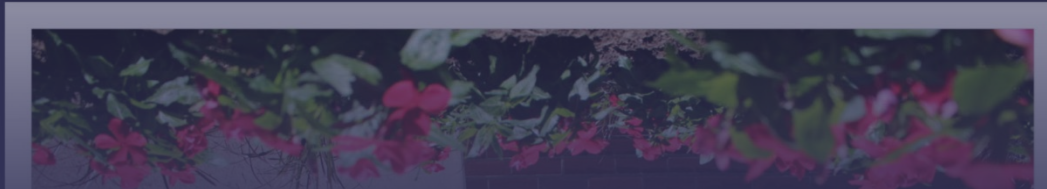


UNIVERSITY OF DAYTON
SCHOOL OF LAW

Policy Manual



Updated April 2024

University of Dayton School of Law

Policy Manual

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1 OVERVIEW

This Policy Manual is a compilation of policies established by the University of Dayton School of Law’s Dean and/or faculty. Where appropriate, the School of Law’s policies are supplemented by those of accrediting agencies and similar organizations (such as the American Bar Association and the Association of American Law Schools), and by University policies and regulations. Citations at the end of paragraphs refer to the source or sources of rules contained in that section or paragraph (e.g., “ABA Standard ___”) or to the dates of faculty decisions (e.g., “February 27, 2013”) as reported in the Minutes of Faculty Meetings.

DISCLAIMER – THIS POLICY MANUAL IS NOT A CONTRACT. The information in this Policy Manual is accurate and current as of April 2024. The University of Dayton School of Law expressly reserves the right to make changes to this Policy Manual as conditions warrant and in accordance with established procedures.

2 MISSION STATEMENT

Our mission is to enroll a diverse group of intellectually curious, self-disciplined and well-motivated men and women, and to educate them in the substantive and procedural principles of public and private law. The School of Law seeks to graduate highly qualified attorneys who will uphold the highest professional standards, who are sensitive to the impact of Judeo-Christian ethics on the law, and who will recognize that service to others, rather than personal financial gratification, is the chief measure of professional competence.

3 THE JURIS DOCTOR PROGRAM: ADMISSIONS POLICIES

3.1 EDUCATIONAL REQUIREMENTS

Subject to the exception for international students set forth below, all matriculants must possess a bachelor's degree, or, in the case of a student admitted under the terms of a 3+3 or 3+2 program, demonstrate successful completion of three-fourths of the work acceptable for a bachelor's degree, from an institution that is accredited by an accrediting agency recognized by the Department of Education.

An international applicant who has earned an undergraduate degree at an institution located outside the United States, its territories, or Canada must have his or her record evaluated through the Law School Admissions Counsel's "Credentials Assembly Service (CAS)." For the application to be considered, the quality of the program of education of that institution must be equivalent to that of institutions accredited by an accrediting agency recognized by the United States Department of Education. The applicant may be admitted only if the applicant's record satisfies the substance of the requirements for students who attended institutions inside the United States and the applicant provides satisfactory evidence of fluency in English.

3.2 FIRST-YEAR APPLICANTS

3.2.1 Criteria

There is no automatic level of qualification or disqualification based on statistics alone, but rather the entire application will be reviewed. Periodically, however, the Admissions Committee may set standards for presumptive acceptances and denials, and delegate to one or more members of the Committee the authority to issue acceptances and denials in those cases.

While first consideration will be given to undergraduate grade-point averages and either Law School Admission Test (LSAT) or Graduate Record Examinations (GRE) scores, other factors will be considered, including the two required letters of recommendation; other educational factors, such as the type, depth and difficulty of courses completed, grade trends, honors, and graduate studies; life experience, such as work and military achievements, extracurricular activities, community service; and personal attributes, such as maturity, good judgment, writing ability, analytical and leadership skills, breadth of interests, and ability to overcome handicaps of all kinds, including environmental or financial problems.

3.2.2 Applications

3.2.2.1 *Law School Admissions Test (LSAT) and Graduate Record Examinations (GRE)*

All applicants must take either the LSAT or the GRE and have their scores reported directly to the school by the Law School Data Assembly Service before their application is complete and ready for decision. [ABA Standard 503.]

3.2.2.2 *Law School Data Assembly Service (LSDAS)*

All applicants must participate in the LSDAS. Those applicants who received their undergraduate degree from a foreign institution (that is not part of LSDAS), must participate in LSAC JD Credential Assembly Service (JD CAS) if they completed any post- secondary work outside the U.S. (including its territories) or

Canada. Applicants need not use this service if they completed the foreign work through a study abroad, consortium, or exchange program sponsored by a U.S. or Canadian institution, and the work is clearly indicated as such on the home campus transcript.

3.2.2.3 *Information and Data Required*

Before an admission decision is made, the applicant's file must include the following:

1. An application form with all of the requested information provided. No application form will be processed unless it states clearly whether the applicant has ever attended another law school or is now so attending;
2. An LSDAS report, of reasonably current date, showing all undergraduate and graduate work, and all LSAT and all GRE scores (foreign-educated applicants, see § 3.2.2.2 above);
3. Two letters of recommendation; and
4. A personal statement.

3.2.3 *Reactivated Files*

Applicants who complete their admission file in one year, and then request that the file either be reactivated or be reconsidered in a later year, must file a new application form stating clearly whether the applicant has ever attended another law school or is now so attending.

3.2.4 *Prior Legal Studies*

An applicant who has prior legal study (that is, who has attended law school at the University of Dayton or elsewhere, but has not received the first degree in law) must reveal that attendance in his or her application. An application from a person whose prior legal study ended with an academic disqualification will be considered for admission only under the circumstances set forth in ABA Standard 501.

3.2.5 *Decisions*

3.2.5.1 *Applicants without Prior Legal Studies*

When completed, the files of applicants who have never attended another law school will be forwarded to the Admissions Committee for decision; provided, however, that the committee may delegate its authority to make final decisions on certain categories of files to the Office of Admissions.

3.2.5.2 *Applicants with Prior Legal Studies*

When completed, the files of applicants who have previously attended law school will be forwarded to the Associate Dean for Academic Affairs for decision.

3.2.6 *"Official Transcripts"*

3.2.6.1 *Definition*

An "official" transcript is a record issued by the registrar of an educational institution showing all of the courses taken while a student there and the grades received, and bearing the embossed seal of the institution.

3.2.6.2 *Requirement*

Once accepted and prior to registration, every enrolling student must arrange for his or her undergraduate college or university to submit his/her final official undergraduate degree transcript to the School of Law's

Registrar. An offer of admission is conditioned upon the School of Law's receipt of this transcript. Such a transcript is required by the American Bar Association Standards for the Accreditation of Law Schools, and by many of the state bars. [ABA Standard 502(d) and Interpretation 502-1.] If applicable, an official transcript of any graduate work should be sent directly to the Law School, as well. Current college seniors should wait to comply until after graduation from college so that the date of baccalaureate conferral is noted on the transcript. The electronic transcript included in an applicant's LSAC credential report satisfies this requirement only if it notes the conferral of the applicant's bachelor's degree.

3.2.6.3 *Non-Compliance*

Because of the importance of the final official transcript, the latest an official transcript may be received is October 15 for students matriculating in the fall semester and June 15 for students matriculating in the summer semester. Students who do not comply with this requirement will be dismissed from the program immediately.

3.3 TRANSFER APPLICANTS

3.3.1 *Qualifications*

Only students in "good standing" (that is, having a cumulative grade-point average in excess of that required for graduation) and eligible to continue at their present law schools will be considered for transfer admission.

3.3.2 *Applications*

Students seeking transfer admission must submit an application, must currently be registered with LSDAS (Law School Data Assembly Service), provide his/her final official undergraduate degree transcript with date of undergraduate degree conferral directly from the undergraduate institution, as well as an official law school transcript, faculty letter of recommendation, letter of good standing, and first year course descriptions from their current ABA-approved law school. The electronic transcript included in an applicant's LSAC credential report satisfies this requirement only if it notes the conferral of the applicant's bachelor's degree.

3.3.3 *Procedure*

Decisions on admission of transfer students will be made by the Associate Dean for Academic Affairs. As a condition or term of such an acceptance, the Dean may require a transfer applicant to take courses in addition to or different from those taken by other law students and/or may grant a waiver of courses otherwise required.

3.3.4 *Conditions*

An offer of transfer admission will be made on the following terms and conditions:

Only courses that were completed at a law school approved by the ABA, for which a grade of "C" or better (or its equivalent) was received, and which reasonably conforms to the curriculum of this law school, will be accepted for transfer.

Normally, not more than thirty semester hours, or forty-five quarter hours, of credits will be accepted for transfer.

Courses for which advanced standing is awarded will not enter into the calculation of the student's cumulative grade-point average, and no official class ranks will be determined for transfer students.

Transfer students are considered second-year students for purposes of applying the standards for continuation in law school, even though they may have less than thirty hours of credit and/or may be registered for first-year courses.

3.4 TRANSIENT STUDENTS

With the approval of the Associate Dean for Academic Affairs, a student at another law school, approved by the ABA, may enroll in courses at the University of Dayton School of Law as a transient student for the purpose of completing the requirements for graduation from the other law school. Although a formal application is not required, a "letter of good standing" from the other law school, giving permission for the visit and agreeing to accept any credits that are completed satisfactorily, is required.

3.5 SPECIAL STUDENTS

With the approval of the Associate Dean for Academic Affairs, a student may be admitted as a non-degree-seeking, special student, whether or not the student holds a law degree. Ordinarily, such students will be admitted only if they can demonstrate an appropriate educational foundation and experience base for legal study in the course or courses they wish to take. Courses completed as a special student cannot be applied later as credits toward a Juris Doctor degree. [ABA Standard 311(d)]

4 THE JURIS DOCTOR PROGRAM: ACADEMIC STANDARDS AND POLICIES

4.1 CURRICULUM

This section is applicable only to students entering in August 2014 and later. For students entering before August 2014, consult with the Associate Dean for Academic Affairs as to the applicable curriculum requirements. For purposes of this section, the term "Residential Students" refers to all J.D. candidates other than those admitted into the Hybrid J.D. Program.

4.1.1 Credit Hours / Periods of Attendance

Every student must earn credit for at least 90 semester hours of law school work. Credit for at least 70 of those hours must be earned in courses with regularly scheduled class sessions. [ABA Standard 311(a)].

All

courses for the Juris Doctor must be taken over a period of not fewer than 24 calendar months and not more than 84 calendar months. [ABA Standard 311(b).]

4.1.2 Required Direct Faculty Instruction Minutes for Classroom Courses

For classroom courses, courses must meet 60 minutes per week over 13 weeks per credit or the equivalent amount of minutes over a shorter time.

4.1.3 Required Out-of-Class Minutes for Classroom Courses

For classroom courses, students must work at least 140 minutes per week over 13 weeks per credit or the equivalent amount of minutes over a shorter time. Faculty are required to evaluate their syllabi to ensure that the assigned reading and other tasks required in preparation for class are a reasonable approximation of the out-of-class student work standard of 140 minutes per week per credit hour. In

addition to readings, out-of-class work could include a wide variety of tasks, including conducting research; writing papers; participating in required conferences with a professor; taking a quiz or midterm; viewing assigned videos; preparing text or video responses to assigned questions; engaging in group work, etc.

4.1.4 Required Total Minutes for Clinical Courses

For clinical courses, including the Clinics and Externship, students must work at least 200 minutes per week over 13 weeks per credit or the equivalent amount of minutes over a shorter time. Work includes time spent in class; performing field placement or clinic work; preparing for class; and completing class assignments.

4.1.5 Required Total Minutes for Law Review, Moot Court, Independent Studies, and Directed Readings

For other non-classroom courses, including Law Review, Moot Court, Independent Studies, and Directed Readings, students must work at least 200 minutes per week over 13 weeks per credit or the equivalent amount of minutes over a shorter time. Work includes time spent meeting with the supervising faculty member, editor, or coach; engaging in legal research; drafting and/or editing documents; engaging in practice or competition oral arguments; and other relevant tasks assigned by the supervising faculty member, editor, or coach. Supervising faculty will be asked to certify that each student completed the required minutes.

4.1.6 New Course Proposals

All proposals for new courses must include a paragraph justifying the number of credits to be awarded, including a description of both classroom hours and the estimate of out-of-class work. The Academic Affairs Committee must assess this information when determining how many credit hours should be granted for the course.

4.1.7 Record Keeping

The Law School evaluates every course, including experiential courses, to ensure compliance with ABA Standard 310. This evaluation includes reporting by the faculty to the Associate Dean for Academic Affairs of time in classroom or direct faculty instruction, and out-of-class student work, in every course. The Directors of Clinical Law Programs and Externships also evaluate and report on law clinics and field placements, particularly, to ensure credit granted is commensurate with the time and effort required and quality of the educational experience in conjunction with actual time in the field or otherwise representing clients as well as evaluative sessions and activities, class time, and other course requirements. Students enrolled in both the law clinic and field placements are informed of the credit requirements and keep track of and report their hours spent on course work, broken down by type of activity, at the end of every week.

4.1.8 Course Load

4.1.8.1 Residential Students

4.1.8.1.1 General Rule

During any regular semester, every Residential Student must enroll in courses totaling at least twelve, but not more than eighteen, credit hours. [ABA Standard 311(b).] However, graduating students may register for less than twelve credits in their final semester.

4.1.8.1.2 Limitations

No student whose cumulative grade point average is below 2.50 after receiving grades at the end of any semester may enroll in more than sixteen (16) credit hours in the subsequent semester. No student whose cumulative grade point average is below 2.50 after receiving grades at the end of the spring semester may enroll in more than 8 credit hours during one term in the summer. [February 19, 2014]

4.1.8.2 *Hybrid J.D. Students*

Students in the Hybrid J.D. Program must enroll in the required courses in the Hybrid J.D. curriculum set forth in section [4.1.3.2](#).

4.1.9 Graduation Requirements

This section is applicable only to students entering in August 2016 and later. For students entering before August 2016, consult with the Associate Dean for Academic Affairs as to the applicable graduation requirements.

4.1.9.1 *Residential Students*

In order to graduate, Residential Students must receive credit for the required courses set forth in sections 4.1.3.1.1 through 4.1.3.1.8.

4.1.9.1.1 Foundation Courses

In order to graduate, all students are required to take the following foundation courses in the semester designated and receive credit for each course.

First Semester Courses	Credits
Civil Procedure Doctrine & Skills I	3
Legal Profession I	3
Real Property Doctrine & Skills I	4
Torts Doctrine & Skills I	3
Lab*	1
Learning Community**	0

*Students matriculating in Fall 2016, Summer 2017, Fall 2017, Summer 2018, Fall 2018, and Summer 2019 must take and receive credit for Torts Lab I. Students entering in Fall 2019 and after must take and receive credit for Learning Skills Lab.

** Every student must participate as required in the first-semester Learning Communities Program, unless the student is a transfer student who did not enroll at the Law School as a first-year student. [March 20, 2013]

Second Semester Courses	Credits
Civil Procedure Doctrine & Skills II	3
Contracts Doctrine & Skills I	3
Criminal Law Doctrine & Skills	3

Criminal Law Lab	1
Legal Profession II	3
Torts Doctrine & Skills II	2

Third Semester Courses	Credits
Legislation	2
Constitutional Law Doctrine & Skills I	3
Contracts Doctrine & Skills II	3

Fourth Semester Courses	Credits
Constitutional Law Doctrine & Skills II	3

4.1.9.1.2 Upper-Level Writing Requirement

In order to graduate, all students are required to take and receive credit for at least one of the following courses after completion of two semesters and before taking a required

Upper-Level Writing Requirement Courses	Credits
Appellate Practice and Procedure	2
Transactional Drafting	2

4.1.9.1.3 Additional Upper Level Requirements

In order to graduate, all students must satisfy the ADR Requirement; the Practical Experience Requirement; and the Doctrinal Requirement.

4.1.9.1.4 The ADR Requirement

In order to graduate, all students are required to take and receive credit for at least one of the following courses.

ADR Requirement (one of the following courses)	Credits
ADR for the Litigator	3
Interviewing, Counseling, Negotiation	3
Conflict Management & ADR	3
Advanced Dispute Resolution	4

4.1.9.1.5 The Practical Experience Requirement

In order to graduate, all students are required to take and receive credit for at least one of the following courses receive credit for each course.

Practical Experience Requirement* (one of the following courses)	Credits
Externship	4
Law Clinic	4

* The Externship or Law Clinic course must be taken in one of either of a student's final two semesters before graduation or in the Summer term immediately preceding a student's last or next to last semester before graduation. See the Externship Guidelines for more information about externships.

4.1.9.1.6 Doctrinal Requirement

In order to graduate, all students are required to take the following courses and receive credit for each course.

Doctrinal Requirement (all of the following courses)	Credits
Criminal Procedure – Investigative	3
Fundamentals of Evidence	3
Professional Responsibility	2
Real Property II	3

4.1.9.1.7 Synthesis Requirement

In order to graduate, all students are required to take and receive credit for a designated capstone course.

Synthesis Requirement* (the following course)	Credits
Capstone	3 or 4

* The required synthesis requirement (Capstone course) may be taken in either of a student's final two semesters, preferably the final semester before graduation. Capstone courses are limited enrollment (no more than twenty) and will be awarded either three credits or four credits toward graduation as provided in each capstone course's course description. The capstone experience, including all courses designated as "capstones," will ordinarily include the preparation of written work, which may include scholarly as well as practice-related writing. A student must have completed the Upper Level Writing Requirement before beginning a required capstone course. Completion of a capstone course does not satisfy the Upper Level Writing requirement. The capstone experience may introduce some new information, but it is expected that the course will be a culmination of previous course work, including general requirements, and electives.

4.1.9.1.8 Bar Requirement

In order to graduate, all students are required to take and receive credit for the Bar Practice & Process course.

Bar Requirement* (the following course)	Credits
Bar Practice & Process	3

* The Bar Practice & Process course must be taken in the student's final semester before graduation.

4.1.9.2 *Hybrid J.D. Students*

First Semester Courses	Credits
Legal Profession I	3
Torts Doctrine & Skills I	3
Learning Community*	0

* Every student must participate as required in the first and second semester Learning Communities Program, unless the student is a transfer student who did not enroll at the Law School as a first-year student. [March 20, 2013]

Second Semester Courses	Credits
Legal Profession II	3
Real Property Doctrine and Skills I	4
Elements of Legal Analysis I*	1
Learning Community#	0

*Elements of Legal Analysis I is a required course for all Hybrid Students with a GPA of 2.65 or lower after their first semester.

#Every student must participate as required in the first and second semester Learning Communities Program, unless the student is a transfer student who did not enroll at the Law School as a first-year student. [March 20, 2013]

Third Semester Courses	Credits
Criminal Law Doctrine and Skills	4
Torts Doctrine & Skills II	3
Elements of Legal Analysis II*	1

*Elements of Legal Analysis II is a required course for all Hybrid Students with a GPA of 2.65 or lower after their first semester.

Fourth Semester Courses	Credits
Alternative Dispute Resolution (or Interviewing, Counseling, Negotiation)	3
Civil Procedure Doctrine & Skills I	3
Contracts Doctrine & Skills I	3

Fifth Semester Courses	Credits
Professional Responsibility	2
Civil Procedure Doctrine & Skills II	3
Contracts Doctrine & Skills II	3

Sixth Semester Courses	Credits
Legislation*	2
Constitutional Law Doctrine & Skills I	3

Transactional Drafting	2
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*Students who completed Elements of Legal Analysis I and II are not required to take Legislation.

Seventh Semester Courses	Credits
Appellate Practice and Procedure	2
Intellectual Property	3
Constitutional Law Doctrine & Skills II	3
Remedies*	3

*Remedies is for students with a CGPA below 2.6. Students required to take Remedies will not take Intellectual Property Law.

Eighth Semester Courses	Credits
Real Property II	3
Fundamentals of Evidence	3
Trial Practice	3

Ninth Semester Courses	Credits
Business Organizations	3
Administrative Law	3
Wills & Trusts	3
Advanced Legal Analysis*	3

*Advanced Legal Analysis is for students with a GPA below 2.7. Students required to take ALA will not take Administrative Law.

Tenth Semester Courses	Credits
Criminal Procedure - Investigative	3
Family Law	3
Capstone	4

Eleventh Semester Courses	Credits
Corporate Compliance & Ethics	3
Bar Practice & Process	3
Externship or Law Clinic*	4

*Externship can either be a 4 credit course taken in the Summer, Fall or Spring or two 2 credit hour courses taken in the Fall and Spring of your final year.

4.1.9.3 *Additional Academic Support Requirements*

4.1.9.3.1 Elements of Legal Analysis (ELA)

4.1.9.3.1.1 Residential Students

Residential Students with a cumulative grade point average below a 2.5 at the end of their first semester or its equivalent in law school shall be required during their second semester or its equivalent at the law school to enroll in the course entitled “Elements of Legal Analysis” and shall be required to defer enrollment in the Legal Profession II course until the next regularly scheduled offering of that course. In addition, students on academic probation at the end of their first semester in law school must meet with the Associate Dean for Academic Affairs for academic counseling. [April 18, 2012, April 24, 2013]

4.1.9.3.1.2 Hybrid J.D. Students

Students in the Hybrid J.D. Program with a cumulative grade point average below a 2.65 at the end of their first semester in law school shall be required during their second and third semesters at the law school to enroll in the courses entitled “Elements in Legal Analysis I and II” in place of the Legislation course in the sixth semester. In addition, students on academic probation at the end of their third semester in law school must meet with the Associate Dean for Academic Affairs for academic counseling.

4.1.9.3.2 Remedies

4.1.9.3.2.1 Residential Students

Residential Students with a cumulative grade point average below a 2.6 at the end of their second semester in law school or its equivalent must enroll in the skills course entitled “Remedies.” Fall-Start Students must take Remedies in summer (post-first-year optional Term 3), if the class is offered and there is space available, fall (Required Term 3), if the class is offered and there is space available, or spring (Required Term 4), if the class is offered and there is space available. Further, if a Fall-Start student is enrolled in ELA and she opts to take any summer courses, then she must enroll in Remedies during that summer term, if the class is offered and there is space available. Summer-Start students must take Remedies in either spring (Term 3 for Summer-Starters) if the class is offered and there is space available or summer (Term 4 for Summer-Starters) if the class is offered and there is space available. Each Remedies section will have a class target of 15 students; exceeding this target shall be discussed with professors assigned the class before more than 15 students shall be allowed to register.

4.1.9.3.2.2 Hybrid J.D. Students

Students in the Hybrid J.D. Program with a cumulative grade point average below a 2.6 at the end of their sixth semester in law school shall be required during their seventh semester at the law school to enroll in the course entitled “Remedies” in place of “Intellectual Property.” Each Remedies section will have a class target of 15 students; exceeding this target shall be discussed with professors assigned the class before more than 15 students shall be allowed to register.

4.1.9.3.3 Advanced Legal Analysis

4.1.9.3.3.1 Residential Students

Residential Students with a cumulative grade point average below a 2.8 at the end of their fourth semester in law school or its equivalent shall be required during their fifth semester or its equivalent at the law school to enroll in the course entitled “Advanced Legal Analysis.” Each Advanced Legal Analysis section will have a class target of 20 students; exceeding this target shall be discussed with professors assigned the class before more than 15 students shall be allowed to register. [August 17, 2016]

4.1.9.3.3.2 Hybrid J.D. Students

Students in the Hybrid J.D. Program with a cumulative grade point average below a 2.7 at the end of their eighth semester in law school shall be required during their ninth semester at the law school to

enroll in the course entitled “Advanced Legal Analysis” in place of Administrative Law. Each Advanced Legal Analysis section will have a class target of 20 students; exceeding this target shall be discussed with professors assigned the class before more than 15 students shall be allowed to register.

4.1.9.3.4 Mandatory Summer Remediation

Students who receive a grade of C, C-, D+, or D in Civil Procedure Doctrine & Skills I and/or II; Constitutional Law Doctrine & Skills I and/or II; Contracts Doctrine & Skills I and/or II; Criminal Law Doctrine & Skills; Real Property Doctrine & Skills I; and/or Torts Doctrine and Skills I and/or II are required to successfully complete the module[s] associated with that course or courses using the online remediation program designated by the Associate Dean for Academic Affairs by the end of the following summer. The Associate Dean, will determine passing scores for the on-line remediation program. If a student has not successfully completed the required online module[s] by 7-days before the first day of the next semester, the student will be required to attend a live program designated by the Associate Dean for Academic Affairs. In the event of unsuccessful completion of that program by the beginning of the registration period, the student will not be permitted to register for or attend classes without the approval of the Associate Dean for Academic Affairs. [May 11, 2016; amended May 9, 2019]

4.1.10 Electives

In addition to the graduation requirements set forth in section 4.1.3 above, Residential Students must receive credit for elective courses so that the number of credits earned equals or exceeds 90.

4.1.11 Curricular Concentrations with Certification

A curricular concentration is a sequence of courses that have been identified and approved by the faculty as appropriate to be taken as a course of study in order to pursue a more intense or focused study in a particular area of law or legal practice. Curricular concentrations are not available to students in the Hybrid J.D. Program.

To be admitted into a concentration with certification by the School of Law, a Residential Student must submit a Declaration Form to the Associate Dean for Academic Affairs no later than the final day of class of the student’s penultimate semester and be certified by the Associate Dean as having met the requirements for admission to the concentration.

To receive certification, a student must satisfy the following requirements:

1. Achieve a cumulative grade point average in all courses of 2.75 or above upon graduation;
2. Complete a total of at least 14 credit hours in the concentration’s designated courses. At least 9 of the 14 hours must be under grading option A;
3. Earn a minimum cumulative grade point average of 3.0 in the concentration courses; and
4. Complete and return a Concentration Worksheet form to the Registrar for verification at least four weeks prior to graduation.

Information about available curricular concentrations is located [here](#).

4.1.12 Exceptions and Waivers

Students are expected to follow the curriculum approved by the faculty both as to courses taken and as to the sequencing of such courses. In extraordinary cases, re-sequencing of courses may be approved by the Associate Dean for Academic Affairs for good cause shown.

4.2 JOINT-DEGREE PROGRAMS FOR RESIDENTIAL STUDENTS

4.2.1 Juris Doctor/Master of Business Administration

The JD/MBA Joint Degree Program is an integrated program of studies leading to both the Juris Doctor

and the Master of Business Administration degrees. The program was created in response to a growing need for professionals trained in both fields. The designation of certain courses from both the law and MBA programs as common electives results in completion of both programs in one term less than would be required if each degree was pursued independently. At the completion of the program, both degrees are conferred.

While the specific program structure and requirements are determined for each student through individual consultation, there is a basic format common to all students. The first year is spent entirely in the School of Law. Course work in the second and third years is distributed between law and business courses, sequenced in a manner to achieve integrated progression in the two fields. The fourth year, if necessary, consists mainly of taking law courses to complete the JD requirements. Since both schools offer courses during the summer, students may accelerate the program by attending summer sessions. The total number of hours required for the MBA degree will depend upon a student's need for prerequisite courses. Those with undergraduate degrees in fields other than business administration normally require additional hours.

