

Student Handbook

(“The Blue Book”)

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Rules and Regulations

2011-2012

The Student Handbook is also available on the school website:

www.nesl.edu

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SECTION A. - STATUS AND CREDITS

A.1. GRADUATION REQUIREMENTS

In order to graduate, a student must:

- 1) Have attained a cumulative average of at least 2.0 subject to rule A.2.b. and E.1;
- 2) Have received passing grades in all required courses
(see "**Retaking Courses**" Rule A.4.);
- 3) Have passed **86 credit hours** (Note: effective Fall 2005);
- 4) Have completed three semesters of Legal Research and Writing;
- 5) Have completed the Professional Skills Requirement by completing at least two courses from an approved list of clinical, simulation and practice courses;
- 6) Have completed at least one course designated by the faculty as a seminar;
- 7) Have complied with American Bar Association and New England School of Law residency requirements, which are as follows:

i. Day Division: - Completion of 6 semesters of residency, 15 weeks each semester. In order to satisfactorily complete a semester for the purposes of residency, a student must enroll in the minimum number of credit hours required by New England School of Law and receive at least 9 credit hours of passing grades per semester;

ii. Evening Division - Completion of 8 semesters of residency, 15 weeks each semester. In order to satisfactorily complete a semester for the purposes of residency, students must enroll in the minimum number of credit hours required by New England School of Law and receive at least 8 credit hours of passing grades per semester.

NOTE: Students enrolled in the *Part-time Day* division follow the requirements of the *Evening* division.

iii. Special Part-time Division - Because of the unique nature of each special part-time student's schedule, all SPT students should consult the Registrar or the Director of Student Services to determine applicable credit and residency requirements.

Any student failing to satisfy the appropriate residency requirements should consult the Director of Student Services immediately regarding his or her residency status and appropriate remedial action.

(Graduation requirements, continued next page)

(Graduation requirements, continued)

8) Have completed no fewer than 45,000 minutes of attendance in regularly scheduled classroom sessions at the law school. For purposes of this requirement, “regularly scheduled classroom sessions at the law school” shall include:

- i. coursework at a law school for which a student receives credit toward the J.D. degree that meets the requirements of Rule A.8;
- ii. coursework for which a student receives credit toward the J.D. degree consisting of work done in a class held in a foreign country that meets the requirements of Rule A.8;
- iii. distance education coursework approved as part of the regular curriculum approval process that meets the requirements of Rule F. 5; and
- iv. those clinical placements in which the clinical work is done under the direct supervision of a member of the law school faculty or instructional staff whose primary professional employment is with the law school.

Co-curricular activities such as law review, moot court and mock trial competitions shall not meet the definition of regularly scheduled classroom sessions.

Adopted by the faculty, as amended, September 7, 1984 and effective with class entering Fall 1984 and thereafter. Amended May 11, 1989; May 14, 1998; April 12, 2000; February 7, 2001; October 14, 2004 and January 27, 2011.

A.2. ACADEMIC GOOD STANDING, ACADEMIC CONCERN AND DISMISSAL

a.) Academic Good Standing

All students are considered to be in good standing except those first-year students who have received a final grade of D+, D or F in the first semester of the first year, and those students who have been dismissed.

b.) Dismissal

Any student shall be academically dismissed who either:

- 1) Fails to attain a cumulative average of 2.0; **or**
- 2) Receives two final grades of D+ or lower in any one academic year; **or**
- 3) Receives four final grades of D+ or lower during the course of his/her academic career at the law school.

For purposes of this section, the academic year is defined to begin with the start of the summer session.

A Notice of Academic Dismissal shall be given in writing. For all purposes of these Rules, the date of the Notice of Academic Dismissal shall be the date it is deposited in the U.S. Mail to the student’s local address on file with the law school. An academically dismissed student may petition the Faculty Academic Review Committee pursuant to section A.7.

Adopted by the faculty on December 5, 1985, May 20, 2008 and October 8, 2009

(Academic Good Standing, Academic Concern and Dismissal, continued next page)

Letters of Good Standing:

In order to participate in a summer study program, students are required to provide a letter of good standing from their law schools. A letter of good standing cannot be issued to a first-year student prior to the disclosure of final grades if the student's final grade in Torts was D+ or lower, nor can a letter of good standing be issued for any student who has been academically dismissed. All other students may obtain such a letter from the Registrar's Office.

c.) Academic Concern

Every first year Day or Evening student in the bottom 33% of his or her section, at the end of semester 2, shall be notified that he or she has been placed on Academic Concern for semesters 3 and 4 at a minimum.

A student shall be removed from Academic Concern after the first semester in which his/her cumulative GPA is no longer in the bottom 1/3 of his or her division, but not before the end of the student's fourth semester. Grades received in summer study shall not be included in computing the student's cumulative GPA for the spring semester before the summer study.

Academic Concern will not be noted on the student's transcript or in the transcript guide. Notice of academic concern and the removal thereof shall be given in writing sent by U.S. mail and copies maintained in the student's file.

Adopted by the faculty on April 26, 2007. Amended on May 20, 2008.

A.3. STUDENTS ON ACADEMIC CONCERN

a.) Schedule Approval; Meeting with Director of the Academic Excellence Program

Every student placed on Academic Concern:

- 1) Must meet with a member of the Academic Support Committee to discuss the student's future curriculum plan and for approval of the third semester schedule; and
- 2) Will be strongly encouraged to meet with the Director of the Academic Excellence Program, or her/ his designee, within the first four weeks of the student's third and fourth semesters.

b.) Legal Analysis Course

Every student placed on Academic Concern will be strongly encouraged to enroll in the Legal Analysis course.

c.) Meeting with Director of the Bar Examination Preparation Services; Advanced Legal Analysis Course.

(Academic Good Standing, Academic Concern and Dismissal, continued)

Every student entering her or his final year of law school with a class rank in the bottom third of her/his respective division:

- 1) Will be strongly encouraged to meet with the Director of Bar Examination Preparation Services, or her/his designee, within 60 days of the beginning of the student's second-to-last semester.
- 2) Will be strongly encouraged to enroll in the Advanced Legal Analysis course.

***Adopted by the faculty on April 26, 2007. Amended on May 20, 2008.
Amended by the faculty on December 14, 2009.***

A.4. RETAKING COURSES

Unless permitted by this rule, or when required as a condition of readmission (see Rule A.7.), no student may retake a course in which he or she received any grade other than an "F." Any student receiving an "F" in a required course must retake the course, and any student receiving an "F" in a non-required course may retake the course. Unless otherwise determined by the Dean's Office, a course must be retaken at its next regularly scheduled time. When the student does retake the course, it shall count toward fulfillment of that student's required semester load. Where possible, the student shall be allowed to elect a section of the course taught by a professor other than the one with whom the student had the course originally.

Such course must be retaken at New England Law | Boston. In retaking the course, the student shall take the examination in the retaken course and the grade received in such course shall be entered on that student's transcript. Unless a student is retaking an entire year as a condition of readmission under Rule A.7.b, both the grade in the original course and the retaken course shall be computed at full weight in determining that student's cumulative grade point average, and each grade, including an "F," shall be applied to the semester in which it is earned.

Such grade shall neither replace nor cause an alteration of an "F" originally received in such course.

See also: Rule D.1 regarding failing grades.

***Adopted by the faculty March 1, 1979. Amended May 20, 1985. Amended
March 14, 1995, Amended September 9, 2004. Amended April 27, 2006.
Amended December 12, 2006.***

A.5. WITHDRAWAL

a.) Voluntary Withdrawal

Any student in good academic and administrative standing may, upon written notice sent by certified mail, return receipt requested, to the Dean's Office, voluntarily withdraw from the Law School, provided that such student consults with the Director of Student Services prior to such withdrawal. Such voluntary withdrawal shall be allowed automatically one time only and shall be subject to the rule regarding the maximum period allowed between admission and graduation.

(See "Time Period for Completion of Degree Requirements." Rule A.6).

(Withdrawal, continued next page)

(Withdrawal, continued)

To be readmitted after such a withdrawal, the student must notify the Director of Student Services in writing of his or her intent to resume his or her studies. Such notice must be received no later than March 15 of the academic year preceding the academic year in which the student intends to return, unless the student's withdrawal occurs after March 15, in which case the student will be readmitted for the academic year immediately following the date of withdrawal unless the student seeks a later readmission, under the provisions of the next paragraph.

