

Empire College School of Law

Policy Manual



Empire College School of Law

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1. INTRODUCTION

1.0 POLICIES, IN GENERAL

This policy manual states the basic rules, regulations, and standards under which Empire College School of Law (Empire College; Empire; College; School of Law) operates in the ordinary course of its activities and functions. From time to time, Empire College School of Law may also post or otherwise publish and distribute additional written policies separate from this manual to govern its operation in ordinary course. However, in emergencies or other extraordinary or unusual situations, whether temporary, or permanent, as designated by the Dean or by the Board of Directors, and situations which in the opinion of the President of Empire College School of Law, in said President's sole discretion, which are not covered by the terms of this policy manual or other separately published policies, Empire College School of Law reserves the unconditional right to respond to and resolve such an emergency or other situation in such fashion as appears respectively to the Dean, the President, or the Board of Directors, as the case may be, and in the sole discretion of each said respective individual or body, without regard to whether such response and resolution may conflict apparently, or in fact, with any of the various provisions of this policy manual or any additional written policy or regulation adopted by Empire College School of Law.

1.1 UPDATES; EFFECT OF OTHER ADOPTED POLICIES AND RULES; AUTHORITY OF DEAN TO AMEND POLICIES

A revised version of this policy manual will be published as necessary as determined by the Dean and or the President. Students are advised that copies of the updated manual, and any supplementary policies adopted by Empire College School of Law which were not included in such published manual are available, and should be obtained from the Law School Office.

Empire College School of Law reserves the unconditional right to amend this manual from time to time and at any time, without publishing a new manual. Amendments will be made either by inclusion in a completely updated and republished version of this manual or by the separate posting of such amendments for a period of at least two weeks on the bulletin board. All such posted amendments will be effective at the earlier of (i) the first day posted on the school bulletin board; or, (ii) the date of the first completely updated version of this manual in which such amendments are included. However, no amendment concerning the cost of tuition or fees will be effective earlier than the next succeeding semester following a written notice of the proposed change is mailed or emailed to the students. All students are responsible for reviewing the bulletin board designated for Empire College School of Law in the facilities, to remain informed of school activities, events and updates.

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The authority to amend this manual is vested in the Dean, subject to the ultimate direction of the President of Empire College School of Law. All such amendments, to be effective, must be in writing, and approved by the President. However, in rare instances and for good cause, exercising sole discretion and initiative, the Dean may, from time to time waive or grant petitions for exceptions to the provisions of this manual, where to do so in the opinion of the Dean, is in the best interest of Empire College School of Law and its students. Any such waiver or exception granted by the Dean shall apply only to the specific person and instance set out in such individual petition, and is not deemed to or construed as a waiver or exception with respect to any other person or instance past or future; and no such waiver or exception shall be effective for any purpose against Empire College School of Law unless evidenced in a writing signed by the Dean. **Other members of the faculty and staff have no authority to amend or waive any of the provisions of this manual, except as specifically provided for in the case of a review and decision by the Academic Standards Committee; and students and other persons may not rely on any such purported waiver or amendment.**

1.2 DEFINITION OF ACADEMIC YEAR

An academic year refers to a period beginning with the first day of a Fall semester and continuing through the day immediately before the first day of the next following Fall semester.

1.3 DEFINITION OF SEMESTER; SESSION

Unless the context clearly otherwise requires, (i) references in this policy manual to a "semester" include the Summer session; (ii) in the case of courses taught over a period of more than one semester (such as Contracts or Civil Procedure), references to a course refer only to a single semester of such course, and (iii) references to an "academic year" refer to a period beginning with the first day of a Fall semester and continuing through the day immediately before the first day of the next following Fall semester.

1.4 CONFLICTS; CONTROLLING POLICIES AND RULES

In the event of any conflict, actual or apparent, between the provisions of this manual and any other policy, including the Empire College School of Law Catalog, the latest published information shall control, provided that should a conflict arise between policies or regulations published as of the same date, the provisions of this policy manual shall control.

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The final authority to interpret this policy manual shall vest with the Dean, whose interpretations are binding on all persons.

A copy of this manual is provided to all students of Empire College School of Law at the time of initial registration or Orientation. Additional copies may be obtained at the Law School Office. All students are presumed to know the contents of the Policy Manual and any adopted amendments thereto, and will be held responsible for such policies and regulations.

2. ACADEMIC PROGRAMS

2A JURIS DOCTOR PROGRAM

2A.0 REQUIREMENTS FOR GRADUATION, GENERALLY

Students are required to successfully complete 86 semester units of credit for award of the Juris Doctor degree. At least 44 of the 86 units must be completed in residence, that is, completed at Empire College School of Law. One unit of credit requires 15 hours of instruction (or equivalent, as determined by the Dean). Therefore, 86 units of credit requires 1,290 hours of instruction (or equivalent). Each hour of instruction will ordinarily also presuppose a substantial amount of outside study and preparation by the student.

2A.1 DURATION OF SESSIONS (SEMESTERS)

Fall, Spring, and Summer semesters are 15 weeks in length. Examination periods are from one to two weeks after the fourteenth class session. Regularly scheduled classes for each course will ordinarily meet one time each week during the semester.

2A.2 SCHEDULING OF CLASSES

Classes are regularly scheduled on Monday, Tuesday, Wednesday, and Thursday evenings. On occasion classes may be scheduled on Saturday mornings. Weekday classes normally begin at 6 p.m., and last for two hours, for two-unit courses, and three hours, for three-unit courses. Occasionally classes may begin earlier than 6 p.m. to accommodate professor and/or student schedules. If offered, Saturday classes begin at 9 a.m., and run from two to three hours, based on the number of units assigned for the course.

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2A.3 LENGTH OF PROGRAM

A student admitted to the Juris Doctor program is expected to pursue the complete course of study without interruption and to conform their personal schedules to that of the School of Law. Empire's Juris Doctor curriculum is designed to be completed in four years. However, students

who begin their studies by enrolling in Introduction to Law and Legal Research and Writing in Spring or Summer of the year in which admission is being sought in the Fall semester, and who graduate at the end of the fourth year following Spring semester will have been able to extend the program for slightly longer than four years. Those students who start their core courses in the Spring semester will generally graduate four years after the conclusion of the Spring semester.

No student may extend the course of study beyond five years from the time he or she begins the First-Year courses without prior approval of the Dean.

Juris Doctor students who have achieved a cumulative grade point average of 76 or higher after completing all required Second-Year courses, and who work 20 hours per week or less, may petition the Dean to accelerate their studies. Before petitioning to accelerate their studies, students should give serious consideration to how the increased number of classes will affect their academics, work, and personal schedules.

In special situations, such as where a student has accelerated, is on probation, is a transfer student, or has interrupted the customary sequence of study for any reason, upon prior approval of the Dean, the student's program may depart from the above norms.

The Juris Doctor cannot be completed later than eighty-four months (7 years) after a student has commenced the study of law at Empire or another law school from which Empire has accepted transfer credits. Upon a showing of exceptional circumstances, the Dean may petition the State Bar of California Committee of Bar Examiners to waive this eighty-four month requirement.

2A.4 REQUIRED AND ELECTIVE COURSES

The Juris Doctor curriculum consists of required or "core" courses, and elective courses. The required courses are offered each year and must be taken by all students in the sequence designated by Empire College School of Law during the student's progressive years of study, as set out in Table 2A-1. Elective courses are those outside the group of core courses which Empire College

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School of Law offers from time to time as it considers appropriate. Elective courses are offered during the Summer semester, and many are also offered during the Fall and Spring semesters.

TABLE 2A-1 - JURIS DOCTOR CURRICULUM

Course No.	Course Title	Units
INTRODUCTORY COURSES		
LAW I401	Introduction To Law	1
LAW I402	Legal Research & Writing	2
	<i>Total Units:</i>	3
FIRST-YEAR COURSES		
LAW 500A/B*	Contracts	6
LAW 501A/B*	Criminal Law	6
LAW 502A/B*	Torts	6
LAW 503	Law Study and Exams	1
	<i>Total Units:</i>	19
SECOND-YEAR COURSES		
LAW 600A/B*	Civil Procedure	6
LAW 601A/B*	Evidence	6
LAW 603A/B*	Constitutional Law	6
	<i>Total Units:</i>	18
THIRD-YEAR COURSES		
LAW 702A/B*	Real Property	6
LAW 701A	Wills and Trusts	3
	<i>Total Units:</i>	9
FOURTH-YEAR COURSES		
LAW 800A/B*	Business Organizations	6
LAW 801A/B*	Remedies	5
	<i>Total Units:</i>	11
ONE-SEMESTER REQUIRED CLASSES**		
LAW R500	Advanced Legal Research	2
LAW R501	Advanced Legal Writing	2
LAW R502	Community Property	3
LAW R503	Criminal Procedure	2
LAW R504	Moot Court	2
LAW R505	Professional Responsibility	2
	<i>Total Units:</i>	13
ELECTIVE COURSES **		
		13
	<i>Total Units for Graduation:</i>	86

* Denotes all non-severable two-semester courses. Both semesters must be successfully completed to receive final A/B course grade. (A/B designation is for grading purposes only.)