Students applying for the JD/MBA program must meet the admission requirements of both the School of Law and the School of Business Administration. Separate applications for admission must be submitted to each school, complete with the required records. Upon admission to the joint-degree program, each school will appoint an advisor to assist in the planning of the student's program of studies.

4.2.2 Juris Doctor/Master of Science in Educational Administration

The School of Law in cooperation with the School of Education offers a joint program leading to both the Juris Doctor and a Master of Science in Education. The design and requirements of the program are determined for each student in order to provide sufficient flexibility to accommodate the unique needs and career plans of the individual. Students interested in this joint program should consult both the School of Law and School of Education for the particulars.

4.2.3 Juris Doctor/Master of Public Administration

The School of Law in cooperation with the College of Arts & Sciences (Department of Political Science) offers a joint program leading to both the Juris Doctor and a Master of Science in Public Administration. The design and requirements of the program are determined for each student in order to provide sufficient flexibility to accommodate the unique needs and career plans of the individual. Students interested in this joint program should consult both the School of Law and the Department of Political Science for the particulars.

4.2.4 Courses Accepted

Under each of the above programs, up to six credit hours of non-law courses will be applied toward the requirements of the Juris Doctor, provided the student received pre-approval to take the course from the Associate Dean for Academic Affairs, and the grade earned was "C" or better (or its equivalent). Such courses will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average.

4.3 CREDITS EARNED IN OTHER UNIVERSITY SCHOOLS AND THE COLLEGE

An upper-level Residential Student whose cumulative grade-point average is 2.50 or higher may, with the advance approval of the Associate Dean for Academic Affairs, enroll in graduate level courses in the other schools and the College of the University of Dayton and receive credit for up to six semester hours toward the requirements for a law degree, provided that the grade earned in such course(s) was "C" or better (or its equivalent). Such courses will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average. [February 19, 2014].

4.3.2 Juris Doctor/Masters In Study of Laws In Government Contracting and Procurement

Students pursuing a joint degree at the University of Dayton may apply up to six credits from each degree towards the graduation requirement of the other degree. Students pursuing a dual JD/MSL degree can therefore graduate with both degrees while taking twelve less credits than would be necessarily if the degrees were earned independently.

- Dual JD/MSL students may apply up to six credits from the JD program towards the MSL graduation requirements as follows:
 - Successful completion of Contracts Doctrine & Skills I - LAW 6110/5110 with a grade of C+ or higher will satisfy the MSL requirement for Contracts 1: Introduction to Contracts (Law 2001);
 - Successful completion of Business Organizations (Law 6801/5801) with a grade of C+ or higher will satisfy the MSL requirement for Introduction to Business Law (Law 2000); or
 - Successful completion of Interviewing, Counseling, and Negotiation (Law 6310/5310) with a grade of C+ will satisfy the MSL requirement for Negotiation & ADR (Law 2006)
- Dual JD/MSL students may receive up to six elective credits in the JD program for the following courses with a grade of B or better:
 - Contracts 2: Government Contracting (Law 2003);
 - Program & Project Management (Law 2002); or
 - Capstone (Law 2008)
- When courses are applied towards another degree, they will be recorded on a pass/fail basis and thus will not impact the students' GPA. For example, a student who earns an "A" in Program and Project Management in the MSL program will receive 3 elective credits on a pass/fail basis ("K") towards their JD degree.
- Awards of financial aid may not transfer between programs, so students will pay different tuition rates for credits in each program.

4.4 CREDITS EARNED IN THE JOINT STUDY ABROAD PROGRAM WITH ST. MARY'S SCHOOL OF LAW

A Residential Student whose cumulative grade-point average satisfies the requirements set forth below may, with the advance approval of the Associate Dean for Academic Affairs, enroll in the joint study abroad program co-sponsored with St. Mary's School of Law and receive credit for up to six semester hours toward the requirements for a law degree, provided that the grade earned in such course(s) was "C" or better (or its equivalent). Such courses will be recorded on the law school transcript as a "K" (pass), and will not affect the calculation of the student's cumulative grade-point average.

First-year students who wish to participate in either the study abroad program between their first and second years must have a GPA of at least 2.7 by the end of the Fall semester preceding the program. Second-year students who wish to participate in the study abroad program between their second and third years must have a GPA of at least 2.7 by the end of the Fall semester preceding the program.

4.5 STUDY "IN ABSENTIA"

With an appropriate showing, a UDSL law student can receive permission to enroll in courses at another law school as a transient student, a privilege known as "studying *in absentia*." Normally, studying in absentia is a privilege reserved for third-year students. First-year students will not be permitted to study in absentia, and second-year students may be permitted to do so only under extraordinary circumstances. Students must obtain permission to study *in absentia* from the Associate Dean for Academic Affairs.

4.5.1 Eligibility

In order to study *in absentia* a student must have completed at least one, and preferably two, years of full-time study or its equivalent at the School of Law, must be in good standing and must have a cumulative grade-point average of 2.50 or above. Requests to study *in absentia* will be approved only in

cases of extreme hardship circumstances, and for reasons beyond mere personal convenience or financial considerations. No more than two semesters of study *in absentia* will be permitted under any circumstances. [February 19, 2014]

4.5.2 Approval

Requests for permission to study *in absentia* should be submitted to the Associate Dean for Academic Affairs during the semester before such study is to begin. Ordinarily, the request will be approved or disapproved by the Associate Dean for Academic Affairs without further consultation. In unusual or sensitive cases, a request may be referred to the Academic Affairs Committee for a recommendation.

4.5.3 Limitations

The student must submit a list of the courses he or she intends to take, along with a description of those courses from the visited law school's catalog or bulletin. The Associate Dean for Academic Affairs will review the course offerings for approval.

4.5.4 Grades

At the conclusion of each semester, the student must arrange for an "official transcript" to be sent directly to the School of Law's Registrar. The student will receive credit for those courses which were approved in advance and for which a grade of "C" (or its equivalent) or above was earned. Such courses will be recorded on the University of Dayton transcript as "K" (pass), but will not be used in calculating the student's cumulative grade-point average.

4.5.5 Fees

Students who study *in absentia* must pay an administrative fee of \$750 for each semester they study at another law school.

4.6 LEAVE OF ABSENCE

A law student may petition the Associate Dean for Academic Affairs for a leave of absence. This petition must be in writing, setting forth the circumstances of the request and the length of leave desired.

Normally leaves of absence are granted for one year. A student who has been given a leave of absence can request an extension for an additional year. No student will be granted a leave for more than two years. Petitions for leaves of absence will not be considered during examination periods.

It is the student's responsibility to meet the conditions of his or her leave. The student must submit a letter to the Associate Dean's Office at least two months prior to the end of leave, indicating his or her intention to return to the school. If the student fails to submit a letter or goes beyond the time of leave granted, the student will not be eligible to return, but must petition for readmission.

4.7 REGISTRATION

4.7.1 General Policies

4.7.1.1 Credit/Audit

Ordinarily registration for a course means that the student intends to receive credit for the course, assuming its successful completion, in meeting graduation requirements and on his or her transcript. An elective course may be taken for audit rather than for credit, however. Auditing a course requires the student to attend and prepare for class, but not to sit for an examination or submit a paper that will be graded. The student pays tuition at the regular rate and the course is included on his or her transcript with the appropriate notation (X). Audited courses do not affect a student's cumulative grade-point average and are not counted for either residency or credit hour requirements.

4.7.1.2 Course Load

Students must register for all required courses. Exceptions may be made only with the permission of the Associate Dean for Academic Affairs for good cause shown. In any event, upper-level students (except for upper-level students in the Hybrid J.D. Program who are required to register for the required courses in the curriculum for that term) are required to register for not less than 12 credit hours during each regular semester they are enrolled, with the exception that graduating students may register for less than 12 credits in their final semester.

Audited courses do not count toward this requirement. [February 19, 1975.]

4.7.1.3 *Tuition*

Tuition will be assessed at the per credit hour rate for all courses taken for credit or as an audit.

4.7.1.4 *Responsibility*

A student is not considered registered until his or her registration has been completed and tuition and fees have been paid in full.

4.7.1.5 *Scholarship*

4.7.1.6 *Monies and Study Outside the School of Law*

A student who chooses to take classes in other University of Dayton graduate departments and/or at other law schools should consult the Office of Financial Aid to discuss financial aid options. Students cannot apply University of Dayton law scholarship funds towards credit taken outside the School of Law. Scholarship awards will be reduced on a pro rata basis for credits earned towards the JD degree outside the School of Law.

4.7.2 *Order of Registration*

The order of registration will be based upon seniority, with the most senior students registering first. For this purpose, "seniority" will be determined according to the number of credits completed.

4.7.3 *Prerequisites*

Students are responsible for ensuring they have taken the prerequisites for any course. Waiver of any prerequisite must be in writing and requires the approval of both the course instructor and the Associate Dean for Academic Affairs.

Failure to have taken prerequisites, or to obtain a waiver thereof, prior to registration, may result in involuntary withdrawal from a course, with a concomitant loss of credits.

4.7.4 *Repeated Courses*

Except in the case of a student readmitted to begin afresh, courses for which a student has received a grade of "D" or above, or audit credit, cannot be repeated. Required courses that are failed must be repeated at the next offering. [September 12, 1975.]

4.7.5 *Limitations*

4.7.5.1 *Reservation*

The School of Law reserves the right to cancel or reschedule any course for lack of student interest or of a suitable course instructor.

4.7.5.2 *Multiple Sections*

In a course with multiple sections, no more than 60% of the students enrolling in that course can be enrolled in any section.

4.7.5.3 *Specific Courses*

4.7.5.3.1 Independent Study (LAW 6860)

Independent Studies are subject to the following limitations:

- Independent Study shall be graded under Grading Option A [August 17, 2016];
- A student must have a cumulative GPA of 2.50 or greater to register for an Independent Study. [February 19, 2014];
- The Independent Study must be sponsored by a full-time faculty member;
- The Independent Study must be approved in advance by the Associate Dean for Academic Affairs;
- Only one Independent Study can be taken per semester;
- Only one Independent Study can be taken during a summer term; and
- Not more than four credits of Independent Studies can be counted in the 90 credits required for graduation. [November 17, 1982.]

More information concerning Independent Study is available [here](#).

4.7.5.3.2 Directed Reading (LAW 6861)

Directed Readings are subject to the following limitations:

- Directed Reading shall be graded under Grading Option A [August 17, 2016];
- A student must have a cumulative GPA of 2.50 or greater to register for a Directed Reading. [February 19, 2014];
- The Directed Reading must be sponsored by a full-time faculty member;
- The Directed Reading must be approved in advance by the Associate Dean for Academic Affairs;
- Only one Directed Reading can be taken per semester;
- Only one Directed Reading can be taken during a summer term;
- Not more than four credits of Directed Readings can be counted in the 90 credits required for graduation. [November 18, 1982].

More information concerning Directed Readings is available [here](#).

4.7.5.3.3 Law Clinic Intern

Law Clinic Intern is open only to Residential Students who have completed 60 credit hours or more, and have obtained, or will have obtained by the first class, an intern license from the Ohio Supreme Court. Students in the Hybrid J.D. Program will be subject to similar rules based upon the internship requirements in their jurisdiction.

4.7.5.3.4 Trial Practice

Students may receive credit for only one trial practice course (either Civil or Criminal), although they may "audit" the second course. [April 13, 1983.]

4.7.5.3.5 Interschool Advocacy Competitions

Students may participate in no more than one interschool advocacy competition during any one academic year. [April 25, 1980.]

4.7.5.3.6 Law Review

Eligibility for Law Review for Residential Students will be determined on the basis of students' cumulative grade point average at the end of the second semester and/or a writing sample. Eligibility for Law Review for students in the Hybrid J.D. Program will be determined on the basis of students' cumulative grade point average at the end of the fifth semester and/or a writing sample. [August 21, 1982.]

4.7.5.3.7 Distance Education Courses

4.7.5.3.7.1 Definition

A "distance education course" is a course in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular or substantive interaction among students and between students and the faculty member, either synchronously or asynchronously. All courses in the Hybrid J.D. Program are distance education courses.

4.7.5.3.7.2 Limitations for Residential Students

Students may not register for a distance education course until they have completed at least twenty-nine credits. Students may enroll for no more than four credits of distance education courses in the fall and spring terms. Students may enroll for no more than six credits of distance education courses in the summer term. Students may not receive credit for more than twelve credits toward the total number required for graduation.

Unless extraordinary circumstances are shown, no student may receive credit toward the JD degree for distance education courses that are not offered and approved under the University of Dayton School of Law Distance Education Policy.

These limitations do not apply to students in the Hybrid J.D. Program because of the ABA's approval of UDSL's variance from ABA Standard 306(a) and 306(f) dated May 16, 2018.

4.7.6 Adjustments to Schedule

Courses may be "added" during the first week of classes only.

Students can withdraw from a class for which there is a waiting list only during the first week of class. Students can withdraw from all other courses "without record" during the first four weeks of class. Withdrawals after this period will result in the recording of a "W" for that course on the student's transcript. In no event will a student be permitted to withdraw from a course that is required, or after taking any examination or submitting any paper that will receive weight in the final course grade, or after the seventh week of the semester without the approval of the Associate Dean for Academic Affairs.

A student in a non-required course may change the course from audit to grade credit or grade credit to audit. A change from grade credit to audit may be made without restriction during the first four weeks of the semester. Any change of status from audit to grade during the fifth, sixth and seventh weeks of the term must receive prior approval of the course instructor and the Associate Dean for Academic Affairs. In no event will a student be permitted to change from or to audit after the seventh week of classes, or after having taken any examination or submitted any paper that will receive weight in the final course grade.

4.7.7 Refunds

Students who are dismissed for academic reasons will be entitled to a full refund of any tuition paid for the upcoming semester. Students, who withdraw, drop a course(s) or go on a leave of absence for other reasons will be entitled to a refund on a sliding scale based on the date of withdrawal. University and SBA fees are non-refundable in any situation.

The refund schedule for tuition is as follows:

If the student withdraws	Percent of refund
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During the first week of classes	80%
During the second week of classes	60%
During the third week of classes	40%
During the fourth week of classes	25%
During the fifth week of classes, or later	No refund

The date that the student provides written notice of the decision to withdraw or drop a course(s) will determine the amount of the refund regardless of whether the student discontinued class attendance at an earlier date.

Check-out procedures must be followed to officially discontinue University of Dayton housing and food service, if applicable. Should a student elect to leave the University for any reason, mailbox and locker keys must be returned to the administrative office, room 203.

4.8 COURSE POLICIES

4.8.1 Course Offerings

Required courses will be offered as specified by the curriculum. Some of the more basic electives will be offered yearly; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning the last two years of their legal education, a tentative schedule of course offerings will be published with registration materials every spring.

4.8.2 Scheduled Meetings

With certain exceptions, all classes will be scheduled in sixty minute sessions. Exceptions include capstones, skills courses (such as Law Clinic Intern), courses taught during the summer, courses in the Hybrid J.D. Program, and any course taught by an adjunct faculty member. Class periods of longer than ninety minutes (often called "one and one-half hours") will be scheduled only with the consent of the course instructor.

Since classes are scheduled to meet the requirements of accreditation standards, faculty members are expected to meet classes at the times published in the class schedule and on the days indicated in the academic calendar. Faculty absences should be reported to the Administrative Office as early as possible (including before a scheduled absence) and make-up classes must be scheduled at the earliest practicable date.

4.8.3 Attendance

4.8.3.1 Limitation on Allowed Absences

Students are required to attend classes regularly. This policy sets a firm absence limit and does not permit excused absences.

4.8.3.1.1 Residential Students

Each Residential Student shall be allowed absences up to, but not exceeding, two times the number of credit hours in a course. (For example, a student in a three-hour class that meets in two 90-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 60-minute sessions may miss a total of six such sessions.)

4.8.3.1.2 Hybrid J.D. Students

A student in the Hybrid J.D. Program may miss 120 minutes per course credit hour. (For example, a student in a three-credit-hour course may miss a combined 360 minutes of synchronous sessions and Get REAL Week sessions for that course). Because Get REAL Week days will typically include more

than one course, a student who misses a day of Get REAL week will typically have missed a portion of the permitted minutes in each course. For courses designated as fully online courses (courses which do not have a Get REAL week component), attendance will be determined by the completion of the required elements in the synchronous and asynchronous components.

4.8.3.2 *Faculty Discretion*

In their discretion, a faculty member may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, he or she must notify students of the policy in writing during the first week of the semester.

4.8.3.3 *Mandatory Penalty*

For each absence exceeding the limitation imposed in the paragraph above, a faculty member must impose a penalty for violations. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments including giving an "F", for failing to attend classes regularly.

4.8.3.4 *Required Notices*

During the first week of class, the faculty member must provide written communication to the class describing the penalty that will be imposed for violations.

A written warning from the faculty member informing the student and the Associate Dean that the student has one remaining absence before exceeding the number of absences allowed for that class is required before imposing any penalty.

If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Associate Dean in writing of any penalty imposed as a result of the excessive absence(s).

4.8.3.5 *Appeal from Penalty*

If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Associate Dean. In such extraordinary circumstances, the Associate Dean has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. The Associate Dean shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.

4.8.3.6 *Academic Counseling*

Students who fail to attend classes regularly will be contacted by the Associate Dean or the Assistant Dean of Students to meet for academic advising and/or counseling. Students who fail to comply with the required academic advising and/or counseling session with the Associate Dean or the Assistant Dean of Students will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

4.8.3.7 *Attendance Process*

Every faculty member shall take attendance each day of class by means of distributing a sign-in sheet consisting of a current class roster, or by some alternative method. If a sign-in sheet is used, each student in attendance must sign the roster next to his or her name. The faculty member, or his or her

appointed designee, shall deliver completed attendance sheets, or the results of the alternative method of taking attendance, to the faculty secretary prior to the next class meeting. [February 27, 2013]

4.8.4 Office Hours

In order to assure availability to students and colleagues, faculty members are expected to establish "office hours," that is, times when they will normally be in their offices and available for consultation. Office hours, in person or virtual, should be reasonable in number (at least five hours per week) and occur during normal business hours (8:30 a.m. to 4:30 p.m.). At the beginning of each semester, written notice of office hours will be posted on or near each faculty member's office entrance and the faculty member's course management website, if any.

4.8.5 Manner of Grading

The decision to grade by an examination or written assignments is to be made by the course instructor, subject to the approval of the Associate Dean for Academic Affairs and provided appropriate and timely notice of any change is given to students. [April 14, 1980.]

4.8.6 Student Evaluations

Student evaluations of faculty performance are conducted at the conclusion of each academic semester. [September 16, 1974.] The evaluations are voluntary, and anonymous on the part of student. [September 16, 1974.]

The Associate Dean for Academic Affairs is responsible for administering the evaluation and compiling the results. [September 16, 1974.] Evaluations will be distributed, completed and collected as close to the end of classes as possible using the University's online Student Evaluation of Teaching (SET) surveys. When evaluations are conducted during class time, the professor must depart the room while students are completing the evaluation.

The Associate Dean for Academic Affairs must make the evaluations available to the Dean and instructor, and, in the case of tenure-track faculty members, may make them available to the instructor's Promotion, Retention and Tenure Committee after informing the instructor. Any other distribution or use of the evaluations may be made only with the consent of the instructor. [May 13, 1981.]

4.9 EXAMINATIONS & OTHER ASSESSMENTS

4.9.1 Accommodations of Disabilities

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. A student seeking an accommodation must obtain a determination by the University of Dayton's Office of Learning Resources that a disability exists and of the appropriate accommodations.

It is also important to understand that the determination to provide accommodations at University of Dayton may not apply to other educational institutions or testing agencies. If a student takes classes at another university or plans on using accommodations on standardized testing, the university or governing body responsible for administration of the accommodations will make its own decisions. Students should refer to the specific guidelines of the university or governing body to assist in their evaluation of their documentation. Examples of future standard tests may include but are not limited to state bar exam, MPRE, etc.

4.9.2 Examinations: When Required

By University policy, final examination must be given in all courses except those in which a substantial written product is the main basis for grading or in which the performance of skill is primary. Mid-term practice exams for first-semester students are to be given, if practicable. [October 2, 1974.]

4.9.3 Examinations: Responsibility

While the preparation and grading of examinations is the responsibility of the course instructor, the administration of the examination itself is the responsibility of the Associate Dean for Academic Affairs and the Registrar.

4.9.4 Examinations: Anonymity

All examinations, including midterm examinations, will be administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. The Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number. [October 16, 1974.]

4.9.5 Examinations: Scheduling

Examinations must be taken during the period and at the times stated on the academic calendar and examination schedule provided by the Registrar. Students are responsible for reading and following all examination instructions provided by the Registrar. All scheduled examinations taken at the law school shall be proctored. [February 27, 2013]

4.9.5.1 *Deferrals*

Examinations are rescheduled in only two circumstances:

1. When a student has two or more exams scheduled to begin during a twenty-four hour period (a 1:30 PM examination followed by an 8:30 AM examination the next day presents a conflict; however, an 8:30 AM examination followed by an 8:30 AM examination the next day does not); or
2. When extraordinary and unavoidable circumstances intervene (such as a serious health problem of a student or a close family member).

Overlapping deadlines for papers or projects do not present a justification for rescheduling exams.

Students requesting a change in examination schedule under the first circumstance shall complete and submit an Examination Accommodation form no later than five weeks before the examination period begins. Students requesting a change in examination schedule based on the second circumstance must contact the Associate Dean for Academic Affairs or Registrar as soon as possible and be prepared to submit documentation in support of their request. The Associate Dean for Academic Affairs shall approve all examination deferral requests. Upon approval, the Registrar will reschedule the examination to the next available non-conflicting date, but not later than the third business day after the end of the examination period.

4.9.5.2 *Missed Exams*

A student who fails to take an examination during the final examination period will receive a failing grade in the course unless his or her absence is excused by the Associate Dean for Academic Affairs.

4.9.6 Examinations: Grading

Once submitted, the Registrar will make each student's answer available to the course instructor for grading in a way that will preserve the anonymity of the student. Grades must be submitted by the deadline determined by the Associate Dean for Academic Affairs.

4.9.7 Retention of Exams

Faculty must deliver all examination answers to the Registrar. The School of Law will retain examination questions and answers for at least one year. [September 12, 1975.] Thereafter, examination questions and answers may be destroyed.

4.9.8 Required Formative Assessments

Beginning with the class entering in Fall 2016, each instructor of Civil Procedure I and II, Constitutional Law I and II, Contracts I and II, Criminal Procedure Investigation, Evidence, Real Property I and II, and Torts II will conduct at least three formative assessments targeting the course's assigned focus skill(s) over the course of the semester. By the seventh week of the semester, each instructor will have completed assessments sufficient to determine which students to refer to the Director of Academic Success for individual support. The faculty member will share the assessments and the criteria with the student. These assessments will be criterion referenced, which means competency is measured on prerequisites set by the professor. In other words, scores will not be curved. The quality of students' work will be ranked on a scale of 1 to 3 with 1 being "highly competent," 2 being "competent," and 3 being "not yet competent."

4.10 GRADES

4.10.1 Grading Options

4.10.1.1 Grading Option A

Grading Option A is the system used for courses that involve a minimum of 650 minutes of classroom or personal contact between student and professor per credit hour, and a requirement of a written examination or individual performance as the principal basis for grading the course. Option A grades are the only ones used in calculation of grade-point averages.

Quality Points

Grade	Quality Points	Grade	Explanation
A+	4.3	I	Incomplete
A	4.0	W	Withdrawn
A-	3.7	P	Course in Progress
B+	3.3	X	Audit (no grade)
B	3.0	N	No Grade Reported by Instructor
B-	2.7		
C+	2.3		
C	2.0		
C-	1.7		

Grade	Quality Points	Grade	Explanation
D+	1.3		
D	1.0		
F	0.0		

4.10.1.2 *Grading Option B*

Grading Option B is used in courses that involve less than 650 minutes of personal contact per credit hour, but do involve performance sufficient to form a basis for a grading judgment.

Grade Explanation

EX Exceptional
S Satisfactory
U Unsatisfactory

4.10.1.3 *Grading Option C*

Grading Option C is used for courses that do not fall within Grading Options A or B.

Grade Explanation

Cr - Credit NC - No Credit

4.10.2 *Mandatory Grading Norms*

4.10.2.1 *First-Year Courses*

Beginning in the Fall of 2024, first-year courses on Grading Option A, other than Legal Profession I and II, shall be subject to the following grade distribution:

5-25% of the class shall receive A+, A, A-, or B+ grades

35-65% of the class shall receive B, B-, C+, or C grades

15-40% of the class shall receive C-, D+, D, or F grades

The mean GPA for the class shall not exceed 2.85.

{March 22, 2024}

Upper-Level Courses

4.10.2.2

4.10.2.2.1 *Mandatory Mean*

Upper-level courses on Grading Option A must meet a mandatory mean between 2.75 to 3.05.

[September 3, 2015]

4.10.2.2.2 *Mean Calculation*

A section mean is determined by:

(a) Converting each letter grade to its numerical equivalent,

- (b) Adding the equivalentents for all grades awarded, and
- (c) Dividing the sum by the number of grades included.

4.10.2.3 *Calculation Pool*

Incompletes, withdrawals, and grades other than Option A grades will not be used in the calculation.

4.10.2.4 *Disciplinary Reductions*

Disciplinary reductions of grade for absence from class, being prepared, tardiness, and academic dishonesty will be made after compliance with the mandatory mean has been determined.

4.10.2.5 *Grading Norm Exemptions*

Sections with fewer than 25 students eligible for final grades are exempted from this requirement. However, the applicable mandatory mean normally should be used as a guide when assigning grades.

4.10.2.6 *Grading Multiple Sections of the Same Course*

If one instructor teaches more than one section of the same course in a semester, and at least one of those sections has 25 students or more, paragraphs sections 3.9.2.1 and 3.9.2.2 shall be applied on a section- by-section basis; Provided, however, at the option of the instructor, the requirements of said paragraphs may be applied as if all such sections had been combined into one.

4.10.2.7 *Deviation from the Mandatory Grading Norms*

When a mandated grade distribution or mandated mean applies, the instructor may deviate from it only with the approval of the Associate Dean for Academic Affairs upon a showing of exceptional circumstances. After granting approval, the Associate Dean for Academic Affairs must notify the faculty and provide 3 business days in which to raise an objection. If three or more members of the faculty object to the Associate Dean's Action within the 3-day period, the matter shall be put before the entire faculty entitled to vote on the matter and a vote on whether to disapprove the Associate Dean's action will be held.

4.10.3 "Other Factors"

Factors other than final examination scores and grades on papers cannot be used to award grades that deviate from the mandatory grading norms set forth above in courses to which those norms apply. [August 21, 1991.] If a faculty member intends to incorporate class participation or other factors as elements used to calculate a final grade in a course governed by the mandatory grading norms set forth above, he or she can do so as long as the final course grade conforms to those norms and as long as he gives the students notice, at the beginning of the course, of his or her intention to use these factors in calculating the final course grade.

