

# ACADEMIC POLICIES AND PROCEDURES

*2018–2019*



BOSTON  
COLLEGE | **LAW**



## Boston College Law School Mission Statement

**Boston College Law School** is committed to the highest quality integrated graduate and professional education, recognizing its obligations as a national law school both to the academic and to the professional worlds. Our commitment is to foster new insights through research and scholarship, to impart knowledge and analytical skills through instruction of the highest caliber, and to critically evaluate the role of law and legal institutions. We are also committed to developing those qualities and skills that our students will need to become successful practitioners; toward this end, we search for ways to combine theory and practice in our instruction, and for opportunities to instill in our students the moral and ethical values that underlie a rational and just application of law.

Boston College and its law school are rooted in the Jesuit tradition of service to God and others. In that tradition, we believe that the purpose of higher education is both the search for knowledge, and the preparation of women and men who are moved to a constructive, responsible, and loving use of their knowledge. The Law School recognizes its commitment to social and economic justice, and strives to advance this commitment both through its curricular offerings and in the extracurricular projects that it supports. We encourage our

students to develop their own individual commitment to others and to explore those themes which are central to the Jesuit tradition: the dignity of the human person, the advancement of the common good and compassion for the poor. We seek to train a diverse student body not merely to be good lawyers, but to be lawyers who lead good lives, and who will be prepared to seek and to find meaningful work in service to others that will enrich their communities.

We stand out nationally among other law schools because we respect and are concerned for each individual. We strive to reflect the world's rich diversity and work together to create a community of growth and learning. We believe that such a diverse, supportive community provides the best possible environment for instruction and learning. At least as importantly, it represents the model for the types of intellectual and professional interaction that we hope to instill in our alumnae and alumni who are engaged in the practice of law.



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## INTRODUCTION

This Academic Policies and Procedures Handbook contains some of the Law School's most important academic regulations and policies. **Each law student is expected to read and be familiar with the contents of this Handbook.** In the event revisions are made to the Academic Regulations during the year, students will be notified of these changes via e-mail from Academic Services.

In addition all Boston College Law School students are required to comply with our University Community Standards and Policies, <http://www.bc.edu/publications/studentguide/behavioralpolicies.html> , the enforcement of which is governed through the Boston College Student Conduct System. See <http://www.bc.edu/publications/studentguide/judicial.html>

## ACADEMIC REGULATIONS

The following academic regulations are presently in effect at Boston College Law School.

Students shall not indulge in any form of cheating or breach of professional ethics as they pursue course work or co-curricular activity. The School has adopted a Code of Academic Conduct setting out these standards. All students should carefully review the Code because they are charged with knowledge of its provisions.



## CODE OF ACADEMIC CONDUCT

The standards of academic conduct for students at Boston College Law School are distributed to all students to ensure that there is no gap between students' work at the Law School and the standard of integrity expected of future members of the bar. Furthermore, the community benefits from an explicit statement of standards of academic integrity.

**All language is subject to interpretation; if any question exists in the mind of any student as to proper conduct in any specific instance, the student is required to clarify the matter by appropriate inquiry or to adhere to the strictest possible interpretation. Infractions of this Code are serious matters which may lead to expulsion, suspension, or other sanctions.**

Infractions also reflect upon the moral character of the actor, one of the prime considerations for admission to the bar. The School has a duty to reflect in a student's record proven instances of infractions regardless of the disciplinary action taken in the particular case. In addition, and because diligence is an important professional attribute, repeated absences from classes or lateness with class assignments may lead to the reporting of such behavior to state bar offices.

The pursuit of knowledge can proceed only when scholars take responsibility and receive credit for their work. Recognition of an individual contribution to knowledge and of the intellectual property of others builds trust within the university and encourages the

sharing of ideas that is essential to scholarship. Similarly, the educational process requires that individuals present their own ideas and insights for evaluation, critique, and eventual reformulation.

Presentation of others' work as one's own is not only intellectually dishonest, but also undermines the educational process.

The faculty recognizes the educational value of the exchange of ideas and encourages all students to discuss legal concepts and problems among themselves and with the faculty, members of the community, and the bar. The faculty also, however, recognizes its responsibility to the bar, to the community, and to the students to evaluate each student upon his or her own merits. The basis of the Code and the *a priori* assumption of the School is that all work submitted by a student for grading or other evaluation is his or her own work product.

## **STANDARDS OF ACADEMIC INTEGRITY**

Academic integrity is violated by any dishonest act which is committed in an academic context including, but not limited to, the following:

### **I. Cheating**

Cheating is the fraudulent or dishonest presentation of work. Cheating includes but is not limited to:

- the use or attempted use of unauthorized materials in examinations or other academic exercises submitted for evaluation or otherwise;
- fabrication, falsification or misrepresentation of data, results, or sources for papers or reports, as in reporting experiments, measurements, statistical analyses, or other studies never performed;
- manipulating or altering data or other manifestations of research to achieve a desired result; selective reporting, including the deliberate suppression of conflicting or unwanted data;
- the alteration or falsification of official records;
- the falsification of personal, professional or academic credentials;
- copying from another student's work;

- actions which destroy or alter the work of another student;
- unauthorized cooperation in completing assignments or communication during an examination;
- the use of purchased essays or term papers, or of purchased preparatory research for such papers;
- dishonesty in making requests for make-up exams, for extensions of deadlines for submitting papers, and in any other matter relating to a course;
- refusal to obey the instructions of a proctor regarding exam conditions, including the instruction to end the exam and stop typing or writing.

## **II. Plagiarism**

Plagiarism is the deliberate act of taking the words, ideas, data, illustrations, or statements of another person or source, and presenting them as one's own. Each student is responsible for learning and using proper methods of paraphrasing and footnoting, quotation, and other forms of citation, to ensure that the original author, speaker, illustrator, or source of the material used is clearly acknowledged.