** These courses will be taken during Fall, Spring or Summer semesters, as the student's schedule permits.

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2A.5 CLINICAL EDUCATION PROGRAM

Juris Doctor students who have completed their second year of studies are afforded the opportunity to work for course units as interns in functioning legal environments, which may include but is not limited to; courts, public agencies, and private law offices. Students must be under the direct supervision of licensed, practicing California attorneys or judges in good standing with the California State Bar Association. Students may receive one hour of credit for each 48 hours of participation. A student may receive up to three units of credit per academic year. A student who participates in the program for two years may earn a maximum five units of credit.

Any student wishing to participate in the Clinical Education Program must present to the Law School Office, a written Application and Proposal concerning the nature and location of the work to be done. The student's principal supervising attorney must sign the Application and agree to abide by the Guidelines for Supervisors of Clinical Education Students, agreeing that he or she will undertake such supervision of the student's work.

In order for the student to receive credit, at the conclusion of each semester, the supervising attorney must submit an evaluation report on forms provided by Empire College School of Law. Students will be required to attend mandatory classroom sessions to demonstrate the nature and extent of the work being performed. Approved Clinical Education units will be charged the same tuition rate as all other academic units.

Juris Doctor students who participate in the Clinical Education Program also have the option to register with The State Bar of California through its Practical Training of Law Students Program. Requirements are set forth on the California State Bar website at: <http://admissions.calbar.ca.gov/Education/LegalEducation/PracticalTrainingofLawStudentsProgram.aspx>. (Refer to Section 18 of this Policy Manual for additional Clinical Education program details and sample forms.)

2A.6 STUDY AT OTHER LAW SCHOOLS

A Juris Doctor student attending Empire College School of Law may take courses for credit at other law schools only with the advance approval the Dean. A student wishing to take courses at another law school shall petition the Dean for approval prior to commencing studies at such other school. The petition shall be submitted in writing and accompanied by a copy of the catalog description of the course or courses the student wishes to take.

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2A.7 TRANSFER OF CREDIT FROM OTHER LAW SCHOOLS

Juris Doctor credit for courses successfully completed at other law schools may be transferred with permission of the Dean; however, grades are not transferable and will not be included in the grade point average computed by Empire College School of Law. Only grades earned at Empire College School of Law will be used to determine the graduate selected as the Class Valedictorian. Normally, only law coursework completed within 36 calendar months prior to the date the applicant will begin his or her studies at Empire will be transferable. The Dean may also allow transfer credit in any manner contemplated in the *Guidelines for Accredited Law School Rules* section 5.7, *et seq.*

2A.8 TRANSFER OF CREDIT TO OTHER LAW SCHOOLS

Other law schools accredited by the Committee of Bar Examiners of the California State Bar generally accept Juris Doctor credits transferred from Empire College School of Law. However, the decision to accept such transferred credits resides with the receiving institution. Therefore, students wishing to transfer to another school should contact that school to determine whether credits earned at Empire College School of Law will be accepted for transfer.

2A.9 NON-MATRICULATING STUDENTS

A student enrolled at another law school may, subject to approval of the other law school, be admitted as a non-degree auditing student upon submission of required documentation to be determined by the Dean. Such non-matriculating students are subject to tuition, fees, and all regulations and policies of Empire College School of Law. At the discretion of the Dean, audit students may also include, (i) holders of a Juris Doctor conferred by an ABA- or state-accredited law school, (ii) attorneys admitted in any jurisdiction within the United States, and (iii) foreign admitted attorneys. All audit students with the exception of graduates of Empire College School of Law will be charged the current tuition unit price for any course they wish to audit. Empire alumni will be charged \$100 per course to audit. Audit students will not receive credit for any course unless the Dean approves and grants course credit.

2B MASTER OF LEGAL STUDIES PROGRAM

2B.0 REQUIREMENTS FOR GRADUATION, GENERALLY

Students are required to successfully complete 36 semester units of credit for award of the Master of Legal Studies degree. At least 24 of the 36 units must be completed in residence, that is, completed at Empire College School of Law. One unit of credit requires 15 hours of instruction (or equivalent, as determined by the Dean). Therefore, 36 units of credit requires 540 hours of instruction (or equivalent). Each hour of instruction will ordinarily also presuppose a substantial amount of outside study and preparation by the student.

2B.1 DURATION OF SESSIONS (SEMESTERS)

Fall, Spring, and Summer semesters are 15 weeks in length. Examination periods are from one to two weeks after the fourteenth class session. Regularly scheduled classes for each course will ordinarily meet one time each week during the semester.

2B.2 SCHEDULING OF CLASSES

Classes are regularly scheduled on Monday, Tuesday, Wednesday, and Thursday evenings. On occasion classes may be scheduled on Saturday mornings. Weekday classes normally begin at 6 p.m., and last for two hours, for two-unit courses, and three hours, for three-unit courses. Occasionally classes may begin earlier than 6p.m. to accommodate professor and/or student schedules. Saturday classes begin at 9 a.m., and run from two to three hours, based on the number of units assigned for the course.

2B.3 LENGTH OF PROGRAM

A student admitted to the Master of Legal Studies program is expected to pursue the complete course of study without interruption and to conform their personal schedules to that of the School of Law. Empire's Master of Legal Studies curriculum is designed to be completed in 2 years. However, students who begin their studies by enrolling in Introduction to Law and Legal Research and Writing in Spring or Summer of the year in which admission is being sought in the Fall semester, and who graduate at the end of the second year following Spring semester will have been able to extend the program for slightly longer than 2 years. Those students who begin their studies by enrolling in Introduction to Law and Legal Research and Writing in Fall and are seeking admission in Spring of the following year, will have been able to complete the program slightly earlier than two years.

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2B.5 CLINICAL EDUCATION PROGRAM

Clinical Education is not available to Master of Legal Studies students. Students concurrently enrolled in both the Juris Doctor and the Master of Legal Studies programs are eligible for the Clinical Education Program under the rules stated in section 2A.5 of this Policy Manual

2B.6 STUDY AT OTHER LAW SCHOOLS

A Master of Legal Studies student attending Empire College School of Law may take courses for credit at other law schools only with advance approval of the Dean. A student wishing to take courses at another law school shall petition the Dean for approval prior to commencing studies at such other school. The target institution must be accredited by agencies recognized by the United States Department of Education. A list can be found at: <http://ope.ed.gov/accreditation/Search.aspx>

The petition shall be submitted in writing and accompanied by a copy of the catalog description of the course or courses the student wishes to take. The Dean will consider all factors in determining whether credit can be granted, including evaluating the academic equivalency of courses and the hourly unit requirements.

2B.7 TRANSFER OF CREDIT FROM OTHER LAW SCHOOLS

Master of Legal Studies credit for courses successfully completed at other law schools may be transferred with permission of the Dean; however, grades are not transferable and will not be included in the grade point average computed by Empire College School of Law. Normally, only law coursework completed within 36 calendar months prior to the date the applicant will begin his or her studies at Empire will be transferable.

A student wishing to transfer courses from another law school shall petition the Dean for approval prior to commencing studies at Empire. The institution from which the transfer is being sought must be accredited by agencies recognized by the United States Department of Education. A list can be found at: <http://ope.ed.gov/accreditation/Search.aspx>

The petition shall be submitted in writing and accompanied by a copy of the catalog description of the course or courses the student wishes to take. The Dean will consider all factors in determining whether credit can be granted, including evaluating the academic equivalency of courses and the hourly unit requirements.

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Under no circumstances will more than one-half of the credits required for the Master of Legal Studies degree be transferred from another institution. Students who successfully transfer credits are still subject to the residence requirement under section 2B.0 of this Policy Manual.