4.10.4 Incompletes

Incomplete grades given because a student was excused for missing an examination or for other reasons, must be removed within one year from the date of the grade report on which the incomplete is recorded or the student's graduation, whichever comes first. Incomplete grades not so removed will be changed to a grade of "F."

4.10.5 Repeated Courses

When a student repeats a course in which he or she received a failing grade, both grades will appear on the student's transcript and both will be used in calculating the student's grade-point average.

4.10.6 Posting of Grades

The Registrar is responsible for the posting/release of final grades. The Registrar will arrange for grades to be distributed confidentially. All grades will be released on the date designated by the Registrar.

After each semester, the Registrar will release a summary of the distribution of grades for all credit-type-A courses.

4.10.7 Grade Review

There is a presumption that each faculty member exercises good faith, prudence and due care in grading examinations and papers. Therefore, after submission a course grade is subject to review only as follows:

4.10.7.1 *Arithmetic and Clerical Errors*

Each student has the right to obtain verification of the arithmetic and clerical accuracy of the grade. Arithmetic errors include only mathematical errors, and erroneous plotting of a grade (such as awarding a C+ for a total score of 127 when any established curve included scores of 123 through 130 as B-). Clerical errors are mistakes in the transcription of a grade. Awarding additional points is neither an arithmetic error nor a clerical error. If the verification procedure reveals an error warranting a change of grade, the change will be made upon the approval of the Associate Dean for Academic Affairs.

4.10.7.2 *Other Errors*

In all other cases, the extent of grade review is within the discretion of the course instructor. A change in grade is appropriate only when the change is (1) justified and (2) fair to other students. Such changes will be made only at the request of the course instructor, the affirmative recommendation of the Readmissions Committee, and the approval of the Dean.

4.10.7.3 *Period in Which to Apply*

Only requests for review submitted in writing to the Registrar's Office within 10 business days of the release of grades will be considered.

4.11 ACADEMIC STANDARDS

4.11.1 Class Ranks

4.11.1.1 Residential Students

4.11.1.1.1 When Determined

For students entering before August 2021, class ranks will be determined after fall and spring semester, based upon students' cumulative grade point average.

For students entering August 2021 and later, official class ranks for first-year students, based upon students' cumulative grade point average, will be determined after the first semester and the second semester for Residential Students. Subsequently, class ranks for upper-level students, based upon students' cumulative grade point average, will be determined at the end of each academic year's Spring semester.

4.11.1.1.2 "Class" Defined

For class rank purposes, Residential Students will be divided into the following "classes" based upon the credits earned at the end of each Spring semester:

1L = less than 30 credits (students entering August 2016 and later)

2L = 30 through 60 credits (students entering August 2016 and later)

3L = more than 60 credits

4.11.1.1.3 Determination of Official Rank

For students entering before August 2021, for the 2L and 3L classes, ranks will be determined for the class as a whole. For the 1L class, ranks will be determined separately for Fall- and Summer-starters.

For students entering August 2021 and later, specific numeric ranking of Residential Students (e.g., 22/108) occurs only upon graduation from law school and only for students in the top 25% of the class. Prior to graduation, students in the top 50% of the class receive “ranks” in increments of ten percentage points (e.g., top 10%, top 20%) and not a specific numeric rank (e.g., 22/108). Students in the bottom 50% of the class receive ranks in increments of twenty-five percentage points (e.g., top 75%) and not a specific numeric rank (e.g., 70/108). For the 2L and 3L classes, ranks will be determined for the class as a whole. For the 1L class, ranks will be determined separately for Summer and Fall starters.

4.11.1.1.2 Hybrid J.D. Students

4.11.1.2.1 When Determined

Official class ranks for first-year students, based upon students’ cumulative grade point average, will be determined after five semesters for students in the Hybrid J.D. Program. Subsequently, class ranks for upper-level students, based upon students’ cumulative grade point average, will be determined at the end of each academic year’s Spring semester. An unofficial class rank, based upon students’ cumulative grade point average, will be determined after two semesters in the Hybrid J.D. Program.

4.11.1.2.2 “Class” Defined

For class rank purposes, Hybrid J.D. Students will be divided into the following “classes” based upon the credits earned at the end of each Spring semester:

1L = less than 38 credits

2L = 38 through 61 credits

3L = more than 61 credits

4.11.1.2.3 Determination of Official Rank

Hybrid J.D. Students receive cumulative percentile rankings based on a comparison of their cumulative grade point average with those of Residential Students who have earned equivalent hours as follows. At the end of the fifth semester, Hybrid J.D. students will receive a percentage ranking (i.e., top 10%, top 20%, top 30%, top 40%, top 50%, top 75%, and bottom 25%) in relation to the current first-year Residential Students. This method will rank Hybrid J.D. students in comparison with those Residential Students with whom they will graduate. Residential students are not bumped from a ranking because a Hybrid J.D. Student falls within their percentile.

4.11.1.2.4 Determination of Unofficial Rank

At the end of the second semester, Hybrid J.D. Students will receive a percentage ranking (i.e., top 10%, top 20%, top 30%, top 40%, top 50%, top 75%, and bottom 25%) in relation to the current first-year Residential Students. This method will rank Hybrid J.D. Students in comparison with those Residential Students who will ultimately graduate a year before their cohort. The purpose of this unofficial rank is to allow students to gauge their progress against a cohort of students which is comparable to the cohort

with whom they will graduate. Residential Students are not bumped from a ranking because a Hybrid J.D. Student falls within their percentile.

4.11.2 Graduation Honors

4.11.2.1 *Residential Students*

In each graduating class, students who have completed at least five full-time semesters in residence or their equivalent at the School of Law will receive "honors" as follows:

CGPA 3.80 and above	Summa cum laude
CGPA 3.60-3.79	Magna cum laude
CGPA 3.30-3.59	Cum laude

In addition, transfer students, or others who have completed less than all of their legal studies in residence at the school, but have a cumulative grade-point average that would otherwise entitle them to honors, may be awarded honors in the discretion of the Dean. [April 7, 1977 & May 4, 1979.]

4.11.2.2 *Hybrid J.D. Students*

In each graduating class, students in the Hybrid J.D. Program will receive "honors" as follows:

CGPA 3.80 and above	Summa cum laude
CGPA 3.60-3.79	Magna cum laude
CGPA 3.30-3.59	Cum laude

4.11.3 Good Standing

Students whose cumulative grade-point average is 2.20 or higher are in "good standing."

4.11.4 Academic Probation

4.11.4.1 *Definition*

Any student whose cumulative GPA at the end of any regular semester is below 2.20, but who is eligible to continue studies in the School of Law (whether under the terms of these academic standards or by virtue of readmission), is on "academic probation." [March 30, 1978, Amended May 15, 2007]

4.11.4.2 *Terms*

4.11.4.2.1.1 Residential Students

A Residential Student on academic probation is subject to the following restrictions:

- (a) He or she may not hold part or full time employment (whether or not compensated) without the written approval of the Associate Dean for Academic Affairs.
- (b) He or she may not participate as an elective officer or a working member of any student activity or faculty committee without the written approval of the Associate Dean for Academic Affairs.
- (c) An upper-level student, *i.e.*, a student who has completed 29 or more hours, on academic probation must meet with the Associate Dean for Academic Affairs and the Director of Academic Success Programs for academic counseling by the end of the fourth week of the next semester in

which the student is enrolled in classes at the School of Law. Any upper-level student failing to comply with this required academic counseling requirement with the Associate Dean for Academic Affairs and the Director of Academic Success Programs will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

(d) Upper-level students on academic probation may enroll only in “core courses.” For this purpose, “core courses” are those that are required and other courses taken by a majority of law students before graduation. For good cause shown, the Associate Dean may approve enrollment in other courses up to one-fourth of the credit hours taken by the student during that semester. [April 18, 2012]

4.11.4.2.2 Hybrid J.D. Students

A hybrid J.D. student on academic probation is subject to the following restrictions:

(a) He or she must submit a proposed study schedule to the Associate Dean for Academic Affairs and report bi-weekly to his or her assigned Professor of Academic Success to discuss his or her progress.

(b) He or she may not participate as an elective officer or a working member of any student activity or faculty committee without the written approval of the Associate Dean for Academic Affairs.

(c) An upper-level student, *i.e.*, a student who has completed 29 or more hours, on academic probation must meet with the Associate Dean for Academic Affairs and the Director of Academic Success Programs for academic counseling by the end of the fourth week of the next semester in which the student is enrolled in classes at the School of Law. Any upper-level student failing to comply with this required academic counseling requirement with the Associate Dean for Academic Affairs and the Director of Academic Success Programs will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

4.11.4.3 Progress

4.11.4.3.1 Residential Students

A Residential Student who is on academic probation at the end of his or her second regular semester must raise his or her cumulative GPA by one-half the difference between his or her cumulative GPA and 2.20 by the end of the third regular semester, and must attain a cumulative GPA of 2.20 or higher by the end of the fourth regular semester. Failure to make progress as required by this section results in academic dismissal.

A residential student dismissed at the end of the third semester, who is readmitted to continue from the point of dismissal, must raise his or her cumulative GPA by one-half the difference between his or her cumulative GPA by the end of the fourth full-time semester, and must attain a cumulative GPA of 2.20 or higher by the end of the fifth full-time semester. A readmitted residential student who fails to satisfy the foregoing requirements will be dismissed.

4.11.4.3.2 Hybrid J.D. Students

A student in the Hybrid J.D. Program who is on academic probation at the end of his or her fourth regular semester must raise his or her cumulative GPA by one-half the difference between his or her cumulative GPA and 2.20 by the end of the sixth regular semester, and must attain a cumulative GPA of 2.20 or higher by the end of the eighth regular semester. Failure to make progress as required by this section results in academic dismissal.

A student in the Hybrid J.D. Program dismissed at the end of the sixth semester, who is readmitted to continue from the point of dismissal, must raise his or her cumulative GPA by one-half the difference between his or her cumulative GPA by the end of the eighth regular semester, and must attain a cumulative GPA of 2.20 or higher by the end of the tenth semester. A readmitted student in the Hybrid J.D. Program who fails to satisfy the foregoing requirements will be dismissed.

4.11.4.4 *Determination of Status*

For the purpose of applying academic standards for probation in law school:

A transfer student is considered as a third semester student, even though he or she may have less than twenty-nine hours of credit and/or may be registered for first-year courses; and

Attendance at two summer sessions shall not be considered as the equivalent of attending one semester. [February 2, 1978.]

4.11.5 Academic Dismissal

4.11.5.1 *Standards*

4.11.5.1.1 Residential Students

A student will be dismissed if:

His or her cumulative GPA is less than 2.00 at the end of the first year of law school study. [September 8, 1982. Amended August 10, 2016].

His or her cumulative GPA is less than 2.20 at the end of any subsequent academic year and/or terminal semester. [October 3, 1975. Amended August 10, 2016]

Students with a GPA of less than 2.0 at the end of the first semester of law school will receive a letter designed to help them understand the likelihood they will receive a 2.0 GPA by the end of the second semester of law school. To the extent possible, the letter will contain historical data.

4.11.5.1.2 Hybrid J.D. Students

A student in the Hybrid J.D. Program will be dismissed if:

His or her cumulative GPA is less than 2.00 at the end of the fourth semester of law school study. [September 8, 1982. Amended August 10, 2016]

His or her cumulative GPA is less than 2.20 at the end of the eighth and/or terminal semester. [October 3, 1975. Amended August 10, 2016]

Students with a GPA of less than 2.0 at the end of the second semester of law school will receive a letter designed to help them understand the likelihood they will receive a 2.0 GPA by the end of the fourth semester of law school. To the extent possible, the letter will contain historical data.

4.11.5.2 *Determination of Status*

For the purpose of applying the academic standards for continuation in law school:

A transfer student is considered a second year student, even though he or she may have less than twenty-nine hours of credit and/or may be registered for first-year courses; and

Attendance at two summer sessions shall not be considered as the equivalent of attending one semester. [February 2, 1978.]

4.11.6 Due Process Policies for Good Standing and Graduation

In accordance with ABA Standard 308(b), a student who is placed on academic probation will be notified in writing by the Associate Dean for Academic Affairs and provided academic and other counseling support by the Associate Dean and/or the Assistant Dean for Student Affairs. A student who is academically dismissed will be notified in writing by the Associate Dean for Academic Affairs, provided academic and other counseling support by the Associate Dean and/or the Assistant Dean for Student Affairs, informed of the Law School's policy regarding and process for readmission found in section 4.12, and provided with the petition form used to apply for readmission.

4.12 READMISSION

4.12.1 In General

Readmission is a means for students who have been academically dismissed from the University of Dayton School of Law to resume their legal studies after twenty-one months from the date of their dismissal if they are first-year students, or after nine months from the date of their dismissal if they are upper-level or Hybrid students, under a limited set of circumstances. The term "readmission" includes both reinstatement to continue (from the point of dismissal) and to begin "afresh" (that is, start law school again). The Readmissions Committee does not dismiss students; rather, it has limited authority to hear applications from students who have been dismissed based solely upon their failure to achieve the minimum academic standards established by the School of Law. No student is entitled to readmission, which is rare and based only upon exceptional occasions. The right to apply for readmission may be exercised only once. The readmission procedure has two steps: (1) the student files an application for readmission; and (2) by a majority vote, the Readmissions Committee makes a decision with respect to that application. The specific votes of "yea" or "nay" for each Committee member will not be disclosed to the applicant or anyone else except the Dean, the Associate Dean for Academic Affairs, and the Registrar, except as required by law.

Readmission is the exception rather than the rule. Therefore, students who have been academically dismissed are well-advised to make alternative educational and career plans instead of counting on readmission. In its ongoing efforts to counsel academically struggling and dismissed students, the Associate Dean for Academic Affairs and the Registrar will assist the Committee by (1) meeting with all dismissed students in order to counsel them regarding the possibility of taking a leave of absence from the School of Law and/or pursuing alternate academic degrees such as a Masters in the Study of Law, (2) connecting dismissed students with UD's Student Affairs Department for additional assistance with their personal and professional development, and (3) maintaining all relevant information regarding dismissed and readmitted students and providing that information in writing to the Committee on an annual basis.

4.12.2 Standards

The faculty of the School of Law has established minimum academic standards, and a student who fails to achieve those standards prima facie is not entitled to continue legal studies. A student who has been dismissed bears the heavy burden of persuasion that he or she merits readmission by presenting clear and convincing evidence that: (1) he or she experienced substantial hardship caused by extraordinary and unforeseeable circumstances other than an inability to study law, which were justifiable and/or beyond his or her control, (2) the factors that contributed to the student's insufficient academic performance no longer exist, (3) he or she will do good quality law school work if readmitted, and (4) if reinstated to continue, he or she will be able to attain the required cumulative grade point average in the first semester following reinstatement. Mere identification of the reasons that a student failed to succeed accompanied by an argument that the student can perform better if readmitted will never be a sufficient basis for readmission.

Students on probation are required to make progress every semester toward a 2.20 cumulative grade-point average. In order to make that progress, the student must achieve grades above "C+;" that is, they

must show a "capacity for overreach." The best evidence of capacity for overreach is a significant number of law school grades higher than "C+" in examination courses.

Students dismissed during the first year of legal studies will not be readmitted to continue from the point of dismissal. If readmitted, they will begin afresh.

Students who have satisfied the requirements for graduation except for the minimum cumulative grade-point average may not be readmitted to continue.

4.12.3 Applications

A student who has been academically dismissed may file an application for Readmission at any time after twenty- one months have passed from the date of his or her dismissal in the case of first-year students, and after nine months have passed from the date of his or her dismissal in the case of upper-level and Hybrid students. The Readmissions Committee will consider such applications in the Spring term during each academic year. In no case, however, may a student seek readmission after three years have passed from the date of his or her dismissal, after which point the student's only option to participate in the JD program is reapplication to the School of Law through the Admissions Office.

The application, which shall be in the form specified by the Committee as set forth in Section 4.12.4.9 below, must set forth all of the reasons for readmission. Exhibits, such as transcripts of other academic work, certificates of completion of GRASP courses or other remedial education programs, letters of recommendation from persons in a position to know the student's academic potential, and medical records including evidence of treatment if medical reasons support the application for readmission may be submitted with the application. Students should not submit legal writing samples or other work product, as the Committee will not consider such documents in its determination whether to readmit. While students may solicit letters of recommendation from their professors, any such letters should be submitted directly to the Registrar for distribution to the Committee members. To preserve the integrity of the system, students will not receive a copy of any letter of recommendation submitted on their behalf. The Readmissions Committee is not the proper forum in which to contest a course grade. The school has established a grade review procedure that is the exclusive remedy for a student who feels aggrieved by any course grade.

4.12.4 Readmissions Committee Composition

4.12.4.1

The Readmissions Committee consists of seven members: four faculty members, one of whom will be a member of the Academic Success Program (the "ASP") serving *ex officio*, and three students, comprised as follows: one rising third-year student and one Hybrid student both of whom will be voting members, and one rising second-year student who will observe but not be a voting member. One faculty member will serve as Chair.

4.12.4.2 Confidentiality

Each member of the Committee shall keep Committee deliberations and information about applicants confidential, except for information that can be shared with other Committee members, the Dean, the Associate Dean for Academic Affairs and the Registrar, or unless otherwise required by law.

4.12.4.3 Ex Parte Communications

Committee members may not speak with applicants about their application at any time between the filing of an application and the Committee hearing on it. During this time, only the Chair, Dean, Associate Dean for Academic Affairs, or the Registrar will discuss procedures and criteria for readmission with the applicant. The Committee generally encourages students who have been academically dismissed to consult with faculty about their skills and circumstances, and faculty members are encouraged to assist individual students as they are able.

4.12.4.4 Challenges

An applicant may request that one or more members of the Committee not participate for good cause only. The fact that the former student was enrolled in a faculty member's course or received a low grade from a faculty member is not sufficient cause for excusing that faculty member from participating in the proceedings.

4.12.4.5 Requests for Additional Information

If, after the Committee considers a student's application, it requires additional information, it will present the student with a list of targeted and specific questions to answer either in writing or via a video-taped response, per the student's preference. No new evidence (documentary or otherwise), or reasons in support of the

requested relief, may be brought forth for the first time in the student's response except at the request of, or with the permission of, the Committee.

4.12.4.6 *Communications with Faculty Members*

After receiving an application seeking readmission, the Registrar will notify every faculty member who had the applicant in a class and the ASP faculty. The Registrar will provide the faculty members who are notified with a date and time during which they may meet online or in person with the Committee in order to provide verbal comments about the dismissed student. Any information regarding applicants submitted by faculty other than during the online or in-person meeting(s) will not be considered, save for the letters of recommendation discussed in Section 4.12.3 above. All information provided to the Committee by faculty members and ASP faculty will be confidential and will not be shared with the applicant or anyone who is not a member of the Committee, other than the Dean, the Associate Dean of Academic Affairs, and the Registrar, except as otherwise required by law, nor will such information become part of the applicant's file.

4.12.4.7 *Report and Decision*

After making its decision, the Committee will submit a written report to the applicant with its decision regarding readmission, including, in the case of a decision to readmit, any limitations or special conditions the Committee believes should be imposed. The decision of the Committee not to readmit a student is final and shall not be appealable. Committee members are forbidden to engage in conversations with non-readmitted students regarding the final, non-appealable decision not to readmit. Students who have been denied readmission should, therefore, not contact any Committee member(s) regarding the Committee decision for reasons including but not limited to requesting a meeting to discuss the Committee decision. If a student who was denied readmission wishes to discuss future academic or professional prospects, he or she may contact the Associate Dean for Academic Affairs, the Registrar, the Assistant Dean for Graduate Programs, and/or the Assistant Dean of the Career Services Office for assistance.

4.12.4.8 *Conditions*

4.12.4.8.1 *Residential Students*

All students on probation, including those readmitted, are required to carry a full-time load of 12 semester hours or more. In addition, each readmitted student is required to devote his or her entire energies to the study of law, and may not hold any employment or engage in any business or extracurricular activity, with or without compensation, except as specifically allowed by the terms of readmission. Accordingly, students are usually required to establish that they have an absolutely certain source of funds to complete the next academic year.

Readmitted students are subject to the same course restrictions as other students on probation. Priority must be given to repeating any required course in which the student received an "F." Beyond this, students on probation may take only "core" or required courses until they have achieved a cumulative grade-point average of 2.20 or above.

The Committee will impose appropriate limitations or special conditions on every readmitted student, including without limitation, his or her completion of a Formal Success Plan following the ASP's template that incorporates the applicant's plan for success, as well as required bi-weekly meetings with faculty members within the ASP.

The Dean, in his or her discretion, may impose any additional reasonable conditions upon readmitted students.

4.12.4.8.2 *Hybrid J.D. Students*

All students on probation, including those readmitted, are required to carry the load prescribed by the Hybrid J.D. curriculum. Readmitted students are subject to the same course restrictions as other students in the Hybrid J.D. Program on probation. Priority must be given to repeating any required course in which the student received an "F."

The Committee will impose appropriate limitations or special conditions on every readmitted student, including without limitation, his or her completion of a Formal Success Plan following the ASP's template that incorporates the applicant's plan for success, as well as required bi-weekly meetings with faculty members within the ASP. The Dean, in his or her discretion, may impose any additional reasonable conditions upon readmitted students.

4.12.4.9 *Form for Readmission Application*

4.12.4.9.1 [View the form for Residential Readmission Application](#)

4.12.4.9.2 [View the form for Hybrid Readmission Application](#)

5 THE MASTER OF LAWS (LL.M.) PROGRAM IN AMERICAN AND TRANSNATIONAL LAW: ADMISSIONS POLICIES

5.1 CRITERIA

Candidates for an LL.M. degree will be evaluated for admission on academic and personal criteria. The entire application of each candidate will be reviewed. There is no automatic level of qualification or disqualification based on statistics, such as grade point average, alone.

First consideration will be given to academic criteria, including prior academic performance as demonstrated by law school and university transcripts, an acceptable grade point average in relevant course work, standardized test performance, and other academic records.

Other factors will also be considered, including:

1. other educational factors, such as the type, depth and difficulty of courses completed, grade trends, honors, and graduate studies;
2. life experience, such as work and military achievements, extracurricular activities, community service; and
3. personal attributes, such as maturity, good judgment, writing ability, analytical and leadership skills, breadth of interests, and ability to overcome handicaps of all kinds, including environmental or financial problems, employment experience and other personal accomplishments.

5.2 APPLICATIONS

5.2.1 Information and Data Required of All Applicants

Before an admission decision on an LL.M. candidate can be made, the applicant's file must include the following:

1. completed, signed, and dated application for admission to the LL.M. program;
2. official transcripts from all colleges and universities attended (with accompanying certified English translation), including a transcript reflecting the receipt of a first law degree from an accredited U.S. law school, from a foreign university authorized to confer such a degree, or from a non-A.B.A. approved U.S. law school. Absent any Character and Fitness issues and unless requested by the University of Dayton School of Law, students who will pursue all credits towards the LL.M. degree online must list all educational institutions attended on the application for admission, but are required to submit only the official transcripts reflecting receipt of their first degree in law. Online LLM applicants who received their first degree in law from a non-U.S. university must follow the additional requirements set forth in 5.2.2 regarding authentication and evaluation of that first degree in law
3. a personal statement discussing the applicant's reasons for applying to the graduate program and his or her career plans after completing the program;
4. an updated CV or resume;
5. government-issued photo ID;
6. the names and contact information for two references.

5.2.2 Additional Requirements for LL.M. and United States Legal Practice Certificate (online) Applicants

In addition to the documents required of all LL.M. applicants, students who are applying for the United States Legal Practice Certificate and who will pursue all credits towards the degree and certificate online (“Online LL.M. Students”) must also submit the following before an admissions decision can be made:

1. **Credential Evaluation of First Degree in Law:** The foreign first degree in law must be authenticated, translated, and evaluated (course by course evaluation) by an official evaluation agency (either the International Transcript Authentication and Evaluation Service available through LSAC or through one of the California Bar approved agencies: http://www.calbar.ca.gov/Portals/0/documents/admissions/Education/Credential_Eval_Serv.pdf) Applicants using one of the private evaluation agencies must request that the evaluation be submitted directly from the evaluation agency to University of Dayton School of Law. Note: Applicants for the non-degree program may submit an official transcript from their LL.M. degree program (at an A.B.A.-accredited law school) combined with copies of a previously completed evaluation of their foreign first degree in law. On a highly selective basis, admission may also be granted to holders of a bachelor's degree in law or its foreign equivalent, who have demonstrated a commitment to working in law-related fields (including, for example, business, criminal, intellectual property, patents, international trade, and compliance). These students are required to complete the Introduction to U.S. Law and Legal Institutions for LL.M. Students course during their first semester of study. Non-lawyers (who are admitted on this basis) are advised that completion of the courses may not qualify them to engage in the practice of law and is not intended to qualify them to take a bar examination.
2. **Proof of English Language Proficiency -** The online courses for the LL.M. degree and the United States Legal Practice Certificate are specifically designed for students whose native language is not English. In addition, enrollment in these courses is limited to only LL.M. students. As such, there is additional flexibility in the English proficiency requirements for students pursuing the LL.M. degree and this certificate option online. Applicants who are not U.S. citizens, whose native language is NOT English, and who have NOT completed their basic legal or undergraduate studies in a university where instruction was in English: are required to take the TOEFL and attain a score of at least 80 (iBT) or take the IELTS and attain an overall band score of 6.5. Scores must be from a test taken within the past two (2) years. Scores from tests taken more than two (2) years prior to this application will not be accepted. In limited cases, applicants may submit a written proposal and alternate proof of English proficiency to request a waiver of the TOEFL or IELTS and consideration for conditional admission. In such a case, following review of the proposal and alternate proof of English proficiency, applicants may be invited to demonstrate English competency through a video interview.

5.2.3 Additional Requirements for International “On-Campus” Applicants

5.2.3.1 *Financial Declaration*

In addition to the documents required of all LL.M. applicants, applicants who are not U.S. citizens must submit an official financial declaration showing adequate funding for their studies at Dayton Law.

5.2.3.2 *English Language Proficiency*

All candidates for the LL.M. degree must be fluent in English. Applicants whose native language is not English may meet this requirement:

1. by having completed their basic legal or baccalaureate studies in a University where instruction was in English;
2. by taking the Test of English as a Foreign Language (TOEFL) test administered by the Educational Testing Service and attaining a score of at least 600 (paper-based), 250 (computer based) or 100 (iBT) or by taking an equivalent exam with similar results: or,
3. by successfully completing the highest level of the Intensive English Program at the University of Dayton.

Applicants who wish to demonstrate English proficiency using the TOEFL, or equivalent, exam must arrange to have the official score report sent to Dayton Law to be considered for full admission into the LL.M. Program.

Scores from TOEFL or other tests taken more than two years prior to the date of the application to the program will not be accepted.