### **III. Collusion**

Collusion is defined as seeking or receiving assistance or an attempt to assist another student in an act of academic dishonesty. Collusion is distinct from collaborative learning, which may be a valuable component of students' scholarly development. Different levels of collaboration are acceptable in different courses and students are expected to consult with their instructor if they are uncertain whether their cooperative activities are acceptable.

### **IV. Other Breaches of Academic Integrity**

Other breaches of academic integrity include:

- the misrepresentation of one's own or another's identity for academic purposes;
- the misrepresentation of material facts or circumstances in relation to examinations, papers or other evaluative activities;
- submission of the same written work in more than one course without prior written approval from all instructors involved;
- the purchase of or sale of papers, essays or research for fraudulent use;
- the unauthorized use of University academic facilities or equipment, including computer accounts and files;
- the unauthorized recording, sale, purchase, or use of academic lectures, academic computer software or

- other instructional materials;
- the expropriation or abuse of ideas and preliminary data obtained during the process of editorial or peer review of work submitted to journals, in proposals for funding by agency panels or by internal University committees, or as part of a peer editing class assignment;
  - the expropriation and/or inappropriate dissemination of personally identifying human subject data;
  - unauthorized removal, mutilation, or deliberate concealment of materials in University libraries, media, or academic resource centers.

Allegations of a breach of the foregoing standards will be subject to Law School procedures governing academic discipline.

Faculty members, proctors, and/or members of the administration observing infractions of the above rules are expected to report these to the Dean or Associate Dean of Faculty. The Academic Standards Committee of the faculty will hold hearings to determine the facts and to make recommendations to the full faculty on sanctions if they are deemed appropriate. The faculty makes the final determination of a case.

Students are reminded that even non-academic conduct that is not covered by the Code of Academic Conduct may reflect on the student's moral character and may thus be fully relevant to admission to the bar of any state. The Law School has the duty in certifying students

for admission to the bar to report any evidence that bears on a student's moral character.

## **DEGREE REQUIREMENTS**

### **I. Attendance**

Regular and punctual class attendance is required. Failure to attend classes regularly is grounds for exclusion from the exam or reduction in the final grade at the discretion of the professor. It is the responsibility of each student to contact his or her instructor and to request to be excused for any unavoidable situation necessitating absence from classes or to provide the Associate Dean of Students with documentation of the medical or family emergency that may have contributed to an unexcused absence.

Requirements specific to the J.D. and LL.M. degrees follow.

### **II. Juris Doctor Degree Requirements**

All candidates for the degree of Juris Doctor must follow the prescribed schedule of courses and must carry a full course load during the regular academic year. This requirement may be varied for good cause by the Dean, his designee, and/or the Academic Standards Committee.

Students entering law school in or after August 2016 must take the following courses in addition to the prescribed first-year curriculum: Professional Responsibility, one or more experiential learning course(s) totaling at least six credit hours (some of these credits may be satisfied by the first-year curriculum), a course satisfying the Perspectives in Justice requirement and a course satisfying the upper level writing requirement. Specific states, including New York, may require additional experiential learning credits for Bar admission.

#### A. Residency

The minimum period of residence required for completion of the degree of Juris Doctor is three academic years (six semesters) with a minimum of 12 credit-hours per semester. A minimum of 85 credit-hours is required for graduation. At least four semesters must be spent in residence at Boston College Law School.

#### B. Credit Hours

Second-year students must enroll in a minimum of 12 credit-hours per semester. They are strongly advised to take a minimum of 26 hours for the academic year in order to earn sufficient credits to graduate. Third-year students must enroll in a minimum of 12 credit-hours per semester and a sufficient number for the academic year to achieve the minimum of 85 credits required for graduation. Students who wish to take fewer than the



required 26 credit hours per year or fewer than 12 credit hours for one semester may do so in extraordinary circumstances with permission of the Associate Dean of Students.

The maximum number of credit hours that may be taken in one semester is 17.

Under ABA Standard 311, at least 64 credit hours must be taken in regularly scheduled law classes.

### C. Independent Study

Upper Level students may undertake an independent study under the supervision of a faculty member and with the approval of the Associate Dean of Students. This can be for up to six credits of course work (maximum of three credits in any one semester). Work receiving independent study credit must include a significant writing component of 15 pages per credit granted and be supervised and graded by a faculty member. Students will work with their supervising faculty members on all details concerning the scope of the project, the methods of supervising and grading the student's work (whether by letter grade or pass/fail), all deadlines and the amount of course credit to be given to the project. Students who wish to fulfill the Upper Level Writing requirement with an independent study must register for a minimum of two credits and write a research paper of at least 30 pages.

#### D. Completion of Degree

No credit hours will be given for a course in which an F is received. Students must receive a passing grade in all first-year courses as a requirement for graduation. Therefore, an F in a first-year course must be removed prior to graduation.

A first-year student who has not passed a required first-year course must retake the course in their second year. Similarly a second or third year student who has not passed a required course must retake the course when the course is next offered. The student must complete all work required by the instructor for the course in which the unsatisfactory grade was received, including examinations, written work, and such other activity that the instructor grades as part of the course evaluation. The student will receive a new grade for the course, which shall be determined by the student's most recent performance on the course requirements; provided, however, the student may not receive a grade of higher than a C. The student has one opportunity to retake the course and successfully pass the examination.

The entire program must be completed within four academic years following matriculation at the Law School unless this time is extended for good cause by the Associate Dean of Students. Permission to extend the academic program beyond five academic years must be given by the Academic Standards Committee. Leaves of absence from the Law School, with the right to re-enter and resume candidacy for the degree, may be granted for good cause by the Dean or his designee. A law degree

must be completed within 84 months of matriculation under ABA Standard 311. Individual states may have different requirements, including New York, which requires that the degree be completed within 60 months.