2B.8 TRANSFER OF CREDIT TO OTHER LAW SCHOOLS

The decision to accept transferred credits for courses completed in the Master of Legal Studies program resides with the receiving institution. Therefore, students wishing to transfer to another school should contact that school to determine whether credits earned at Empire College School of Law will be accepted for transfer.

2B.9 NON-MATRICULATING STUDENTS

The standards for non-matriculating students is governed by section 2A.9 of this Policy Manual with the exception that at the discretion of the Dean, graduates of Empire's Master of Legal Studies program may audit courses for \$100 per course. Audit students will not receive credit for any course unless the Dean approves and grants course credit.

2C. ENROLLMENT IN THE MASTER OF LEGAL STUDIES PROGRAM PRIOR TO ENROLLMENT IN THE JURIS DOCTOR PROGRAM

Applicants must decide prior to beginning classes whether they will enroll in the Juris Doctor (JD) program, the Master of Legal Studies (MLS) program, or be concurrently enrolled in both programs. If a student wishes to begin their studies in only the MLS program, but believes there is a possibility they may later enroll in the JD program, concurrent enrollment is highly recommended and will be subject to the same policies listed below.

If a student enrolls in the MLS program and later desires to enroll in the JD program, they must:

1. Have completed the Law School Admissions Test (LSAT) within 4 months of their first day of class; or at a later date if the Dean of the Law School grants an exception, not to exceed one calendar year following the students first day of class in the MLS program; and
2. Have met the JD academic requirements in the first-year courses of Criminal Law, Contracts and Torts and would have been moved on to the Second-Year of instruction whether or not

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on probation¹. Such students may be required to complete the First-Year Law Students' Examination as detailed in the Empire College School of Law Catalog (see pg. 12); and

3. Have maintained a 70 Grade Point Average or higher in the MLS program, if the MLS program has been completed prior to enrolling in the JD program.

The maximum time which may elapse between completion of the MLS program and enrolling in the JD program is 2 years. An exception to this policy may be granted by the Dean of the Law School so long as any exception would not cause the cumulative time in both programs, including any gap period of time between programs, to exceed 84 months (7 years) and no MLS units completed earlier than 36 months (3 years) prior to the students first day of class in the JD program are included towards the JD unit graduation requirement.

2D. CONCURRENT ENROLLMENT IN THE JURIS DOCTOR AND MASTER OF LEGAL STUDIES PROGRAMS FOLLOWING ACADEMIC DISQUALIFICATION FROM THE JURIS DOCTOR PROGRAM

If a student is concurrently enrolled in the JD and MLS programs when they complete the first-year courses of Criminal Law, Contracts, and Torts, and they are academically disqualified from the JD program but remain eligible for the MLS, the student must:

1. Decide whether they will pursue the MLS only²; or

¹ In the rare circumstance that a student is allowed to complete less than a full first-year schedule, such as completing Criminal Law and Torts, but not Contracts, such a student may be allowed in their Second-Year to complete the missing first-year course and with permission of the Dean, other courses. However, for purposes of the policies above, the first-year GPA will still be calculated as the cumulative average of Criminal Law, Contracts, and Torts.

² If a student determines to continue in the MLS program only, this does not preclude the student from later petitioning for Delayed Re-admission. However, if re-admitted to the JD program after completion of the MLS program, the student would be required to restart the JD program in compliance with Empire Policy Manual section 8.7, "where a student is granted delayed re-admission and more than one full academic year has passed, the student will be required to begin again as a first-year student."

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2. Meet one of the requirements for re-admission into the JD program pursuant to Empire Policy Manual section 8.4, et seq., including, but not limited to, a Petition for Delayed Re-admission requiring the student to reapply after at least two full academic years have elapsed and to restart the JD program pursuant to Empire Policy Manual section 8.7.

3. REGISTRATION

3.0 ORIENTATION

Prior to the start of any new student term, there is an Orientation session for the benefit of all new students. The Orientation introduces new students to the administration, the academic philosophy, the challenges and disciplines of studying law, the responsibilities of the student, and the law school facilities. All new students will receive advance notice of the date and time of the Orientation session.

3.1 REGISTRATION PROCEDURES

Information and registration materials will be emailed to all new and continuing students prior to the start of the Fall, Spring, and Summer semesters.

All students are required to register within the timeframe provided by the Law School Office each semester. Any student who registers after that date shall be considered absent until registration has been completed. Further, a late registration fee will be charged.

4. CLASS ATTENDANCE.

4.0 GENERAL

Under the rules of the Committee of Bar Examiners of the State Bar of California, to meet the legal requirements to sit for the California State Bar Examination and be certified to practice law in California, students at an accredited law school such as Empire College School of Law, must complete at least 1,200 hours of study in residence, extending over a period not less than 120 weeks. These requirements, collectively, are referred to as the "residence requirement." To receive full credit under the residence requirement for any academic period, students shall have been enrolled in a course of study requiring not less than six hours of attendance per week during that academic period, and shall have received credit for courses totaling not less than six hours of credit a week during that academic period. During the Summer semester, or while enrolled in their

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introductory classes, or if the Dean determines that good cause has been shown, a student may take less than six units during an academic period. Under the standards of the Committee of Bar Examiners of the State Bar of California, "regular and punctual attendance" at classes is necessary to satisfy the residency requirement. Students should plan to attend all classes.

The Master of Legal Studies program requires completion of 36 units within the requirements set forth in section 2B.3 of this Policy Manual and is subject to the same attendance requirements as detailed in section 4.1 below.

4.1 MINIMUM ATTENDANCE REQUIREMENTS

A minimum of 80 percent attendance is required in each course. Table 4-1, below, sets out the minimum attendance requirements based on the unit value of the course.

TABLE 4-1
Minimum Required Attendance

<u>Attendance</u>	<u>Unit Value of Course</u>	<u>Minimum Required Attendance</u>
	6 Units	72 Hours
	5 Units	60 Hours
	4 Units	48 Hours
	3 Units	36 Hours
	2 Units	24 Hours
	1 Unit	12 Hours

The instructor will take roll at each class session. A student must attend the entire class session in order to be counted as present for that class session. Students who arrive excessively late, as determined by the instructor, or who leave class before it is dismissed by the instructor, will not be counted as present for that class session. Additionally, students must attend a minimum 80% in each semester of a two-semester course.

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4.2 MAKE-UP CLASSES

Occasionally, due to illness or unavoidable circumstances on the part of the instructor, a regularly scheduled class must be canceled. The Law School Office will make a reasonable effort to notify students should this occur. Due to time constraints, it is not always possible for the Law School Office to contact each student in the event of a canceled class. In order to expedite attempts to do so, students are urged to inform the Law School Office of any changes to their daytime phone number and email addresses.

Make-up classes will be scheduled on evenings when classes are not usually held or on weekends. Attendance at make-up classes, while strongly encouraged, is not required under the attendance standards set forth in Policy 4.1, above.

Class sessions which are delayed or canceled because of holidays or policy of Empire College School of Law, and which are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes, and are subject to the provisions of Policy 4.1, above.

4.3 PENALTY FOR EXCESSIVE ABSENCE

A student who has reached the absence limit in a course will be sent a warning letter. A student who has exceeded the absence limit will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.

4.4 FULL-TIME ENROLLMENT

A full-time student is defined as one taking six or more units per semester. Students will not be allowed to enroll on a part-time basis (that is, to take one or two classes rather than the complete academic course) except in unusual situations, and then, only with approval by the Dean. Students enrolled in the Master of Legal Studies program and who are recipients of Title IV Federal Financial Assistance, are required to be enrolled in at least 3 units per semester in order to receive Title IV funds for that semester.

Juris Doctor students in their First and Second-Year are required to take the full program each semester as designated in Table 2A-1. Master of Legal Studies Students in their First and Second-Year are required to take the full program each semester as designated in Table 2B-1. Students

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concurrently enrolled in both the Juris Doctor and Master of Legal Studies programs are required to meet the full-time enrollment requirements of Juris Doctor students.

4.5 CREDIT FOR EXPERIENTIAL LEARNING (WAIVER OF INTRODUCTORY COURSES)

The introductory courses of LAW 1401 – Introduction to Law and LAW 1402 – Legal Research and Writing may be waived at the discretion of the Dean of the Law School based on the applicant's prior education or experience. Waiver of the coursework does not constitute waiver of the units. Applicants who obtain a waiver of the coursework must still complete the cumulative units required for graduation.

