinary file at the Dean's office.
- m. The Law School community may be informed as to the nature of the alleged violation and the final decision in the case, along with the imposed sanction. All parties' names will be kept anonymous when released to the law school community. Also, any violation will be released upon any Bar's inquiry and any inquiry from a certifying agency.

## **SECTION IX: SANCTIONS**

The following sanctions may be imposed for violations of the Conduct Code:

- a. Verbal Warning- the continuation or repetition of prohibited conduct will be cause for additional disciplinary action. The verbal warning will be noted in the disciplinary file.
- b. Written Warning- the continuation or repetition of prohibited conduct will be cause for additional disciplinary action. A written warning will be placed in a student's file.
- c. Probation- a written reprimand specifying the violation. Probation is for a designated period of time and includes the probability of more severe disciplinary action if the student is found in violation of any school policy during the probationary period.
- d. Social Probation/Restrictions or Loss of Privileges and/or Benefits-denial or restriction of certain privileges or benefits for a designated period of time. This may include restriction of membership in organizations, student government or loss of scholarship.
- e. Increased mandatory participation in the Student Professionalism Enhancement Program.
- f. Community Service-Work assignments, service to the school, local community, civic organizations, or other discretionary assignments. If community service is assigned as a sanction for a code violation, any hours logged may not be used to fulfill the pro-bono requirement necessary for graduation.
- g. Restitution-Compensation for loss, damage, or injury. This may take the form of monetary compensation, replacement of the items in question, etc.
- h. Suspension-Separation of the student from the Law School for a definite period of time, after which the student is eligible to return. Conditions may be specified. Expulsion-Permanent separation of the student from the Law School.
- i. Revocation of Degree-rescinding a student's degree awarded by the Law School.
- j. Other Sanctions – Other sanctions may be imposed instead of or in addition to those specified in parts (a) through (i) of this section.

## **SECTION X: APPEALS**

Parties may appeal the final verdict and the sanctions imposed. Appeals should be made in writing to the Dean of the school within five (5) days of the respondent or complainant's receipt of the decision reached in disciplinary meetings or hearings or as a result of any immediate action taken under Section 3 of the Student Conduct Code. An appeal must be based on one or more of the following:

- a. Availability of new evidence, pertaining to the incident.
- b. Procedural issues that were prejudicial or that substantially prevented the student from obtaining a fair hearing.
- c. Disproportionate sanctions.

Deviations from prescribed procedures would not necessarily invalidate a decision unless significant prejudice to the parties occurred. Upon review of the appeal, the decision of the Dean is final. The student will be notified in writing of the decision within 30 business days of the time the appeal is filed.

## **SECTION XI: IMPLEMENTATION OF SANCTIONS**

Sanctions will not begin until the appeals process is exhausted (with the exception of the immediate sanctions listed under Section 3 of the Conduct Code). However, the Associate Dean for Student Affairs may impose sanctions during the appeal process to ensure the safety and well-being of members of the school community.

## **SECTION XII: MAINTENANCE OF DISCIPLINARY RECORDS**

Records for all hearings shall be maintained by the Associate Dean for Student Affairs. Written determinations reached in formal and informal hearings will be included in the student's disciplinary file. Such records will be released upon inquiry from any Bar or certifying agency.

## **SECTION XIII: AMENDMENTS TO CONDUCT CODE**

The Conduct Code shall be reviewed annually by the Associate Dean for Student Affairs. Questions of interpretation regarding the Conduct Code shall be referred to the Associate Dean for Student Affairs or designee. In keeping with normal school policy, the Conduct Code may be amended by the Law School's Administration at any time to include any changes deemed necessary. Changes made to the Conduct Code will take effect immediately, and changes will be made with notice. Current versions of the Student Code of Conduct will be maintained on the BUSL website.