Students who have withdrawn from the Law School or whose leave of absence has expired must petition the Academic Standards Committee for readmission to the School. The petition must explain the circumstances of the withdrawal, the reasons for either not requesting leave to return or failing to return by a leave's expiration, and the events leading to the request for readmission. Readmission is not automatic. After considering the petition and the student's record, the Committee may grant readmission, with any conditions the Committee deems appropriate, the Committee may deny the petition, or the Committee may require the student to reapply through the ordinary admissions process.

### **III. LL.M. Degree**

#### **A. Residency**

The minimum period of residence required for completion of the degree of Master of Laws (LL.M.) is one academic year (two semesters). A minimum of 24 credit-hours is required for graduation.

## B. Credit Hours

The number of credit hours in which an LL.M student enrolls each semester should be designed to permit the student to earn the LL.M. degree in one academic year (two semesters). LL.M. students normally must enroll in no fewer than 12, and no more than 14, credit-hours per semester. A student may take as many as 15 credit-hours in a given semester only with permission in writing from the Director of Graduate Legal Education.

## C. Course Work

Most of the student's credit hours will be earned through course work in the regular second- and third-year curriculum. The following exceptions apply to all LL.M. students: (a) special permission will be required for enrollment in clinical courses, and (b) with the permission of the Director of Graduate Legal Education, students may take one graduate level course elsewhere in the University.

In addition, the following exceptions apply to foreign-trained LL.M. students who do not have significant exposure to U.S. law: they are required to take the courses (a) The United States Legal System; (b) Law Practice I, and are encouraged to take Law Practice II as an elective; and (c) students may take one first-year course as a matter of right, and a second first-year course with the permission of the Director of Graduate Legal Education. Students who wish to take a bar exam in the U.S. are required to take more than one first-year course.

#### D. Written Work

All LL.M. students must satisfy a written work requirement. This can be done in one of the following two ways: By completing the writing assignments required for the courses The United States Legal System and Law Practice I, or by completing a piece of writing of a breadth and magnitude commensurate with the ABA's upper-level writing requirements for J.D. students. Candidates may meet this requirement by taking at least one course from the list of courses maintained for this purpose by Academic Services. Alternatively, the requirement may be met through an Independent Study project of two or three credits with a faculty member working in a field in which the student is particularly interested, with the permission of the Director of Graduate Legal Education.

Work receiving Independent Study credit must include a significant writing component of 15 pages per credit granted, and must be supervised and graded by a faculty member. Students will work with their supervising faculty members on all details concerning the scope of the project, the methods of supervising and grading the student's work (whether by letter grad or pass/fail), all deadlines and the amount of the course credit to be given to the project.

#### E. Completion of Degree

No credit hours will be given for a course in which an F is received. The entire program must be completed

within two academic years following matriculation at the Law School unless this time is extended for good cause by the Academic Standards Committee. Leaves of absence from the Law School, with the right to re-enter and resume candidacy for the degree, may be granted for good cause by the Dean or his designee. Students contemplating a request for a leave of absence should consult with the Director of Graduate Legal Education.

### **PUBLIC INTEREST DESIGNATION PROGRAM**

The Public Interest Designation program is designed to encourage, guide, and recognize students with an interest in a public service career. The Designation is supported by the Mission of Boston College Law School and the University generally. This program is a holistic approach to a legal education ensuring that students are exceptionally prepared both academically and experientially to begin a career in the public sector immediately upon graduation. Students must meet the following requirements:

1. Successful completion of 15 credits of public interest coursework (courses satisfying the requirement will be available each academic year);
2. Participation in a clinic, or independent study (with corresponding pro bono placement) or semester in practice at a public interest placement;

3. Full-time summer internship with a public sector employer (does not include judicial internships); and
4. Completion of the pro bono program and fulfillment of the pledge.

While students are pursuing the designation, they may include the information on their resume. The interim language on the resume should state: *Pursuing Public Interest Designation Program* or *Participant in Public Interest Designation Program*.

Upon completion of the Program, students will receive a recognition letter from the Dean, and they may include on their resume that they *Completed the Public Interest Designation Program* and/or that they are *Public Interest Designation Program Fellows*.

## **GRADING**

### **I. Grading Policy**

Academic standing is most commonly determined by written examinations conducted at the conclusion of each course. In a number of courses, class participation or presentations may be included in the final grade. In classes in which class participation is counted toward the final grade, professors will provide students with clear notice on the course syllabus, and in opening comments made during the first week of classes.

In accordance with the American Bar Association accreditation standards, work submitted to meet course requirements is retained for one calendar year after the completion of the course. The papers, examination books, and other materials are then destroyed.

The faculty has adopted the following policy:

*It is the obligation of every member of the faculty individually to strive for the highest possible degree of fairness in the design of the examination or other evaluative device used in a course and in grading students' performance on such tests and devices.*

It is the responsibility of the faculty collectively to strive for the elimination of disparity among grades given for similar levels of performance.

## **II. Grading System**

The grading system of the Law School is as follows:

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A	=	4.0	C	=	2.0
A-	=	3.67	C-	=	1.67
B+	=	3.33	D	=	1.0
B	=	3.0	F	=	0
B-	=	2.67	I	=	Incomplete
C+	=	2.33	W	=	Withdrawal



### **III. Grading Definitions By Verbal Descriptions**

The following descriptions explain the meaning of the grade labels used at Boston College Law School. Faculty members should assign grades consistently with this explanation.

**A, A-** Exceptional work which demonstrates a superior level of academic accomplishment in the area of study.

**B+, B, B-** Good work, which demonstrates achievement of a level of academic accomplishment in the area of study distinctly above that expected of a minimally competent graduate of an accredited American law school. Given the standards of Boston College Law School, this level of performance is expected of most graduates of the Law School.