4.6 FAILURE OF INTRODUCTORY COURSES

Students who fail to successfully complete introductory courses (LAW 1401 – Introduction to Law, or LAW 1402 – Legal Research and Writing, or both) may be ineligible to begin their First-Year courses until such a time as they have successfully completed the introductory courses. Such a student will be required to meet with the Dean of the Law School. It will be at the discretion of the Dean as to whether such a student will be allowed to continue in their first year while concurrently repeating the failed course(s). The Dean may also approve a student who has failed an introductory course to enroll in elective courses which do not require as a prerequisite, successful completion of the first year.

5. WITHDRAWAL AND STANDARD PERIOD OF NON-ENROLLMENT (SPNE)

5.0 GENERAL

Students who wish to voluntarily discontinue studies at Empire College School of Law while currently enrolled in classes must do so by withdrawing in writing from the law school. Students who are between semesters and not currently enrolled and who wish to discontinue studies at the law school must do so by taking a Standard Period of Non-Enrollment. Any student who will be absent for more than one semester must withdraw and will be ineligible for a Standard Period of Non-Enrollment. Students may withdraw or take a Standard Period of Non-Enrollment, either in continued good standing, or other than continued good standing. If a student withdraws and then re-enrolls, any future withdraw will be treated as a withdraw other than in good standing. Students who have withdrawn or taken a Standard Period of Non-Enrollment may take a Standard Period of

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Non-Enrollment in the future and be considered in good standing if they meet the requirements of section 5.4 below.

Students may withdraw from the college only on a total basis. Partial withdrawal, or withdrawal from one or more selected courses is not permitted, with the exception that a student may withdraw from one or more elective course in which enrolled. The student must submit a written request to the Registrar requesting withdrawal from the course(s). In exceptional circumstances the Dean of the Law School may grant a partial withdrawal from a course schedule.

Withdrawals and a Standard Period of Non-Enrollment are not permitted or applicable to students who are academically excluded or otherwise dismissed from the law school by the Dean.

5.1 WITHDRAWAL IN GOOD STANDING

In order to withdraw in continued good standing, a student must: (i) be in good academic standing at the time of the withdrawal; (ii) give written notice to the Dean prior to or as of the day of withdrawal; and (iii) pay, as of or prior to the day of withdrawal, all tuition and other amounts then owing to the law school.

A student who withdraws in continued good standing will be entitled to re-admission to Empire College School of Law as to the start of either the Fall, Spring or Summer semester of the student's choosing, provided such student re-enrolls and commences classes at the law school on or prior to the first day of the second academic year beginning after the student withdrew; otherwise, such student will be eligible for re-admission only on the discretionary basis applicable to students who withdraw otherwise than in continued good standing. The Dean has discretion to not allow credit for previously completed courses if it is necessary to avoid a conflict with the Length of Program requirements pursuant to sections 2A.3 and 2B.3.

Students who withdraw in continued good standing and who are entitled to re-admission as a matter of right under this Policy 5.1 will receive credit for all courses for which credit was previously awarded by Empire College School of Law, provided, however, that where withdrawal was prior to completion of a course of more than one semester duration (such as contracts, criminal law, or torts), no credit will be given for any semester or portion thereof for a full-year (two semester) course. The Dean has discretion to not allow credit for previously completed courses if it is necessary to avoid a conflict with the Length of Program requirements pursuant to sections 2A.3 and 2B.3.

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5.2 WITHDRAWAL OTHERWISE THAN IN GOOD STANDING

Any student who withdraws without meeting all the requirements for withdrawal in continued good standing set forth in section 5.1, above, will be considered to have withdrawn otherwise than in continued good standing. This includes students who are not in good academic standing at the time of withdrawal, and students in good academic standing who withdraw without complying with the other provisions of section 5.1, above. Students who fail to sit for a scheduled examination without obtaining advance permission of the Dean; or, who fail to timely pay all amounts owing to Empire College School of Law, are not entitled to re-admission as a matter of right. Such students may be re-admitted at the discretion of the Dean. Upon a showing to the Dean's satisfaction, that the student demonstrates good reason to anticipate successful completion of the requirements for graduation and acquisition of the qualifications to practice law in the state of California, the student may be re-admitted. The Dean may impose such conditions to re-admission, including, without limitation, re-admission on probation and the repetition of one or more courses and or taking the First-Year Law Students' Examination as the Dean deems appropriate. In all cases where withdrawal was prior to completion of a course of more than one semester duration (such as contracts, criminal law, or torts), no credit will be given for any semester or portion of that course.

Any student (whether or not withdrawing in good standing), who re-enrolls in and commences classes at Empire College School of Law at any time after being absent for five semesters may be required to repeat all previously completed or partially completed courses at Empire College School of Law, and may, at the discretion of the Dean, not receive credit for any course previously taken at Empire College School of Law.

5.3 EFFECTIVE TIME OF WITHDRAWAL

For purposes of this section 5, a student shall be deemed to have withdrawn: (i) at such time as the student delivers written notification of withdrawal to the Law School Office; or, (ii) as of the end of any semester in which the student has failed to timely complete all attendance and other requirements for one or more courses in which the student was enrolled during that semester, unless, upon a showing of good cause, the Dean grants an extension, in writing to such student to complete such requirements.

Without limiting the generality of the foregoing, failure to complete course requirements includes failure to sit for a regularly scheduled examination, or to submit, when due, any final paper or other final assignment required in that course. A student deemed to have withdrawn because of failure to timely complete course requirements remains subject to the consequences of such failure as

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prescribed under other applicable policies contained in other sections of this policy manual. For example, a student who fails to sit for an examination will receive a grade of sixty-four (64) for that course. If the resulting cumulative grade point average would result in academic exclusion, that student will be academically excluded. The student's transcript will reflect such exclusion, even if the student is considered withdrawn.

Any written notification of withdrawal under this section 5 will be deemed delivered as of the earlier of: (i) the postmark date, if written notification is mailed through the United States Postal Service to the Law School Office at Empire College School of Law; or, (ii) the date written notice of withdrawal is hand delivered, or emailed, or otherwise received by the Law School Office.

5.4 STANDARD PERIOD OF NON-ENROLLMENT IN GOOD STANDING (SPNE)

In order to take a Standard Period of Non-Enrollment in continued good standing, a student must: (i) be in good academic standing; (ii) give written notification of a Standard Period of Non-Enrollment to the Registrar prior to or as of the last day for registration for the semester immediately following the last semester during which the student was enrolled; and, (iii) pay, as of or prior to the time the Standard Period of Non-Enrollment begins, all tuition and other amounts then owing to Empire College School of Law. Any other Standard Period of Non-Enrollment will be a Standard Period of Non-Enrollment otherwise in good standing.

A student who takes a Standard Period of Non-Enrollment in continued good standing will have the same rights of re-admission to Empire College School of Law, and will have the same right to receive credit for all courses for which credit was previously awarded at Empire College School of Law, as a student who withdrew in continued good standing and would be entitled to re-admission as a matter of right. The Dean has discretion to not allow credit for previously completed courses if it is necessary to avoid a conflict with the Length of Program requirements pursuant to sections 2A.3 and 2B.3.

5.5 STANDARD PERIOD OF NON-ENROLLMENT IN OTHER THAN GOOD STANDING (SPNE)

A Standard Period of Non-Enrollment other than provided for in policy 5.4, above, will be a Standard Period of Non-Enrollment other than in good standing. A student who takes a Standard Period of Non-Enrollment other than in continued good standing, or who does not meet the requirements of policy 5.4, above, shall be treated as a student who withdrew other than in continued good standing.

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5.6 EFFECTIVE TIME OF STANDARD PERIOD OF NON-ENROLLMENT (SPNE)

In order to request a Standard Period of Non-Enrollment, the student must deliver to the Law School Office a written request for the Standard Period of Non-Enrollment prior to the first day of class of the semester in which the Standard Period of Non-Enrollment is sought. Failure to timely provide the written request will result in the student's withdrawal and will be subject to the policies relating to withdrawals described in section 5 above. Students may only request a Standard Period of Non-Enrollment for one semester. Any student who plans to be absent for more than one semester will be required to withdraw.