Any student who seeks readmission for an academic year other than the one immediately following his or her withdrawal must obtain the written permission of the Director of Student Services of the law school. Such permission will be granted only upon good cause being shown for the student's failure to seek readmission for the academic year immediately following his or her withdrawal.

A withdrawn student who wishes to request an extension of the period of withdrawal must request such an extension in writing by March 15, of the academic year immediately following the year in which the student withdrew from the law school. That request must be directed to the Director of Student Services and will be granted only upon a showing of good cause for the extension.

Amended by the faculty April 23, 1981.

b.) Discretionary Withdrawal

Any student, not in good standing, or who is in good standing and seeks to withdraw from the law school more than one time, or who seeks to withdraw for a period in excess of that set forth in subsection a. above, will be entitled to withdraw officially only with the prior written approval of the Director of Student Services based on his or her discretion and on good cause being shown. The terms of the student's readmission, if any, shall be those set forth in the written permission from the Dean, an Associate Dean or the Director of Student Services. The student's voluntary failure to conform to the terms of readmission shall automatically convert to withdrawal into a dismissal with prejudice.

c.) Settlement of Accounts of Financial Obligations

A withdrawing student may receive a partial refund of tuition. If a student's account is paid in full, he or she will receive a refund as scheduled below. If, however, only part-payment has been made, the student's account will be credited as per the schedule, thus leaving either a balance due the school or a refund due the student. Any balance owed to the school must be paid before a withdrawal without prejudice can be granted. For purposes of this section, the effective date of withdrawal shall be deemed to be the date upon which written notice of withdrawal is received by the Dean's Office or the date upon which approval for discretionary withdrawal is obtained.

TUITION REFUND SCHEDULE FOR WITHDRAWALS:

Withdrawal within	Refund
First week of semester	80% *
Second week of semester	60%
Third week of semester	40%
Fourth week of semester	20%
After fourth week of semester	0

*** Note:** For this purpose, the first week of the semester for entering students is the week of Orientation.

(Withdrawal, continued)

Students who are receiving Federal Title IV funds (Federal Stafford and Perkins Loans) are subject to a federally mandated refund policy. A Title IV aid recipient wishing to withdraw should consult with the Director of Financial Aid to determine the impact this will have on his or her financial aid package. Examples utilizing the federal refund policy are available from the Director of Financial Aid.

Refunds will be made in the following order:

1. To outstanding balances on Federal Unsubsidized Stafford Loans,
2. To outstanding balances on Federal Subsidized Stafford Loans,
3. To outstanding balances on Federal Perkins Loans,
4. To other Federal, State, private, or institutional sources of aid,
5. To the student.

Adopted by the faculty on April 12, 1979. Amended November 18, 1998.

A.6. TIME PERIOD FOR COMPLETION OF DEGREE REQUIREMENTS

a.) Absent specific, written approval of the Dean, no full-time student shall be allowed to complete his or her degree requirements in less than three, or more than five, academic years from the date of first enrollment in the law school; and no part-time student shall be allowed to complete such requirements in less than four or more than six, academic years from the date of first enrollment in the school. Failure to meet the academic requirements for graduation within the maximum time period allowed therefore, absent the approval set forth above, will result in the dismissal of said student from the law school, or the application of such additional graduation requirements as shall be set by majority vote of the faculty.

b.) Students are not permitted to use credits earned during the summer to decrease their tuition obligations to New England Law | Boston during any regular semester. Any student who wishes to use summer credit to accelerate the date of graduation may do so only upon written permission from the Dean (via the Director of Student Services) and payment of an acceleration fee. The acceleration fee shall be equal to the difference between the amount of regular academic year tuition and fees that the student is expected to pay by the accelerated date of graduation and the amount of regular academic year tuition and fees that the student would have been expected to pay if he or she had graduated when originally contemplated. Special Part-Time students who enroll in summer courses should consult the Controller's Office to determine their acceleration fee.

Adopted by the faculty May 10, 1979. Amended May 19, 1992.

A.7. READMISSION PROCEDURE FOR AN ACADEMICALLY DEFICIENT STUDENT

a.) Petition for Readmission

A student dismissed from the law school for academic deficiency may submit a written Petition for Readmission to, and make a personal appearance before, the Faculty Academic Review Committee (in this Rule A.7., the “Committee”) as provided in this Rule.

1) Requirements for Filing

(i) A Petition for Readmission must be received by the Office of the Dean no later than twenty-four (24) months after the date of the Notice of Academic Dismissal (see Rule A.2.). For time of hearing see subsection 3 below.

(ii) The Petition for Readmission must be typewritten and signed by the student seeking readmission. The original Petition for Readmission must be filed with three (3) copies and a ten dollar (\$10.00) filing fee.

2) Reviewable Matters

There is a presumption that every student has a reasonable opportunity to prepare for examinations and to successfully complete graded course activities. The purpose of a petition for readmission is solely to provide the dismissed student an opportunity to present to the Committee specific facts, not contained in the academic record, which may rebut that presumption. Accordingly, the Committee may not grant readmission unless the student proves to the satisfaction of the Committee, by clear and convincing evidence, that:

(i) extraordinary circumstances beyond the control of the student deprived the student of a reasonable opportunity to prepare for or take examinations or to otherwise successfully complete graded course activities;

(ii) these extraordinary circumstances no longer exist; and

(iii) the student possesses the ability and capacity to complete the course of study at the law school.

A Petition for Readmission must set forth all relevant facts to be considered. Factual assertions must be supported by documented proof where available. Any circumstances grounded in physical or psychological causes must be established by competent, documented medical proof. Excess hours involved in outside activities will not be deemed extraordinary circumstances.

3) Time for Hearing

Petitions for Readmission will generally be heard by the Committee twice per year, once in the spring semester, and once in the summer. Petitions filed within twelve (12) days of Notice of Academic Dismissal will generally be heard at the next scheduled readmissions hearing. All other Petitions for Readmission will be heard in the spring semester hearing, if received by February 1 or at the summer hearing, if received between February 1 and May 1.

(Readmissions, Continued Next Page)

(Readmissions, Continued)

4) Personal Appearance Before the Committee

A dismissed student who files a petition for readmission shall have the right to appear personally before such representatives of the Committee as the chair of the Committee shall designate at such time and place and under such circumstances as may be designated in writing by the Committee. Such right is deemed waived unless specifically requested in the petition for readmission.

5) No Appeal from Committee's Decision; No Repeat Petitions

The decision of the Committee on readmission shall be final and there shall be no right of appeal. No dismissed student may petition more than once from any one dismissal for academic deficiency.

6) Authority to Readmit

Only the Committee, acting in accordance with this Rule, may readmit a student who has been dismissed due to academic deficiency. No statement made by any other employee or representative of the law school shall be taken as an indication of the likelihood of readmission. The Committee shall have no authority to act on a Petition for Readmission filed later than twenty four (24) months after the date of the Notice of Academic Dismissal.

7) Reapplication

Nothing in this Rule shall prevent a student who has been academically dismissed from reapplying for admission to the law school pursuant to the standard admission procedures available to new applicants, provided the student fully discloses such dismissal in the application.

b.) Grades of Readmitted Students

If a student is readmitted, any required course previously taken in which a grade of "F" was received must be repeated (*See "Retaking Courses" Rule A.4.*). The Academic Review Committee will normally not require the retaking of a course for which a grade of other than "F" was received. However, the Committee has the authority to require the retaking of such a course.

In any situation where the student is required as a condition of readmission to repeat a course other than where that student is required to repeat the entire year, both the grade originally received for the course and the grade received upon repeating the course shall appear on the student's transcript, and each grade shall be computed at full weight in determining the student's cumulative grade point average. If the student receives a grade other than "F" for the course the second time it is taken, the student will be given academic credit for the course; the number of credit hours given will be the number assigned to the course the second time it is taken, and the student shall not receive credit for the course the first time it was taken.

In cases where the entire year is repeated, the grades received by the student in the year of dismissal shall not be counted in determining the student's cumulative grade point average. However, the grades received for the year repeated must remain on the transcript and may not be expunged.

Adopted as amended March 22, 1978; Amended by the faculty April 22, 1982, April 21, 1983, November 7, 2000, February 12, 2002 and October 8, 2009, effective immediately. Students who were academically dismissed before October 8, 2009 will, in relation to those dismissals only, continue to be governed by the rule as it existed before October 8, 2009.