**C+, C** Competent work, which demonstrates achievement of a level of academic accomplishment in the area of study expected of a minimally competent graduate of an accredited American law school. Given the standards of Boston College Law School, this level of performance is below that expected of most graduates of this law school.

**C-, D** Unsatisfactory work, which does not demonstrate achievement of the minimum level of competence, expected of any graduate of an accredited American law school but which demonstrates enough potential for improvement that the student could reasonably be expected to achieve such a level by conscientious study.

**F** Failing work, which reflects a level of learning and ability in the area of study so low as to indicate that the student has failed to perform the work, reading, and study expected of students enrolled in the course. No credit is given for a course in which an F is received, although the F will be used in computing cumulative and annual averages.

**I** Incomplete, which is given when the student has not completed course requirements. The student must arrange with the professor to satisfy the course requirements within one semester. An incomplete becomes an F if the incomplete is not removed within the agreed-upon time.

#### **IV. Statistical Distribution of Grades**

##### **A. Classes Evaluated By Examination**

For all classes in which students are evaluated by examination, the mean grade should be approximately 3.2, and the distribution of grades should be approximately as follows:

A	A-	B+	B	B-	C+ and below
10%	15%	25%	35%	10%	5%

If an instructor concludes that the performance of the class being graded does not justify the above distribution

of grades, the percentages set out in the table need not be followed. It is anticipated such circumstances will arise more often in classes with smaller enrollments, and that larger divergence from the prescribed mean will be justified more often in classes with smaller enrollments. Accordingly, instructors have discretion to vary the mean grades for their classes as follows:

1. For classes with enrollments of 40 or more, the mean grade may be as high as 3.30 or as low as 3.0.
2. For classes with enrollments of fewer than 40, the mean grade may be as high as 3.4 or as low as 2.9.

Instructors who wish to assign grades with means outside these ranges must consult with the Associate Dean of Faculty before doing so. If good cause for divergence outside the prescribed range does not exist, the Associate Dean shall urge the instructor to adjust his or her grading approach so as to bring it into conformity with the grading standards set forth above.

B. All Law Practice sections and Classes with enrollments of less than 25 and evaluated by means other than examination.

For all Law Practice sections and classes with enrollments of less than 25 in which students are evaluated by means other than examination (including seminars and clinics), the suggested mean grade is 3.5. If an instructor concludes that the performance of the class being graded does not justify a mean grade of 3.5, the

instructor may assign grades with a mean in the range of 3.4 to 3.7.

Instructors who wish to assign grades with means outside these ranges must consult with the Associate Dean of Faculty before doing so. If good cause for divergence outside the prescribed range does not exist, the Associate Dean shall urge the instructor to adjust his or her grading approach so as to bring it into conformity with the grading standards set forth above.

C. Optional pass/fail grading for classes with enrollments of less than 25 and evaluated by means other than examination.

Instructors in classes with enrollments of less than 25 and evaluated by means other than examination may, after consultation with the Associate Dean of Faculty, offer such classes on a pass/fail basis. Such option must be announced to students before registration. Students in a pass/fail class may not opt for a letter grade, nor may the instructor change the class from pass/fail to letter grades.

**V. Pass/Fail Elective**

J.D. students may take a total of six credits, in no more than two classes, on a pass/fail basis in their second and third years if such an option is offered by the professor in a particular class. Professional Responsibility cannot be taken on a pass/fail basis.

LL.M. students may take up to three credits, in no more than one class, on a pass/fail basis during the LL.M. year. The United States Legal System, and Law Practice I and Law Practice II may not be taken on a pass/fail basis.

Students who wish to exercise the Pass/Fail option must obtain the appropriate form from Academic Services. Deadlines for returning the form will be announced each semester. All choices for pass/fail are final and cannot be changed once the deadline has passed.

## **VI. Grade Ranking and Honors**

Boston College Law School does not rank its students. An approximation of grade distributions is issued for the 2L and 3L classes at the end of each semester, and for the 1L class at the end of the Academic Year.

Latin Honors are awarded at graduation as follows:

*Summa Cum Laude* is awarded to the top 2% of the class

*Magna Cum Laude* is awarded to the top 10% of the class

*Cum Laude* is awarded to students graduating in the upper third of the class.

Honors will be noted on the student's diploma.

## **VII. Grade Review Policy**

Students are encouraged to review the results of examinations or other work for classes with their instructors, and instructors are encouraged to offer students constructive feedback about the nature and quality of work performed. However, an instructor shall not change a student's grade without a faculty vote, except in cases of mechanical or clerical error.

## **VIII. Good Academic Standing**

In order to remain in good academic standing and not subject to exclusion, a J.D. student must maintain a cumulative grade point average of at least 2.0, measured at the end of each academic year, as well as achieve an average of 2.0 for each year's work, including the student's last year before graduation. A student who fails to achieve a 2.0 average during his or her final year in law school will be referred to the Academic Standards Committee for determination of eligibility to graduate even if the student has a cumulative 2.0 GPA.

A first-year student who either fails a required first-year course or fails to achieve a 2.0 average during either semester of law school will be referred to the Academic Standards Committee for determination of eligibility to continue.

In order to remain in good academic standing and not subject to exclusion, an LL.M. student must maintain a

cumulative average of at least 2.0, measured at the end of each semester.

### *Student Practice Certification*

Please note that the Massachusetts student practice rule allows third-year law students to represent indigent clients and government agencies in both civil and criminal matters, while second-year law students are limited to civil representation. The student practice rule requires that a student be taking or have successfully completed Evidence or Trial Practice. (The faculty has defined “successfully completed” as a grade of “C” or better.) A law student must also have passed all required first-year courses in order to request student practice certification.