6. GRADING

6.0 METHOD OF COMPUTING COURSE GRADES

Courses in which a grade is assigned, each numerically graded examination, counted toward the final grade in any course, and each completed course, including courses longer than one semester in duration, will be treated as a separate, closed, and completed event. Each examination score is based on a percentage of its constituent parts; that is, the instructor, exercising sole discretion, will assign each question in an exam a value of the total possible points. In addition, at the sole discretion of the instructor, a percentage of points may be assigned for class participation. Notwithstanding the foregoing, two or more instructors teaching the same course during the same semester or year, may, in the discretion of the professors, agree to a common examination; and a common grading schedule. A student's point score on the mid-term examination, if applicable, class participation, if applicable, and the final examination are used in arriving at the final grade for a course. Fractions of a whole number are calculated to the nearest hundredth and are not rounded up or down in any of said component parts of a course grade, nor is the sum of the component parts rounded up or down from the nearest hundredth in computing the course grade.

Illustration: The methodology for grading, assume that a student's exam at the end of the first semester, or mid-term exam for a two-semester course counts for 15 percent, the student's score for the second semester, or final exam, counts for 75 percent, and class participation counts for 10 percent. If the student scored 68 on the mid-term examination, 75 on the final examination, and 70 for class participation, the final course grade would be as indicated in table 6-1 below:

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TABLE 6-1

.15 × 68 (grade on mid-term exam)	= 10.20
.75 × 75 (grade on final examination)	= 56.25
.10 × 70 (numerical score for class participation)	= <u>7.00</u>
	73.45

6.1 METHOD OF COMPUTING CUMULATIVE GRADE POINT AVERAGE

A student's cumulative grade point average is calculated by averaging the numerical scores from each course for which a numerical grade is assigned, the numerical grade is expressed as a decimal, calculated to the nearest hundredth; no rounding up or down from the individual course numerical scores, or the cumulative grade point average occurs. Without exception, the cumulative grade point average, calculated by the method expressed here, will be used in determining academic performance and status, including: (i) good academic standing; (ii) academic probation; and, (iii) academic exclusion.

6.2 JURIS DOCTOR GRADING STANDARDS

In numerically graded courses, Empire College School of Law uses a numerical grading system ranging from zero to 100. A minimum course grade of 65 is required to receive credit for a course and to receive the academic units required for graduation. The qualitative range of grade scores is set forth in table 6-2 below:

TABLE 6-2

Juris Doctor Qualitative Numerical Grading Standards

90 - 100	Outstanding
80 - 89	Superior
70 - 79	Satisfactory
65 - 69	Unsatisfactory
64 and Below	No Credit

Although most courses are graded on a numerical basis, certain courses will be graded on the basis of Pass/Credit — Fail/No Credit. To receive a Pass/Credit, or P grade a student must complete such a course with a grade equivalent of 65 or higher. No credit will be allowed if the course

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equivalent is below 65. Courses which may be graded on the basis of Pass/Credit — Fail/No Credit grading include: Legal Research and Writing; Introduction to Law; Law Study and Exams; Advanced Legal Research; Advanced Legal Writing; Moot Court; and all elective courses.

6.3 MASTER OF LEGAL STUDIES GRADING STANDARDS

In numerically graded courses, Empire College School of Law uses a numerical grading system ranging from zero to 100. A minimum course grade of 65 is required to receive credit for a course and to receive the academic units required for graduation. The qualitative range of grade scores and equivalent letter grades is set forth in table 6-3 below:

TABLE 6-3

Master of Legal Studies Qualitative Numerical and Equivalent Letter Grading Standards

A	80 and above	Outstanding /
B+	76 - 79	Honors
B	70 - 75	Superior
B-	65 - 69	Satisfactory / Credit
C	64 and below	Unsatisfactory / No Credit

Although most courses are graded on a numerical basis, certain courses will be graded on the basis of Pass/Credit — Fail/No Credit. To receive a Pass/Credit, or P grade a student must complete such a course with a grade equivalent of 65 or higher. No credit will be allowed if the course equivalent is below 65. Courses which may be graded on the basis of Pass/Credit — Fail/No Credit grading include: Legal Research and Writing; Introduction to Law; Law Study and Exams; Advanced Legal Research; Advanced Legal Writing; Moot Court; and all elective courses.

6.4 FACTORS IN ASSIGNING NUMERICAL GRADES

Final examinations and mid-term examinations will be given to all year-long courses (i.e. two semester courses, such as Contracts, Torts, Civil Procedure, Real Property). The final examination may be the only examination on which the course grade will be based. The weight assigned to mid-term and final examinations, and whether class participation will be included in calculating the final grade, will be determined at the sole discretion of the instructor, provided, however, that one or more instructors teaching the same course during the same semester or year, may at the discretion of said instructors, agree to a common examination and grading schedule which will then be applied in each instructor's respective course.

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6.5 FACTORS IN ASSIGNING PASS/CREDIT - FAIL/NO CREDIT COURSES

In courses graded on the basis of Pass/Credit — Fail/No Credit, the professor will utilize such factors in arriving at the grade including; papers; examinations; special projects or assignments; class performance (e.g. attendance, preparation, recitation, and participation) or any combination thereof, as the professor deems appropriate to the nature of the course. The basis of such grade will be communicated to students in advance of actual application, and ordinarily at the first meeting of the course.

6.6 COMPUTING CUMULATIVE GRADE POINT AVERAGE

To compute the cumulative grade point average, Empire College School of Law determines the product of the final grade from each numerically graded course and the number of numerical graded units for that course. The sum of these totals is divided by the total number of numerically graded units. The cumulative grade point average is based on all numerically graded courses in which the student has received a final grade at Empire College School of Law, for all applicable semesters and sessions. Credit/Pass — Fail/No Credit courses are not used in determining the grade point average.

For example, assume numerically graded first-year courses consisting of six units of Criminal Law, six units of Contracts, six units of Torts, and non-numerically graded courses consisting of 2 units of Legal Research and Writing, 1 units of Introduction to Law, and 1 units of Law Study and Exams. Assuming grades of 73, 70, 75, Pass, Pass, and Pass, respectively, in the numerically graded courses, the cumulative grade point average would be computed in the manner set forth in Table 6-4, below.

Grades earned in subsequent years at Empire College School of Law are then added to the prior year(s) grades and calculated in the manner set forth above to determine a student's current cumulative grade point average.

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TABLE 6-4

Hypothetical Calculation of Cumulative Grade Point Average

			<u>Totals</u>										
Criminal Law	73 x 6 units		438										
Contracts	70 x 6 units		420										
Torts	75 x 6 units		450										
Legal Research (P/F: Not Counted)													
Introduction to Law (P/F: Not Counted)													
Law Study and Exams (P/F: Not Counted)													
Sum of Totals	1308												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 25%;"><u>1308</u></td> <td style="text-align: center; width: 5%;">\div</td> <td style="text-align: center; width: 25%;"><u>18</u></td> <td style="text-align: center; width: 5%;">$=$</td> <td style="text-align: center; width: 40%;"><u>72.66</u></td> </tr> <tr> <td style="text-align: center;">Applicable Grade Points)</td> <td></td> <td style="text-align: center;">(Number of Numerically Graded Classes)</td> <td></td> <td style="text-align: center;">(Cumulative Grade Point Average)</td> </tr> </table>				<u>1308</u>	\div	<u>18</u>	$=$	<u>72.66</u>	Applicable Grade Points)		(Number of Numerically Graded Classes)		(Cumulative Grade Point Average)
<u>1308</u>	\div	<u>18</u>	$=$	<u>72.66</u>									
Applicable Grade Points)		(Number of Numerically Graded Classes)		(Cumulative Grade Point Average)									

Notwithstanding any other provisions of this policy manual, each student's academic standing (i.e. good academic standing, academic probation, or academic exclusion) based on the student's cumulative grade point average is determined as of the end of each academic year except as stated in the Satisfactory Academic Progress policy found in Section 8: Addenda A.

Should a student withdraw or take a Standard Period on Non-Enrollment, the student's academic standing will be based on all numerically graded courses taken prior to such withdrawal or Standard Period of Non-Enrollment.

6.7 STATUS OF TRANSFERRED GRADES

Unit credit from prior law school attendance, or attendance at another educational institution, if approved by the Dean in accordance with the provisions set forth in this policy manual, will be entered on the student's transcript as "Transfer Credit" (TC) and the grade is disregarded in computing the cumulative grade point average at Empire College School of Law and for selection for Class Valedictorian.

7. EXAMINATION POLICIES

7.0 ANONYMOUS GRADING

All essay and multiple choice examinations will be taken and graded on an anonymous basis. The Law School Office will provide instructions to students regarding the selection and use of an identification number at the beginning of the academic year, and at such other time as the Law School Office determines that it is appropriate to change such identification numbers. The identification numbers will remain completely confidential and will not be made available to anyone outside the Law School Office or College Administration. Students must maintain the confidentiality of their assigned numbers.