A.8. REGISTRATION AND CREDIT FOR COURSES AT OTHER LAW SCHOOLS

Except as otherwise provided in this rule, New England Law | Boston students must complete all credit and degree requirements at New England Law | Boston.

A student in academic good standing may receive up to six (6) credit hours for courses taken at other law schools accredited by the American Bar Association, provided the student obtains approval from the Director of Student Services prior to registering for such courses and meets all registration requirements at such other law schools. Except for transfer students on their admission to New England Law | Boston, approval will not be granted for required courses at New England Law | Boston. Excepted from the six (6) credit limit are:

- a. Credits awarded to transfer students upon their admission to New England Law | Boston;
- b. Summer abroad courses or semester abroad programs offered by New England Law | Boston or other Consortium for Innovative Legal Education (CILE) schools; and
- c. Up to fifteen (15) credits per semester for full-time students, and up to twelve (12) hours per semester for part-time students for courses taken while visiting out at a CILE school as approved by the Director of Student Services.

To obtain approval, a student should submit a Student Request Form to the Director of Student Services. If approval is obtained and the course will be taken contemporaneously with courses taken at New England, the student should submit this form with the student's Registration Form. If approval is obtained and the course will not be taken contemporaneously with courses taken at New England Law | Boston, the student should submit this form to the Registrar's Office. The student is responsible for paying the additional tuition costs to the school in which he or she is seeking the additional course and such permission does not reduce the tuition owed New England Law | Boston.

The name of each course shall be recorded on the student's transcript, and the credit hours he or she receives for such course shall be counted toward fulfillment of residency and graduation requirements, provided that a minimum grade of "C" or its equivalent is earned in such course. However, except for courses taken at CILE schools or as part of programs offered by New England Law | Boston or CILE schools, the grade shall not be recorded on the student's transcript and will not be included in the calculation of the student's cumulative average or class standing.

Amended by the faculty November 18, 1998; January 27, 2011

A.9. LAW REVIEW AND JOURNAL ON CRIMINAL AND CIVIL CONFINEMENT

The law school takes notice of the fact that high quality work on the school's scholarly publications, the New England Law Review and the Journal on Criminal and Civil Confinement, is a most valuable New England educational experience inuring to the benefit of both the members of the respective publications and the school. Accordingly, the school permits students to receive transcript credit for their work on these publications subject to the following conditions:

a.) Eligibility

Credit is available for students in the second semester of their first year of membership on the Law Review or the Journal and in both semesters of their second year of membership.

b.) Limitation Upon Credits

- 1.) Students eligible for participation in New England Law Review may receive a maximum of six (6) credits.
- 2.) Students eligible for participation in the New England Journal on Criminal and Civil Confinement may receive a maximum of six (6) credits.
- 3.) No student participating in more than one of the activities listed in A.9. and A.10. may accumulate more than six (6) hours of credit.
- 4.) No eligible student shall receive more than four (4) credits during a semester.
- 5.) No eligible student shall receive more than two (2) credits during his or her second semester of membership on the Law Review or Journal.
- 6.) Such credits shall not be computed in the student's cumulative average; however, they are counted toward the residency requirement and other degree and semester requirements.

(Law review & Journal, continued next page)

c.) Mechanics

1.) Registration. The student shall:

- i. Indicate to the Registrar at registration the number of credits he or she is hopeful of receiving, and;
- ii. Cause to be transmitted to the Registrar a letter from the appropriate publication authority (editor-in-chief or editorial board) stating that the student is eligible for such credit.

2.) Certification. The student shall cause to be transmitted to the Registrar a letter from the appropriate publication authority, signed by the faculty advisor, certifying that the student has completed all the work required of him or her to the satisfaction of the publication authority. Such letter must be received by the Registrar within two (2) weeks of the close of the semester for which credit is sought.

A student certified for credit shall have the appropriate number of credits listed on his or her transcript alongside the name of the appropriate journal. A student not certified for credit shall have an "Incomplete" recorded on his or her transcript alongside the name of the appropriate journal. Such an "Incomplete" shall not satisfy residency or other degree or semester requirements.

d.) Further Qualifications

- 1.) The above policy sets forth the bounds within which the publication authorities are free to operate. Nothing herein shall prevent either of the publication authorities from implementing a policy which is more restrictive than that countenanced by these rules.
- 2.) The faculty retains the right to terminate this credit policy in the event that:
 - i. The quality of the publication falls below the very high standards expected of a major scholarly publication; or,
 - ii. The quantity of publication falls below that which is expected of a major scholarly publication; or,
 - iii. The certification criteria of the respective publication authorities are thought to be insufficiently rigorous to maintain a high quality scholarly publication.
- 3.) In the event the faculty believes there is cause to terminate credit pursuant to the provisions in paragraph 2., above, the faculty shall give notice in writing to the Editor-in-Chief of the publication in question regarding such cause and shall further provide the Editor-in-Chief and other interested publication members the opportunity to be heard by the faculty prior to the faculty voting upon the question of termination of credit.

Adopted by the faculty March 29, April 12, and April 26, 1978.

A.10. NATIONAL LAWYERING SKILLS COMPETITIONS

The law school takes notice of the fact that high-quality work of students on teams representing the school in faculty-coached national interscholastic lawyering skills competitions provides a valuable educational experience and inures to the benefit of both the members of the team and the law school. Accordingly, a student may receive two (2) credits for his or her work on one such team. Such credit is available only for those interscholastic competitions in which the school's participation has been approved in writing by the Dean.

Registration for, certification of, and recording of such credit shall be done in accordance with Rule A.9., governing credit for participation on the Law Review and the Journal on Criminal and Civil Confinement, except that the certifying authority shall be the faculty member who is coaching the competition in which the student is participating.

*Adopted by the faculty May 10, 1978 and January 8, 1979.
Amended May 11, 1989.*

[NOTE: Section B, *Examinations*, begins on the next page]

SECTION B. - EXAMINATIONS

B.1. ABSENCE FROM EXAMINATIONS

Each student is required to present himself or herself for examination in any course in which he or she is enrolled (if that course is tested by examination) at the time and place scheduled for said examination. The only recognized exceptions to this rule are for disabling illness or serious personal matters beyond the control of the student examinee. If, prior to the administration of the examination, a student becomes aware that he or she may qualify for an excused absence under the foregoing clause, he or she shall present the requisite proof to the Director of Student Services and receive his or her judgment thereon prior to the date of the examination.

In order for an unexpectedly absent student to be officially excused from a scheduled examination and to be given permission to "make-up" the work involved, that student must submit to the Director of Student Services proof of the existence of one of the above-listed excuses. This proof should be presented as soon as possible after the absence, but in no case more than ten (10) days following the last scheduled examination in the examination period in which the absence occurred.

Any student absent or excused from a scheduled examination shall initially be given a grade of "Incomplete." If the evidence of the unexpectedly absent student is not satisfactory to the Director of Student Services the incomplete grade will be changed to a "Failure" for the course.

If the student was excused or, although absent his or her proof was satisfactory to the Director of Student Services, the missed examination may be "made-up" subject to the following rules:

- a) "Make-up" examinations may be taken only subsequent to the originally scheduled examination.
- b) The faculty member whose examination was missed may determine whether the student shall take the examination originally administered or a special examination.
- c) The faculty member whose examination was missed may, at his or her election, require that the student take the missed examination the next time the course in question is examined, provided that the exercise of this option does not prevent the student in question from graduating on schedule.

Students who fail within the time period set forth above to present to the Director of Student Services an excuse for their absence from a regularly scheduled examination shall be deemed to be unexcused and a grade of "Failure" for the course will be recorded.

Adopted by the faculty April 21, 1983.

(Examinations, continued)

B.2. TARDINESS FOR EXAMINATIONS

Any student who is tardy for an examination shall be allowed to sit for that examination at the regularly scheduled time. No special consideration in grading will be given a student who misses part of an examination because of tardiness, nor will additional time be given.

Affirmed by the faculty November 30, 1977.

B.3. CHEATING ON EXAMINATIONS

If during an examination period, it can be reasonably inferred from a student's conduct that he or she has cheated during the examination, the proctor shall allow him/her to finish the examination, but shall submit a written report of this incident to the Dean as soon as practicable. Upon receipt of this report, the Dean shall promptly convene the Discipline Committee (see "Student Discipline" for procedure). Retention of or continuing to work on an examination paper after notification by the proctor of the end of the examination shall be deemed cheating within the meaning of this rule.