## **IX. Exam Policy**

### A. Exam-Conflict Procedure

In order to accommodate students with overscheduled exam periods, BC Law designates one day at the end of each exam period as a make-up day. A student may move one scheduled exam to the make-up day if the criteria below are met.

Criteria to Reschedule:

- 2 exams in 1 day
- 3 exams in 3 consecutive days
- 4 exams in 5 consecutive days

Beyond the defined conflict, exams may only be rescheduled in these limited circumstances: student health; family emergency; the birth of a child; a conflict with a religious holiday that the student observes; military obligations for active or reserve service members; and extraordinary and compelling circumstances as determined by the Associate Dean of Students. Individual vacation travel plans or outside, work commitments do not constitute extraordinary circumstances.

Students who seek to have an exam rescheduled for one of the above stated reasons should contact Academic & Student Services as soon as possible. Faculty do not have the authority to reschedule exams or otherwise administer exams.

Students are responsible for reviewing and understanding the exam schedule and the consequences before the Drop/Add period ends. Any changes to the exam schedule before the end of the Drop/Add period will not constitute a reason for rescheduling exams.

#### **B. Excused Absences and Make-up Exams**

Any student unable to take an examination or fulfill any academic assignment, or who will be absent from classes for an extended period of time for good and sufficient reason such as religious beliefs, family emergency, or illness, shall report the matter as soon as possible to the Associate Dean of Students and request to be excused.



In case of illness, a doctor's or health care professional's note will be required to support the request. Exceptions, when appropriate, are granted by the Associate Dean of Students, who will notify the professor(s), Academic & Student Services, and such other persons as need to be informed of the fact.

The student shall be provided with an opportunity to make up the examination or other academic assignment under conditions and at such times as the Associate Dean of Students may designate and which will not create an unreasonable burden on the University. The Associate Dean of Students' discretion in such matters shall be final. A student who misses an examination and does not receive permission to take the examination at a later date will receive an F in that course. A student who receives permission to take an examination at a later date will receive an incomplete which will be removed when the instructor submits a grade. If the student fails to complete the course requirements by the designated time, the grade will automatically become an F.

### C. Course Re-Take Procedure

A student with an unsatisfactory grade (F, D, C-) in an elective course, or a student with an unsatisfactory passing grade (D,C-) in a required course, if otherwise in good standing at the Law School, has the privilege of removing this unsatisfactory grade by retaking the course. A student seeking to remove an unsatisfactory grade must contact the instructor when the course is next offered to determine the requirements of the course. The

student must complete all work required by the instructor for the course in which the unsatisfactory grade was received, including examinations, written work, and such other activity that the instructor grades as part of the course evaluation. The student will receive a new grade for the course, which shall be determined by the student's most recent performance on the course requirements; provided, however, the student may not receive a grade of higher than a C. A student may not retake an examination more than once in the same course.

No examinations or other course requirements can be taken or performed after graduation. Hence, if a student is unable to remove a grade of less than a C, either because there is no other regularly scheduled examination in that course before his/her graduation or the instructor concerned does not give a special examination, the original grade remains on the transcript and cannot be removed. A student who receives an incomplete grade in a course must remove this prior to graduation. If an incomplete remains on a student's record at the time the faculty votes on his/her eligibility for graduation, the incomplete will be converted to an F. Graduation will then be possible if all other requirements have been met. A student in these circumstances will be unable to remove this F after graduation.

## **X. Reinstatement**

A student who has been excluded from the Law School because of unsatisfactory grades has the privilege of

petitioning the Academic Standards Committee of the faculty for reinstatement. The student may appear before the Academic Standards Committee to supplement his/her written petition through oral testimony. The purpose of this privilege is solely to provide the excluded student with an opportunity to present to the Committee specific facts, not contained in the academic record, which rebut the presumption of the record. Reinstatement may be granted if the petitioner sustains the burden of proof that extraordinary circumstances, beyond the control of the student, have deprived him or her of a reasonable opportunity to prepare for the examination, examinations, or other evaluative work which resulted in exclusion, and that these extraordinary circumstances no longer exist.

It is thus necessary for an excluded student to include in his or her petition all relevant factors that may have constituted extraordinary circumstances. The proceedings and petition are confidential and are not revealed to any person other than members of the Academic Standards Committee without the consent of the student, with the exception of the bar in any jurisdiction to which the student applies for admission. No re-petition for readmission will be considered unless the student has new evidence which he or she could not present at the time of the original petition.

## **XI. Involuntary Leave of Absence**

As noted above, a student who fails to maintain a 2.0 GPA at the end of each academic year will be excluded

from the Law School. In addition, under University policy, students may also be excluded from the University, and therefore from the Law School, for reasons of health or safety, or when a student's continuance in school poses a significant risk to the student or to others. For a fuller explanation, please refer to [www.bc.edu/publications/studentguide/judicial.html](http://www.bc.edu/publications/studentguide/judicial.html).

## **SCHOOL POLICY AND PROCEDURES**

### **I. Students with Special Needs or Disabilities**

Students who have special needs such as physical limitations, particular health requirements, or documented learning disabilities may be entitled to certain individual accommodations. If special accommodations are required for classes, examinations, co-curricular activities, or other matters, you should contact the Associate Dean of Students as soon as possible.

### **II. Students for Whom English is a Second Language**

J.D. Students for whom English is a second language should contact the Associate Dean of Students during the first two months of school to determine if any special accommodations, such as use of a dictionary during an examination, may be appropriate. Extra time on first

year examinations may be granted only if a student has never studied at or received a post-secondary degree from an institution at which English was the primary language of instruction. Extra time for examinations under this section shall only be allowed during a student's first year of study at the law school.

LL.M. students in this situation should meet with the Director of Graduate Legal Education.