5.2.4 Students Admitted Under International Academic Cooperation Agreements

LL.M. students admitted under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different admission requirements in accordance with that Agreement. These Agreements may not alter the minimum semester degree requirements (if applicable), the need to take courses required for students without a U.S. law degree, or the need to take required core courses. These agreements may allow for advanced standing or transfer-in credit based on coursework and/or degrees completed at the partner educational institutions, as well as limited study in absentia at the educational institution that is party to the Agreement with Dayton Law..

5.2.5 Requests to Reactivate Admission Files

LL.M. applicants who complete their admission file in one year and then wish to reactivate the file or be reconsidered in a later year must file a new application.

5.2.6 Disclosure of Prior LL.M. Studies Required

An applicant who has previously attended the LL.M. program at Dayton Law or an LL.M. program elsewhere, but has not received the LL.M. degree, must reveal that prior attendance in the application.

5.3 Admissions Decisions

Completed files of LL.M. applicants may be presented to the Graduate and Special Programs Committee ("GSPC") for decision. Because each applicant's credentials are fully considered, admissions decisions are final and are not subject to appeal.

5.4 Official Transcripts

5.4.1 Definition

An "official transcript" is a record issued by the registrar of an educational institution showing all of the courses taken while a student is there and the grades received, bearing the embossed seal of the institution, indicating the award of an undergraduate or graduate degree and the date the degree was conferred.

5.4.2 Submission Required

Once accepted and prior to registration, every enrolling on-campus LL.M. student must arrange for his or her undergraduate college or university and law school or foreign university to submit an official transcript directly to the School of Law's Registrar. Transcripts received from the Law School Admissions Council are scanned documents or photocopies and, thus, are not acceptable to fulfill the requirement for an "official" transcript.

5.4.3 Consequences of Failure to Submit

Because of the importance of the official transcript, the latest an official transcript must be received is within five (5) weeks of a student's participation in the LL.M. program. Students who do not comply with this requirement will be dismissed from the program.

6 THE MASTER OF LAWS PROGRAM IN AMERICAN AND TRANSNATIONAL LAW: ACADEMIC STANDARDS AND POLICIES

6.1 CURRICULUM

6.1.1 Credit Hours

6.1.1.1 *Graduates with a J.D. from Dayton Law*

LL.M. candidates with a J.D. from Dayton Law are required to earn credit for twenty-four (24) semester hours of course work.

6.1.1.1.1 *Receipt of advanced standing credit*

LL.M. candidates who have already completed their J.D. from Dayton Law may apply for and receive advanced standing for up to twelve (12) semester hours at the discretion of the Assistant Dean for Graduate Programs.

6.1.1.2 *Graduates of ABA-Approved Law Schools other than Dayton Law*

LL.M. candidates with a J.D. from a U.S. law school other Dayton Law are required to earn credit for twenty-four (24) semester hours of course work.

6.1.1.2.1 *Receipt of advanced standing credit*

LL.M. candidates who have already completed their J.D. degree from an A.B.A. approved U.S. law school may apply for and receive advanced standing credit for up to nine (9) semester hours at the discretion of the Assistant Dean for Graduate Programs..

6.1.1.2.2 *Limitations of transfer credit*

Approval of any transfer credit toward the LL.M. degree will be granted only where the student can demonstrate that the course for which transfer credit is sought has been taken at an ABA-approved law school within the preceding three (3) years, that the student received a grade of "B" or better in the course; and, that the course is equivalent or substantially similar to the coursework required or offered by Dayton Law to obtain an LL.M. degree.

6.1.1.3 *LL.M. Candidates with a First-Degree in Law from a Foreign University or a Non-A.B.A. Approved Law School*

LL.M. candidates with a first law degree from a foreign university or from a Non-A.B.A. approved law school are required to complete thirty (30) semester hours of course work.

6.1.1.3.1 *Receipt of transfer credit or advanced standing*

LL.M. candidates who have already completed coursework while obtaining a first degree in law from a foreign university or LL.M. coursework from an A.B.A. approved law school may apply for and receive transfer credit or advanced standing for up to ten (10) semester hours if approved by the Assistant Dean for Graduate Programs, in his or her discretion, and one of the following requirements is met:

1. The candidate completed coursework at the University of Dayton or another A.B.A. accredited law school in subjects in the United States Legal Practice curriculum; or
2. The candidate was admitted under an International Academic Cooperation Agreement between Dayton Law and another educational institution that allows for transfer credit or advanced standing.

Transfer credit or advanced standing awarded under this section of the Policy Manual may impact potential bar eligibility for LL.M. students. It is the responsibility of LL.M. candidates to explore bar eligibility requirements and the potential impact of transfer credit on that eligibility

6.1.1.3.2 *Limitations to transfer credit*

Approval of any transfer credit toward the LL.M. degree will be granted only where the student can demonstrate that the course for which transfer credit is sought has been taken at an ABA-approved law school or a foreign university within the preceding three (3) years; that the student received a grade equivalent to "B" or better in the course, as adjusted to be comparable to a U.S. grading scale; and, that the course is equivalent or substantially similar to the coursework required or offered by Dayton Law to obtain an LL.M. degree.

6.1.2 *Course Load*

U.S. students and students pursuing the program entirely online may complete the LL.M. program on a full-time or part-time basis.

6.1.2.1 *F-1 Students: Special Requirements*

F-1 students must abide by strict enrollment guidelines to maintain their lawful status. A course load of six (6) credit hours per semester constitutes full-time status for international LL.M. students.

6.1.2.2 *Sponsored Students: Special Requirements*

Sponsored international students may be required to take a certain number of credit hours to retain their sponsorship. Each student is responsible for ensuring that his or her sponsor's course load requirements are met.

6.1.3 *Periods of Attendance*

Requirements for the LL.M. degree must be completed over the course of no more than four (4) calendar years from the date of matriculation. A waiver to this requirement may be granted by the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs. As specified below, certain certificates may require a shorter period of attendance.

6.1.3.1 *United States Practice Certificate: Period of Attendance*

LL.M. students pursuing the United States Legal Practice Certificate must complete all LL.M. degree and Certificate requirements over the course of no more than three (3) calendar years from the date of matriculation. A waiver to this requirement may be granted by the Associate Dean for Academic Affairs in consultation with the Online LL.M. Program Manager.

6.1.4 *Graduation Requirements*

6.1.4.1 *Generally*

The policies on required coursework set forth below apply to graduate students admitted to the LL.M. program pursuant to sections 5.2.1-5.2.3.

The “core” courses, capstone courses, and elective courses listed below are representative of courses that will be offered to students in the LL.M. program. Offerings may change from year to year since not every course listed below will be offered each year. Course availability is subject to administrative factors such as faculty availability and sufficient enrollment. In addition, newly adopted courses may be added to these lists from time to time.

For a current list of course offerings, please see the list of Course Schedules by semester [here](#).

6.1.4.1.1 *Required Coursework for Students Admitted Under an International Academic Cooperation Agreement*

LL.M. students admitted pursuant to section 5.2.4 under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different degree requirements under that Agreement. These Agreements may not alter the minimum semester degree requirements (if applicable), the need to take courses required for students without a U.S. law degree, or the need to take required core courses. These agreements may allow for advanced standing or transfer-in credit from the partner educational institution, as well as limited study in absentia at the educational institution that is party to the Agreement with Dayton Law.

6.1.4.2 *Required “Core” Courses*

LL.M. students must receive credit for at least four (4) courses from the required “core” courses listed below. LL.M. Students pursuing the United States Legal Practice Certificate must receive credit for the four designated online courses specifically designed for LL.M. students. At the discretion of the Assistant Dean for Graduate Programs, in limited cases, credit may be awarded towards the Certificate for core courses taken on campus that align with the subjects covered in the four designated online courses. In this case, all students are required to complete at least one course in Constitutional Law for at least 3 credits. Note: If on-campus course credit is applied towards the required credits for the Certificate in United States Legal Practice, students who have opted to do so will need to take additional credits beyond the 24 or 30 required to earn the LL.M. degree and satisfy the Certificate requirements. In addition, this may impact potential bar eligibility for LL.M. students. It is the responsibility of LL.M. candidates to explore bar eligibility requirements and the potential impact of combining on-campus and online course credit towards that bar eligibility.

Students may fulfill or partially fulfill this requirement by demonstrating that they have satisfactorily completed substantially equivalent courses in another law program at an A.B.A. approved law school or at an educational institution under an International Cooperation Agreement and have received advanced standing or transfer credit for these courses.

Despite the preceding paragraph, in limited circumstances a waiver to this requirement can be made by the Assistant Dean for Graduate Programs.

The following courses qualify as core courses:

Core Courses	Credits
Administrative Law (LAW 6205)	3 Credits
Contracts I Doctrine & Skills (LAW 6110)	3 Credits
Contracts II Doctrine & Skills (LAW 6810)	3 Credits
Contracts & Sales for LL.M. Students (LAW 4040)	3 Credits
Constitutional Law I Doctrine & Skills (LAW 6803)	4 Credits
Constitutional Law for LL.M. Students (LAW 4032)	3 Credits
Criminal Law Doctrine & Skills (LAW 6107)	3 Credits
Criminal Procedure - Investigative Doctrine & Skills (LAW 6122)	3 Credits
Criminal Law & Procedure for LL.M. Students (LAW 4036)	4 Credits
Cyberspace Law (LAW 6835)	2 Credits
Intellectual Property Law (LAW 6832)	3 Credits
Real Property I Doctrine & Skills (LAW 6104)	4 Credits
Real Property II Doctrine & Skills (LAW 6804)	3 Credits
Real Property for LL.M. Students (LAW 4016)	3 Credits
Remedies (LAW 6411)	3 Credits
Torts I Doctrine & Skills (LAW 6102)	3 Credits
Torts II Doctrine & Skills (LAW 6110)	2 Credits
Trial Practice (LAW6880 or LAW 6885)	3 Credits

6.1.4.3 *LL.M. Writing Requirement*

LL.M. candidates must satisfy a writing requirement prior to graduation by completing an Independent Study (LAW 6904) supervised by a faculty member, by completing a substantial paper in connection with a course, or by producing a significant volume of practice-related writing in connection with a 4-credit capstone course. The Legal Analysis, Reasoning, Research, Writing, and Communication for LL.M. Students course is required to satisfy the LL.M. Writing Requirement for all students completing the LL.M. degree online or with the United States Legal Practice Certificate.

Despite the preceding paragraph, the Associate Dean for Academic Affairs, after consultation with the Director of Graduate Law Programs, may waive this writing requirement where circumstances indicate a more educationally profitable use of a candidate's time and effort.

6.1.4.3.1 Capstone Courses

Examples of capstone courses that satisfy the LL.M. writing requirement, for students who are not completing the LL.M. degree online or the United States Legal Practice Certificate, include:

Capstone Courses	Credits
Business Planning for the Small Business (LAW 6205)	4 Credits
Commercialization of Intellectual Property (LAW 6941)	4 Credits
Criminal Advocacy (LAW 6922)	4 Credits
Cybercrime (LAW 6924)	4 Credits
Social Justice Law (LAW 6927)	3 Credits

6.1.4.3.2 Independent Study - Graduate (LAW 6904)

An Independent Study taken to satisfy the LL.M. writing requirement for students not completing the LL.M. degree online or the United States Legal Practice Certificate must be approved, conducted, evaluated, and reviewed in accordance with the Policy on Courses Involving Supervised Individual Study and Instruction¹ with the following exception: Supervising faculty for LL.M. students may be adjunct instructors and need not be members of the full-time instructional staff of the School of Law.

6.1.4.4 Required Introductory Course for International Students (LAW 6908)

International LL.M. students must take the 3-credit course Introduction to the U.S. Legal System & U.S. Legal Research for Graduate Students (LAW 6908) during the first semester of their LL.M. studies at the law school. Any international LL.M. student who wishes to take LAW 6000 level courses must take the 3-credit course Introduction to the U.S. Legal System & U.S. Legal Research for Graduate Students (LAW 6908) during the first semester of their LL.M. studies at the law school. Graduates of non-A.B.A. approved law schools pursuing the LL.M. degree online and the United States Legal Practice Certificate must take the 2-credit online course Introduction to U.S. Law and Legal Institutions for LL.M. Students during the first semester of their LL.M. studies at the law school. At the discretion of the Associate Dean for Academic Affairs and in consultation with the Online LL.M. Program Manager, credit may be awarded towards the Certificate for satisfactory completion of the on-campus 3-credit course Introduction to the U.S. Legal System & U.S. Legal Research for Graduate Students (LAW 6908) course. Note: In order to earn the required credits for the online LL.M. and Certificate in United States Legal Practice, students who have opted to complete the required Introductory Course on-campus will need to take additional credits beyond the 24 or 30 required to earn the LL.M. degree and satisfy the Certificate requirements.

This course will count toward the 30-credit hour requirement.

¹.

6.1.5 Electives

6.1.5.1 *Generally*

In addition to taking the courses required for the LL.M. degree, LL.M. students should fulfill the remainder of their semester hour requirements by taking: 1) any required “core” course; 2) any capstone course approved for the LL.M. degree; or 3) any elective course approved for the LL.M. degree. In order for a capstone or elective to be approved for the LL.M. degree, students must satisfy any course prerequisites.

6.1.5.2 *Certificate Programs*

Students wishing to earn a certificate must complete the Core Courses for the LL.M. (8 to 14 credits); satisfy the writing requirement for the LL.M.; successfully complete the required introductory course (if an international student or graduate of non-A.B.A. approved law school) for an LL.M.; and successfully complete the required and elective courses from the certificate’s specified curriculum as set forth below.

Students who successfully complete the required and elective courses from the certificate’s specified curriculum, achieving a cumulative certificate GPA of 3.0, will be eligible to receive the certificate.

6.1.5.2.1 *Applied Business Law*

To earn a certificate, students must satisfy all requirements for the LL.M. and successfully complete the required Business Organizations course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

Applied Business Law Certificate	Credits
Required Course: Applied Business Law Certificate	
Business Organizations (LAW 6801)	3 Credits
Elective Courses: Applied Business Certificate	
Antitrust Law (LAW 6405)	3 Credits
Capstone: Advanced Dispute Resolution (LAW 6920)	4 Credits
Capstone: Business Planning for the Small Business (LAW 6931)	4 Credits
Corporate Compliance & Ethics (LAW 6821)	3 Credits
Creditors’ Rights (LAW 6830)	3 Credits
Electronic Commerce (LAW 6836)	2 Credits
Employment Discrimination (LAW 6846)	3 Credits
International Business Transactions (LAW 6977)	2 Credits
Law Practice Management (LAW 6315)	2 Credits
Securities Regulation (LAW 6890)	3 Credits
Transactional Drafting (LAW 6910)	2 Credits

UCC: Payment Systems (LAW 6898)	3 Credits
UCC: Secured Transactions (LAW 6897)	3 Credits

6.1.5.2.2 Applied Criminal Law

To earn a certificate, students must satisfy all requirements for the LL.M. and successfully complete the required Criminal Law course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

Applied Criminal Law Certificate	Credits
Required Course: Applied Criminal Law Certificate	
Criminal Law (LAW 6107)	3 Credits
Elective Courses: Applied Criminal Law Certificate	
Capstone: Criminal Advocacy (LAW 6922)	4 Credits
Capstone: Cybercrime (LAW 6924)	4 Credits
Criminal Law Lab (LAW 6114)	1 Credit
Criminal Procedure-Adjudication (LAW 6216)	3 Credits
Criminal Procedure Investigation Doctrine & Skills (LAW 6112)	3 Credits
Cyberspace Law (LAW 6835)	2 Credits
Federal Criminal Law (LAW 6215)	3 Credits
Law Practice Management (LAW 6315)	2 Credits
Social Media and Criminal Law (LAW6541)	1 Credit
The Jury (LAW 6440)	2 Credits
Trial Practice - Criminal (LAW 6885)	3 Credits
White Collar Crime (LAW 6544)	2 Credits

6.1.5.2.3 Cyberlaw

To earn a certificate, students must satisfy all requirements for the LL.M. and successfully complete the required Cyberspace Law course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

Cyberlaw Certificate	Credits
Required Course: Cyberlaw Certificate	

Cyberspace Law (LAW 6895)	2 Credits
Elective Courses: Cyberlaw Certificate	
Cybercrime Capstone (LAW 6924)	4 Credits
Electronic Commerce (LAW 6836)	2 Credits
EU Privacy Law (LAW 6221)	2 Credits
Electronic Discovery (LAW 6222)	2 Credits
Law and the Internet of Things (LAW 6409)	2 Credits
Legal Innovations Law (LAW 6408)	2 Credits
Privacy Law (LAW 6407)	2 Credits
Social Media Law(LAW 6543)	3 Credits
Virtual and Online Mediation (LAW 6807)	1 Credit

6.1.5.2.4 Intellectual Property Law

To earn a certificate, students must satisfy all requirements for the LL.M. and successfully complete the required Intellectual Property Law course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

IP Law Certificate	Credits
Required Course: IP Law Certificate	
Intellectual Property Law (LAW 6400)	3 Credits
Elective Courses: IP Law Certificate	
Antitrust Law (LAW 6405)	3 Credits
Commercialization of Intellectual Property (LAW 6941)	4 Credits
Copyright Law (LAW 6415)	2 Credits
Capstone: Trademark Prosecution & Practice (LAW 6926)	4 Credits
Entertainment Law (LAW 6841)	3 Credits
International Intellectual Property Law (LAW 6972)	2 Credits
Licensing Intellectual Property (LAW 6420)	2 Credits
Patent Law (LAW 6425)	2 Credits

Trade Secrets (LAW 6535)	2 Credits
Trademarks & Unfair Competition (LAW 6971)	2 Credits

6.1.5.2.5 United States Legal Practice

To earn a certificate in United States Legal Practice, students must complete the required online and core online courses for the LL.M. degree in American & Transnational Law and the required United States Legal Practice online courses from the list below.

United States Legal Practice Certificate	
Business Associations for LL.M. Students	2 credits
Civil Procedure for LL.M. Students	3 credits
Evidence for LL.M. Students	2 credits
Professional Responsibility for LL.M. Students	2 credits
Torts for LL.M. Students	2 credits
Trusts and Estates for LL.M. Students	2 credits

6.1.5.3 Graduate Externships

Graduate externship placements must comply with the [Externship Guidelines](#).⁵ Students pursuing the LL.M. degree online and Certificate in United States Legal Practice are not eligible for externship placements.

6.1.6 Credit for Coursework Earned outside the LL.M. Curriculum

6.1.6.1 Generally

With the pre-approval of the Associate Dean for Academic Affairs and the Director of Law Graduate Programs, an LL.M. candidate pursuing the degree “on campus” may enroll in and receive credit for a maximum of 6 semester hours of course work from other courses offered by Dayton Law, but not listed in the LL.M. curriculum, graduate-level courses in related fields from other departments, schools or the College of the University of Dayton, or graduate-level courses in related fields from another educational institution.

Courses taken outside of Dayton Law in which a student receives a grade of “C” (or its equivalent) or better will be recorded on the LL.M. transcript as a “K” (pass), and will not affect the calculation of the student’s cumulative grade-point average.

6.1.6.2 Eligibility

Students pursuing the LL.M. degree online and Certificate in United States Legal Practice are not eligible for credit for coursework earned outside the LL.M. curriculum.

6.1.7 Study “In Absentia”

6.1.7.1 *Generally*

LL.M. candidates in academic good standing may qualify to study “*in absentia*.”

6.1.7.2 *Eligibility*

Requests to study in absentia will be approved only in cases of extreme hardship circumstances, and for reasons beyond mere personal convenience or financial considerations. Students pursuing the LL.M. degree online and Certificate in United States Legal Practice are not eligible to study “in absentia” under the Dayton Law Policy.

6.1.7.3 *Approval*

Requests for permission to study *in absentia* should be submitted to the Associate Dean for Academic Affairs during the semester before such study is to begin. Ordinarily, the request will be approved or disapproved by the Associate Dean for Academic Affairs without further consultation. In unusual or sensitive cases, a request may be referred to the Academic Affairs Committee for a recommendation.

6.1.7.4 *Limitations*

The student must submit a list of the courses he or she intends to take, along with a description of those courses from the visited law school’s catalog or bulletin. The Associate Dean for Academic Affairs will review the course offerings for approval.

6.1.7.5 *Grades*

At the conclusion of each semester, the student must arrange for an “official transcript” to be sent directly to the School of Law’s Registrar. The student will receive credit for those courses which were approved in advance and for which a grade of “C” (or its equivalent) or above was earned. Such courses will be recorded on the University of Dayton transcript as “K” (pass), but will not be used in calculating the student’s cumulative grade-point average.

6.1.7.6 *Fees*

Students who study in absentia must pay an administrative fee of \$750 for each semester they study at another law school.

6.1.7.7 *Study “In Absentia” Under an International Cooperation Agreement*

International graduate students admitted to the LL.M. program under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be permitted to transfer-in or apply advanced standing credit and engage in limited study in absentia at the foreign educational institution, which is party to the Agreement. In absentia study, transfer or advanced standing credits awarded under this section of the Policy Manual may impact potential bar eligibility for LL.M. students. It is the responsibility of LL.M. candidates to explore bar eligibility requirements and the potential impact of in absentia study, advanced standing, and transfer credit on that eligibility.

6.1.8 Course Options for LL.M. Students

6.1.8.1 *Generally*

Students in the LL.M. Program in American and Transnational Law may register for and receive credit for any LL.M. courses, including both online and on-campus courses, so long as they have met the

prerequisite requirements for any course. Non-degree students registering in LL.M. courses are limited to only the LL.M. courses offered online and designed exclusively for LL.M. students.

6.1.8.2 *Limitations*

Students admitted into the LL.M. Program and pursuing the United States Legal Practice Certificate who have received permission from the Associate Dean of Academic Affairs, the Director of Graduate Law Programs, and the Online LL.M. Program Manager to complete part of the Certificate requirements through on-campus courses will be required to complete additional credits, beyond the 24/30 that are currently required, in order to meet both the LL.M. degree and the Certificate requirements. In addition, potential state bar eligibility based on the LL.M. coursework will vary depending upon which courses are taken and whether they are taken in an on-campus or online setting. It is the responsibility of each LL.M. candidate to explore bar eligibility and requirements for admission.

6.2 Registration for Courses

6.2.1 General Policies

6.2.1.1 *Credit/Audit*

Ordinarily registration for a course means that the student intends to receive credit for the course, assuming its successful completion, in meeting graduation requirements and on his or her transcript. An elective course may be taken for audit rather than for credit, however. Auditing a course requires the student to attend and prepare for class, but not to sit for an examination or submit a paper that will be graded. The student pays tuition at the regular rate and the course is included on his or her transcript with the appropriate notation (X). Audited courses do not affect a student's cumulative grade-point average and are not counted for either residency or credit hour requirements.

6.2.1.2 *Tuition*

Tuition will be assessed at the per credit hour rate for all courses taken for credit or as an audit.

6.2.1.3 *Responsibility*

A student is not considered registered until his or her registration has been completed and tuition and fees have been paid in full.

6.2.1.4 *Scholarship Monies and Study Outside the School of Law*

A student who chooses to take classes in other University of Dayton graduate departments and/or at other law schools should consult the Office of Financial Aid to discuss financial aid options. Students cannot apply University of Dayton law scholarship funds towards credit taken outside the School of Law. Scholarship awards will be reduced on a pro rata basis for credits earned outside the School of Law.

6.2.1.5 *Director Approval of Schedule*

The Director of Graduate Law Programs must approve the schedules of all LL.M. students before they are permitted to register. This requirement does not apply to students completing the LL.M. degree and the United States Legal Practice Certificate entirely online.

6.2.2 Order of Registration

6.2.2.1 *On-campus Courses*

LL.M. registration will take place after J.D. registration each semester. Students in the J.D. program will be given priority in enrollment over graduate students for all courses offered in any semester at Dayton Law.

When possible, seats will be held for LL.M. candidates in required and approved elective courses. LL.M. candidates should meet with the Director of Graduate Law Programs to develop their schedules in order to give sufficient notice to the Registrar of their intention to register for particular courses each semester.

6.2.2.2 *Online Courses (LL.M. Only)*

Newly admitted, incoming online LL.M. students will meet, individually, with the Online LL.M. Program Manager and finalize their course selection for their first semester online courses. Registration will, then, be completed automatically through the School of Law. Thereafter, LL.M. registration for online LL.M. courses will take place during the same dates as J.D. registration each semester. Registration, add/drop, and modifications to course registration will be completed by LL.M. students online, through Porches. Additional information on registration dates, the registration process, and registration policies may be found here: <https://udayton.edu/law/registrar/registration.php>. LL.M. Students are responsible for reviewing these policies and monitoring their own progress towards meeting graduation and Certificate requirements. Online LL.M. students may contact the Online LL.M. Program Manager for academic advising and for any questions regarding the registration process.

6.2.3 Prerequisites

Students are responsible for ensuring that they have taken the prerequisites for any course. LL.M. students are advised to consult with the Director of Graduate Law Studies or the Online LL.M. Program Manager (if pursuing the degree online) when selecting their courses. Waiver of any prerequisite must be in writing and requires the pre-approval of the course instructor and the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs or the Online LL.M. Program Manager.

6.2.4 Repeated Courses

Except in the case of a student readmitted to begin afresh, courses for which a student has received a grade of "D" or above, or audit credit, cannot be repeated. Required courses that are failed must be repeated at the next offering.

6.2.5 Limitations on Enrollment – On-Campus Students Only

6.2.5.1 *Independent Study for Graduate Students (LAW 6904)*

LL.M. students taking the course Independent Study for Graduate Students (LAW 6904) are subject to the following limitations:

1. An LL.M. student must have a cumulative GPA of 2.50 or greater to register for an Independent Study.
2. LL.M. students may take a 1-credit or 2-credit Independent Study, but not more than two credits of Independent Study can be counted towards the LL.M. degree.

To preserve flexibility in scheduling, waiver of these limitations may be permitted by the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs.

6.2.5.2 *Directed Reading (LAW 6861)*

LL.M. students may take a Directed Reading as an elective with permission of the instructor and the pre-approval of the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs. Directed Readings for LL.M. students are subject to the following limitation:

Only one one-credit Directed Reading can be taken by any LL.M. student towards satisfaction of the LL.M. degree.

An LL.M. student who has a J.D. from a U.S. law school must have a cumulative GPA of 2.50 or greater to register for a Directed Reading. An LL.M. student with a first degree in law from a foreign university ("international LL.M. student") must have a cumulative GPA of 3.2 or greater to register for a Directed Reading.

6.2.5.3 *Law Clinic Intern (LAW 6950)*

LL.M. candidates may not take the Law Clinic Intern course (LAW 6950).

6.2.5.4 *Distance Education Courses*

6.2.5.4.1 *Definition*

A "distance education course" is a course in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular or substantive interaction among students and between students and the faculty member, either synchronously or asynchronously.