Adopted by the faculty, as amended, May 11, 1979.

B.4. LOST EXAMINATION BOOKS

Any student claiming that the law school has lost his or her examination book(s) before grading shall notify the Dean within 10 days of learning of the possibility of the loss, whereupon the Dean shall examine the school's copy of the student's exam receipt. No such claim shall be entertained unless it is presented to the Dean by the last day of class in the semester following the course for which examination was administered.

If the receipt confirms the student's claim, it shall be presumed that the law school is responsible for the loss and the student shall have the option of taking a "Pass" in the course or taking another examination at the next regularly scheduled time the examination is given.

If either the receipt does not confirm the student's claim or no receipt can be found, it shall be presumed that the student submitted only those examination books which the professor has in his or her possession.

Immediately upon taking the above action, the Dean shall inform the student as to whether the presumption is favorable to the student's claim and, in addition, shall advise the student of his or her right to appeal to the faculty and to be represented there by counsel. The decision of the faculty shall be final.

Amended by the faculty April 23, 1981 and on April 23, 2009

(Examinations, continued next page)

(Examinations, continued)

B.5. LOST PORTIONS OF EXAMINATIONS

- a.)** Except for paragraph (b) below, a student shall write answers to examinations only in complete examination books furnished by the law school. Detached pages shall not be graded.
- b.)** A separate answer page(s) which is lost shall be treated in the same manner as a lost examination book (see B.4.), with the following exception. If the separate answer page(s) constitutes less than fifty (50) percent of the total possible credit for the examination, and the faculty member's grading system can be adjusted to reflect an accurate grade for the balance of the examination, the student shall have the option of taking the grade given for the balance to the examination or those applicable options under Rule B.4.

Adopted by the faculty April 22, 1982

B.6. ONE EXAMINATION RULE

A faculty member teaching more than one section of a course in the day division or the same course in day and evening divisions shall have the right to administer the same examination to all sections and divisions at the same time.

Affirmed by the faculty November 30, 1977.

B.7. WRITTEN WORK FOR CREDIT

No student shall submit written work for credit that has been submitted in any other context (including, but not limited to, another class, clinic, employment, volunteer work, extracurricular or journal work), unless the prior submission is disclosed in advance to the faculty member and the written work submitted for credit differs substantially from that previously submitted elsewhere.

Adopted by the faculty April 27, 2006.

SECTION C. - GRADING

C.1. MODEL QUESTIONS AND ANSWERS

Every faculty member shall put on reserve in the library an examination question and either a model answer or outline of issues involved and possible advocacy positions with regard thereto, or an actual student answer to that question. One such examination question and model answer or outline shall be submitted for each different course taught by each such faculty member. In addition, if one-third or greater of a student's grade is determined by multiple choice, true-false, or other such objective type of questions, a sample of not fewer than five (5) questions and the correct responses thereto shall be put on reserve by the faculty member teaching such course. This provision shall not apply to any course which has not been previously taught by the faculty member presently assigned to the course.

Adopted by the faculty April 27 and 29, 1977. Amended May 11, 1989.

C.2. GRADING STANDARDS

Grading standards are the same in both the day and evening divisions. Where two faculty members teach different sections of the same course, they should consult each other regarding format and standards of grading of their respective examinations.

Adopted by the faculty April 27 and 29, 1977.

C.3. ID NUMBER CONFIDENTIALITY

Insofar as possible, student identification number confidentiality shall be maintained in all graded academic work that is blind-graded. Except as provided by this rule, student examinations shall be blind-graded. In seminars and other courses graded by paper, role playing, work with clients, and the like, the students' names may be used for grading purposes, without their identification numbers being revealed. The administrative offices shall not, as an ordinary practice, provide information to a faculty member that would allow him or her to associate matriculated students' names with their identification numbers. However, a faculty member may adjust the final grade in a course in which the examination has been blind-graded *after* submitting to the Registrar a grade sheet containing blind-graded examination grades. The Rules Committee, in conjunction with an Associate Dean and the Registrar, may from time to time adopt procedures to effectuate this rule.

Nothing in this rule shall be taken to mean that a student may not consent, in appropriate circumstances, to the release of his or her identification number.

Adopted by the faculty April 27 and 29, 1977. Amended December 7, 1999.

(Grading continued, next page)

(Grading, continued)

C.4. FINALITY OF GRADES

After a faculty member has turned in a grade, it is presumed final, and the decision to grant the assigned grade is non-reviewable except as set forth in this section. Students may review any graded work with faculty members in any reasonable fashion which a faculty member adopts. However, review of student work is for educational purposes, not to contest a final grade or lobby for a grade change.

Faculty members may not change a final grade, except for mechanical reasons. Any faculty member requesting to change a grade for mechanical reasons will submit a request explaining the mechanical error. Requests for final grade changes will be reviewed by a faculty member or members designated by the Dean.

Review will be limited to the written statement by the faculty member making the request. There is no appeal from this process.

Adopted by the faculty April 26, 1984.

C.5. GRADE CHANGE AFFECTING HONORS

Whenever eligibility for a grade change affects eligibility for the awarding of "honors," the Dean shall refer the matter to the faculty for a vote.

Adopted by the faculty April 22, 1982.

SECTION D. - TRANSCRIPT NOTATIONS

D.1. FAILING GRADES

All grades received by a student at New England Law | Boston, including grades of “F,” will appear on his or her transcript. A grade of “F” shall satisfy neither residency nor minimum credit-hour requirements for graduation in either graded or Pass/Fail courses. Grades in Pass/Fail courses will not be used in computing a student’s grade point average.

See also: Rule A.4 regarding retaking courses.

Adopted by the faculty April 26, 1979. Amended by the faculty on November 12, 1997. Amended April 27, 2006.

D.2. INCOMPLETE

a.) An "Incomplete" shall be assigned in an examined course where the student is enrolled in that course, but no grade is assigned for reasons attributable to that student. Such an "Incomplete" must be removed within 90 days of its assignment or the time at which the faculty certifies seniors for graduation, whichever shall occur first, unless the faculty member involved approves in writing an extension of time to another specific date. In the event that it is not so removed, such "Incomplete" shall be converted into an “F”.

b.) An "Incomplete" shall be assigned in a course for which a paper is to be written where the student is enrolled in that course, but no grade is assigned for reasons attributable to that student. Such an "Incomplete" must be removed within 90 days of its assignment or before graduation certification, whichever shall occur first, unless the faculty member involved approves in writing an extension of time to another specific date. In the event that it is not so removed, such "Incomplete" shall be converted to an "F.”

Adopted by the faculty April 12, 1979. Amended by the Faculty on March 24, 2005.

SECTION E. - STANDARDS OF CONDUCT AND DISCIPLINE

E.1. RESPONSIBILITIES OF STUDENTS

a.) Regular and Punctual Class Attendance

ABA Standard 304 requires regular and punctual class attendance. In order to comply with this standard, the law school requires that no student shall be absent from more than twenty (20) percent of regularly scheduled hours for any semester in any course, seminar or clinic. If the faculty member determines, after consultation with the student, that the student has failed to meet this standard, the faculty member shall provide written notice to the Dean's office or its designee, who shall instruct the Registrar to give the student in a required course the grade of "F" or, in any other course, the grade of "W". Nothing herein shall be construed to prevent a faculty member from applying a more stringent attendance policy if the faculty member has provided the class written notice of such policy before the end of the drop-add period.

Amended by the faculty May 2, 2001, March 24, 2005, and April 1, 2010

b.) Disruption of School of Law Activities or Operations

Conduct that disrupts or impairs school activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

c.) Other Conduct

Other cases requiring discipline typically involve plagiarism, cheating, and false statements on admissions and financial aid applications, but may also arise from other serious departures from generally accepted standards of integrity or behavior, particularly when such conduct is inconsistent with the trust and responsibility required of a member of the legal profession.

d.) Reports Made Fraudulently or in Bad Faith

A report of an alleged infraction of these Standards of Conduct and Discipline that is made fraudulently or in bad faith will subject the reporting student to disciplinary action under these rules.

e.) Duty to Report Arrests and Other Legal Actions

Because the Dean must certify graduates' good moral character to state bar examiners, each student has a continuing responsibility promptly to report to the Office of the Dean any police or court activity, civil or criminal, with which a student becomes involved between admission to the law school and graduation, other than parking tickets and minor traffic infractions not involving drug or alcohol use. The law school may treat any student failure to report under this paragraph as a disciplinary infraction. Every student has a duty to inform himself or herself about the character requirements for admission to the bar in the state or states in which he or she intends to practice. Such bar admission requirements sometimes require students to disclose to the bar examiners juvenile and adult arrest and court disposition records, even if a court order has sealed or expunged such records.