### **III. Discrimination/Harassment Policy**

The problems of discrimination and harassment based on gender, race, color, national origin or ethnicity, religion, sexual orientation, age, disability, and/or marital, family, or military status are not new in our society. The University is opposed to all forms of such harassment and discrimination and has adopted a policy that covers harassment and discrimination. Law students are provided protection under, and are subject to, this policy. For a full copy of this policy, please refer to University policy 1-200-025, Discrimination Harassment, in Section 1 of the Boston College Policies and Procedures Manual, which is available online at [www.bc.edu/policy](http://www.bc.edu/policy). Any Law School student with questions or concerns pertaining to the Discriminatory Harassment Policy should contact the Associate Dean of Students, Stuart, Room M307.

#### **IV. Student Complaints Implicating Compliance with ABA Standards**

ABA Standard 510 governs student complaints implicating compliance with ABA Standards. A student or group of students at Boston College Law School who believes a significant problem that directly implicates the school's program of legal education and its compliance with the ABA standards has the right to file a complaint regarding that problem. Such a complaint may be filed either with the Associate Dean of Students or the Associate Dean of Faculty. The complaint must be filed in writing and must identify the behavior, action or inaction complained of and the Standard or Standards that is alleged to have been violated. The ABA Standards may be found at

[http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html).

Upon receipt of a written complaint, the Associate Dean receiving the complaint shall, within 30 business days, meet with the student or students making the complaint and, if necessary, conduct an investigation into the substance of the complaint. Upon completion of any investigation, the Associate Dean shall prepare a written report of his/her findings. Such a report will include a determination as to whether or not a significant problem that directly implicates the school's program of legal education exists. If such a significant problem is found to exist, a recommendation of action to be taken to resolve the complaint shall be included. The student or

students filing the initial complaint shall be given a copy of the report.

If the student(s) are dissatisfied with the report of the Associate Dean, the student may request a review of the report by the Dean or his designee.

The Law School will maintain a record of any complaint and its resolution on file for the next accreditation visit.

Please note that in addition to the formal complaint process outlined above, students are always free to raise matters of individual concern with either the Associate Dean(s) of Faculty or Students. Matters involving solely individual concerns will, in most cases, be more appropriately resolved in a less formal way than the complaint process outlined above.

## **V. Computer Center Privileges**

The computer center is available to further enhance the academic program offered by the Law School. Under extreme circumstances, a user may lose computer facility privileges. Such loss of privileges may be at the discretion of the monitor on duty, the Associate Dean of Students, or the Boston College Police Department. Any of the following acts will result in the suspension or permanent loss of computing privileges.

- Destruction or tampering with any of the equipment.
- Violation of copyright laws, including, but not limited to, copying software or copyrighted

documentation.

- Installation of personal software or tampering in any way with the system configuration on any Law Library workstation.
- Attempted theft or removal of any equipment or materials from any facility. Such attempts will be reported to the Boston College Police Department.
- Attempted use of false and/or altered identification. Such attempts will be reported to the Boston College Police Department.
- Repeated or serious violation of Library policies or repeated disruption of any of the Library's computing facilities.
- Violation of any of the University's policies on ethical use of computing and communication services.

## **VI. Policy on Videotaping of Law School Classes**

(Adopted 10/17/2016)

### **General Policy:**

The Law School policy provides that students may not record any classes (including through their computers, tablets or other recording devices).<sup>1</sup> This policy reflects

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<sup>1</sup> For purposes of this policy, "record" includes any method of capturing the audio portion of a class, including but not



both wiretapping statutes (see Mass Gen. Laws. Ch. 272 Sec.99 and 18 U.S.C. Sec. 2511) and pedagogical goals.

As set forth in the Law School's **Academic Policies and Procedures**, "[T]he unauthorized recording, sale, purchase, or use of academic lectures" constitutes a breach of academic integrity and will be subject to Law School procedures governing academic discipline.

Recording by Specific Faculty Request:

Faculty members may authorize the recording of all or a subset of their classes. Faculty members may condition authorization to record on the imposition of restrictions on the classes to be recorded and the students who are authorized to access the recordings. Taping arrangements shall be made through Media Technology Services and students will be required to agree to its terms of use.

Faculty members should disclose to students in any class to be recorded that such recording is taking place. Appropriate signage in the classroom will also notify those present of the possibility of recording.

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limited to audio tape recording and video recording. This policy does not preclude student recording of student performances in BC Law clinics as permitted by the appropriate instructor.

## **Special Circumstances:**

### 1. Disability Accommodations

Federal law mandates that a qualified student with a disability may request class recording as an appropriate reasonable accommodation for a student's disability. Tape recorders are specifically mentioned in Section 504 of the Federal Rehabilitation Act of 1973 as a means of providing full participation in educational programs and activities.

A qualified student requesting an accommodation should contact Student Services, whose staff will engage in an interactive dialogue with the student to determine the appropriate required accommodation. If recording is necessary in a particular class, Student Services will notify the faculty member that the course will be recorded, even if the faculty member has otherwise not elected to record the class.

The faculty member has the option to decide whether to allow the recording to be available to the whole class or only to the qualified student with the accommodation. Regardless, the whole class must be informed that the class is being recorded.

If the faculty member has objections to the course being recorded, s/he may appeal to the Associate Dean of Faculty. The faculty member must provide facts as to why the recording would fundamentally alter the class. If the Associate Dean of Faculty determines that a recording would fundamentally alter the class, the

Associate Dean of Students will enter into further dialogue with the student to develop an appropriate accommodation. If the Associate Dean of Faculty decides that recording would not fundamentally alter the class, the Associate Dean's decision is not appealable by the faculty member.

## 2. Religious Observance Requests

Students must submit any Religious Observance Requests to Student Services by the end of Drop/Add period each semester. Student Services will notify faculty members of the affected classes.