7.1 EXAMINATION PROCEDURES IN GENERAL

All examinations are scheduled to begin at 6:00 p.m. unless students are notified otherwise. Anyone arriving after the exam has started will not be given extra time at the end of the exam period. Students should plan to arrive by 5:30 p.m. to allow set up and preparation. Books, study notes, outlines, and any other course materials, briefcases, book bags, and purses are not permitted in the examination room unless placed in the front of the room away from the student tables and chairs. Eating, drinking, and smoking in an examination room is absolutely prohibited. Cell phones and electronic devices shall be turned off and placed in the front of the room or not brought into the exam room.

Students may not bring timers into the examination room which emit audible sounds. Students must bring a sufficient supply of pens (blue or black ink only) to write the examination. Bluebooks and scratch paper will be provided by Empire College School of Law. Students who use laptop computers are responsible for the proper use and operation of their machine. Laptop users shall be required to register with the Law School Office and to be proficient in the exam software and comply with all requirements of the software manufacturer. If a student's laptop does not work, the student shall complete the exam by using bluebooks. Empire College is not responsible for the failure of examination software or of a student's laptop or other electronic device.

7.2 PROCEDURES PRIOR TO THE EXAMINATION

To preserve anonymity while providing proper identification, students must write their assigned identification number on the front of all bluebooks used on the lines provided for the students' names. **Students must not write their names anywhere on their bluebooks.** It is the responsibility of each student to use the correct identification number on all bluebooks for each examination.

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The student is to write on the cover of each bluebook, his or her identification number on the line provided for the student's name, the course title, the instructor's name, the date, and the student's section number on the lines provided for such information, and the question number in the upper right corner. When using more than one bluebook to answer the same question, number them as follows:

Question #1, Book #1; Question #1, Book #2, etc.

Question #2, Book #1; Question #2, Book #2, etc.

Begin the answer to each essay question in a new bluebook.

7.3 PROCEDURES DURING THE EXAMINATION

The proctor will signal the beginning time for the examination. Students are not to turn over the examination questions or begin any writing on the scratch paper or in the bluebooks (excepting the writing of the identification information set out in policy 7.2, above).

A student may leave the examination room during the examination to use the restroom or lounge facilities, except during the last five minutes of the examination period. However, examination questions, bluebooks, and scratch paper may not be removed from the examination room.

If a student becomes ill during the examination period, which causes a student to be unable to continue, the student should immediately contact the proctor for instructions.

If a student finishes an examination more than five minutes before time is to be called, the student may quietly exit the testing room and deliver their examination packet to the Law School Office without detour. If less than five minutes is remaining in the examination period, the student must wait until time is called by the proctor. The proctor will record the receipt of all bluebooks submitted by each student. It is the student's responsibility to see that his or her bluebooks have been properly received by the proctor and so recorded.

7.4 PROCEDURES FOR WRITING AN EXAMINATION BY OTHER THAN LAPTOP

Examinations must be written in blue or black ink, never in pencil. When writing an examination, the student may write only on one side of the page. The use of "white out," or other correction fluid or tape is prohibited. The use of high lighters is also prohibited. Only answers recorded in the

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bluebooks may be submitted for grades; outlines or other writings on loose or stapled pieces of paper will not be accepted as part of the student's answer. Any portion of an answer which a student does not want to be graded must be lined out by the student.

7.5 TYPING AN EXAMINATION ON A LAPTOP

Typists will be expected to follow the procedures outlined in policies 7.0, 7.1, and 7.2, above, except as applicable to the use of bluebooks, including the proper labeling of answer sheets, in addition to the following:

Empire College School of Law provides a typing room with typing tables and chairs. Students are required to bring his or her own laptop to type the examination. Exam software should be purchased and downloaded prior to the exam period. Time prior to the commencement of the examination should be taken by the student to set up their laptop.

Should a laptop fail or malfunction, the student will be expected to continue the examination in bluebooks. Therefore, the student is advised to bring blue- or black-ink pens, sufficient in number to write an examination under such circumstances. Such persons will not be given additional time to write their examination and will be expected to cease writing their exam at the same time as all other students.

7.6 CONDUCT DURING THE EXAMINATION

Unless otherwise expressly permitted by the instructor, as in the case of an open-book examination, students may not use books, notes, outlines, or any other review materials during an examination. There is to be absolutely no talking during an examination. There is no eating or drinking during exams.

7.7 CONDUCT AND PROCEDURES AT THE END OF THE EXAMINATION PERIOD; PENALTIES

When the proctor calls time, the student must stop writing or typing immediately. If a student is in the middle of a sentence, he or she must stop at that point and not attempt to complete the sentence. Any student who continues writing or typing after the proctor calls time will receive a five point penalty from the total score on the examination. Any student who then continues to write or type after being specifically warned by the proctor to stop will receive a score of 64 for the entire examination.

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Exam answers cannot be considered for grading unless they are checked in, in person to the proctor, before leaving the school. It is the student's personal responsibility to turn in his or her correct bluebooks or upload his or her ExamSoft examination answers in the correct manner to the Law Office. Students who fail to properly turn in bluebooks or upload ExamSoft answers or who turn in blank, unintended, or incorrect bluebooks or blank ExamSoft answers, will receive a grade of 64 on the examination question or questions concerned in such bluebooks or ExamSoft answers, with no right of make-up, substitution, or other special consideration.

Students who finish the examination before time is called must not leave their examination answers at their tables, or otherwise lying about the examination room; the answers must be hand delivered to the Law School Office. Students must not leave the school until their bluebooks or exam packets have been recorded as received by the Law School Office. Students must also turn in the examination questions and the scratch paper. Students may **not** remove any MBE questions from the school.

7.8 SPECIAL CONDITIONS FOR EXAMINATION

Students with disabilities or other conditions necessitating special examination conditions must contact the Dean as early as possible after enrollment in order for appropriate arrangements to be made. In the event of a temporary disability, contact the Dean as soon as possible.

7.9 FAILURE TO TAKE AN EXAMINATION

Students are required to sit for examinations as scheduled. Failure of a student to sit for an examination will result in the student receiving a grade of 64 for the course or courses involved. Note section 5.2, above provides that failure of a student to sit for an examination as scheduled may also cause the student to be considered as withdrawn from Empire College School of Law otherwise than in continued good standing.

Upon a showing of good cause and with prior written permission of the Dean, a student may be permitted to take an examination at other than the regularly scheduled time. "Good cause" is defined as: (i) an illness or injury to the student or a member of the student's immediate family; or, (ii) extreme, immediate, unforeseeable and unavoidable personal circumstances at the time of the examination, which in the opinion of the Dean, are sufficient to warrant taking the examination at a time other than the regularly scheduled time. Good cause must be fully documented to the satisfaction of the Dean.

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Any student who is unable to take a given examination at the regularly scheduled time must notify the Law School Office and submit documentation of good cause as soon as possible prior to the scheduled examination for a determination as to whether the student will be permitted to take the examination at other than the regularly scheduled time. In no event should the student contact the instructor, thereby destroying the anonymity of the student's examination.

No examination may be taken, in any event, prior to the day of the regularly scheduled examination.

7.10 MAKE-UP EXAMINATIONS

Should the Dean approve a student's request to take a make-up or delayed examination, a fee of \$75 will be charged for each such examination taken. Upon approval of a student's request, a make-up examination must be taken within one week of the day the examination was regularly scheduled. Students taking more than one make-up examination may be required to take such exams on consecutive days. Make-up examinations are only scheduled during regular Law School Office hours.

7.11 SPECIAL EXAMINATIONS

Students who are unable to take a make-up examination within the prescribed period for such examinations, set out in policy 7.10, above, must request the Dean to consider approving a special examination. A request for a special examination will not generally be granted. The only cause to vary this policy would be a serious illness of the student or other severe circumstances which would justify a failure to sit for an examination, as set forth above, during the period prescribed for make-up examinations. In the rare instance that the Dean approves a request for a special examination, a fee of \$100 per exam will be charged.

7.12 WITHHOLDING OF EXAMINATION OR GRADES

Empire College School of Law has the right to withhold the taking of mid-term, final examinations or grades, if a student has an unpaid tuition balance due and has not made arrangements, approved by Empire College School of Law, for payment of said unpaid balance.