*Amended by the faculty May 2, 1991. Amended May 21, 1996. Amended May 22, 1998.
Amended May 16, 2009.*

E.2. STUDENT DISCIPLINE

a.) Composition of the Discipline Committee

The Discipline Committee shall consist of two full-time faculty members and one student member. The faculty members shall be appointed or reappointed annually by the Dean, together with two alternates. The student member and an alternate shall be appointed annually by the President of the Student Bar Association. The Dean shall designate one of the full-time faculty members to serve as Chairperson.

b.) Responsibility of Committee

The Discipline Committee is responsible for hearing cases involving possible breaches of Student Rules and Regulations and the Policies of New England Law | Boston, as adopted and published, if such breaches are sufficiently serious to warrant disciplinary action.

c.) Administrative Officer

The Dean shall appoint a member of the full-time faculty to serve as the Committee's "Administrative Officer," and an alternate. The Administrative Officer shall receive complaints, act as clerk, and generally facilitate the processing of matters before the Discipline Committee. All material and matters that come to the attention of, or are received by, the Administrative Officer shall be distributed and made known to members of the Discipline Committee.

d.) Initiation of Proceedings before the Committee

1. Referral. Infractions of the school rules, regulations or policies should, in the first instance, be referred to the dean's office in writing.

2. Informal Proceedings. If the party alleged to have committed the infraction voluntarily agrees, having been informed of the option of formal proceedings and the proposed resolution through informal proceedings including any sanction, the dean's office may resolve the matter informally. No disciplinary sanction of expulsion or suspension may be imposed through informal proceedings.

If the dean's office determines that the matter is not appropriate for informal proceedings, or if the party alleged to have committed the infraction does not agree to its informal resolution, the dean's office will refer such matter to the Committee by transmitting to the Administrative Officer a written description of the alleged infraction and supporting materials that the dean's office deems relevant. The Administrative Officer shall assemble material which he/she deems relevant to the matter and bring it to the attention of the Committee as soon as reasonably possible.

3. Formal Proceedings. Prior to commencing a formal disciplinary proceeding, the Committee shall meet to consider the material submitted by the dean's office. If the Committee determines that an infraction of the school rules and/or policy may have occurred and that formal proceedings are appropriate, pursuant to paragraph b. above, the Committee will issue a written charge. The charge will explain the nature of the apparent disciplinary infraction, the specific rule or rules alleged to have been violated, the facts relied upon and the sanction(s) that may be applied if the infraction is proved. The written charge will be sent by certified mail to the party charged at his/her address of record. The issuance of the written charge initiates a formal proceeding under this rule.

Amended by the faculty April 1, 2010

(Student discipline continued next page)

(Student discipline continued)

e.) Hearing Procedures

1. Notice. Any student charged under paragraph d (2) of this section shall be provided at least seven days notice prior to any hearing.

2. Public or Private Hearing. In any disciplinary matter, a party has the right to a hearing before the Committee. Disciplinary hearings normally will be private, but at the party's option, the hearing shall be held in public. In a case involving more than one party, in which the parties do not agree on this issue, the Committee will determine, in its sole discretion, whether the hearing will be private or public.

3. Waiver. A party charged with a disciplinary infraction may elect to waive the hearing and accept a Committee sanction without contesting it. To so elect, he or she must sign a written waiver that states that he or she is fully aware of all of his or her rights, and that he or she does in fact waive such rights.

4. Challenges. Disciplinary cases normally are heard by the full Committee. A party may ask an individual member of the Committee to recuse himself or herself for cause. Any faculty or student member who elects, at his or her discretion, to so recuse himself or herself shall be replaced by an alternate member designated by the Dean or the President of the Student Bar Association, respectively. In the event that the appointed alternates are not available, the Dean or the Student Bar Association President, respectively, may appoint additional alternates as provided above. A party may choose to have the proceeding heard and decided only by the faculty members of the Committee. In such a case, the Dean shall designate one of the full-time faculty alternates to serve in order that the Committee have three members.

5. Independent Counsel. Any person appearing before the Discipline Committee, whether or not a party, may appear with legal counsel. An appearance filed by counsel shall be deemed a representation that he or she will be bound by the scheduling requirements and procedures designated by the Administrative Officer and the Committee.

6. Record. A record of the hearing shall be kept, either by stenographic transcript or tape, and a copy shall be available to each party, upon request.

7. Witnesses. At the hearing, the evidence against parties will be presented and they shall have the right to call their own witnesses and to examine all witnesses who testify in person. The Committee has the discretion to place reasonable limitations on the receipt of testimony.

(Student discipline continued next page)

(Student discipline continued)

8. Evidence. The Discipline Committee may consider any evidence that it deems relevant and trustworthy. Formal rules of evidence do not apply. Written material such as affidavits, depositions or other material may be entered in evidence and received for such probative value as the Committee may attribute to them. In extenuating circumstances, a Committee member may participate in a discipline decision although he/she was absent for some portion of the formal proceeding. Members may review such transcripts, tapes or other record of the hearing as may be kept.

9. Non-cooperation. The Discipline Committee does not recognize a privilege of non-cooperation by either parties or by persons who are members of the law school community and are witnesses. Therefore, it may draw such reasonable inferences from non-cooperation as it deems appropriate. Statements made by any person to members of the Committee and others are admissible at the hearing regardless of when made.

10. Pre-hearing orders. The Administrative Officer shall issue such pre-hearing orders as he or she finds appropriate, including the schedule of hearings and time devoted to them. Any Committee member or party may request a review of the pre-hearing orders by filing a request in writing with the Committee. The Committee may review and decide such matters by individual vote without convening as a body.

11. Findings and Rulings. Disciplinary sanctions involving expulsion or suspension shall not be imposed unless the conduct warranting such sanction is established by clear and convincing evidence. Other sanctions may be imposed if the conduct complained of is established by a fair preponderance of the evidence. All decisions by the Committee shall be supported by written findings of fact and conclusions. A copy shall be provided to the parties.

12. Decisions. All Committee decisions shall be by majority vote.

f.) Appeals

1. Faculty Review. In all cases in which the Discipline Committee votes to sanction a party, the party in question shall be afforded the right to an appeal to the full-time faculty. No student should be expelled except by a vote of a majority of the members of the full-time faculty present and voting at the faculty meeting where the action of the Committee is reviewed.

2. Scope of Review. Where the faculty reviews actions of the Disciplinary Committee, it may substitute its judgment for that of the Committee, including the severity and nature of the sanction imposed. The sanction may be increased in severity as well as decreased. The Committee's findings of fact shall not be modified unless, after a review of the whole record, the faculty concludes that the findings of the Committee are not supported by substantial evidence.¹

g.) Confidentiality

Except public hearings, the proceedings of the Discipline Committee are confidential and shall not be revealed by any member thereof, except to the dean's office, the legal counsel of the law school and, in the event of an appeal, to the members of the faculty

Amended by the faculty May 2, 1991. Amended by the faculty May 22, 1998.

¹ As used in Rule E.2, the term "substantial evidence" means such evidence as a reasonable mind might accept as adequate to support a conclusion.

E.3. PLAGIARISM POLICY

Plagiarism Policy

Plagiarism is presenting someone else's work as yours. Plagiarism is harmful because it is pretended creation of knowledge through deception, which creates no genuinely new knowledge and reduces the value of original ideas to their creator. Plagiarism occurs whenever you do not explicitly and thoroughly show the sources of your ideas. Showing sources, or "attribution," of specific words is typically done with quotation marks or indented text, but it is as important to show sources of ideas, theses and propositions as it is to attribute specific quotations.

Definition: Presenting the ideas or work of another as one's own without complete acknowledgement is plagiarism. Plagiarism is a disciplinary violation.

Application: Plagiarism is prohibited in all written work submitted for credit, for the school's journals or publications, essay contests or for any work sponsored by the school.