6.2.5.4.2 *Enrollment*

LL.M. candidates under the general LL.M. admissions policies may enroll in a distance education course where circumstances indicate that it would be educationally beneficial and with the pre-approval of the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs and the Online LL.M. Program Manager (if the distance education course is one of the designated "LL.M. only" online courses).

Students admitted under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different degree requirements in accordance with that Agreement. These Agreements may permit students to enroll in some distance education courses and have such study apply towards his or her advanced degree from the University of Dayton.

6.2.6 *Course Availability*

Courses required for the LL.M. degree will be offered regularly to accommodate the LL.M. curriculum. Some electives will be offered annually; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning, a tentative schedule of course offerings will be published with registration materials every spring. To ensure they meet the requirements of the degree, LL.M. students should review the course offerings and consult with the Director of Graduate Law Programs or the Online LL.M. Programs Manager (if completing the degree online) when planning their schedules.

6.2.7 *Adjustments to Schedule*

Courses may be "added" during the first week of classes only.

Students can withdraw from a class for which there is a waiting list only during the first week of class. Students can withdraw from all other courses "without record" during the first four weeks of class. Withdrawals after this period will result in the recording of a "W" for that course on the student's transcript. In no event will a student be permitted to withdraw from a course that is required, or after taking any examination or submitting any paper that will receive weight in the final course grade, or after the seventh week of the semester without the approval of the Associate Dean for Academic Affairs.

A student in a non-required course may change the course from audit to grade credit or grade credit to audit. A change from grade credit to audit may be made without restriction during the first four weeks of the semester. Any change of status from audit to grade during the fifth, sixth and seventh weeks of the term must receive prior approval of the course instructor and the Associate Dean for Academic Affairs. In no event will a student be permitted to change from or to audit after the seventh week of classes, or after having taken any examination or submitted any paper that will receive weight in the final course grade.

6.2.8 Refunds

Students who are dismissed for academic reasons will be entitled to a full refund of any tuition paid for the upcoming semester. Students, who withdraw, drop a course(s) or go on a leave of absence for other reasons will be entitled to a refund on a sliding scale based on the date of withdrawal. University and SBA fees are non-refundable in any situation.

The refund schedule for tuition is as follows:

If the student withdraws	Percent of refund
During the first week of classes	80%
During the second week of classes	60%
During the third week of classes	40%
During the fourth week of classes	25%
During the fifth week of classes, or later	No refund

The date that the student provides written notice of the decision to withdraw or drop a course(s) will determine the amount of the refund regardless of whether the student discontinued class attendance at an earlier date.

Check-out procedures must be followed to officially discontinue University of Dayton housing and food service, if applicable. Should a student elect to leave the University for any reason, mailbox and locker keys must be returned to the administrative office, room 203.

6.3 Course Policies

6.3.1 Course Offerings

Required courses will be offered as specified by the curriculum. Some of the more basic electives will be offered yearly; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning their education, a tentative schedule of course offerings will be published with registration materials every spring.

6.3.2 Scheduled Meetings

Faculty members teaching on campus and synchronous online courses are expected to meet classes at the times published in the class schedule and on the days indicated in the academic calendar. Faculty absences should be reported to the Administrative Office as early as possible (including before a scheduled absence) and make-up classes must be scheduled at the earliest practicable date.

6.3.3 Attendance

6.3.3.1 *On Campus and Synchronous Online Courses*

6.3.3.1.1 Limitation on Allowed Absences

Students are required to attend classes regularly. Each student shall be allowed absences up to, but not exceeding, two times the number of credit hours in a course. (For example, a student in a three-hour class that meets in two 90-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 60-minute sessions may miss a total of six such sessions.) This policy sets a firm absence limit and does not permit excused absences.

6.3.3.1.2 Faculty Discretion

In their discretion, a faculty member may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, he or she must notify students of the policy in writing during the first week of the semester.

6.3.3.1.3 Mandatory Penalty

For each absence exceeding the limitation imposed in the paragraph above, a faculty member must impose a penalty for violations. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments including giving an "F", for failing to attend classes regularly.

6.3.3.1.4 Required Notices

During the first week of class, the faculty member must provide written communication to the class describing the penalty that will be imposed for violations.

A written warning from the faculty member informing the student and the Associate Dean that the student has one remaining absence before exceeding the number of absences allowed for that class is required before imposing any penalty.

If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Associate Dean in writing of any penalty imposed as a result of the excessive absence(s).

6.3.3.1.5 Appeal from Penalty

If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Associate Dean. In such extraordinary circumstances, the Associate Dean has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. The Associate Dean shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.

6.3.3.1.6 Academic Counseling

Students who fail to attend classes regularly will be contacted by the Associate Dean or his or her designee for academic advising and/or counseling. Students who fail to comply with the required

academic advising and/or counseling session will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

6.3.3.1.7 Attendance Process

Every faculty member shall take attendance each day of class by means of distributing a sign-in sheet consisting of a current class roster, or by some alternative method. The faculty member, or his or her appointed designee, shall deliver completed attendance sheets, or the results of the alternative method of taking attendance, to the faculty secretary prior to the next class meeting. [February 27, 2013]

6.3.3.2 Asynchronous Online Courses

6.3.3.2.1 Limitation on Allowed Absences

Attendance will be based on monitoring of user progress through the course and successful completion of the end-of-module quizzes. To satisfy the attendance requirement, students must obtain the score designated by the program standards on at least 85% of the quizzes. This attendance requirement must be met no later than 10 days before the final exam period. Failure to complete the mandatory instructional minutes in the Online LL.M. courses will result in additional grade deductions.

6.3.3.2.2 Mandatory Penalties

Students exceeding the limitation on allowed absences will be dropped from the class roster and disqualified from sitting for the final exam.

6.3.4 Manner of Grading

The decision to grade by an examination or written assignments is to be made by the course instructor, subject to the approval of the Associate Dean for Academic Affairs and provided appropriate and timely notice of any change is given to students. [April 14, 1980.]

6.3.5 Student Evaluations

Student evaluations of faculty performance are conducted at the conclusion of each academic semester. [September 16, 1974.] The evaluations are voluntary, and anonymous on the part of student. [September 16, 1974.]

The Associate Dean for Academic Affairs is responsible for administering the evaluation and compiling the results. [September 16, 1974.] Evaluations will be distributed, completed and collected as close to the end of classes as possible using the University's online Student Evaluation of Teaching (SET) surveys. When evaluations are conducted during class time, the professor must depart the room while students are completing the evaluation.

The Associate Dean for Academic Affairs must make the evaluations available to the Dean and instructor, and, in the case of tenure-track faculty members, may make them available to the instructor's Promotion, Retention and Tenure Committee after informing the instructor. Any other distribution or use of the evaluations may be made only with the consent of the instructor. [May 13, 1981.]

6.4 Examinations

6.4.1 Accommodations of Disabilities

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. A student seeking an

accommodation must obtain a determination by the University of Dayton's Office of Learning Resources that a disability exists and of the appropriate accommodations.

It is also important to understand that the determination to provide accommodations at University of Dayton may not apply to other educational institutions or testing agencies. If you take classes at another university or plan on using accommodations on standardized testing, the university or governing body responsible for administration of the accommodations will make their own decisions. Please refer to the specific guidelines of the university or governing body to assist in your evaluation of your documentation. Examples of future standard tests may include but are not limited to state bar exam, MPRE, etc.

6.4.2 Examinations: When Required

By University policy, final examination must be given in all courses except those in which a substantial written product is the main basis for grading or in which the performance of skill is primary. Mid-term practice exams for first-semester students are to be given, if practicable. [October 2, 1974.]

6.4.3 Examinations: Responsibility

While the preparation and grading of examinations is the responsibility of the course instructor, the administration of the examination itself is the responsibility of the Associate Dean for Academic Affairs and the Registrar.

6.4.4 Examinations: Anonymity

All examinations, including midterm examinations, will be administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. The Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number. [October 16, 1974.]

6.4.5 Examinations: Scheduling

Examinations must be taken during the period and at the times stated on the academic calendar and examination schedule provided by the Registrar. Students are responsible for reading and following all examination instructions provided by the Registrar. All scheduled examinations taken at the law school shall be proctored. [February 27, 2013]

6.4.5.1 *Deferrals*

Examinations are rescheduled in only two circumstances:

1. When a student has two or more exams scheduled to begin during a twenty-four hour period (a 1:30 PM examination followed by an 8:30 AM examination the next day presents a conflict; however, an 8:30 AM examination followed by an 8:30 AM examination the next day does not); or
2. When extraordinary and unavoidable circumstances intervene (such as a serious health problem of a student or a close family member).

Overlapping deadlines for papers or projects do not present a justification for rescheduling exams.

Students requesting a change in examination schedule under the first circumstance shall complete and submit an Examination Accommodation form no later than five weeks before the examination period begins. Students requesting a change in examination schedule based on the second circumstance must contact the Associate Dean for Academic Affairs or Registrar as soon as possible and be prepared to submit documentation in support of their request. The Associate Dean for Academic Affairs shall

approve all examination deferral requests. Upon approval, the Registrar will reschedule the examination to the next available non-conflicting date, but not later than the third business day after the end of the examination period.

6.4.5.2 *Missed Exams*

LL.M. students who fail to take the mid-term examination or the final examination during the designated time period will receive a "0" for the examination unless their absence is excused by the Assistant Dean for Graduate Programs.

6.4.6 *Examinations: Grading*

Once submitted, the Registrar will make each student's answer available to the course instructor for grading in a way that will preserve the anonymity of the student. Grades must be submitted by the deadline determined by the Associate Dean for Academic Affairs.

6.4.7 *Retention of Exams*

Faculty must deliver all examination answers to the Registrar. The School of Law will retain examination questions and answers for at least one year. [September 12, 1975.] Thereafter, examination questions and answers may be destroyed.

6.4.8 *Use of Dictionaries by International Students during Exams*

International LL.M. students who are non-native speakers of English may use a paper English or English-foreign language dictionary in exams. If they are used in a closed book or closed note exam, these dictionaries must not contain any handwritten notes. Electronic dictionaries are not permitted in exams. No dictionaries are permitted for any LL.M. students registered in the LL.M. online courses.

6.5 GRADES

6.5.1 *Grading Options*

6.5.1.1 *Online LL.M. Students*

Online LL.M. students will be graded according to the standards, policies and practices governing J.D. students found in Section 4.10, which is incorporated by reference. Online LL.M. courses will be graded under the upper level J.D. curve. In any law school course containing both J.D. students and non-J.D. students (i.e. either LL.M. or M.S.L. students or any other specially admitted student), non-J.D. students will not be taken into account for purposes of determining the applicability of or the distribution of grades under the mandatory law school grading curve. With the written permission of the Assistant Dean for Graduate Programs, an LL.M. student may opt to take up to two LAW 6000 level courses under Grading Option C rather than Grading Option A. Such permission will only be granted prior to the first day of classes for the relevant term.

6.5.1.2 *Residential LL.M. Students*

6.5.1.2.1 *Default Policy*

As a default, residential LL.M. students will be graded under the Academic Standards for the University of Dayton Graduate School. The Graduate School grading policy is based on a point system in which corresponding letter and quality points are as follows:

Grade	Quality Points	Explanation	
A	4.0	Excellent	
A-	3.7		
B+	3.3		
B	3.0	Average	
B-	2.7		
C	2.0	Poor	
F	0	Failing	
W		Withdrawal	
I		Incomplete	
K		Credit	
IP		In Progress	
N		No grade	
X		Audit	

In practice, this policy contemplates that a faculty member should grade a class containing LL.M. students in the following fashion. In accordance with information supplied to the faculty member by the Law School Registrar's office, and in compliance with any applicable anonymity requirement, the faculty member should segregate the exams or papers of LL.M. students. The faculty member should then assess the performance of these students and assign a grade to that performance using the Graduate School grading scale and its descriptive indicators. In assigning that grade, the following criteria may be relevant to the judgment and discretion of the faculty member:

1. In some classes, LL.M. and J.D. students may bring comparable educational backgrounds to the course, as in first semester required law courses. But in some situations, the educational background of an LL.M. student will be markedly different from that possessed by the J.D. students in a class. In upper-level elective classes, LL.M. students may not have the same foundation in U.S. law as they attempt to master material in classes with J.D. students who have one or more years of full-time U.S. legal education as a background for the class.

2. Given the circumstance described in the foregoing paragraph, the assignment by a faculty member of a grade below "B" to one of these students is an indication that, in the law professor's opinion, the student's work product falls below what would be considered as average work product for an LLM student. Further, the assignment by a faculty member of a grade below "B" to one of these students, while perhaps a "passing" grade under the Graduate School standards, would nonetheless be an indication to the student that, in the instructor's opinion, the student's performance in the class raises serious questions as to

whether the student should be permitted to continue in the graduate program. Given this connotation for a grade below "B," the faculty member might make this basic determination the basis for an initial assessment of an LL.M. student's performance, using the other grade increments in the graduate school grading scale to add further precision to that initial performance assessment.

6.5.1.3 *Optional Grading Policy*

Residential LL.M. students may elect to be graded, and have their academic standing determined, according to the standards, policies and practices governing J.D. students. Students may make this election by submitting a written request to the Director of Graduate Programs and the Assistant Dean for Graduate Programs. The election will be for all courses taken at the School of Law. The request must be made no later than five (5) business days after the student's matriculation at the School of Law.

Such a request may be necessary for LL.M. students who wish to sit for a bar exam in certain U.S. states. Absent a written request to the contrary, students will be graded, and their academic standing determined, according to the applicable grading scales and policies described above. Students seeking to sit for a U.S. Bar Exam should diligently research State Bar requirements, as it is the student's responsibility to insure that all State Bar requirements are met.

In any law school course containing both J.D. students and non-J.D. students (i.e. either LL.M. or M.S.L. students or any other specially admitted student), non-J.D. students will not be taken into account for purposes of determining the applicability of or the distribution of grades under the mandatory law school grading curve.

6.5.2 *Incompletes*

Incomplete grades given because a student was excused for missing an examination or for other reasons, must be removed within one year from the date of the grade report on which the incomplete is recorded or the student's graduation, whichever comes first. Incomplete grades not so removed will be changed to a grade of "F."

6.5.3 *Repeated Courses*

When a student repeats a course in which he or she received a failing grade, both grades will appear on the student's transcript and both will be used in calculating the student's grade-point average.

6.5.4 *Posting of Grades*

The Registrar is responsible for the posting/release of final grades. The Registrar will arrange for grades to be distributed confidentially. All grades will be released on the date designated by the Registrar.

6.5.5 *Grade Review*

There is a presumption that each faculty member exercises good faith, prudence and due care in grading examinations and papers. Therefore, after submission a course grade is subject to review only as follows:

6.5.5.1 *Arithmetic and Clerical Errors*

Each student has the right to obtain verification of the arithmetic and clerical accuracy of the grade. Arithmetic errors include only mathematical errors, and erroneous plotting of a grade (such as awarding a C+ for a total score of 127 when any established curve included scores of 123 through 130 as B-). Clerical errors are mistakes in the transcription of a grade. Awarding additional points is neither an

arithmetic error nor a clerical error. If the verification procedure reveals an error warranting a change of grade, the change will be made upon the approval of the Associate Dean for Academic Affairs.

6.5.5.2 *Other Errors*

In all other cases, the extent of grade review is within the discretion of the course instructor. A change in grade is appropriate only when the change is (1) justified and (2) fair to other students. Such changes will be made only at the request of the course instructor, the affirmative recommendation of the Readmissions Committee, and the approval of the Dean.

6.6 Academic Standards

6.6.1 Class Rank

Because an LL.M. student's academic record is not comparable to that of J.D. students, an official class rank cannot be determined for any LL.M. student. LL.M. students' grades will not affect the class rank of any J.D. student.

6.6.2 Honors

LL.M. students will not be awarded graduation honors for the LL.M. degree.

6.6.3 Academic Good Standing

To be in good standing, residential LL.M. students who are graded under the graduate grading scale are required to maintain at least a 2.2 quality point average. Online LL.M. students and all residential LL.M. students who opt into the J.D. grading system are required to maintain at least a 2.2 quality point average.

6.6.4 Academic Probation

A residential LL.M. student who is graded under the graduate grading scale and who is eligible to continue studies in the School of Law is considered to be on "academic probation" when that student's cumulative quality-point average is below 2.2.

An online LL.M. student or residential LL.M. student who opts into the J.D. grading system, and who is eligible to continue studies in the School of Law, is considered to be on "academic probation" when that student's cumulative quality-point average is below 2.2.

An LL.M. student on academic probation must complete a written academic recovery contract with the Director of Graduate Law Programs or Online LL.M. Program Manager (for online students) which shall specify goals, expectations, and a timeline for achieving good academic standing. This contract must specify the duration of the probationary period, which may not be shorter than one academic semester, nor longer than one calendar year, and must be approved by the Assistant Dean for Graduate Programs. Students on academic probation who do not sign an academic recovery contract will not be permitted to register for courses.

6.6.5 Academic Dismissal

Students whose academic performance has seriously impaired their ability to succeed at the University of Dayton may be subject to academic dismissal by the Assistant Dean for Graduate Programs, who

authorizes the dismissal and notifies the student of his or her status. LL.M. students who may be dismissed include:

1. those who fail to achieve good standing at the end of an agreed upon period of academic probation;
2. those who fail to meet the conditions placed on admission; and/or
3. those who receive one or more grades of "F."

6.7 Readmission

In General Readmission is a means for students who have been academically dismissed from the University of Dayton School of Law to resume their legal studies. The readmission procedure has three steps: (1) The student files a petition; (2) The Graduate and Special Programs Committee (the Committee) makes a recommendation with respect to that petition; (3) The Assistant Dean of Graduate Programs makes his or her decision. Readmission is the exception rather than the rule. Therefore, students who have been academically dismissed are well-advised to make alternative educational and career plans instead of counting on readmission. The term "readmission" includes both reinstatement to continue (from the point of dismissal) and to begin "afresh" (that is, start law school again). It is the student's responsibility to assess the impact of this determination on their individual bar eligibility.

6.7.1 Standards

The Faculty of the School of Law has established minimum academic standards, and a student who fails to achieve those standards prima facie is not entitled to continue legal studies. A student who has been dismissed bears the burden of persuasion that he or she merits readmission by presenting clear and convincing evidence that he or she will do good quality law school work if readmitted, and that the reasons for the dismissal no longer exist. Students on probation are required to make progress every semester toward a 2.20 cumulative grade point average if they are on the J.D. curve and 2.2 cumulative average if on the graduate school curve

6.7.2 Petitions

A student who has been academically dismissed may file a Petition for Readmission at any time, but even if granted, a student cannot continue in their studies until at least one semester has passed from the date of dismissal. The petition must set forth all of the reasons for readmission. Exhibits, such as transcripts of other academic work, legal writing samples, letters of recommendation from persons in a position to know the student's academic potential, and other documents in support of readmission, may be submitted with the petition. The Committee is not the proper forum in which to contest a course grade, however. The school has established a grade review procedure that is the exclusive remedy for a student who feels aggrieved by any course grade.

6.7.3 Confidentiality

Each member of the committee shall keep committee deliberations and information about petitioners confidential, except for information that can be shared with other committee members, the Dean, the Assistant Dean of Graduate Programs, and the Registrar.

6.7.4 Ex Parte Communications

Committee members may not speak with petitioners about their petition at any time between the filing of a petition and the committee hearing on it.

6.7.5 Communications with Faculty Members

After receiving a petition seeking readmission, the Assistant Dean of Graduate Programs, may request that faculty members who had the person in a class submit written comments to the committee. Faculty will be given two weeks to submit comments. Any information submitted by faculty after the deadline has elapsed will not be considered.

6.7.6 Committee Deliberations

The Committee's deliberations will be based on the applicant's written submission, any documents or records submitted by the student and any written submissions from faculty.

6.7.7 Reports

After making its decision, the Committee will submit a written report to the Assistant Dean of Graduate Programs containing its recommendations, including, in the case of a recommendation to readmit, any limitations or special conditions the Committee believes should be imposed.

6.7.8 Decision

The final decision on a petition for readmission is made by the Assistant Dean of Graduate Programs after receiving the report of the Committee.

7 THE MASTERS IN THE STUDY OF LAWS (M. S. L.) PROGRAM IN AMERICAN AND TRANSNATIONAL LAW: ADMISSIONS POLICIES

7.1 Criteria

Candidates for an M.S.L. degree will be evaluated for admission on academic and personal criteria. The entire application of each candidate will be reviewed. There is no automatic level of qualification or disqualification based on statistics, such as grade point average, alone.

First consideration will be given to academic criteria, including prior academic performance as demonstrated by university transcripts, an acceptable grade point average in relevant course work, standardized test performance, and other academic records.

Other factors will also be considered, including:

1. other educational factors, such as the type, depth and difficulty of courses completed, grade trends, honors, and other graduate studies;
2. life experience, such as work and military achievements, extracurricular activities, community service; and
3. personal attributes, such as maturity, good judgment, writing ability, analytical and leadership skills, breadth of interests, and ability to overcome handicaps of all kinds, including environmental or financial problems, employment experience and other personal accomplishments.

7.2 Applications

7.2.1 Information and Data Required Generally

Except as provided in section 7.2.2, before an admission decision on an M.S.L. candidate can be made, the applicant's file must include the following:

1. a completed, signed, and dated application for admission to the M.S.L. program;
2. a copy of the official transcripts from all colleges and universities attended (with accompanying certified English translation), including transcripts reflecting the receipt of at least a bachelor's degree from an accredited U.S. college or university or from a foreign university authorized to confer such a degree by the government of the country in which it is located;
3. test results demonstrating competitive performance on the Graduate Record Examination ("GRE"), the Graduate Management Admissions Test ("GMAT"), or some other similar test; and,
4. a personal statement discussing the applicant's reasons for applying to the graduate program and his or her career plans after completing the program; and,
5. the names and contact information for two references.

7.2.2 Exceptions for Certain Certificates

Required application documents for the following M.S.L. certificates differ from those set forth in section 7.2.1 as follows.

7.2.2.1 *Certificate in Government Contracting and Procurement Law*

Applicants for an M.S.L. degree with a certificate in Government Contracting and Procurement Law must satisfy the requirements of section 7.2.1 with the exception of requirement 3. They need not provide test results demonstrating competitive performance on the Graduate Record Examination ("GRE"), the Graduate Management Admissions Test ("GMAT"), or some other similar test.

7.2.2.2 *Certificate in Patent Agent Law*

Applicants for an M.S.L. degree with a certificate in Patent Agent Law must satisfy the requirements of section 7.2.1 with the exception of requirement 3. They need not provide test results demonstrating competitive performance on the Graduate Record Examination ("GRE"), the Graduate Management Admissions Test ("GMAT"), or some other similar test.

Applicants for an M.S.L. degree with a certificate in Patent Agent Law must meet all of the USPTO "Scientific and Technical Training Requirements for Admission to the USPTO Patent Bar Exam" Applicants will also be required to meet all of the "General Requirements for Admission to the Examination for Registration to Practice in Practice in Patent Cases before the United States Patent and Trademark Office."here

7.2.3 Additional Requirements for International Applicants

7.2.3.1 *Financial Declaration*

In addition to the documents required of all M.S.L. applicants, applicants who are not U.S. citizens must submit an official financial declaration showing adequate funding for their studies at Dayton Law.

7.2.3.2 *English Language Proficiency*

All candidates for the M.S.L. degree must be fluent in English. Applicants whose native language is not English may meet this requirement:

1. by having completed their basic legal or baccalaureate studies in a university where instruction was in English;
2. by taking the Test of English as a Foreign Language (TOEFL) test administered by the Educational Testing Service and attaining a score of at least 600 (paper-based), 250 (computer based) or 100 (iBT) or by taking an equivalent exam with similar results; or,
3. by successfully completing the highest level of the Intensive English Program at the University of Dayton.

Applicants who wish to demonstrate English proficiency using the TOEFL, or equivalent, exam must arrange to have the official score report sent to Dayton Law to be considered for full admission into the M.S.L. Program.

Scores from TOEFL or other tests taken more than two years prior to the date of the application to the program will not be accepted.

7.2.4 *Students Admitted Under International Academic Cooperation Agreements*

M.S.L. students admitted under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different admission or degree requirements in accordance with that Agreement.

These Agreements may not alter the minimum semester degree requirements, the need to take courses required for students without a U.S. law degree, or the need to take required core courses.

These agreements may require additional courses or permit limited study *in absentia* at the educational institution that is party to the Agreement with Dayton Law.

7.2.5 *Requests to Reactivate Admission Files*

M.S.L. applicants who complete their admission file in one year and then wish to reactivate the file or be reconsidered in a later year must file a new application.

7.2.6 *Requirement to Disclose Prior M.S.L. Studies*

An applicant who has previously attended the M.S.L. program at Dayton Law or an M.S.L. program elsewhere, but has not received the M.S.L. degree, must reveal that prior attendance in the application.

7.3 *Admissions Decisions*

Completed files of M.S.L. applicants may be presented to the Graduate and Special Programs Committee ("GSPC") for decision. Because each applicant's credentials are fully considered, admissions decisions are final and are not subject to appeal.

7.4 *Official Transcripts*

7.4.1 *Definition*

An "official transcript" is a record issued by the registrar of an educational institution showing all of the courses taken while a student is there and the grades received, bearing the embossed seal of the

institution, indicating the award of an undergraduate or graduate degree and the date the degree was conferred.

7.4.2 Submission Required

Once accepted and prior to registration, every enrolling M.S.L. student must arrange for his or her undergraduate college and, if applicable, other graduate school or foreign university to submit an official transcript directly to the School of Law's Registrar.

7.4.3 Consequences of Failure to Submit

Because of the importance of the official transcript, at the latest, an official transcript must be received within five weeks of a student's participation in the M.S.L. program. Students who do not comply with this requirement will be dismissed from Dayton Law.

8 THE MASTERS IN THE STUDY OF LAWS (M. S. L.) PROGRAM IN AMERICAN AND TRANSNATIONAL LAW: ACADEMIC STANDARDS AND POLICIES

8.1 Curriculum

8.1.1 Credit Hours

All M.S.L. candidates are required to earn credit for thirty (30) semester hours of course work.

8.1.2 Receipt of Transfer Credit

M.S.L. candidates may not receive transfer credit for coursework completed at other institutions prior to enrolling in Dayton Law's M.S.L. program in pursuit of a bachelor's or other graduate-level degree. Students may receive transfer credits (K) from the University of Dayton J.D. program for a limited number of courses for which they have received a C- or above. In no case can more than 15 credits be accepted as transfer credits towards the M.S.L. degree.

8.1.2.1 M.S.L. certificates in Applied Business Law, Compliance Law, and Human Rights Law

The following University of Dayton J.D. courses may be transferred from the J.D. towards the M.S.L. degree for the certificates in Applied Business Law, Compliance Law, and Human Rights Law.