7.13 RE-READING OF EXAMINATIONS

Prior to the mailing of grades each semester, a student's final examinations for that semester will have been automatically re-read by the instructor when any one of the following occurs:

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a. Where a major disparity exists between the numerical grade in one subject and the numerical grades in all others. For example, final examination grades of 80, 78, and 62 would trigger a re-read by the instructor of the examination which received the grade of 62.

b. Where the cumulative grade point average results in academic disqualification, all examinations for the most current semester's examination period with a score below 70 will have been automatically re-read.

c. Where a student fails any final examination (i.e., scores 64 or below), that examination will have been automatically re-read by the instructor.

7.14 APPEAL OF GRADES

A student who claims that an examination or course grade was the product of unfairness, departure from established grading policy, or a clearly shown mistake, and presents credible factual support for the claim, may have such claim reviewed by the Academic Standards Committee. No change in grades (whether resulting from an examination, a paper, a project or other means of performance evaluation) will be made after such grades are mailed, except for an arithmetic or other objectively verifiable, material mistake. Any such change may be made only upon written petition to the Dean. The Dean will refer the matter to the Academic Standards Committee for review and decision as to whether the grade should be changed. The Academic Standards Committee, also known as the "K Committee," is formed in accordance with Rule XVIII, K, or section 185.11 of the State Bar Act. The committee consists of no less than three nor more than five instructors appointed by the Dean to serve for an academic year. The decision of the Academic Standards Committee is final, and may not be further appealed.

7.15 STUDENT REVIEW OF STUDENTS OWN ANSWERS

Students may review only their own bluebooks or typed pages submitted for an examination, during regular office hours. The actual bluebooks and typed pages may not be removed from the school premises for any reason. However, the student may make photocopies of the bluebooks or papers at the student's own expense.

7.16 STUDENT REVIEW OF PAST EXAMINATIONS

To assist students in preparing for examinations for the various academic courses, Empire College School of Law maintains a compilation of examinations given in past years which may be found at www.empirestudent.com . These examinations may be used to practice issue spotting, outlining,

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and writing practice answers. Some "sample" answers, written either by the instructors, or high-scoring students, may be found at www.empirestudent.com . Issue outlines are also available via this same web portal.

8. ACADEMIC GOOD STANDING, DISQUALIFICATION, AND PROBATION

8.0 GENERAL

It is the policy of Empire College School of Law that all students are required to maintain good academic standing at all times during the course of their law study. The requirements for good academic standing are set forth in the policies in this section. Students failing to meet these requirements will be subject to academic probation or disqualification.

For the purposes of computing the cumulative grade point average, the determination of whether a student is in good academic standing, academically disqualified, or placed on academic probation, the semester when the student completes Criminal Law, Contracts, and Torts is treated as the end of the student's first year. For students enrolled in the Master of Legal Studies or concurrently enrolled in the Juris Doctor and Master of Legal Studies programs please refer to the Master of Legal Studies Satisfactory Academic Progress Policy, Section 8: Addenda A.

Notwithstanding the foregoing, if a student withdraws from Empire College School of Law, or takes a Standard Period of Non-Enrollment or is deemed to do so under the policies set forth in this manual, whether or not he or she is in good academic standing will be determined by reference to his or her cumulative grade point average based on all numerically graded courses such student has taken at Empire College School of Law since his or her initial enrollment, regardless of when during the year such withdrawal or Standard Period of Non-Enrollment occurs, begins, or is deemed to occur or begin.¹

¹ For example, if a student who first began legal studies at Empire College School of Law in the Spring 1993 semester continues his or her studies through all semesters and Summer sessions without interruption, to the Spring 1995 semester, and before the first day of examinations for that semester, his or her good academic standing, or lack thereof, at the time of such withdrawal would be determined by reference to his or her cumulative grade point average calculated on the basis of all numerically graded courses taken through the Fall 1995 semester. Any two semester courses, such as Civil Procedure and Constitutional Law, in which the student was enrolled at the time of such

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8.1 ACADEMIC STANDING FOR GRADUATION

A **Juris Doctor** student will be allowed to graduate if and only if he or she has, at the time of graduation, a minimum cumulative grade point average of 70 and has successfully completed all required courses and all credit units necessary for graduation.

A **Master of Legal Studies** student will be allowed to graduate if and only if he or she has, at the time of graduation, a minimum cumulative grade point average of 65 and has successfully completed all required courses and all credit units necessary for graduation.

8.2 ACADEMIC DISQUALIFICATION

Any Juris Doctor student whose cumulative grade point average is less than 68 as of the end of the first year (completion of Torts, Criminal Law and Contracts) at Empire College School of Law will be academically disqualified. Regardless of cumulative grade point average, a student will be academically disqualified if such student received grades of less than 68 in courses aggregating 11 or more units taken during the first year. Any student whose cumulative grade point average is less than 70 as of the end of the student's second, third, or fourth years at Empire College School of Law will be academically disqualified.

Any Master of Legal Studies student whose cumulative grade point average is less than 65 as of the end of the first year (completion of Torts, Criminal Law and Contracts) at Empire College School of Law will be required to re-take and successfully complete any courses in which the student did not receive a grade of 65 or higher. Such a student is not considered academically disqualified from the Master of Legal Studies program but will be subject to the rules regarding Satisfactory Academic Process in Section 8: Addenda A, see also section 6.6.

See sections 2C and 2D above for effects of academic disqualification for students concurrently enrolled in both the Master of Legal Studies and Juris Doctor programs and for students enrolled in the Master of Legal Studies program who desire to later enroll in the Juris Doctor program.

8.3 JURIS DOCTOR ACADEMIC PROBATION

Any student whose cumulative grade point average as of the end of the student's first year is 68 or higher, but less than 70, and who has not received grades of less than 68 in courses aggregating 11

withdrawal would be disregarded in such calculation, since the student cannot receive credit for, or receive a final numerical grade in, a two semester course of which only the first semester has been completed.

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or more units in the first year, will be advanced to the second year on academic probation. As stated in policy 8.2, above, students whose cumulative grade point average as of the end of their second, third, or fourth year is less than seventy, will be academically disqualified from Empire College School of Law, and such students are not eligible for academic probation.

A student who receives a final grade of less than 65 in any course will, unless such student is otherwise academically disqualified because of his or her cumulative grade point average, be placed on academic probation. Such student will have until the end of the next year following the year in which such grade was received to repeat that course, and must receive a final grade of 70 or higher in that course when repeating it; otherwise, such student will be academically disqualified from Empire College School of Law, with no right to petition for re-admission. While repeating any course, it will be at the discretion of the Dean as to what other courses, if any, the student may be allowed to take. This opportunity to repeat a course will be granted only one time.

In all cases involving academic probation, the student will be subject to such conditions as may be imposed by the Dean.

A student on academic probation is not considered to be in good academic standing for any purpose, and will be prohibited from participating in activities and programs where good academic standing is required. Such activities would include but are not limited to students' extracurricular programs and clinics, internships or offices.

8.4 MASTER OF LEGAL STUDIES ACADEMIC PROBATION

See Section 8: Addenda A, Satisfactory Academic Progress Policy.

8.5 PETITION FOR RE-ADMISSION, IN GENERAL

Any student, who is academically disqualified under policy 8.2, above, other than those students who, under such standards, explicitly have no right to petition for re-admission, may apply for re-admission by petitioning the Academic Standards Committee, under the procedures set out in section 7, above. Decisions of the Academic Standards Committee on matters concerning re-admission are final, and may not be appealed elsewhere within Empire College School of Law.

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8.6 IMMEDIATE RE-ADMISSION

Students seeking immediate re-admission on probation as of or prior to the commencement of the next semester, must file their written petition with the Academic Standards Committee within 10 calendar days after the day on which the last of the grades resulting in the petitioning party's academic disqualification were mailed. No petition filed pursuant to this policy will be granted absent a showing, to the sole satisfaction of the Academic Standards Committee, that there existed unforeseeable, extreme, immediate, and unavoidable personal circumstances, at the time the relevant examinations were administered, which negate the presumption based on the petitioning student's cumulative grade point average that such student is unsuited to pursue the study of law.

8.7 DELAYED RE-ADMISSION

An academically disqualified student who elects not to file, or is ineligible to file, a petition for immediate re-admission under policy 8.6, above, or whose petition filed pursuant thereto is denied by the Academic Standards Committee, may file a petition for delayed re-admission. Petitions for delayed re-admission must be filed at least 60 calendar days before the first day of classes in which the student is seeking re-admission.