If a student will miss a class due to religious observance, the faculty member shall provide a recording, a note-taker, or some other accommodation agreeable to the student. The faculty member has the discretion to decide which accommodation s/he will allow. If the faculty member opts for a note-taker, the faculty member will assign someone in the class and subsequently post the notes electronically. If the faculty member opts to record the class, s/he will notify Student Services, which will make arrangements with Media Technology Services, and the faculty member will timely notify the class participants that a session(s) is being recorded.

If the class is recorded, it will be made available to the student electronically. The faculty member may decide if s/he wants to make the recording available to the whole class.

### 3. Other Exceptions

There may be other special occasions when a student may request a class to be recorded. Examples could include, but are not limited to, child birth, public transportation outages, jury duty and military reserve duty. Students should make their best efforts to submit such requests directly to the faculty member at least three business days in advance. The faculty member has discretion to allow or deny the request. If granted, the faculty member will coordinate with Media Technology Services and will timely notify class participants that the class is being recorded.

#### Media Technology Services Recording of Classes:

Any approved class recordings will be undertaken and administered through the Media Technology Services office at Boston College Law School (video recording for East Wing Courses and the most accessible technology available for courses in Stuart). Students will be able to access recordings they have been authorized to obtain through their course websites only if they have agreed to the terms of use agreement on the website, which limits the use of the recordings to educational purposes and which controls their distribution, downloading, and retention.

It is school policy that students will lose access to recordings at the conclusion of the course.

Students should be made aware that, given the pre-set timing of recordings, informal conversations occurring

before and/or after the formal instructional time may be viewable.

## **VII. Registration**

Registration for the fall semester begins in late April for rising upper level students. For the spring term, registration starts in late November. Specific dates will be announced each term, as well as the dates for add/drop.

Under the AGORA computerized registration system, students can verify the courses in which they have registered. It is imperative that all students check the accuracy of their registration and notify Theresa Kachmar, Assistant Director, Academic and Student Services, M308, 617-552-8695, of any problems encountered. Students might not receive grades and/or credit if the registration is incorrect.

## **VIII. Immunization Requirement for Registration**

The University Registrar must have on file the state-mandated verification of immunization before a student registers, or a student will lose his or her registration time and slots in limited-enrollment classes. Students with questions about the state law governing immunization should call University Health Services at 617-552-3225.

## **IX. Examination Numbers**

Most grading is completed utilizing student exam numbers rather than names to preserve student anonymity. Every year, each student is provided a four-digit examination number which the student uses in lieu of the student's name on examinations and any papers that are submitted confidentially to a professor. This 4-digit number begins with a "1", "2", or "3" to correspond to the student's status as a first, second, or third-year student.

In the fall, Academic Services will e-mail exam numbers to students. By using his or her exam number, the student certifies that he/she has read the Academic Policies and Procedure guidelines. The number should be used for both the fall and spring semesters. **A new examination number is issued each year.** Failure to use the correct examination number may jeopardize entry of a student's examination grades. Students are responsible for using the correct examination number at each exam. If a student has any questions or has forgotten his/her examination number, the student should come to Academic Services before the examination.

## **X. Obtaining Transcripts**

The Law School cannot issue official transcripts. Transcripts must be obtained from the Student Services Office, located in Lyons Hall, 617-552-3300 on the Chestnut Hill campus, or by logging on to AGORA.

Mid-term grades or any informal course evaluations will not appear on transcripts.

The University will not issue transcripts to students who are delinquent in paying their accounts or have any outstanding charges (e.g., library fines, parking fines) at the time a transcript is requested. Whenever they receive an official grade report or transcript copy, students should check the document carefully. Students are responsible for confirming that the course names, course numbers, credits, and grades earned are accurate. Students who believe that there are any inaccuracies should notify Academic Services at 617-552-2527 immediately.

## **XI. Other Boston College Graduate Courses**

With the consent of an Academic Services Dean, second and third-year students may take a maximum of four law-related courses (12 credits) at the graduate level in other departments and programs at Boston College. Grades for courses taken outside of the Law School (other than courses cross-listed with other departments) will appear on the student's transcript, but will not be calculated into the law student's GPA.

## **XII. Leaves/Visits Away/Study Abroad**

Any student contemplating a change of status such as a leave of absence, transfer, or visit away, must contact the Associate Dean of Students. If a student is interested in

studying abroad, he/she should first meet with the Associate Dean of Students or the Director of Graduate Legal Education.

Permission to visit away will be granted only for reasons of serious and unforeseen hardship, including, but not limited to, medical emergency, unexpected relocation of a family member or life partner, or financial catastrophe. Boston College Law School students may be allowed to visit away at another ABA approved law school during either their second or third year of their Boston College Law School program, provided that they have: 1) received prior approval from the Associate Dean of Students; and 2) applied and been accepted at the other law school. Credit for classes taken at the other law school will be applied towards the student's Boston College Law School degree, and credits received will be reflected on the Boston College Law School transcript. The actual grades from the host institution will not appear and they will not be factored into the student's grade point average for any purpose.

To obtain a Boston College Law School degree, students must be in residence full time at Boston College Law School for four semesters. Thus, students who transfer to Boston College Law School after their first full year at another institution are not eligible to visit away during any part of the last two years of their law school program. Students who participate in study abroad through a Boston College or Boston College Law School program may count these semesters of study toward the four resident semesters. For the purpose of this four



semester residency requirement, “in residence” includes students enrolled in a joint degree program with the Law School and another Boston College graduate program.

Students who visit away at another institution pay the tuition of the host institution, not Boston College Law School’s tuition, for the semester or semesters enrolled.

In case of International Exchange Programs, students are required to pay tuition and fees to Boston College Law School.