No intent to deceive required: Plagiarism does not require any specific intent to deceive. Plagiarism occurring through carelessness, negligence or simple inattention to proper attribution is no less plagiarism.

Any plagiarism is a disciplinary violation: There is no minimum level of presenting the work of another as one's own that does not constitute plagiarism. Paraphrasing the work of another, with complete and accurate attribution, does not constitute plagiarism.

Examples: A non-exhaustive set of examples of plagiarism includes:

- a) Acknowledging a source once in a paper without acknowledging subsequent uses of the source, or acknowledging the source only generally when extensive or detailed use is made of the source.
- b) Reorganizing ideas from another source in a way that does not materially change them without attributing the original source or organization of the ideas.
- c) Using the original pattern of ideas or organization from another work, even by paraphrasing, over a substantial portion of a paper, without indicating that the pattern of thought or structure of the paper comes from another source.

***Adopted by the faculty April 10, 1974. Revised
April 26, 2011***

E.4. HAZING POLICY

Massachusetts state law makes it a crime to organize, to participate in, or to fail to report any incident of hazing. (See Massachusetts General Laws, Chapter 269, sections 17 through 19.)

Hazing is defined as:

"Any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the

physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation."

(Hazing policy, continued next page)

23.

(Hazing policy, continued)

Consent is not available as a defense to any prosecution for hazing. Any student who organizes or participates in hazing shall be subject to the disciplinary procedures set forth in these rules.

Adopted by the faculty May 22, 1989. Amended December 12, 2006

E.5. SEXUAL HARASSMENT POLICY

I. PROHIBITION AND DEFINITION OF SEXUAL HARASSMENT

a.) Prohibition.

It is the policy of New England Law | Boston that no member of the New England Law | Boston community (hereinafter defined as students, faculty, staff, and third parties who visit or conduct business with the law school or participate in its activities) may sexually harass any other member of the community. Such conduct is unlawful and it will not be tolerated by the law school. This sexual harassment policy forbids sexual harassment of law school students in school, of law school employees in the workplace, and of students, employees or third persons in any school-related or work-related activity.

b.) Definition.

Sexual harassment includes both so-called "quid pro quo" and "hostile environment" sexual harassment. Sexual harassment includes same sex harassment; this policy applies equally when the harasser and the victim are the same sex, and whether or not the harasser is gay or lesbian. Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome physical or verbal conduct directed at a person because of his or her sex or of a sexual nature constitutes sexual harassment when:

1. Submission to, or rejection of, such advances, requests or conduct is made either explicitly or implicitly a term or condition of a student's status or evaluation, or of an employee's employment, is used as a basis for an academic or other decision affecting a student, or as a basis for an employment or other decision affecting an employee; or
2. Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with a student's academic performance or educational experience or an employee's work performance by creating an intimidating, hostile, humiliating or sexually offensive academic or working environment. For a one-time incident to rise to the level of sexual harassment, it must ordinarily be severe.

c.) Examples.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct which, as defined in Section B, may constitute sexual harassment. In any particular case, whether the conduct constitutes sexual harassment will depend upon the totality of the circumstances including the severity, frequency, and pervasiveness of the conduct:

1. As set forth in Section B.1, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits (such as favorable reviews, salary increases, promotions, increased benefits, or continued employment, or the denial of a promotion to an employee because he or she refused to date his/her supervisor) would constitute sexual harassment.

(Sexual harassment policy, continued next page)

(Sexual harassment policy, continued)

2. As set forth in Section B.1, direct or implied requests by a faculty or staff member for sexual favors in exchange for actual or promised academic benefits also constitute sexual harassment. As an example, a poor grade awarded to a student because he or she did not date his/her instructor would constitute sexual harassment.

3. As set forth in Section B.2, conduct of a sexual nature that adversely affects the educational environment or the workplace may constitute sexual harassment. As an example, if a faculty member made repeated and unwelcome comments of a sexual nature about a student's or a staff member's body, which made it difficult for the recipient to focus on his or her work, this would constitute sexual harassment.

4. Other examples of unwelcome conduct that may constitute sexual harassment:

- ◆ Sexual advances or propositions, whether they involve physical touching or not;
- ◆ Sexual epithets, jokes, written or oral references or sexual conduct, or gossip regarding one's sex life;
- ◆ Comment on an individual's body, appearance or clothing;
- ◆ Comment about an individual's sexual activity, deficiencies, or prowess;
- ◆ Displaying of sexually suggestive objects, pictures, cartoons;
- ◆ Actions such as leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; and
- ◆ Inquiries into or discussions of one's sexual experiences.

d.) Retaliation.

Any action taken in retaliation against a person who makes a complaint of sexual harassment, who cooperates in an investigation of a complaint of sexual harassment, or who opposes sexual harassment is also unlawful and will be subject to the procedures and remedies applicable to sexual harassment itself.

II. PROCEDURES AND REMEDIES

a.) Initiation of Complaint.

A member of the New England Law | Boston community who believes that he or she has been the victim of sexual harassment (the complainant) should first bring the matter to the attention of either the Director of Student Services or an Associate Dean, as the complainant prefers.

The Director of Student Services or an Associate Dean receiving the complaint shall hereafter be referred to as "the officer." In his or her discretion, the Director of Student Services may request that an Associate Dean serve as the officer, or vice versa, or the Director of Student Services and an Associate Dean may jointly serve as the officer. The Director of Student Services may be reached by telephone at (617) 422-7401 (ext. 7401 if calling from an internal phone). An Associate Dean may be reached by calling the Dean's Office at (617) 422-7221 (ext. 7221 if calling from an internal phone).

(Sexual harassment policy, continued next page)

(Sexual harassment policy, continued)

b.) Duties of the Officer.

Once the officer has notice of possible sexual harassment, the officer shall take immediate and appropriate steps to investigate the alleged incident(s). The officer may also take interim measures, including suspension of the alleged harasser, reasonably calculated to end any harassment, to eliminate a hostile environment if one has been created, and prevent harassment from recurring.

c.) Procedures Where the Accused Harasser Is a Student.

Where the officer concludes, after investigation, that the incident(s) should be treated as cause for disciplinary action, the officer shall initiate proceedings before the Discipline Committee pursuant to Rule E.2 of the Student Handbook, and the range of remedies set forth therein shall be applicable.

d.) Procedures Where the Accused Harasser Is an Employee.

Where the officer concludes, after investigation, that the incident(s) should be treated as cause for disciplinary action, the officer shall initiate such action pursuant to the Employee Manual or Faculty Rules, as the case may be. The procedures and the range of remedies set forth therein shall be applicable.

e.) Procedures Where the Accused Harasser Is a Dean.

If the conduct of an Associate Dean or the Director of Student Services is the subject of a complaint of sexual harassment, the complainant should bring the matter directly to the Dean for appropriate action, and the Dean shall serve as the officer. If the conduct of the Dean is the subject of such complaint, the complainant should bring the matter directly to the attention of the Chairman of the Board of Trustees, and the Chairman shall serve as the officer. Claims made against an Associate Dean or the Director of Student Services shall be governed by the procedures set forth in Section II. D, above. Claims made against the Dean shall be governed by the procedures established by the Board of Trustees.

f.) Procedures Where the Accused Harasser is a Third Person.

If the conduct of a third person not an employee of or student at the New England Law | Boston is the subject of a complaint of sexual harassment, the officer shall refer the matter to the Dean for appropriate corrective action, which can range from a verbal warning to termination of the right of the alleged harasser to enter the facilities, conduct business with, or participate in the activities of the law school.

(Sexual harassment policy, continued next page)

(Sexual harassment policy, continued)

g.) State and Federal Remedies

In addition to the remedies set forth above, a formal complaint of sexual harassment may be filed with either or both of the government agencies set forth below:

United States Equal Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Massachusetts Commission Against Discrimination (“MCAD”)

One Ashburton Place - Room 601
Boston, MA 02108
(617) 994-6000

These agencies have a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

*Adopted by the faculty May 24, 1994. Amended by the faculty May 22, 1998.
Amended by the faculty May 3, 2000.*

(NOTE: Section F, *Miscellaneous*, begins on the next page)

SECTION F. - MISCELLANEOUS

F.1 GENERAL PROVISIONS

a.) Publication. Copies of these Rules shall be published and made generally available. The Rules also shall be given to any student involved in a Discipline Committee matter as soon as reasonably possible after it appears that the matter may be heard by the committee.

b.) Amendment. These Rules may be amended, from time to time, by majority vote of the full-time faculty of New England Law | Boston.