- Either Legal Profession I (Law 6105) with a grade of C- or higher, or Legal Profession II (LAW 6106) with a grade of C- or higher, will satisfy the Introduction to the U.S. Legal System & U.S. Legal Research for Graduate Students (LAW 6908).
- Any four courses from the list of Required "Core" Courses in 8.1.5.4 below can be transferred into the above M.S.L. Certificates if the student receives a C- or above in the individual course:

8.1.2.2 M.S.L. certificate in Government Contracting and Procurement

Those students wishing to transfer from the University of Dayton J.D. program into the M.S.L. with a certificate in Government Contracting and Procurement may transfer up to 11 credits from the following courses if they receive a C- or above in the specific course. These provisions do not apply to those seeking a dual degree. For dual degree requirements, see below.

- Business Organizations (Law 6801/5801) (3 Credits) with a grade of C- or higher will satisfy the MSL requirement for Introduction to Business Law (Law 2000),

- Contracts Doctrine & Skills I (LAW 6110/5110) with a grade of C- or higher will satisfy the MSL requirement for Contracts 1: Introduction to Contracts (Law 2001),
- Interviewing, Counseling, and Negotiation (Law 6310/5310) (3 Credits) with a grade of C- or higher will satisfy the MSL requirement for Negotiation & ADR (Law 2006), and
- Professional Responsibility (LAW 6829/5829) (2 Credits) with a C- or higher will satisfy the MSL in Business Ethics (LAW 2005)

Credits transferred in from the J.D. program will be reflected as credits (K) only and will not impact the students' G.P.A.

8.1.3 Course Load Requirements

U.S. students may complete the M.S.L. program on a full-time or part-time basis.

8.1.3.1 *Special Requirements: F-1 Students*

F-1 students must abide by strict enrollment guidelines² to maintain their lawful status. A course load of six (6) credit hours per semester constitutes full-time status for international M.S.L. students.

8.1.3.2 *Special Requirements: Sponsored International Students*

Sponsored international students may be required to take a certain number of credit hours to retain their sponsorship. Each student is responsible for ensuring that his or her sponsor's course load requirement is met.

8.1.4 Periods of Attendance

All requirements for the M.S.L. degree must be completed over the course of no more than four (4) calendar years from the date of matriculation. A waiver to this requirement may be granted by the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs.

8.1.5 Graduation Requirements

8.1.5.1 *Generally*

The policies on required coursework set forth below apply to graduate students admitted to the M.S.L. program pursuant to sections 7.2.1-7.2.3.

The "core" courses, capstone courses, and elective courses listed below are representative of courses that will be offered to students in the M.S.L. program. Offerings may change from year to year since not every course listed below will be offered each year. Course availability is subject to administrative factors such as faculty availability and sufficient enrollment. In addition, newly adopted courses may be added to these lists from time to time.

For a current list of course offerings, please see the list of Course Schedules by semester [here](#).

8.1.5.2 *Required Coursework for Students Admitted Under an International Academic Cooperation Agreement*

M.S.L. students admitted pursuant to section 7.2.4 under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different degree requirements under that Agreement. These Agreements may not alter the minimum semester degree requirements, the need to take courses required for students without a U.S. law degree, or the need to take required core courses. These agreements may require additional courses or permit limited study in absentia at the educational institution that is party to the Agreement with Dayton Law.

²http://www.udayton.edu/international/isss/immigration/fl_immigration/fl_enrollment_requirements.php.

8.1.5.3 *Required Coursework for Students Pursuing an M.S.L. Certificate*

Along with the general requirements found below, students pursuing an M.S.L. certificate must also refer to the specific curricular policies relating to that certificate.

8.1.5.4 *Required “Core” Courses*

M.S.L. students must receive credit for at least four (4) courses from the required “core” courses listed below.

Despite the preceding sentence, in limited circumstances a waiver to this requirement can be made by the Director of Graduate Law Programs. The waiver must be pre-approved by the Associate Dean for Academic Affairs.

The following courses qualify as core courses:

Core Courses	Credits
Administrative Law (LAW 6205)	3 Credits
Business Finance (LAW 2004)	4 credits
Constitutional Law I Doctrine & Skills (LAW 6803)	4 Credits
Contracts I Doctrine & Skills (LAW 6110)	3 Credits
Contracts I: Introduction to Contracts (LAW 2001)	3 Credits
Contracts II Doctrine & Skills (LAW 6810)	3 Credits
Contracts II: Government Contracting (LAW 2003)	3 Credits
Criminal Law Doctrine & Skills (LAW 6107)	3 Credits
Criminal Procedure - Investigative Doctrine & Skills (LAW 6122)	3 Credits
Cyberspace Law (LAW 6835)	2 Credits
Ethics for Patent Agents (LAW 3008)	2 Credits
Intellectual Property Law (LAW 6832)	3 Credits
Intellectual Property Transactions (LAW 3006)	3 Credits
Patent Law Externship (LAW 3010)	3 Credits
Patent Prosecution I (LAW 3001)	3 Credits
Program and Project Management (LAW 2002)	4 Credits
Real Property I Doctrine & Skills (LAW 6104)	4 Credits
Real Property II Doctrine & Skills (LAW 6804)	3 Credits
Remedies (LAW 6411)	3 Credits
Torts I Doctrine & Skills (LAW 6102)	3 Credits
Torts II Doctrine & Skills (LAW 6110)	2 Credits

8.1.5.5 *M.S.L. Writing Requirement*

M.S.L. candidates must satisfy a writing requirement prior to graduation by completing an Independent Study (LAW 6904) supervised by a faculty member, by completing a substantial paper in connection with a course, or by producing a significant volume of practice-related writing in connection with a 4-credit capstone course. M.S.L. certificate programs may designate which course satisfies the writing requirement. Students pursuing an M.S.L. certificate must refer to the specific policies for that certificate.

Despite the preceding paragraph, the Associate Dean for Academic Affairs, after consultation with the Director of Graduate Law Programs, may waive this writing requirement where circumstances indicate a more educationally profitable use of a candidate's time and effort.

8.1.5.5.1 Capstone Courses

Examples of capstone courses that satisfy the M.S.L. writing requirement include:

Capstone Courses	Credits
Business Planning for the Small Business (LAW 6205)	4 Credits
Commercialization of Intellectual Property (LAW 6941)	4 Credits
Criminal Advocacy (LAW 6922)	4 Credits
Cybercrime (LAW 6924)	4 Credits
Social Justice Law (LAW 6927)	3 Credits

8.1.5.5.2 Independent Study - Graduate (LAW 6904)

An Independent Study taken to satisfy the M.S.L. writing requirement must be approved, conducted, evaluated, and reviewed in accordance with the Policy on Courses Involving Supervised Individual Study and Instruction with the following exception: Supervising faculty for M.S.L. students may be adjunct instructors and need not be members of the full-time instructional staff of the School of Law.

8.1.5.6 Required Introductory Course

All M.S.L. students must take an introduction to law course. This course will count toward the 30-credit hour requirement. The following courses satisfy this requirement: U.S. Legal System (LAW 6908), Introduction to Business Law (LAW 2000), and Foundations of Patent Agency (LAW 3000).

8.1.5.6.1 Students Taking LAW 6000 Level Courses

Any M.S.L. student who wishes to take LAW 6000 level courses must take and pass the 3-credit course Introduction to the U.S. Legal System (LAW 6908) during the first semester of their M.S.L. studies at the law school.

8.1.5.6.2 Students Seeking the Government Contracting and Procurement

M.S.L. students who are seeking a certificate in Government Contracting and Procurement may satisfy this requirement by taking and passing Introduction to Business Law (LAW 2000) within the first 15 credit hours of their M.S.L. degree program.

8.1.6 Electives

8.1.6.1 Generally

In addition to taking the courses required for the M.S.L. degree, M.S.L. students should fulfill the remainder of their semester hour requirements by taking: 1) any required "core" course; 2) any capstone

course approved for the M.S.L. degree; or 3) any elective course approved for the M.S.L. degree. In order for a capstone or elective to be approved for the M.S.L. degree, students must satisfy any course prerequisites.

8.1.6.2 *Certificate Programs*

Students wishing to earn a certificate must complete the Core Courses for the M.S.L. (8 to 14 credits); satisfy the writing requirement for the M.S.L.; successfully complete the required introductory course for an M.S.L.; and successfully complete the required and elective courses from the certificate's specified curriculum as set forth below.

Students who successfully complete the required and elective courses from the certificate's specified curriculum, achieving a cumulative certificate GPA of 3.0, will be eligible to receive the certificate.

8.1.6.2.1 *Applied Business Law*

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Business Organizations course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

Applied Business Law Certificate	Credits
<i>Required Course: Applied Business Law Certificate</i>	
Business Organizations (LAW 6801)	3 Credits
<i>Elective Courses: Applied Business Certificate</i>	
Antitrust Law (LAW 6405)	3 Credits
Capstone: Advanced Dispute Resolution (LAW 6920)	4 Credits
Capstone: Business Planning for the Small Business (LAW 6931)	4 Credits
Corporate Compliance & Ethics (LAW 6821)	3 Credits
Creditors' Rights (LAW 6830)	3 Credits
Electronic Commerce (LAW 6836)	2 Credits
Employment Discrimination (LAW 6846)	3 Credits
International Business Transactions (LAW 6977)	2 Credits
Law Practice Management (LAW 6315)	2 Credits
Securities Regulation (LAW 6890)	3 Credits
Transactional Drafting (LAW 6910)	2 Credits
UCC: Payment Systems (LAW 6898)	3 Credits
UCC: Secured Transactions (LAW 6897)	3 Credits

8.1.6.2.2 *Applied Criminal Law*

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Criminal Law course. Electives (totaling 9 to 15 credits) required to complete the degree must

Applied Criminal Law Certificate	Credits
<i>Required Course: Applied Criminal Law Certificate</i>	
Criminal Law (LAW 6107)	3 Credits
<i>Elective Courses: Applied Criminal Law Certificate</i>	
Capstone: Criminal Advocacy (LAW 6922)	4 Credits
Capstone: Cybercrime (LAW 6924)	4 Credits
Criminal Law Lab (LAW 6114)	1 Credit
Criminal Procedure-Adjudication (LAW 6216)	3 Credits
Criminal Procedure Investigation Doctrine & Skills (LAW 6112)	3 Credits
Cyberspace Law (LAW 6835)	2 Credits
Federal Criminal Law (LAW 6215)	3 Credits
Law Practice Management (LAW 6315)	2 Credits
Social Media and Criminal Law (LAW6541)	1 Credit
The Jury (LAW 6440)	2 Credits
Trial Practice - Criminal (LAW 6885)	3 Credits
White Collar Crime (LAW 6544)	2 Credits

8.1.6.2.3 Cyberlaw

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Cyberspace Law course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

Cyberlaw Certificate	Credits
<i>Required Course: Cyberlaw Certificate</i>	
Cyberspace Law (LAW 6895)	2 Credits
<i>Elective Courses: Cyberlaw Certificate</i>	
Cybercrime Capstone (LAW 6924)	4 Credits
Electronic Commerce (LAW 6836)	2 Credits
EU Privacy Law (LAW 6221)	2 Credits
Electronic Discovery (LAW 6222)	2 Credits
Law and the Internet of Things (LAW 6409)	2 Credits

Legal Innovations Law (LAW 6408)	2 Credits
Privacy Law (LAW 6407)	2 Credits
Social Media Law(LAW 6543)	3 Credits
Virtual and Online Mediation (LAW 6807)	1 Credit

8.1.6.2.4 Intellectual Property Law

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Intellectual Property Law course. Electives (totaling 9 to 15 credits) required to complete the degree must be selected from the list below.

IP Law Certificate	Credits
<i>Required Course: IP Law Certificate</i>	
Intellectual Property Law (LAW 6400)	3 Credits
<i>Elective Courses: IP Law Certificate</i>	
Antitrust Law (LAW 6405)	3 Credits
Commercialization of Intellectual Property (LAW 6941)	4 Credits
Copyright Law (LAW 6415)	2 Credits
Capstone: Trademark Prosecution & Practice (LAW 6926)	4 Credits
Entertainment Law (LAW 6841)	3 Credits
International Intellectual Property Law (LAW 6972)	2 Credits
Licensing Intellectual Property (LAW 6420)	2 Credits
Patent Law (LAW 6425)	2 Credits
Trade Secrets (LAW 6535)	2 Credits
Trademarks & Unfair Competition (LAW 6971)	2 Credits

8.1.6.2.5 Government Contracting and Procurement

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Government Contracting and Procurement courses. Electives* (totaling 10 credits) required to complete the degree may be selected from the recommended courses listed below the chart.

Government Contracting and Procurement Certificate	Credits
Required Courses: Government Contracting and Procurement Certificate	
Capstone (LAW 2008)	3 Credits
Contracts I: Introduction to Contracts (LAW 2001)	3 Credits
Contracts II: Government Contracting (LAW 2003)	3 Credits

Contracts III: Drafting (LAW 2007)	4 credits
Negotiation & ADR (LAW 2006)	3 credits
Program and Project Management (LAW 2002)	4 Credits

* Students seeking this certificate are strongly encouraged to take Introduction to Business Law, Business Finance, and Business Ethics.

8.1.6.2.6 Patent Agent Law

To earn a certificate, students must satisfy all requirements for the M.S.L. and successfully complete the required Patent Agent Law courses. Electives* (totaling 10 credits) required to complete the degree maybe selected from the recommended courses listed below the chart.

Government Contracting and Procurement Certificate	Credits
Required Courses: Patent Agent Law Certificate	
Patent Prosecution I: Introduction to Patent Prosecution (LAW 3001)	3 Credits
Patent Drafting (LAW 3002)	3 Credits
Patent Research (LAW 3003)	2 Credits
Patent Portfolio Management (LAW 3004)	3 credits
Patent Prosecution II (LAW 3005)	3 Credits
Patent Prosecution III (LAW 3007)	3 Credits
Patent Bar Review (LAW 3008)	3 Credits

* Students seeking this certificate are strongly encouraged to take Foundations of Patent Agency, Intellectual Property Transactions, Ethics for Patent Agents, and Patent Law Externship.

8.1.7 Credit for Coursework Earned outside the M.S.L. Curriculum

With the pre-approval of the Associate Dean for Academic Affairs and the Director of Law Graduate Programs, an M.S.L. candidate may enroll in and receive credit for a maximum of 6 semester hours of course work from other courses offered by Dayton Law but not listed in the M.S.L. curriculum, graduate-level courses in related fields from other departments, schools or the College of the University of Dayton, or graduate-level courses in related fields from another educational institution.

Courses taken outside of Dayton Law in which a student receives a grade of “C” (or its equivalent) or better will be recorded on the M.S.L. transcript as a “K” (pass), and will not affect the calculation of the student’s cumulative grade-point average.

8.1.8 Study “In Absentia”

8.1.8.1 Generally

M.S.L. candidates in academic good standing may qualify to study “*in absentia*.”

8.1.8.2 *Eligibility*

Requests to study in absentia will be approved only in cases of extreme hardship circumstances, and for reasons beyond mere personal convenience or financial considerations.

8.1.8.3 *Approval*

Requests for permission to study *in absentia* should be submitted to the Associate Dean for Academic Affairs during the semester before such study is to begin. Ordinarily, the request will be approved or disapproved by the Associate Dean for Academic Affairs without further consultation. In unusual or sensitive cases, a request may be referred to the Academic Affairs Committee for a recommendation.

8.1.8.4 *Limitations*

The student must submit a list of the courses he or she intends to take, along with a description of those courses from the visited law school's catalog or bulletin. The Associate Dean for Academic Affairs will review the course offerings for approval.

8.1.8.5 *Grades*

At the conclusion of each semester, the student must arrange for an "official transcript" to be sent directly to the School of Law's Registrar. The student will receive credit for those courses which were approved in advance and for which a grade of "C" (or its equivalent) or above was earned. Such courses will be recorded on the University of Dayton transcript as "K" (pass), but will not be used in calculating the student's cumulative grade-point average.

8.1.8.6 *Fees*

Students who study in absentia must pay an administrative fee of \$750 for each semester they study at another law school.

8.1.8.7 *Study "In Absentia" Under an International Cooperation Agreement*

International graduate students admitted to the M.S.L. program under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be permitted to engage in limited study *in absentia* at the foreign educational institution, which is party to the Agreement. As an example, this flexibility may be beneficial when a student from a foreign nation wishes to take one or more courses in his own domestic intellectual property or technology law at a foreign university and have such study apply towards his or her advanced degree from the University of Dayton.

8.2 *Registration for Courses*

8.2.1 *General Policies*

8.2.1.1 *Credit/Audit*

Ordinarily registration for a course means that the student intends to receive credit for the course, assuming its successful completion, in meeting graduation requirements and on his or her transcript. An elective course may be taken for audit rather than for credit, however. Auditing a course requires the student to attend and prepare for class, but not to sit for an examination or submit a paper that will be graded. The student pays tuition at the regular rate and the course is included on his or her transcript with the appropriate notation (X). Audited courses do not affect a student's cumulative grade-point average and are not counted for either residency or credit hour requirements.

8.2.1.2 *Tuition*

Tuition will be assessed at the per credit hour rate for all courses taken for credit or as an audit.

8.2.1.3 *Responsibility*

A student is not considered registered until his or her registration has been completed and tuition and fees have been paid in full.

8.2.1.4 *Scholarship Monies and Study Outside the School of Law*

A student who chooses to take classes in other University of Dayton graduate departments and/or at other law schools should consult the Office of Financial Aid to discuss financial aid options. Students cannot apply University of Dayton law scholarship funds towards credit taken outside the School of Law. Scholarship awards will be reduced on a pro rata basis for credits earned outside the School of Law.

8.2.1.5 *Director Approval of Schedule*

The Director of Graduate Law Programs must approve the schedules of all M.S.L. students taking LAW 6000 level courses before they are permitted to register. M.S.L. candidates in the G.C.P. Program may register for courses using the University's online course registration system.

8.2.2 *Registration Processes*

8.2.2.1 *Registration for LAW 6000 Level Courses*

M.S.L. registration for LAW 6000 level courses will take place after J.D. registration each semester. Students in the J.D. program will be given priority in enrollment over graduate students for all courses offered in any semester at Dayton Law.

When possible, seats will be held for M.S.L. candidates in required and approved elective courses. M.S.L. candidates should meet with the Director of Graduate Law Programs to develop their schedules in order to give sufficient notice to the Registrar of their intention to register for particular courses each semester.

8.2.2.2 *Registration for Government Contracting and Procurement Certificate Courses*

8.2.2.2.1 *Online Registration*

M.S.L. candidates in the Government Contracting and Procurement Certificate program may register for courses using the University's online course registration system.

8.2.2.2.2 *On-Campus and Online Options*

Students will typically have the option of taking courses on campus or online. At least seven days prior to the date designated each semester as the official registration date, M.S.L. candidates in the G.C.P. Program must submit a written declaration to the Registrar indicating whether they are electing to take a course on campus or online. Students may not change their elections as to that course without the written consent of the Associate Dean for Academic Affairs.

By selecting the online option, a candidate certifies: 1) he or she possesses a reliable laptop or desktop computer with webcam, microphone, and a stable high-speed Internet connection; 2) he or she is able to competently install and operate all necessary student information systems and class software; and 3) he or she will be actively engaged and participate fully with in-person participants.

8.2.3 Prerequisites

Students are responsible for ensuring that they have taken the prerequisites for any course. M.S.L. students are advised to consult with the Director of Graduate Law Studies when selecting their courses. Waiver of any prerequisite must be in writing and requires the pre-approval of the course instructor and the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs or, for certificates, the appropriate Graduate Programs staff member.

8.2.4 Repeated Courses

Except in the case of a student readmitted to begin afresh, courses for which a student has received a grade of "D" or above, or audit credit, cannot be repeated. Required courses that are failed must be repeated at the next offering.

8.2.5 Limitations on Course Enrollment

8.2.5.1 *Independent Study for Graduate Students (LAW 6904)*

M.S.L. students taking the course Independent Study for Graduate Students (LAW 6904) are subject to the following limitations:

1. An M.S.L. student must have a cumulative grade point average of 3.20 or greater to register for an Independent Study.
2. Ordinarily only one Independent Study can be taken by any M.S.L. student.
3. M.S.L. students may take a 1-credit or 2-credit Independent Study, but not more than two credits of Independent Study can be counted towards the M.S.L. degree.

To preserve flexibility in scheduling, waiver of these limitations may be permitted by the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs.

8.2.5.2 *Directed Reading (LAW 6861)*

M.S.L. students may take a Directed Reading as an elective with permission of the instructor and the pre-approval of the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs. Directed Readings for M.S.L. students are subject to the following limitations:

1. Only one one-credit Directed Reading may be taken by any M.S.L. student towards satisfaction of the M.S.L. degree.
2. An M.S.L. student must have a cumulative grade point average of 3.20 or greater to register for a Directed Reading.

8.2.5.3 *Law Clinic Intern (LAW 6950)*

M.S.L. candidates may not take the Law Clinic Intern course (LAW 6950).

8.2.5.4 *Distance Education Courses*

8.2.5.4.1 *Definition*

A "distance education course" is a course in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular or substantive interaction among students and between students and the faculty member, either synchronously or asynchronously.

8.2.5.4.2 Enrollment

8.2.5.4.2.1 Generally

Except as provided in sections 8.2.4.4.2.2 and 8.2.4.4.2.3, M.S.L. candidates may enroll in a distance education course only where circumstances indicate that it would be educationally beneficial and with the pre-approval of the Associate Dean for Academic Affairs in consultation with the Director of Graduate Law Programs.

International students studying in the United States should carefully review the terms of their sponsorship agreements prior to enrolling in distance learning courses, as some sponsorship agreements prohibit distance learning courses.

8.2.5.4.2.2 Students Admitted Under International Academic Cooperation Agreements

Students admitted under an International Academic Cooperation Agreement between Dayton Law and an educational institution in a foreign country may be subject to different degree requirements in accordance with that Agreement. These Agreements may permit students to enroll in some distance education courses and have such study apply towards his or her advanced degree from the University of Dayton.

8.2.5.4.2.3 Distance Education M.S.L. Certificate Programs

The following certificate programs have been designated as Distance Education M.S.L. Certificate Programs:

1. Government Contracting and Procurement

M.S.L. candidates may enroll in distance education courses within these programs without pre-approval of the Associate Dean.

8.2.6 Course Availability

Courses required for the M.S.L. degree will be offered regularly to accommodate the M.S.L. curriculum. Some electives will be offered annually; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning, a tentative schedule of course offerings will be published with registration materials every spring. To ensure they meet the requirements of the degree, M.S.L. students should review the course offerings and consult with the Director of Graduate Law Programs when planning their schedules.

8.2.7 Adjustments to Schedule

Courses may be "added" during the first week of classes only.

Students can withdraw from a class for which there is a waiting list only during the first week of class. Students can withdraw from all other courses "without record" during the first four weeks of class. Withdrawals after this period will result in the recording of a "W" for that course on the student's transcript. In no event will a student be permitted to withdraw from a course that is required, or after taking any examination or submitting any paper that will receive weight in the final course grade, or after the seventh week of the semester without the approval of the Associate Dean for Academic Affairs.

A student in a non-required course may change the course from audit to grade credit or grade credit to audit. A change from grade credit to audit may be made without restriction during the first four weeks of the semester. Any change of status from audit to grade during the fifth, sixth and seventh weeks of the term must receive prior approval of the course instructor and the Associate Dean for Academic Affairs. In

no event will a student be permitted to change from or to audit after the seventh week of classes, or after having taken any examination or submitted any paper that will receive weight in the final course grade.

8.2.8 Refunds

Students who are dismissed for academic reasons will be entitled to a full refund of any tuition paid for the upcoming semester. Students, who withdraw, drop a course(s) or go on a leave of absence for other reasons will be entitled to a refund on a sliding scale based on the date of withdrawal. University and SBA fees are non-refundable in any situation.

The refund schedule for tuition is as follows:

If the student withdraws	Percent of refund
During the first week of classes	80%
During the second week of classes	60%
During the third week of classes	40%
During the fourth week of classes	25%
During the fifth week of classes, or later	No refund

The date that the student provides written notice of the decision to withdraw or drop a course(s) will determine the amount of the refund regardless of whether the student discontinued class attendance at an earlier date.

Check-out procedures must be followed to officially discontinue University of Dayton housing and food service, if applicable. Should a student elect to leave the University for any reason, mailbox and locker keys must be returned to the administrative office, room 203.

8.3 Course Policies

8.3.1 Course Offerings

Required courses will be offered as specified by the curriculum. Some of the more basic electives will be offered yearly; others will be offered only when enrollment warrants and a suitable instructor is available. In order to assist students in planning the last two years of their legal education, a tentative schedule of course offerings will be published with registration materials every spring.

8.3.2 Scheduled Meetings

Faculty members are expected to meet classes at the times published in the class schedule and on the days indicated in the academic calendar. Faculty absences should be reported to the Administrative Office as early as possible (including before a scheduled absence) and make-up classes must be scheduled at the earliest practicable date.

8.3.3 Attendance

8.3.3.1 On Campus and Synchronous Online Courses

8.3.3.1.1 Limitation on Allowed Absences

Students are required to attend classes regularly. Each student shall be allowed absences up to, but not exceeding, two times the number of credit hours in a course. (For example, a student in a three-hour

class that meets in two 90-minute sessions each week may miss a total of four such sessions. A student in a three-hour class that meets in three 60-minute sessions may miss a total of six such sessions.) This policy sets a firm absence limit and does not permit excused absences.

8.3.3.1.2 Faculty Discretion

In their discretion, a faculty member may require fewer, but may not allow more, absences. If a faculty member intends to impose a more stringent attendance policy, he or she must notify students of the policy in writing during the first week of the semester.

8.3.3.1.3 Mandatory Penalty

For each absence exceeding the limitation imposed in the paragraph above, a faculty member must impose a penalty for violations. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments including giving an "F", for failing to attend classes regularly.

8.3.3.1.4 Required Notices

During the first week of class, the faculty member must provide written communication to the class describing the penalty that will be imposed for violations.

A written warning from the faculty member informing the student and the Associate Dean that the student has one remaining absence before exceeding the number of absences allowed for that class is required before imposing any penalty.

If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Associate Dean in writing of any penalty imposed as a result of the excessive absence(s).

8.3.3.1.5 Appeal from Penalty

If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Associate Dean. In such extraordinary circumstances, the Associate Dean has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. The Associate Dean shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.

8.3.3.1.5.1 Academic Counseling

Students who fail to attend classes regularly will be contacted by the Associate Dean or his or her designee for academic advising and/or counseling. Students who fail to comply with the required academic advising and/or counseling session will not be permitted to register for any classes in any subsequent semester without written approval from the Associate Dean for Academic Affairs.

8.3.3.1.6 Attendance Process

Every faculty member shall take attendance each day of class by means of distributing a sign-in sheet consisting of a current class roster, or by some alternative method. The faculty member, or his or her appointed designee, shall deliver completed attendance sheets, or the results of the alternative method of taking attendance, to the faculty secretary prior to the next class meeting. [February 27, 2013]

8.3.3.2 *Asynchronous Online Courses*

8.3.3.2.1 *Limitation on Allowed Absences*

Attendance will be based on successful completion of the end-of-module quizzes. To satisfy the attendance requirement, students must obtain the score designated by the program standards on at least 85% of the quizzes. This attendance requirement must be met no later than 10 days before the final exam period.