An administrative fee of \$1000 per semester will be assessed for any student who visits away at another law school and who is not paying tuition to Boston College Law School. The Boston College Law School fee is intended to cover the administrative costs associated with services provided by Boston College Law School for its students while studying at another institution, such as financial aid and student service counseling, degree audits and transcript preparation, and participation in commencement activities.

### **XIII. Medical Leave of Absence and Continuation of Health Insurance of Students on Medical Leave of Absence**

#### Medical Leave of Absence

If a student is unable to complete the coursework or other course of study for a semester due to medical reasons, the student may request a medical leave of absence. Medical leave, whether requested for mental health or physical health reasons, must be supported by appropriate documentation from a licensed care provider and approved by the Associate Dean of Students.

The Law School (and/or the University) reserves the right to impose conditions on readmission from a medical leave, which may include: length of time on leave; the submission of documentation from the student's health care provider; the student's consent for the provider to discuss the student's condition with University clinicians, and/or an independent evaluation of the student's condition by University clinicians; and/or making use of University or outside professional services.

The conditions will be specified at the time of leave, and students will be asked to acknowledge their acceptance of them.

Students seeking to return from leave should contact the Associate Dean prior to seeking readmission no later than four weeks prior to the desired admission date.

In instances where a sustained period of time (more than one year) has elapsed since a student was last enrolled, the Associate Dean will identify the academic requirements, if any, that must be completed after readmission and before awarding the degree. If there have been changes in Academic Regulations and degree requirements since a student readmitted after a sustained leave was last enrolled, the Academic Regulations in effect at the time of the student's readmission to full-time study will apply, unless the Associate Dean specifies otherwise in writing at the time of readmission.

#### Continuation of Health Insurance of Students on Medical Leave of Absence

Health insurance coverage under the Boston College Student Injury and Sickness Insurance Plan remains in effect until the end of the period for which a student has paid the premium.

Students on Boston College's medical insurance policy may be eligible to continue their health insurance the semester in which they take a medical leave of absence and the following semester. Students should consult with the University Student Services Office.

Please see the University website for more detailed information and effective dates:

<http://www.bc.edu/offices/stserv/financial/medinsurance.html>

#### **XIV. University Smoking Policy**

Smoking is banned in all academic and administrative buildings at Boston College. Smoking is permitted only in non-hazardous open areas outside the Law School buildings.

#### **XV. Law School Animal Policy**

In accordance with the Americans with Disabilities Act, Service Animals are permitted in University facilities for persons with disabilities. Students may not bring pets or non-Service Animals into the Law School buildings.

#### **XVI. Law School Communication with Students**

The primary sources of official information at the Law School include the Boston College Law School's main website at [www.bc.edu/lawschool](http://www.bc.edu/lawschool), the School's internal communications platform, MyBC ([www.bc.edu/mybc](http://www.bc.edu/mybc)) and the Boston College email system.

MyBC (powered by OrgSync) is a password protected website made up of portals for departments and student organizations, and allows the administration and student orgs to communicate news, events and activities to the community.

Students will also receive e-mails from Career Services, Financial Aid and Academic Services.

Students are responsible for checking MyBC for news and announcements, and either checking their [bc.edu](http://bc.edu) e-mail account on a daily basis or ensuring e-mails to that account are forwarded to other accounts on a regular basis. Notices regarding exam schedules and course changes will be posted on the Academic Services web site. Financial aid information will be posted on the Admissions and Financial Aid web site.

For information about student organizations and events, MyBC is the primary communications vehicle, and the MyBC master calendar serves as the official calendar for the Law School.

Student organizations may use their portals in MyBC to notify their memberships and the community about events (for training o

n the system, please contact the Student Services Office).

Faculty, staff, and authorized student groups are encouraged to use approved bulletin boards to post flyers that provide information pertaining to a scheduled event or activity sponsored by a Boston College organization. The Law School administration reserves the right to remove posted materials that do not meet these guidelines or are out of keeping with our community norms of respect. The person or group who posts flyers is responsible for removing them on the day following the event.

The following are approved posting areas within the Law School:

- Bulletin Boards
- The rear Stuart Hall stairwells

## **XVII. Class Cancellations & Delays**

In the rare event that Boston College cancels classes, the decision applies to the Law School as well. If the University is closed, all classes and activities for that day are cancelled. As a general rule, the Law School cannot close if the University is not closed. If the University chooses to close, the Law School will be closed.

Notice of closures will be communicated as follows:

If a heavy snowstorm or other emergency necessitates cancellation or delay of classes, announcements will be made on WBZ Radio (1030-AM), WBZ-TV (Channel 4), or WCVB-TV (Channel 5) beginning at 6:00 a.m. The University will also send text and e-mail notification through the RAVE Emergency Notification System before 6:00 a.m. Students may also call (617) 552-INFO for information on emergency closings or early releases. Announcements will also be posted on the Boston College home page, as well as the website <http://www.bc.edu/emergency>

If we have a delayed opening, the assumption will be that classes that were scheduled to begin prior to the opening time will not be held. Faculty must inform

students of any alternative arrangements and provide adequate notice of the change.

Individual Law School faculty members may choose to cancel classes even if the University has decided to remain open. To clarify their policies, we have asked all faculty members to add information to their syllabus/i or to their Canvas site about their own policies for weather closures and cancellations. This will include:

- Explaining the mode of communication they will use to notify students if they are canceling class when the University remains open (via email, Canvas, etc)
- Informing students how they will define an excused absence for weather when class will still proceed (for example, if the MBTA is not running or Newton declares a snow emergency)
- Explaining their plan to capture course content (video or audio recording or an assigned note taker)

We will ask all adjunct faculty to decide by noontime if they will cancel evening classes, in order to give enough time for students to plan accordingly.

In certain circumstances, the Law School administration may decide to cancel all evening classes (and close the Library early), even if the University remains open. In a case like this, the administration would make the decision by early afternoon, and notify all students with an email message.