F.2. MAJOR ACTIVITY RULE

No student participating in more than one of the following activities may accumulate more than 6 hours of credit: Law Review, Journal of Criminal and Civil Confinement, National Moot Court, or Jessup Moot Court.

*Adopted by the faculty November 1, 1972. Amended by the faculty
September 25, 1980.*

F.3. STUDENT EMPLOYMENT

The ABA Standards for Approval of Law Schools require that, "A student may not engage in employment for more than 20 hours per week in any semester in which the student is enrolled in more than 12 class hours." (Standard 304 (f).)

Regardless of the 20 hour rule, for a student enrolled in more than 12 credits, no special consideration will be permitted for exam schedule, course schedule or other matters inconsistent with the premise that the study of law is the only priority of such a student. Accordingly, outside employment for such students is discouraged; and such employment is an unacceptable reason for absence from regularly or specially scheduled classes, or failure of preparation.

The law school recognizes that as a part-time student, a night or special student enrolled in fewer than 13 credits may have need for outside employment. However, the study of law requires intensive study, and, accordingly, it is recommended that a student devote as few hours to outside employment as is consistent with the student's needs.

Adopted by the faculty June 4, 1979.

(Miscellaneous policies, continued, next page)

(Miscellaneous policies, continued)

F.4. SCHOOL EMERGENCY ANNOUNCEMENTS

Students are encouraged to call the school's main phone line **(617-451-0010)**, or access ***Student Announcements*** (www.nesl.edu/students/announcements/), now available on our website, for the most reliable and specific information on closings or late openings.

PLEASE NOTE: We will no longer use Channel 5 (WCVB-TV) to announce any changes or delays. Channel 5 only allows us to indicate that we are “closed” and does not give us an option for differentiating day and evening classes. We will continue to post notices on Channels 4 and 7, television and radio:

WBZ radio – (AM, 1030)

WBZ television – (channel 4, Boston)

WHDH television – (channel 7, Boston)

(Note: Only the above stations are notified directly by New England Law | Boston when we plan to close due to weather conditions or for other emergencies. You should tune into these stations for information)

F.5 STANDARD FOR DISTANCE EDUCATION

Pursuant to Standard 306 of the American Bar Association Rules on Legal Education, the following Standard for Distance Education is adopted:

1. Distance education courses must be approved as part of the regular curriculum approval process.

a.) The following shall be considered for purposes of approval:

i. That there is the technological capacity, staff, information resources and facilities required to provide the support needed for instructors and students involved in distance education.

ii. That faculty who teach distance education courses and students who enroll in them have the skills and access to the technology necessary to enable them to participate effectively

iii. Faculty approval of credit shall include a specific explanation of how the course credit was determined. Credit shall be awarded in a manner consistent with the requirement [ABA Interpretation 304-5] that requires 700 minutes of instruction for each credit awarded.

2. Distance education is an educational process characterized by the separation in time or place, between instructor and student. It includes courses offered principally by means of:

a.) Technological transmission, including internet, open broadcast, closed circuit, cable, microwave, or satellite transmission; and

b.) Audio or computer conferencing.

(Distance Education, continued, next page)

(Distance Education, continued)

3. Distance education courses must:

a.) Provide ample interaction with the instructor and other students both inside and outside the formal structure of the course throughout its duration; and

b.) Provide ample monitoring of student effort and accomplishment as the course progresses.

4. Subject to the further requirement of Student Rule A.8., no student may be granted more than four (4) credit hours in any semester, nor more than a total of twelve (12) credit hours toward graduation requirements.

5. No student shall enroll in distance education courses until that student has completed 28 hours toward the J.D. degree.

6. No credit may be given toward the J.D. degree for any distance education except under this standard.

Adopted by the Faculty September 9 , 2004

[NOTE: *Appendices begin on the next page*]

APPENDICES **(Updated: 7/11/2011)**

A.) DRUG ABUSE PREVENTION PROGRAM

Section 1. Authority

Each institution of higher education that participates in certain federal contracts, maintains federal financial aid eligibility for students, or receives any other form of financial assistance under any federal program must certify that it has implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol that applies to all employees and students at the institution. This program is established in accordance with the requirements set forth in the Drug- Free Schools and Communities Act and regulations thereunder (34 CFR Part 86), the Drug- Free Workplace Act and regulations thereunder (34 CFR Part 85) and the Campus Security Act.

Section 2. Effective Date

This program becomes effective immediately and shall remain in effect until specifically revoked.

Section 3. Responsibility and Sanctions

The responsibility for implementation of this program is assigned to the Director of Financial Aid. Students suspected of violating this program will be referred to the Discipline Committee as provided in the Student Handbook. Employees suspected of violating this program will be referred to the appropriate supervisor. Disciplinary sanctions may be as severe as student expulsion and termination of employment and may also include criminal prosecution. Disciplinary sanctions may also include required participation in a treatment, counseling or other approved rehabilitation program.

Section 4. Drug and Alcohol Policy

New England Law | Boston prohibits the unlawful use, possession, sale, distribution or manufacture of controlled substances or alcohol on law school property or as part of law school activities. No student shall report to campus, and no employee shall report to work while under the influence of alcohol or a controlled substance, except as prescribed by a physician, which affects alertness, coordination, reaction, response, judgment, decision-making, or safety.

The serving or consumption of alcoholic beverages at events conducted on the law school campus must be only with express permission of the Dean's office in each and every case and must comply with guidelines issued under the express grant of permission and with Massachusetts State laws. Where permission is granted, alcohol will only be served to individuals who are twenty-one (21) years of age or older with a valid, government issued ID. Non-alcoholic beverages must be available at any event where alcohol is served.

Section 5. Implementation

A. Annual Notice to Employees and Students

Consistent with federal and state regulations, the law school's drug and alcohol abuse prevention program includes descriptions of legal sanctions, health risks and standards of conduct. It is available on the law school website and is distributed to all employees as part of new employee orientation and annually thereafter. All new students are informed of the drug and alcohol abuse prevention program. Students are also notified of it annually. Referral for personal problems, including drug abuse, is available to all employees through the Employee

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Assistance Program (EAP) offered to employees by MetLife as part of the Life and Disability plan. Information about this program is provided within this policy, available at the C.F.O.'s Office, and provided at least once a year for all employees. **The Student Services office provides community information and referral for students interested in drug and alcohol abuse programs and prevention.**

B. Biennial Review. The law school will conduct a biennial review of the program to determine its effectiveness, implement needed changes, and ensure consistent enforcement of sanctions as warranted.

This policy was enacted on April 21, 2011.

Legal Sanctions

Federal and state sanctions for illegal possession of controlled substances range from up to one year imprisonment and up to \$100,000 in fines for a first offense to three years imprisonment and \$250,000 in fines for repeat offenders. Additional penalties include forfeiture of personal property and the denial of federal student aid benefits. Under federal laws, trafficking in drugs such as heroin or cocaine may result in sanctions up to and including life imprisonment for a first offense involving 100 gm or more. Fines for such an offense can reach \$8 million. First offenses involving lesser amounts, 10-99 gm, may result in sanctions up to and including 20 years imprisonment and fines of up to \$4 million. A first offense for trafficking in marijuana may result in up to five years imprisonment and fines up to \$500,000 for an offense involving less than 50 kg. and up to life imprisonment and fines up to \$8 million for an offense involving 1,000 kg. or more.

The State of Massachusetts may impose a wide range of sanctions for alcohol related violations. For example, driving while intoxicated (blood alcohol content of .08 or more) for the first offense may result in fines from \$500 up to \$5000, 2 1/2 years in jail, driver's license suspension for 1 year and charged with a misdemeanor. A second offense may result in fines from \$600-\$10,000, 30 days up to 2 1/2 years in jail, driver's license suspension for 2 years, ignition interlock device installed on your car, charged with a misdemeanor. A third offense may result in a fine up to \$15,000; 150 days to 2 1/2 years in jail, driver's license suspension for 8 years, ignition interlock device required at your expense, and charged with a misdemeanor. Possession of alcohol under age 21 or use of false identification to purchase alcohol results in \$100 fine.