8.3.3.2.2 *Mandatory Penalties*

Students exceeding the limitation on allowed absences will be dropped from the class roster and disqualified from sitting for the final exam.

8.3.4 *Manner of Grading*

The decision to grade by an examination or written assignments is to be made by the course instructor, subject to the approval of the Associate Dean for Academic Affairs and provided appropriate and timely notice of any change is given to students. [April 14, 1980.]

8.3.5 *Student Evaluations*

Student evaluations of faculty performance are conducted at the conclusion of each academic semester. [September 16, 1974.] The evaluations are voluntary, and anonymous on the part of student. [September 16, 1974.]

The Associate Dean for Academic Affairs is responsible for administering the evaluation and compiling the results. [September 16, 1974.] Evaluations will be distributed, completed and collected as close to the end of classes as possible using the University's online Student Evaluation of Teaching (SET) surveys. When evaluations are conducted during class time, the professor must depart the room while students are completing the evaluation.

The Associate Dean for Academic Affairs must make the evaluations available to the Dean and instructor, and, in the case of tenure-track faculty members, may make them available to the instructor's Promotion, Retention and Tenure Committee after informing the instructor. Any other distribution or use of the evaluations may be made only with the consent of the instructor. [May 13, 1981.]

8.4 *Examinations*

8.4.1 *Accommodations of Disabilities*

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. A student seeking an accommodation must obtain a determination by the University of Dayton's Office of Learning Resources that a disability exists and of the appropriate accommodations.

It is also important to understand that the determination to provide accommodations at University of Dayton may not apply to other educational institutions or testing agencies. If you take classes at another university or plan on using accommodations on standardized testing, the university or governing body responsible for administration of the accommodations will make their own decisions. Please refer to the specific guidelines of the university or governing body to assist in your evaluation of your documentation. Examples of future standard tests may include but are not limited to state bar exam, MPRE, etc.

8.4.2 Examinations: When Required

By University policy, final examination must be given in all courses except those in which a substantial written product is the main basis for grading or in which the performance of skill is primary. Mid-term practice exams for first-semester students are to be given, if practicable. [October 2, 1974.]

8.4.3 Examinations: Responsibility

While the preparation and grading of examinations is the responsibility of the course instructor, the administration of the examination itself is the responsibility of the Associate Dean for Academic Affairs and the Registrar.

8.4.4 Examinations: Anonymity

All examinations, including midterm examinations, will be administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. The Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number. [October 16, 1974.]

8.4.5 Examinations: Scheduling

Examinations must be taken during the period and at the times stated on the academic calendar and examination schedule provided by the Registrar. Students are responsible for reading and following all examination instructions provided by the Registrar. All scheduled examinations taken at the law school shall be proctored. [February 27, 2013]

8.4.5.1 *Deferrals*

Examinations are rescheduled in only two circumstances:

1. When a student has two or more exams scheduled to begin during a twenty-four hour period (a 1:30 PM examination followed by an 8:30 AM examination the next day presents a conflict; however, an 8:30 AM examination followed by an 8:30 AM examination the next day does not); or
2. When extraordinary and unavoidable circumstances intervene (such as a serious health problem of a student or a close family member).

Overlapping deadlines for papers or projects do not present a justification for rescheduling exams.

Students requesting a change in examination schedule under the first circumstance shall complete and submit an Examination Accommodation form no later than five weeks before the examination period begins. Students requesting a change in examination schedule based on the second circumstance must contact the Associate Dean for Academic Affairs or Registrar as soon as possible and be prepared to submit documentation in support of their request. The Associate Dean for Academic Affairs shall approve all examination deferral requests. Upon approval, the Registrar will reschedule the examination to the next available non-conflicting date, but not later than the third business day after the end of the examination period.

8.4.5.2 *Missed Exams*

A student who fails to take an examination during the final examination period will receive a failing grade in the course unless his or her absence is excused by the Associate Dean for Academic Affairs.

8.4.6 Examinations: Grading

Once submitted, the Registrar will make each student's answer available to the course instructor for grading in a way that will preserve the anonymity of the student. Grades must be submitted by the deadline determined by the Associate Dean for Academic Affairs.

8.4.7 Retention of Exams

Faculty must deliver all examination answers to the Registrar. The School of Law will retain examination questions and answers for at least one year. [September 12, 1975.] Thereafter, examination questions and answers may be destroyed.

8.4.8 Use of Dictionaries by International Students during Exams

International M.S.L. students who are non-native speakers of English may use a paper English or English-foreign language dictionary in exams. If they are used in a closed book or closed note exam, these dictionaries must not contain any handwritten notes. Electronic dictionaries are not permitted in exams.

8.5 Grades

8.5.1 Grade Scale

Grading is based on a point system in which corresponding letter and quality points are the following:

- A Excellent (4.0 quality points)
- A- (3.7 quality points)
- B+ (3.3 quality points)
- B Average (3.0 quality points)
- B- (2.7 quality points)
- C Poor (2.0 quality points)
- F Failing (0 quality points)

8.5.2 Other Possible Grades Assigned

8.5.2.1 *W (Withdrawal)*

A grade of "W" may appropriate when a student is granted a leave of absence by the Associate Dean for Academic Affairs after the beginning of the term. Students granted a leave can withdraw from courses "without record" during the first four weeks of class. Withdrawals with leave after this period will result in the recording of a "W" for that course on the student's transcript.

Students, who withdraw will be entitled to a refund on a sliding scale based on the date of withdrawal. University and SBA fees are non-refundable in any situation.

The refund schedule for tuition is as follows:

If the student withdraws	Percent of refund
During the first week of classes	80%
During the second week of classes	60%

During the third week of classes	40%
During the fourth week of classes	25%
During the fifth week of classes, or later	No refund

8.5.2.2 *I (Incomplete)*

A student in good standing in a course may, after the official withdrawal deadline, petition to the professor for an "I" grade. This grade is appropriate only if extraordinary conditions beyond the control of the student have led to an inability to complete course requirements. This must be documented and approved by an instructor who may then with the consent of the Associate Dean for Academic Affairs assign an "I" grade if a) the reasons presented by the student are deemed acceptable, b) the student has completed a sufficient amount of coursework to justify this grade in anticipation of completion of the work, and c) the professor and student agree to a one-term plan of action for completing the coursework.

An "I" in a graduate course must be removed within one calendar year from the date listed on the grade report or it will be changed to an "F" on the student's permanent record and the quality-point average adjusted accordingly. The time limit may be extended under exceptional circumstances, with the approval of the Associate Dean for Academic Affairs, if application for the extension is made within the one-year period noted above.

8.5.2.3 *K (Credit)*

This mark is used only for credits accepted as transfer credit from other institutions. No quality points are allowed.

8.5.2.4 *IP (In Progress)*

This designation is used in lieu of a grade for thesis/dissertation credits or other courses which have not terminated at the end of a semester. Upon completion of the thesis/dissertation all "IP" designations will be changed to "CR" in the student's permanent record. For other courses, appropriate letter grades will replace "IP" designations after the course is completed and the quality-point average will be adjusted accordingly.

8.5.2.5 *N (No grade)*

No grade was reported by the instructor.

8.5.2.6 *X (Audit)*

This mark indicates that the graduate student has registered to audit the course. No credit hours or quality points are awarded for this mark. NOTE: Any course taken for audit may not be retaken for credit.

8.5.3 *Grading Policy for M.S.L. Students*

8.5.3.1 *Generally*

Law faculty must use the Academic Standards for the University of Dayton Graduate School when grading M.S.L. students. In practice, this policy contemplates that a faculty member should grade a class containing M.S.L. students in the following fashion. In accordance with information supplied to the faculty member by the Law School Registrar's office, and in compliance with any applicable anonymity requirement, the faculty member should segregate the exams or papers of M.S.L. students. The faculty member should then assess the performance of these students and assign a grade to that performance using the Graduate School grading scale and its descriptive indicators. In assigning that grade, the following criteria may be relevant to the judgment and discretion of the faculty member:

1. An M.S.L. degree does not qualify the student to practice law. Rather these students will usually be employed in another non-legal field (e.g., information technology, biotechnology, etc.) and will be pursuing the M.S.L. degree merely to obtain a general foundation in law and a familiarity with some aspect of the law governing intellectual property and/or technology. Students may well be pursuing the M.S.L. degree to help them perform their non-legal job better or to enable them to improve their current or future career prospects in that field.
2. In some classes, M.S.L. and J.D. students may bring comparable educational backgrounds to the course, as in first semester required law courses. But in many situations, the educational background of an M.S.L. student will be markedly different from that possessed by the J.D. students in a class. In upper-level elective classes, M.S.L. students may not have the same foundation in U.S. law as they attempt to master material in classes with J.D. students who have one or more years of full-time U.S. legal education as a background for the class.
3. Given the circumstance described in the foregoing paragraph, the assignment by a faculty member of a grade below "B" to one of these students is an indication that, in the law professor's opinion, the student's work product falls below what would be considered as average work product for an M.S.L. student. The assignment by a faculty member of a grade below "B" to one of these students, while perhaps a "passing" grade under the Graduate School standards, would nonetheless be an indication to the student that, in the instructor's opinion, the student's performance in the class raises serious questions as to whether the student should be permitted to continue in the graduate program. Given this connotation for a grade below "B," the faculty member might make this basic determination the basis for an initial assessment of an M.S.L. student's performance, using the other grade increments in the graduate school grading scale to add further precision to that initial performance assessment.

8.5.3.2 *Duty to Advise*

The Academic Standards of the Graduate School also require that academic units offering Master or Ph.D. graduate degrees advise all graduate students not doing work of "high caliber" that further degree work should be "discontinued."

8.5.4 *Repeated Courses*

When a student repeats a course in which he or she received a failing grade, both grades will appear on the student's transcript and both will be used in calculating the student's grade-point average.

8.5.5 *Posting of Grades*

The Registrar is responsible for the posting/release of final grades. The Registrar will arrange for grades to be distributed confidentially. All grades will be released on the date designated by the Registrar.

8.5.6 *Grade Review*

There is a presumption that each faculty member exercises good faith, prudence and due care in grading examinations and papers. Therefore, after submission a course grade is subject to review only as follows:

8.5.6.1 *Arithmetic and Clerical Errors*

Each student has the right to obtain verification of the arithmetic and clerical accuracy of the grade. Arithmetic errors include only mathematical errors, and erroneous plotting of a grade (such as awarding a C+ for a total score of 127 when any established curve included scores of 123 through 130 as B-). Clerical errors are mistakes in the transcription of a grade. Awarding additional points is neither an arithmetic error nor a clerical error. If the verification procedure reveals an error warranting a change of grade, the change will be made upon the approval of the Associate Dean for Academic Affairs.

8.5.6.2 *Other Errors*

In all other cases, the extent of grade review is within the discretion of the course instructor. A change in grade is appropriate only when the change is (1) justified and (2) fair to other students. Such changes will be made only at the request of the course instructor, the affirmative recommendation of the Readmissions Committee, and the approval of the Dean.

8.6 *Academic Standards*

8.6.1 *Class Rank*

Because an M.S.L. student's academic record is not comparable to that of J.D. students, an official class rank cannot be determined for any M.S.L. student. M.S.L. students' grades will not affect the class rank of any J.D. student.

8.6.2 *Honors*

M.S.L. students will not be awarded graduation honors for the M.S.L. degree.

8.6.3 *Academic Good Standing*

To be in good standing, M.S.L. students are required to maintain at least a 2.2 quality point average.

8.6.4 *Academic Probation*

Any M.S.L. student who is eligible to continue studies in the School of Law is considered to be on "academic probation" when that student's cumulative quality-point average is below 2.2.

An M.S.L. student on academic probation must complete a written academic recovery contract with the Director of Graduate Law Programs which shall specify goals, expectations, and a timeline for achieving good academic standing. This contract must specify the duration of the probationary period, which may not be shorter than one academic semester, nor longer than one calendar year, and must be approved by the Associate Dean for Academic Affairs. Students on academic probation who do not sign an academic recovery contract will not be permitted to register for courses.

8.6.5 *Academic Dismissal*

Students whose academic performance has seriously impaired their ability to succeed at the University of Dayton may be subject to academic dismissal by the Associate Dean for Academic Affairs, who authorizes the dismissal and notifies the student of his or her status. M.S.L. students who may be dismissed include:

1. those who fail to achieve good standing at the end of an agreed upon period of academic probation;
2. those who fail to meet the conditions placed on admission; and/or
3. those who receive one or more grades of "F."

8.7 *Readmission*

In General Readmission is a means for students who have been academically dismissed from the University of Dayton School of Law to resume their legal studies. The readmission procedure has three steps: (1) The student files a petition; (2) The Graduate and Special Programs Committee (the Committee) makes a recommendation with respect to that petition; (3) The Assistant Dean of Graduate Programs makes his or her decision. Readmission is the exception rather than the rule. Therefore, students who have been academically dismissed are well-advised to make alternative educational and

career plans instead of counting on readmission. The term "readmission" includes both reinstatement to continue (from the point of dismissal) and to begin "afresh" (that is, start law school again). It is the student's responsibility to assess the impact of this determination on their individual bar eligibility.

8.7.1 Standards

The Faculty of the School of Law has established minimum academic standards, and a student who fails to achieve those standards prima facie is not entitled to continue legal studies. A student who has been dismissed bears the burden of persuasion that he or she merits readmission by presenting clear and convincing evidence that he or she will do good quality law school work if readmitted, and that the reasons for the dismissal no longer exist. Students on probation are required to make progress every semester toward a 2.20 cumulative grade point average if they are on the J.D. curve and 2.2 cumulative average if on the graduate school curve

8.7.2 Petitions

A student who has been academically dismissed may file a Petition for Readmission at any time, but even if granted, a student cannot continue in their studies until at least one semester has passed from the date of dismissal. The petition must set forth all of the reasons for readmission. Exhibits, such as transcripts of other academic work, legal writing samples, letters of recommendation from persons in a position to know the student's academic potential, and other documents in support of readmission, may be submitted with the petition. The Committee is not the proper forum in which to contest a course grade, however. The school has established a grade review procedure that is the exclusive remedy for a student who feels aggrieved by any course grade.

8.7.3 Confidentiality

Each member of the committee shall keep committee deliberations and information about petitioners confidential, except for information that can be shared with other committee members, the Dean, the Assistant Dean of Graduate Programs, and the Registrar.

8.7.4 Ex Parte Communications

Committee members may not speak with petitioners about their petition at any time between the filing of a petition and the committee hearing on it.

8.7.5 Communications with Faculty Members

After receiving a petition seeking readmission, the Assistant Dean of Graduate Programs, may request that faculty members who had the person in a class submit written comments to the committee. Faculty will be given two weeks to submit comments. Any information submitted by faculty after the deadline has elapsed will not be considered.

8.7.6 Committee Deliberations

The Committee's deliberations will be based on the applicant's written submission, any documents or records submitted by the student and any written submissions from faculty.

8.7.7 Reports

After making its decision, the Committee will submit a written report to the Assistant Dean of Graduate Programs containing its recommendations, including, in the case of a recommendation to readmit, any limitations or special conditions the Committee believes should be imposed.

8.7.8 Decision

The final decision on a petition for readmission is made by the Assistant Dean of Graduate Programs after receiving the report of the Committee.

9 SPECIAL PROGRAMS: ACADEMIC STANDARDS AND POLICIES

9.1 Non-Degree Program

9.1.1 Application

This section applies to the 26-credit non-degree program in Korea

9.1.2 Registration for Courses

9.1.2.1 Repeated Courses

Courses for which a student has received a grade of "C" or above cannot be repeated.

9.1.2.2 Refunds

Students who drop a course before the start of classes are entitled to a full refund. Students who drop a course after the first class session of that course are not entitled to a refund.

9.1.3 Attendance

9.1.3.1 Limitation of Allowed Absences

Students are required to attend classes regularly. Each student shall be allowed absences up to, but not exceeding, 20% of the total class hours.

9.1.4 Mandatory Penalty

Faculty must impose a penalty for each absence exceeding the limitation imposed in the paragraph above. The penalty may include, but is not limited to, disqualifying a student from taking the final examination, dropping him or her from the class roll, or reducing his or her grade by one or more increments, including giving an "F", for failing to attend classes regularly.

During the first week of class, the faculty member must provide written communication to the class describing the penalty that will be imposed for violations.

If a student exceeds the number of permitted absences for a class, the faculty member must notify the student and the Assistant Dean for Graduate Programs in writing of any penalty imposed as a result of the excessive absence(s).

9.1.4.1 *Appeal of Penalty*

If a student has an extraordinary circumstance that leads to excessive absences, such as a serious illness, the student should address the issue with the Assistant Dean for Graduate Programs. In such extraordinary circumstances, the Assistant Dean for Graduate Programs has the discretion to relieve the student of any penalty imposed by virtue of the excessive absences. However, work-related responsibilities ordinarily do not present a justification for excusing absences. The Assistant Dean for Graduate Programs shall promptly notify the appropriate faculty member(s) of any such exercise of his or her discretion.

9.1.5 *Examinations*

9.1.5.1 *Examinations: When Required*

A final examination will be given in each course. All final examinations must include essay and multiple-choice questions.

9.1.5.2 *Examinations: Anonymity*

Examinations must be administered anonymously to insure the integrity and fairness of the grading process.

9.1.5.3 *Examinations: Scheduling*

Examinations must be taken at the time provided in the schedule. Examinations are rescheduled only when extraordinary and unavoidable circumstances intervene, such as a serious illness or family emergency. Work-related responsibilities ordinarily do not present a justification for rescheduling exams. The Assistant Dean for Graduate Programs shall approve all examination deferral requests.

9.1.5.4 *Missed Exams*

A student who fails to take an examination during the final examination period will receive a failing grade in the course unless his or her absence is excused by the Assistant Dean for Graduate Programs.

9.1.5.5 *Retention of Exams*

Faculty must deliver all examination answers to the Assistant Dean for Graduate Programs after grading is complete. The School of Law will retain examination questions and answers for at least one year. Thereafter, examination questions and answers may be destroyed.

9.1.5.6 *Accommodations of Disabilities*

It is the policy of the School of Law to comply with the Americans with Disabilities Act. The school will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is possible to do so, and that accommodations are not unduly burdensome. A student seeking an accommodation must obtain a determination by the University of Dayton's Office of Learning Resources that a disability exists and of the appropriate accommodations.

9.1.6 *Grading Policies*

9.1.6.1 *Mandatory Grading Norms*

Grading is based on a point system in which corresponding letter and quality points are the following:

- A Excellent (4.0 quality points)
- A- (3.7 quality points)

- B+ (3.3 quality points)
- B Average (3.0 quality points)
- B- (2.7 quality points)
- C Poor (2.0 quality points)
- F Failing (0 quality points)

9.1.6.2 *Other Possible Grades*

9.1.6.2.1 *W (Withdrawal)*

A student may withdraw from a course after classes begin only with the approval of the Assistant Dean for Graduate Affairs. Withdrawals will result in the recording of a "W" for that course on the student's transcript.

9.1.6.3 *X (Audit)*

This mark indicates that the student has registered to audit the course. No credit hours or quality points are awarded for this mark.

9.1.6.4 *Grade Review*

There is a presumption that each faculty member exercises good faith, prudence and due care in grading examinations and papers. Therefore, after submission a course grade is subject to review only as follows:

9.1.6.5 *Arithmetic and Clerical Errors*

Each student has the right to obtain verification of the arithmetic and clerical accuracy of the grade. Arithmetic errors include only mathematical errors, and erroneous plotting of a grade (such as awarding a C for a total score of 127 when any established curve included scores of 123 through 130 as B-). Clerical errors are mistakes in the transcription of a grade. Awarding additional points is neither an arithmetic error nor a clerical error. If the verification procedure reveals an error warranting a change of grade, the change will be made upon the approval of the Assistant Dean for Graduate Programs.

Other Errors

In all other cases, any grade change must be approved by both the faculty member and the Assistant Dean for Graduate Programs. A change in grade is appropriate only when the change is (1) justified and (2) fair to other students.

10 STUDENT AFFAIRS

10.1 *STUDENT RECORDS*

The University of Dayton and the School of Law are subject to the provisions of federal law known as the Family Educational Rights and Privacy Act (FERPA), affording to students rights of access to education records and imposing obligations on the University in the release and disclosure of those records to third parties. To comply with federal regulations promulgated pursuant to FERPA, the University of Dayton has formulated and adopted policies and procedures to be followed with regard to the disclosure of information

from the education records of current and former students. These policies are set out in the University Student Handbook available [here](#).

10.2 CO-CURRICULAR ACTIVITIES

10.2.1 Moot Court (Available to Juris Doctor Candidates Only)

Policies regarding participation in Moot Court Programs are found [here](#).

10.3 EXTRA-CURRICULAR ACTIVITIES

10.3.1 Juris Doctor Candidates

10.3.1.1 In General

All students who are in good academic standing and eligible to continue in law school are eligible to participate in extra-curricular activities.

10.3.1.2 Student Organizations

10.3.1.2.1 Student Bar Association

All students who are enrolled at the University of Dayton School of Law are members of the Student Bar Association ("SBA").

10.3.1.2.2 Student Organization Guidelines

In order to be recognized as a student organization at the University of Dayton School of Law, obtain space in Keller Hall, or an allocation of funds from SBA, each group must have an advisor and comply with the following:

10.3.1.2.2.1 Advisor

The advisor will be the Dean of Students, or another faculty or staff member designated by the Dean.

10.3.1.2.2.2 Purchases and Contracts

All purchases of goods and services on behalf of the student organization are processed using a University credit card or by check reimbursement. Original receipts are required for check reimbursement. Any purchase of goods or services, reimbursement for prior expenditures for those goods or services, or contract for goods or services, in the amount of \$300.00 or more must be approved by the advisor on an Advisor Approval form. SBA is exempt from this provision.

10.3.1.2.2.3 Debts

All debts must be paid on or before three weeks prior to the end of each semester unless there is a bona fide dispute concerning either liability or amount. Disputes must be reported to SBA and Dean of Students immediately.

10.3.1.2.2.4 Sanctions

Any student organization found to have violated any of the above guidelines may incur sanctions, including, but not limited to, personal liability for individuals; and loss of any or all rights as a student organization, or complete recognition.

10.3.1.3 *Faculty Committees*

Only students who are in good academic standing and are eligible to continue in law school are eligible for appointment and to serve on faculty committees.

10.3.1.4 *Part-Time Employment*

10.3.1.4.1 *First-Year Students*

First-year students are prohibited from working without the written permission of the Associate Dean for Academic Affairs.

10.3.1.4.2 *Upper-Level Students*

Upper-level students are permitted to work up to twenty hours per week.

10.3.1.4.3 *Students on Probation*

Students on probation are prohibited from working, except by the written consent of the Associate Dean for Academic Affairs.

10.3.2 *LL.M. and M.S.L. Candidates*

10.3.2.1 *In General*

All students who are in good academic standing and eligible to continue in law school are eligible to participate in extra-curricular activities.

10.3.2.2 *Faculty Committees*

Ordinarily, M.S.L. and LL.M. students are not eligible to serve on faculty committees. Under special circumstances, this policy may be waived, but only with the express permission of the Associate Dean for Academic Affairs.

10.3.2.3 *Employment*

M.S.L. and LL.M. students who are U.S. citizens or permanent residents may work full-time or part-time.

Students on an F-1 visa are eligible to work on campus while attending classes are subject to F-1 immigration regulations and the policies of the University of Dayton. F-1 students with questions about employment should consult the Office for International Student and Scholar Services in the Center for International Programs.

10.4 *STUDENT COMPLAINT POLICY*

10.4.1 *How to Report a Student Complaint*

The University of Dayton School of Law (UDSL) is accredited by the American Bar Association (ABA). As an ABA accredited school, UDSL is subject to the ABA Standards for Approval of Law Schools. The ABA Standards may be found on the ABA's webpage and may be accessed at (http://www.americanbar.org/groups/legal_education/resources/standards.html). Any student at UDSL who wishes to bring a formal complaint to the attention of the UDSL administration of a significant problem that directly implicates the school's program of legal education and compliance with the ABA's Accreditation standards should do so in writing to the Associate Dean for Academic Affairs. The writing may consist of e-mail, U.S. mail, or fax and must provide the name, phone number, official law school e-mail address and street address of the complaining student to enable further communication about the complaint. The written complaint must be signed by the student. Filing a complaint pursuant to this policy

does not preclude a student from pursuing other remedies, otherwise available by law or University of Dayton policy.

10.4.2 Content of the Student Complaint

The written student complaint should describe in detail the behavior, program, process or other matter that is the subject of the complaint and should explain how the matter implicates the law school's program of legal education and its compliance with specific identified ABA Standard(s). The complaint must reference the specific ABA accreditation standard at issue and contain sufficient detail to enable an investigation of the matter.

10.4.3 Resolving the Complaint

As soon as possible after receiving the complaint, the Associate Dean for Academic Affairs or designee shall investigate the allegations of the complaint. Within fifteen business days of the receipt of the complaint, the Associate Dean for Academic Affairs or designee shall notify the student of relevant findings and any intended action that UDSL is taking to address the complaint or any further investigation into the matter subject to any applicable rules of confidentiality.

10.4.4 Appeals

If the complaining student is dissatisfied with the outcome or resolution of the complaint, that individual shall have the right to appeal the decision to the Dean of the School of Law in writing. The complaining student should submit the written comments to the Dean in a timely matter, but in no case more than ten business days after notification of a final determination by Associate Dean of Academic Affairs. The Dean's decision shall be communicated to the complainant within fifteen business days of receipt of the written comments and the decision of the Dean shall be final.

10.4.5 Maintaining a Record of the Student Complaint

The School of Law shall maintain a complete record of each student complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner and retained for a period of eleven years.

10.4.6 Protection against Retaliation

The School of Law will not in any way retaliate against a student who makes a complaint under this policy, nor permit any faculty member, administrator, employee or student do so.

[Adopted January 25, 2012]

11 GOVERNANCE POLICIES

11.1 GENERAL ADMINISTRATION

Within the general policies established by the University and its trustees, the Dean and the Faculty of the School of Law shall have the responsibility for formulating and administering the program of the school, including such matters as faculty selection, retention, promotion and tenure; curriculum; methods of instruction; admission policies; and, academic standards for retention, advancement, and graduation of students. [ABA Standard 201.]

11.2 ROLE OF THE DEAN

11.2.1 In General

The Dean is the administrative head of the School of Law, and its educational leader. [University Constitution VIII, Sec. 2(a).] He or she, in consultation with members of the school's faculty, is responsible for formulating a general framework for the operation and advancement of the School of Law. [University Constitution Article VIII, Sec. 2(c).] The University Constitution is included in the Faculty Handbook available [here](#).