On January 2, 2009, the Commonwealth of Massachusetts enacted a change in the law prohibiting the possession of marijuana following voter approval. Under the new law, the possession of one (1) ounce or less of marijuana or THC is a civil infraction, punishable by a \$100 civil penalty and forfeiture of the contraband. The law does not change the criminal status for those offenders who are in possession of marijuana or THC that exceeds one (1) ounce. Possession of marijuana or THC remains illegal in Massachusetts and is a violation of the New England Law | Boston Drug and Alcohol Policy as set forth above. Offenders remain subject to the full range of disciplinary action from the law school.

Health Risks

Alcohol

Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics shows that alcohol use is involved in many violent incidents, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to

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dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

Amphetamines

Amphetamines can cause a rapid or irregular heartbeat, headaches, depression, damage to the brain and lungs, tremors, loss of coordination, collapse and death. Heavy users are prone to irrational acts.

Cocaine/crack

Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, paranoia and depression. Cocaine is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, psychosis, convulsions, stroke and even death.

Hallucinogens

Lysergic Acid Diethylamide (LSD) causes illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the sections of the brain that control the intellect and keep instincts in check. Hallucinogens can cause liver damage, convulsion, coma and even death.

Marijuana

Marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. Users also experience interference with psychological maturation and temporary loss of fertility. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

Methamphetamine

Methamphetamines, known as speed, meth, ice, glass, etc., have a high potential for abuse and dependence. Taking even small amounts may produce irritability, insomnia, confusion, tremors, convulsions, anxiety, paranoia, and aggressiveness. Over time, methamphetamine users may experience symptoms similar to Parkinson's disease, a severe movement disorder.

Narcotics

Narcotics such as codeine, heroin or other opiate drugs cause the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

Steroids

Steroid users experience a sudden increase in muscle and weight and an increase in aggression and combativeness. Steroids can cause high blood pressure, liver and kidney damage, heart disease, sterility and prostate cancer. Additional information can be found at: www.nida.nih.gov.

Educational and Treatment Programs

New England Law | Boston students who are enrolled in the student health plan and all employees have programs available to them.

The Employee Assistance Program (EAP) offered by MetLife is also available to all law school employees through the Life and Disability program. EAP can assist employees by providing a

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professional assessment of a possible alcohol or drug problem. The mission of EAP is to provide confidential, accessible services to individual employees in order to restore and strengthen the health and productivity of employees and the workplace. For additional information or to speak to an EAP Counselor call MetLife at: **1-800-511-3920**. You may also contact the law school C.F.O.'s office at 617-422-7285.

Community area substance abuse treatment center less than a mile from New England Law | Boston include:

Facility No.	Name	Address	Phone	Distance	Maps
1	Latin American Health Institute Oasis Substance Abuse Clinic	95 Berkeley Street Boston, MA 02116	(617) 350-6900 x156	0.31 miles	Map It!
<p>Primary Focus: Substance abuse treatment services Services Provided: Substance abuse treatment Type of Care: Outpatient Special Programs/Groups: Persons with co-occurring mental and substance abuse disorders, Persons with HIV/AIDS, Men, DUI/DWI offenders Forms of Payment Accepted: Self payment, Medicaid, Private health insurance Payment Assistance: Sliding fee scale (fee is based on income and other factors), Payment assistance (Check with facility for details) Special Language Services: Spanish</p> <p>Intake: (617) 350-6900 x188 Website: http://www.lhi.org</p>					
2	Bridge Over Troubled Waters Inc.	47 West Street Boston, MA 02111	(617) 423-9575	0.62 miles	Map It!
<p>Primary Focus: Substance abuse treatment services Services Provided: Substance abuse treatment Type of Care: Outpatient Special Programs/Groups: Persons with co-occurring mental and substance abuse disorders, Pregnant/postpartum women, Women, Men Forms of Payment Accepted: Medicaid Payment Assistance: Payment assistance (Check with facility for details)</p> <p>Website: http://www.bridgetw.org</p>					

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Facility No.	Name	Address	Phone	Distance	Maps
3	Boston Alcohol and Substance Abuse Programs Inc	30 Winter Street, 3rd Floor Boston, MA 02108	(617) 482-5292	0.71 miles	Map It!
<p>Primary Focus: Substance abuse treatment services Services Provided: Substance abuse treatment Type of Care: Outpatient Special Programs/Groups: Adolescents, Persons with co-occurring mental and substance abuse disorders, DUI/DWI offenders Forms of Payment Accepted: Self payment, Medicaid, State financed insurance (other than Medicaid), Private health insurance Payment Assistance: Sliding fee scale (fee is based on income and other factors), Payment assistance (Check with facility for details) Special Language Services: Polish, Spanish, Vietnamese Website: http://www.bostonasap.com</p>					
4	Salvation Army Harbor Light Center	407 Shawmut Avenue Boston, MA 02118	(617) 536-7469	0.78 miles	Map It!
<p>Primary Focus: Substance abuse treatment services Services Provided: Substance abuse treatment Type of Care: Residential long-term treatment (more than 30 days), Outpatient Special Programs/Groups: Persons with HIV/AIDS Forms of Payment Accepted: Self payment Payment Assistance: Payment assistance (Check with facility for details) Special Language Services: Spanish Website: http://www.salvationarmy.org</p>					
5	Massachusetts General Hospital Addiction Services	16 Blossom Street Boston, MA 02114	(617) 726-2712	0.79 miles	Map It!
<p>Primary Focus: Mix of mental health and substance abuse services Services Provided: Substance abuse treatment, Detoxification, Buprenorphine Services Type of Care: Outpatient Special Programs/Groups: Persons with co-occurring mental and substance abuse disorders, Women, Men Forms of Payment Accepted: Self payment, Medicaid, Medicare, State financed insurance (other than Medicaid), Private health insurance Special Language Services: ASL or other assistance for hearing impaired, Spanish Intake: (617) 726-7753 Website: http://www.mgh.harvard.edu/</p>					

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Facility No.	Name	Address	Phone	Distance	Maps
6	Victory Programs Inc Victory House/ Recovery Home	566 Massachusetts Avenue Boston, MA 02118	(617) 262-5032x15	0.98 miles	Map It!
<p>Primary Focus: Substance abuse treatment services Services Provided: Substance abuse treatment, Halfway house Type of Care: Residential long-term treatment (more than 30 days) Special Programs/Groups: Persons with HIV/AIDS, Men Forms of Payment Accepted: Self payment Payment Assistance: Payment assistance (Check with facility for details) Special Language Services: ASL or other assistance for hearing impaired, Creole, Portuguese, Spanish</p> <p>Intake: (617) 825-6088 x5 Website: http://www.vpi.org</p>					

Additional substance abuse treatment centers can be found at: SAMHSA (Substance Abuse and Mental Health Services Administration <http://dasis3.samhsa.gov/Default.aspx>).

B.) POLICY OF NON-DISCRIMINATION

Policy of Nondiscrimination

It is the policy of New England Law | Boston to provide equality of opportunity in legal education for all persons, including faculty, other employees, applicants for admission, enrolled students, and graduates, without discrimination on the basis of race, color, religion, national or ethnic origin, sex, age, handicap or disability, or sexual orientation. Please contact the Director of Student Services at 154 Stuart Street, Boston, MA 02116 (617-422-7401), with any inquiries regarding the nondiscrimination policy.

C.) STUART STREET TOBACCO POLICY

New England Law | Boston is committed to maintaining a healthy and safe environment for all students, faculty, staff, and visitors. Secondhand smoke is a serious health hazard and a human carcinogen with no known safe level of exposure. Even brief exposure to secondhand smoke can have adverse health effects, especially for those with asthma or other lung-related conditions. No student, employee, or visitor to the law school should have to risk his or her health in order to enter, exit, or stand outside of any law school building. In addition, state and local laws specifically prohibit smoking within the law school's buildings and require that employers provide a smoke-free environment for all employees.

Accordingly, the smoking of any tobacco product on the sidewalk in front of the Stuart Street building is prohibited. Persons who wish to smoke outside the Stuart Street building may do so only on the Warrenton Street side of the building. Smoking materials must be extinguished and properly disposed of before exiting that area. Littering of smoking materials or smokeless tobacco on any sidewalk adjoining any law school building is a violation of this policy. Security is responsible for assuring compliance with this policy, and problems regarding compliance should be referred to them. Persons who repeatedly disregard instructions from Security to comply with this policy may be referred for discipline in accordance with the law school's disciplinary procedures.

This policy will be effective beginning June 1, 2011, but voluntary compliance is requested immediately.