11.2.2 Specific Responsibilities

11.2.2.1 Committees

The Dean designates, from time to time, an Academic Affairs Committee and other committees, and appoints members of the faculty to them for the purpose of consultation and participation with him or her in the decision-making processes of the school. [University Constitution Article VIII, Sec. 2(c).]

11.2.2.2 Written Policies

The Dean is responsible for the preparation of a policy manual providing an organizational and operational framework for the School of Law. [University Constitution Article VIII, Sec. 2(c)-(e).]

11.2.2.3 Chair of the Faculty

The Dean presides at all meetings of the faculty.

11.2.2.4 Faculty Selection

The Dean recommends the appointment of new faculty to the Vice President for Academic Affairs and Provost. The Dean will not recommend the appointment of a new faculty member without the concurrence of at least two-thirds of the faculty. [September 16, 1974 and February 11, 1988.]

11.2.3 Waivers

The Dean has the discretion to waive any faculty policy in an individual case. When a waiver is made, the Dean will inform, in writing, the faculty committee having jurisdiction over the matter, stating his or her reasons for the waiver. If the matter is not within the jurisdiction of any committee, the notice will be sent to the faculty. [April 8, 1981, and April 27, 1987.]

11.2.4 Delegations

The Dean may delegate any of his or her duties and responsibilities to an Associate or Assistant Dean.

11.3 ROLE OF THE FACULTY

11.3.1 Definition

The Faculty of the School of Law consists of all members of the school's instructional staff under full-time contract to the University in the rank of Instructor or above. [University Constitution Article VIII, Sec. 1(a)(2).] Members of the faculty are appointed by the Vice President for Academic Affairs and Provost upon the Dean's recommendation.

11.3.2 Responsibilities

11.3.2 Responsibilities

Full-time faculty members must devote substantially all their working time to teaching and legal scholarship. They must have no substantial outside office or business activities. Outside activities, if any, are limited to those which relate to their major academic interests or enrich their capacities as scholars and teachers, or are of service to the public generally and do not unduly interfere with their responsibilities as faculty members. The faculty as a collective body shall fulfill the following core responsibilities:

- (1) Teaching, preparing for classes, being available for student consultation about those classes, assessing student performance in those classes, and remaining current in the subjects being taught;
- (2) Participating in academic advising, creating an atmosphere in which students and faculty may voice opinions and exchange ideas, and assessing student learning at the law school;
- (3) Engaging in scholarship;
- (4) Service to the law school and university community, including participation in the governance of the law school, curriculum development, and other institutional responsibilities;
- (5) Service to the profession, including working with judges and practicing lawyers to improve the profession; and
- (6) Service to the public, including participation in pro bono activities. [ABA Standards 404.]

11.3.3 Meetings

11.3.3.1 *Regular Meetings*

Faculty meetings will be held at least monthly during the academic year.

11.3.3.2 *Special Meetings*

The Dean may call a faculty meeting at his or her discretion and must call a faculty meeting within a reasonable time upon the request of four members of the faculty. [March 11, 1981.]

11.3.3.3 *Participation*

The following persons are entitled to attend and participate in faculty meetings:

1. The Dean;
2. All members of the tenure-track faculty;
3. All other, full-time members of the instructional staff; [May 13, 1981.]
4. Three students, one from each class, chosen in an election conducted by the Student Bar Association. Student representatives will be required to leave the meeting when the faculty goes into executive session for the discussion of personnel or budgetary matters, or other sensitive issues such as those involving the privacy of one or more individuals. Student members of faculty committees will not be allowed to attend faculty meetings except in unique circumstances and by the specific invitation by the Dean [October 29, 1975 and January 30, 1976.]; and
5. All other persons to whom the faculty, by majority vote, extends the privileges of attendance and participation in its meetings.

11.3.3.4 *Quorum*

The quorum for all faculty meetings will be a majority of all persons entitled to vote at the meeting.

11.3.3.5 *Voting*

All persons holding a tenure-track appointment with an academic rank of Assistant Professor or above are entitled to vote at faculty meetings as a matter of right. Other persons may be extended the privilege of voting only upon a majority vote of the faculty. [April 5, 1982.]

11.3.3.6 *Agendas*

An agenda will be published for each faculty meeting and distributed to faculty members at least three days before the first date set for the meeting. The Dean shall determine the items on the agenda in his discretion, except that she or he must place an item on the agenda of the next meeting when it is a committee recommendation, or its consideration has been requested by any four faculty members or by all three student representatives. [March 11, 1981.]

11.3.3.7 *Minutes*

Minutes of faculty meetings will be prepared and kept by the Dean. Actual number of votes on faculty and decanal candidates will not be reflected in the Minutes, however. [February 3, 1982.]

11.3.3.8 *Opinions*

Decisions reached at faculty meetings are made by the faculty as a whole. Thus, although faculty members are not discouraged from expressing their individual views, they are under no duty or obligation to do so. [February 10, 1976.]

11.3.3.9 *Rules of Order*

Meetings of the faculty shall be as informal as possible. However, when necessary for the maintenance of good order, such meetings shall be run in conformity with Robert's Rules of Order.

11.3.4 *Committees*

11.3.4.1 *Composition*

The Dean will constitute various faculty committees to assist in the handling of the academic and administrative affairs of the School of Law. The Dean may also appoint students to these committees as seems appropriate. The following standing committees have been constituted, together with such additional committees as in the Dean's judgment may be necessary:

Academic Affairs

Admissions

Readmissions

Faculty Recruitment & Development

Graduate and Special Programs

In addition, the tenured faculty as a whole will serve as a Promotion, Retention and Tenure Committee for each tenure-track, but untenured, member of the faculty.

11.3.4.2 *Minutes*

Committee chairs are responsible for having minutes of committee meetings prepared and copies delivered to the Dean who will maintain such copies as a permanent record of the committee's proceedings.

11.3.4.3 *Committee Recommendations*

Committee proposals requesting faculty concurrence must be prepared and circulated to the faculty at least three days prior to the faculty meeting at which it will be considered.

11.3.5 *Approval of Courses*

11.3.5.1 *General Rule on Course Approvals*

All courses must be approved by the faculty of the School of Law before being offered as part of the curriculum. Except as specifically provided in this policy, the approval of the faculty is required for any change in the curriculum of the School of Law. Under ordinary circumstances, the faculty's authority is exercised through the consideration of curricular proposals that have first been reviewed and evaluated by the Academic Affairs Committee and that are presented to the faculty with a report of the Committee's evaluation.

11.3.5.2 *Temporary & Experimental Courses*

11.3.5.2.1 *Circumstances Warranting Temporary & Experimental Courses*

The faculty recognizes that the ordinary processes for approval of curricular change, and in particular the processes for the approval of new or modified courses, may be unduly cumbersome in two circumstances.

First, there may be occasions in which it is appropriate to offer a course only as a temporary part of the curriculum, and not as a permanent addition. Courses of this character most frequently will involve a subject that is of interest to a faculty member or a group of students but that is not of sufficient breadth or long-term interest to warrant creation of a permanent addition to the School's approved course offerings or inclusion in a pre-existing course.

Second, there are occasions in which it may be more appropriate to offer a new course on an experimental or trial basis. This is especially likely to be the case when a new course involves novel or non-traditional pedagogical approaches. In that situation, the experimental character of the course may involve a substantial element of trial-and-error in designing, re-designing, and refining the course's structure.

11.3.5.2.2 *Approval Process*

In order to accommodate situations such as those described above, the Academic Affairs Committee is authorized to approve the offering of experimental or temporary courses for credit without approval by the faculty. The committee may approve any such course only if, in the committee's judgment, the course falls within the descriptions of such courses set out in this policy. No course approved by the committee as an experimental or temporary course under this policy may be offered for credit without the approval of the faculty in more than one semester. Upon a showing of need, a course approval may be renewed by the committee for one additional semester. Upon each approval of such a course, the committee shall notify each member of the faculty of the approval including full details of the course description and course proposal.

11.3.5.3 *Course Proposals from Outside the School of Law*

Proposals for changes to the curriculum from persons outside of the School of Law shall be reviewed by the Associate Dean of the School of Law before consideration by the Academic Affairs Committee.

11.3.5.4 *Course Proposals: Timing & Format*

11.3.5.4.1 *Timing*

Proposals for the addition to the curriculum of a permanent, temporary or experimental course or for the significant modification of an existing course description shall be presented to and considered by the Academic Affairs Committee according to the following schedule. For courses proposed to be offered for the first time in a future Summer or Fall semester, the proposal shall be presented to the committee no later than January 15th of any calendar year and the committee shall take final action on the proposal no later than February 15th of that same calendar year. For courses proposed to be offered for the first time in a future spring semester, the proposal shall be presented to the committee no later than September 15th of any calendar year and the committee shall take final action on the proposal no later than October 15th of that same calendar year.

11.3.5.4.2 *Format*

Course proposals presented to the Academic Affairs Committee shall contain the following information:

1. The name of the course and a course description that clearly and concisely notifies students of the general content of the course. The course description should include some indication of specific legal issues that will or may be examined in the course and should be consistent with existing course descriptions posted on the web site of the law school;
2. The number of suggested credits for the course;
3. An indication of whether the completion of any pre-requisite or co-requisite courses are required or suggested for a student's enrollment in the course. Any capstone proposals should specifically identify the prerequisite courses it builds upon. Proposals for capstone courses should also identify, if applicable, the new information or skills that will be introduced in the course;
4. The course materials that will be utilized by the students;
5. A description of the evaluative method or methods that may be utilized by the instructor in assessing student performance in the course; this description should include an identification of the tests, assignments, or tasks (e.g. examinations, written papers, class presentation or participation, etc.) that will be considered by the instructor in arriving at a final grade in the course, together with the weight to be assigned to those tests, assignments or tasks;
6. The grading option to be utilized in the course; where a grading option other than option A has been selected, the proposal should indicate why that alternative grading option has been selected;
7. An explanation of any proposed exemption from the Law School's mandatory grading norms;
8. An explanation of how the proposed course complies with any criteria or requirements that may be contained in other relevant sections of this policy manual or its appendices; (See, for example, the academic policies on the "Writing Requirement," "Capstone Courses," "Specially Scheduled Courses," "Externship Guidelines," "Distance Education Courses");
9. A presentation of the rationale for inclusion of the proposed course in the curriculum, i.e. an explanation of how the proposed course fits in with or contributes to the curriculum. Such a presentation might include an explanation of why students might want to take the proposed course, how it relates to other courses in the curriculum or a field of legal practice, and how the course may reinforce or enhance a student's general or focused curricular choices; and
10. An indication of when the proposed course might be offered for the first time.

11.3.5.5 *Course Approvals Involving Distance Education*

The Academic Affairs Committee is authorized to approve the offer of existing law school courses in a format that would constitute “distance education” under the Law School’s [Distance Education policy](#) without approval by the faculty. The committee may approve any such course offering only if, in the committee’s judgment, the course complies with the requirements of that Distance Education policy. Upon each approval of such a course offering, the committee shall notify each member of the faculty of the approval including full details of the course’s distance education format.

All new courses to be offered as distance education courses must be approved by the faculty of the School of Law before being offered as part of the curriculum. Course proposals for new courses to be offered as distance education courses must first comply with the requirements for any new course proposal under the policy on “Approval of Courses” in this Policy Manual. New distance education course proposals must also meet the requirements of the Law School’s Distance Education Policy.

11.3.5.6 *Course Approvals and Changes to the Curricula of Transcribed Non-JD Programs*

11.3.5.6.1 *Generally*

The Graduate and Special Programs Committee is authorized to review and approve the following without additional approval by the full faculty:

1. New courses that will be offered only to students in a Master of Laws (LL.M.) or Masters in the Study of Law (M.S.L.) program. These include courses that count towards a transcribed certificate under an LL.M. or M.S.L. program.
2. Curricular and other non-administrative changes to existing non-JD programs, including additions and other revisions to the course lists, changes in course sequencing, method of delivery, location of delivery, and other changes that do not result in the creation of a new program.

11.3.5.6.2 *Notice Requirement*

The Graduate and Special Programs Committee shall give written notice within one calendar week to the faculty of any decisions made under Section 11.3.5.6.1.

11.3.5.7 *Approval of new non-JD Programs and Transcribed Certificates*

Proposals for new non-JD programs and transcribed certificates will be reviewed and evaluated by the Graduate and Special Programs Committee. They will then be presented to the faculty with a report of the Committee’s evaluation.

11.3.6 *Selection of New Faculty*

The Policy on Selection of New Faculty is available [here](#).

12 PERSONNEL POLICIES

12.1 FACULTY POLICIES

12.1.1 Teaching

12.1.1.1 Faculty Assignments

12.1.1.1.1 Courses

All first-year courses and most of the larger enrollment upper-level courses will be assigned to full-time faculty members. Normally faculty members will be assigned to teach only courses which they have taught before or within their areas of expertise. When necessary to assure the quality of instruction and the involvement of full-time faculty, however, exceptions will be made.

12.1.1.1.2 Teaching Loads

Normally a full-time faculty member will be assigned to teach two courses each semester, totaling from five to seven credit hours. Adjunct faculty members usually will be assigned to teach one course of not more than four credit hours. Under no circumstances will any faculty member be permitted to teach more than ten contact hours per week or more than eight hours counting repeat courses at half the number of credit hours.

12.1.1.2 Scheduling

12.1.1.2.1 Class Periods

With certain exceptions, all J.D. classes will be scheduled in sixty-minute sessions. Exceptions include capstones, skills courses (such as Law Clinic Intern), and any course taught by an adjunct faculty member. Class periods of longer than ninety minutes (often called "one and one-half hours") will be scheduled only with the consent of the course instructor. [March 26, 1975.]

12.1.1.2.2 Priorities

In scheduling classes, the following priorities will be observed:

1. The needs of the academic program. This includes the desirability of keeping the noon hour free of classes to encourage student participation in the speakers program, and to allow for the convenient scheduling of make-up classes at the end of the semester;
2. Requests from faculty members for one day per week without classes, in order to facilitate and encourage faculty research and scholarship;
3. Any other personal requests from faculty members that classes be scheduled at a particular time or on a particular day. [December 3, 1986].

12.1.1.2.3 Specially Scheduled Courses

Courses that are scheduled to meet regularly outside a regular term or for a shorter period than the course of an entire term must comply with the [Policy on Specially Scheduled One-Credit Courses, available here](#).

12.1.1.3 Office Hours

Faculty members are expected to be available on campus to meet with students and academic and administrative colleagues in order to fulfill their contractual obligations. The hours of availability should be reasonably consistent with the needs of the students and administrative members of the staff. Office hours should be posted. Secretaries should be informed when faculty members are unable to meet their

regular office hours. Administrative offices, under normal conditions, are open from 8:30 a.m. to 4:30 p.m., Monday through Friday. [\[Faculty Handbook\]](#)

12.1.1.4 *Manner of Grading and Notice to Students*

The decision to grade by an examination or written assignments is to be made by the course instructor, subject to the approval of the Associate Dean for Academic Affairs and provided appropriate and timely notice of any change is given to students. [April 14, 1980.] According to University policy, students have “the right to detailed knowledge of objectives and procedures within the first week of the course. This information should be included in the course syllabus, which should be distributed at the first class or at least during the first week.” [\[Faculty Handbook\]](#)

12.1.1.5 *Attendance*

All courses at the School of Law are subject to the terms of the mandatory attendance policy described more fully in sections 4.7.3, 6.3.3, and 8.1.4.

12.1.1.6 *Sample Exam Questions and/or Answers*

Each professor may make copies of his or her examination questions and/or sample or exemplar answers available to students.

12.1.1.7 *Grade Submission Deadlines*

Any faculty member who submits his or her grades late (that is, after the deadline specified by the school's Registrar) will be fined \$50 per day for each day of tardiness. This fine will be assessed against the faculty member's salary the next time salaries are set. Thus, for example, if a faculty member submits his or her Spring 2019 grades ten days late, his or her 2018-2019 salary will be reduced by \$500.

12.1.2 *Merit Pay*

The Policy on Merit Pay is available [here](#).

12.1.3 *Research and Travel Funds*

12.1.3.1 *In General*

It is the School of Law's policy to support the research and professional activities of each faculty member by making available to him or her a definite and reasonable amount of funds for hiring of research assistants, defraying of expenses incurred for the purpose of research or other professional activities, acquiring books and other materials related to scholarly or professional activities, or other appropriate expenses. In extraordinary cases, the Dean may make available additional funds to a faculty member on a case-by-case basis.

12.1.3.2 *Procedures*

To use research and travel funds, faculty members should submit a written request to the Director of Operations and Finance stating generally the purpose and approximate amount of the expenditure. The approval of such requests will not be unreasonably withheld.

12.1.4 *Summer Stipends*

12.1.4.1 *Assumptions*

The program outlined below proceeds on the assumption that there will be sufficient funds available in the School of Law's budget for financing a program for summer stipends or grants.

12.1.4.2 *Scope of the Program*

This program is designed to support three distinct types of faculty activity:

1. Development of new educational programs to be integrated into the curriculum of the School of Law;
2. Legal scholarship; and
3. Development of new courses and teaching methods for integration into the curriculum.

12.1.4.3 *Amount of the Stipend*

Summer stipends will be in an amount that is a realistic and serious incentive to faculty activity, and roughly equivalent to the amount of money a faculty member could expect to earn by teaching a course during the summer.

12.1.4.4 *Procedures*

Faculty proposals for a summer stipend will be submitted, in writing, to the Dean by a published date and evaluated by him or her under the following criteria:

Overall quality as represented by:

1. Innovation in legal scholarship and education;
2. Development of individual faculty members (independent of any retention, promotion, or tenure decisions to be made about the faculty member);
3. Development of the School of Law;
4. Maintenance of diversity among the types of funded proposals; and
5. Probability of the completion of the project.

Faculty members whose proposals receive funding are required to submit a written report to the Dean describing his or her activities, by a date established by the Dean.

12.1.5 *Tenure-Track Faculty Promotion, Retention and Tenure Policy*

The current Promotion, Retention and Tenure Policy, adopted by the faculty is available [here](#). This policy and any amendment to the policy hereafter adopted apply to all untenured tenure-track faculty members who sign and execute a tenure-track employment contract with the University of Dayton School of Law after December 1, 2016.

12.1.6 *Non-Tenure Track Lawyering Skill Faculty Policy*The Policies and Procedures for Hiring and Evaluating Full-Time Non-Tenure Track Lawyering Skills Instructional Staff are available [here](#).

12.1.7 *Non-Tenure Track Academic and Bar Passage Support Faculty Policy*

The Policies and Procedures for Hiring and Evaluating Full-Time Non-Tenure Track Academic and Bar Passage Support Instructional Staff are available [here](#).

12.1.8 Non-Tenure Track Externship Faculty Policy

The Policies and Procedures for Hiring and Evaluating Full-Time Non-Tenure Track Externship Instructional Staff are available [here](#).

12.1.9 Sabbatical and Other Leaves

The School of Law policy on sabbatical and other leaves is available [here](#) and is subject to University policies on sabbatical and other leaves available [here](#).

12.1.10 Peer Review of the Teaching of Long-Term Faculty

The School of Law policy on peer review of the teaching of long-term faculty is available [here](#).

12.1.11 Outside Activities

12.1.11.1 *In General*

As full-time employees, all members of the law school's staff, faculty members, administrators and clerical staff, are expected to devote substantially all of their energies to the accomplishment of the duties assigned to them while working for the University. Except as noted below, it is personally and professionally unethical to use or divert University resources, including the time of its employees, for the conduct of personal affairs or for a competing business, including one operated by the employee. As University employees, all members of the law school's staff, faculty members, administrators, and clerical staff are subject to the Policies and Procedures Handbook for Professional and Support Staff Employees available [here](#).

12.1.11.2 *Personal Affairs*

It would be unreasonable for the University, or any employer, to expect its employees to devote 100% of their energy to the accomplishment of its work during each and every day. Therefore, a rule of reason must be applied, permitting employees the freedom to use a reasonable amount of time for personal affairs. Thus, the school does not object to a staff member making or receiving personal telephone calls, as long as they are reasonable in number and length (and, as noted below, as long as the school is reimbursed for any toll charges incurred).

12.1.11.3 *Compensated Business*

Performance of services for another (including one's self) while in the employ of the University is very problematic. Clearly performing such services while working as a University employee (that is, during "working hours") is improper. Thus, for example, typing a student's paper for compensation during business hours is inappropriate.

12.1.11.4 *Use of Resources*

Further, using the resources of the University (including its facilities and the time of any of its employees) to perform work for another may be inappropriate. Under ordinary circumstances, University resources should not be used at all. With permission of the law school's Dean, some resources may be used provided the University is reimbursed for the reasonable value of what is used, and the activity does not constitute, or give the appearance of constituting, the University's involvement in that outside business. Thus, for example, a faculty member engaged in private consulting should not ask or expect the school's clerical staff to do any work for that consulting business, and should reimburse the School of Law for all resources used, including office equipment, paper, photocopies, and telephone calls (both local and long distance). Similarly, a clerical staff member may use the school's computer to prepare student papers for

pay, provided the work and any attendant contacts take place wholly outside of working hours, and the University is reimbursed for any paper or supplies that are used.

12.1.11.5 *Representation of Other Employees*

In order to avoid conflicts of interest, or the appearance of such conflicts, employees may not become advocates for or otherwise represent another employee in any matter arising out of that employee's relationship to the University, with the following exceptions:

1. When that advocacy or representation is pursuant to an established University policy such as the University of Dayton Regulations on Academic Freedom and Tenure, the Equity Compliance Policy, or a grievance procedure under a collective bargaining agreement; or,
2. When the representation has been approved in advance by the Dean.

12.2 *ADJUNCT FACULTY POLICIES*

The Dean will appoint members of the adjunct faculty, often in consultation with the Chair of the Faculty Recruitment Committee and the full-time faculty who teach in the same subject area. The Adjunct Faculty Manual is available [here](#).

12.3 *LAW LIBRARIAN POLICIES*

The Law Library Tenure Policy is available [here](#).

12.3.2 *Law Library Director Policy*

The library faculty member serving as the Director of the Zimmerman Law Library (Director) will be appointed and tenured through Zimmerman Law Library. For the duration of their term as Director, library faculty members will have a joint appointment to the School of Law. Zimmerman Law Library will be the primary unit (tenure home) for the appointment of the Director. Primary responsibility for the Director's promotion, salary recommendation, librarianship, scholarship, and service will rest with Zimmerman Law Library. Any application for promotion will be governed by the rules set forth in the Zimmerman Law Library University of Dayton School of Law Promotion and Tenure Policy. Directors are entitled to participate fully in School of Law Faculty Meetings and vote on all matters except: matters concerning appointments and promotions of tenure track faculty; changes in the status of the law librarian positions; continuation of the Zimmerman Law Library. The Law Library Director serves at the pleasure of the Dean. Directors' tenure with Zimmerman Law Library will not be affected by the conclusion of their appointment as Director.

13 POLICIES RELATED TO SCHOOL OF LAW FACILITIES

13.1 *LAW SCHOOL FACILITIES*

13.1.1 *Use of Keller Hall*

The purpose and predominant use of Joseph E. Keller Hall is the education of students in the JD program. Spaces in Keller Hall should not be used in any way that will limit or interfere with the law student JD educational program uses, including co-curricular activities such as Moot Court. For these reasons, law school classes and activities may not be displaced or adversely affected by any other proposed use of Keller Hall spaces under any circumstances.

13.1.2 *Keller Hall Usage and Fees*

The permitted uses of Keller Hall are described in the Keller Hall Space Use Policies and Fees, available [here](#).

14 UNIVERSITY AND LAW SCHOOL POLICIES

14.1 NOTICE OF NONDISCRIMINATION

The University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The University of Dayton does not discriminate on the basis of age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, gender expression, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable local, state or federal law, ordinance or regulation. This includes protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission, Ohio Civil Rights Commission or other human rights agencies, in the planning and administration of its admissions policies, educational programs, scholarships, loans, and other financial aid, athletic and other school-administered programs, services, and activities, or in employment. Sexual harassment, which includes acts of sexual violence, is a type of sex discrimination.

This policy covers nondiscrimination in employment as well as access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access and/or benefits required by applicable law, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above (which denial, deprivation or limitation constitutes "discrimination" under this policy) is in violation of this policy. This includes failing to provide reasonable accommodations to persons with disabilities, when that accommodation is consistent with state and federal law.

For a complete copy of the policy or for more information, click [here](#) or contact the University's Title IX Coordinator at 937-229-3622 or by email at azavadil1@udayton.edu.

14.2 PERSONS WITH DISABILITIES

It is the policy of the University of Dayton School of Law to comply with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and state and local requirements regarding students and applicants with disabilities. The School of Law will make every effort to provide reasonable accommodations to persons with disabilities to the extent that it is readily achievable to do so. We are unable to make accommodations that are unduly burdensome or that fundamentally alter the nature of the program. Students seeking accommodations should contact the University [Office of Learning Resources](#).

14.3 ETHICS AND PROFESSIONALISM

14.3.1 Honor Code

The School of Law's Honor Code is available [here](#).

14.3.1.1 *Honor Code Approval Process*

When the Honor Council has approved an amendment to the Honor Code via the process for amendment prescribed in Article VII of that code, the faculty advisor to the Honor Council shall notify the faculty in writing within five school days. The faculty may veto any amendment, or any part thereof, at the next full faculty meeting after the close of that five-day notification period. Amendments to the Honor Code shall become effective after the next full faculty meeting after the close of the five-day notification period if no veto occurs.

14.3.1.2 *Honor Code Faculty Amendment*

Notwithstanding Article VII of the Honor Code or any other provision of the Policy Manual, the faculty may revise or amend any provision of the Honor Code by a majority vote. Such amendment will be effective immediately. The Honor Council faculty advisor shall notify the Honor Council of any such amendment or revision within five school days.

14.3.1.3 *Application of Revisions*

No revision to the Honor Code, whether implemented by the faculty or the Honor Council, shall apply retroactively to the detriment of an accused student in a proceeding that commenced prior to the effective date of the revision.

14.3.2 School of Law Academic and Professional Ethics Policy

The School of Law's Academic and Professional Ethics Policy is available [here](#).

14.3.3 University of Dayton Student Handbook & Code of Conduct

The University has jurisdiction over possible violations of the Code of Conduct by any student regardless of where an incident may occur (on or off campus.) The code and system apply to all students (pre-enrolled, undergraduate, graduate and law students). For the purposes of the Student Conduct System, a student is defined as a person who is pre-enrolled, enrolled or attends classes at the University of Dayton. Furthermore, this code and system can apply to any person who has deposited to attend, any person who was enrolled in a non-degree program, licensure program, pre-enrollment program, and/or any person who is pending completion of their degree (requirements met, pending graduation). The University reserves the right to proceed to a finding in all cases regardless of a student's withdrawal from the University.

The Code of Conduct is located in the Student Handbook available [here](#).

14.3.4 Policy on Fair Responsible and Acceptable Use of Electronic Resources

The Policy on Fair Responsible and Acceptable Use of Electronic Resources is available [here](#).