All petitions for delayed re-admission will, if granted, re-admit the student as of the commencement of the next semester; delayed re-admission will not be granted absent a showing to the sole satisfaction of the Academic Standards Committee either that: (i) sufficient grounds for immediate re-admission of the student would have existed under the above standards if the student had timely filed a petition for immediate re-admission, or (ii) at least two full academic years after the academic year in which the student was excluded will have elapsed before the student begins studies at Empire College School of Law pursuant to the petition for delayed re-admission, and that, during the time since his or her academic disqualification, the student has engaged in work, study or other activity whose results provide the Academic Standards Committee a compelling reason to believe that student now has a materially greater potential for the study of law and the successful completion of the curriculum at Empire College School of Law.²

² It is emphasized that where delayed re-admission is sought under a showing made pursuant to (ii), above, through work, study, or other activity over the period since academic disqualification, it is not the mere passage of two or more years that is needed, but demonstrated activity and accomplishment during that period which now suggest a stronger likelihood of success in law school if given a second opportunity.

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8.8 RE-ADMISSION ALWAYS ON PROBATIONARY STATUS

Re-admission, whether immediate or delayed, is rarely, if ever, granted, and if granted will the student be on academic probation and subject to such conditions as the Academic Standards Committee considers appropriate to impose.

Except as stated in section 8.7(i), where a student is granted delayed re-admission the student will be required to begin again as a first-year student.

SECTION 8: ADDENDA A

Satisfactory Academic Progress Policy

Satisfactory Academic Progress Statement

Empire College School of Law has specific standards students are expected to achieve in order to maintain Satisfactory Academic Progress (SAP) in their programs of study. These Standards are based on grades and the completion of program requirements within a maximum time frame. Compliance with Satisfactory Progress standards has substantial effect on the disbursement of Title IV financial aid funds. Students in the Master of Legal Studies (MLS) will be requested to acknowledge receipt of the Satisfactory Academic Progress Statement, which outlines these standards, at the time they meet with Financial Aid Office personnel and/or during their first two weeks of classes or if the policy is revised.

At Empire College School of Law, satisfactory progress for MLS students is defined by the following criteria:

Quantitative Standard - Students must complete 36 units and are permitted to attempt up to 1.5 times the number of units ($36 \times 150\% = 54$ units) in their program of study. 54 units is the maximum timeframe for completion of the MLS program. Students must be on Pace. Pace is defined as the progress through the student's educational program that will ensure completion within maximum timeframe. If it becomes impossible for a student to complete the MLS program within 54 units, considering all units attempted and completed, the student is not on Pace. If a student fails to complete more than 18 attempted units, it becomes mathematically impossible to complete the MLS program within the 54 unit maximum timeframe. Further, Pace requires completion of at least $\frac{2}{3}$ or 66.67% of the units the student attempts each semester. Pace is calculated by dividing the total number of units the student has successfully completed by the total number of units attempted. In rare circumstances a student may exceed the maximum timeframe if they meet the standards described in the Appeals section below.

Qualitative Standard - Students must successfully meet or exceed the minimum Cumulative Grade Point Average (CGPA) of 65% and be on Pace.

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MLS students must meet the following minimum standards of Satisfactory Academic Progress to be successful at Empire College School of Law. The student's progress will be reviewed at the end of each semester to determine satisfactory academic progress. Lack of satisfactory progress can seriously jeopardize a student's financial aid.

A full-time student will have attempted to complete 18 or more semester units at the end of each academic year. A half-time student will have attempted to complete at least 9 semester units at the end of each academic year. For financial aid purposes the academic year is defined as at least 45 weeks for all MLS students.

Required Evaluation Point (Each Academic Year)	Minimum CGPA *		Minimum Units Successfully Completed
			Full / Half Time
End of 1 st Semester	65%	AND	6 / 3 units
End of 2 nd Semester	65%	AND	12 / 6 units
End of 3 rd Semester	65%	AND	18 / 9 units

*Cumulative Grade Point Average

Non Severable Courses – A/B required MLS courses (Criminal Law, Contracts, Torts, and Constitutional Law) are non-severable two semester courses. Upon completion of the first semester of an A/B course, the units for that semester are considered vested. These vested units will not be granted until the condition subsequent of completion of the B portion of the course is successfully completed. However, for purposes of SAP, the quantitative and qualitative portions of this policy will be applied every semester, regardless if the semester culminates in vested or completed units.

Transfer of Credit - Master of Legal Studies credit for courses successfully completed at other law schools may be transferred with permission of the Dean; however, grades are not transferable and will not be included in the grade point average computed by Empire College School of Law. Transfer credits will be evaluated by the Admissions Officer and the Dean of the Law School

For the purposes of the quantitative maximum timeframe and Pace in this policy, transfer credits are included in the total units completed.

Normally, only law coursework completed within 36 calendar months prior to the date the applicant will begin his or her studies at Empire will be transferable.

A student wishing to transfer courses from another law school shall petition the Dean for approval prior to commencing studies at Empire. The institution from which transfer is being sought must be

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accredited by agencies recognized by the United States Department of Education. A list can be found at: <http://ope.ed.gov/accreditation/Search.aspx>

The petition shall be submitted in writing and accompanied by a copy of the catalog description of the course or courses the student completed or desires to complete. The Dean will consider all factors in determining whether credit can be granted, including evaluating the academic equivalency of courses and the hourly unit requirements.

Under no circumstances will more than one-half of the credits required for the Master of Legal Studies degree be transferred from another institution. Students who successfully transfer credits are still subject to the residence requirement under section 2B.0 of the Empire College School of Law Policy Manual.

Students not making satisfactory academic progress are subject to the following:

End of First Semester Not Meeting SAP – Academic Warning: The first time any student is not meeting SAP at the end of any academic semester, he or she will be placed on Warning Status with no right of appeal and continue to be financial aid eligible. These students will receive a letter from the Dean stating they are on SAP warning and requiring the student to meet with the Dean or Assistant Dean to discuss a plan for improvement.

End of Second Consecutive Semester Not Meeting SAP – Academic Probation: A student who does not maintain satisfactory progress at the end of a second consecutive semester will be placed on probation for the next semester and has two alternatives:

1. Request an appeal with the Dean of the Law School to develop an academic plan that will ensure the student is able to meet SAP standards by a specific time frame. The student's academic plan will be reviewed with the student during the probationary period as stated in the plan. If approved, student remains eligible for financial aid.
2. Student does not appeal, remains in school, and becomes ineligible for financial aid until such time as the student makes satisfactory progress.

End of Third Consecutive Semester Not Meeting SAP – Academic Dismissal: Students not making satisfactory academic progress at the end of a third consecutive semester will be dismissed unless their academic plan developed after appeal determined the student will require more than one semester to meet progress standards.

Appeals: An MLS student is allowed one (1) appeal of probation status for the length of their program.

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Students on Probationary Status may appeal within ten (10) days of notification of their change in status, and request to be placed on an academic plan. In order for an appeal to be considered, the student must provide the Dean of the Law School a letter that includes information about the circumstances or events which prevented the student from attaining SAP. Circumstances may include:

- Death of a relative of the student
- An injury or illness of the student
- Other special circumstance. Special circumstances must be documented by the student to demonstrate that they had an adverse impact of the student's performance.

In addition, the student must note what has changed in order for the student to be successful.

The Dean of the Law School will review appeals to determine whether they include the necessary information and documentation. The Dean of the Law School will then determine whether the student is eligible for an academic plan and can regain SAP within the maximum timeframe. The student will be notified in writing within five (5) days, of the final decision. There are no additional appeals processes.

Academic Probation – Veterans or VA Eligible Persons: A veteran or VA eligible person placed on probation for unsatisfactory progress shall be dismissed if his or her academic progress remains below published standards after two semesters. If the veteran or VA eligible person is allowed to remain on probation beyond this period, he or she will have all veteran's benefits discontinued and any further certification of benefits terminated.

A veteran or VA eligible person whose attendance is below 80 percent after two consecutive semesters will have all veteran's benefits discontinued.

Grading System: Students will receive a progress report of their grades at the end of every semester. Class work is reported in terms of a numeric grade. In the judgment of Empire College School of Law, the reported numeric grades are equivalent to the following academic performance measurements:.

A	80 and above	Outstanding /
B+	76 - 79	Honors
B	70 - 75	Superior
B-	65 - 69	Satisfactory / Credit
C	64 and below	Unsatisfactory / No Credit

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For classes where students receive a pass/fail grade, these pass/fail grades do not affect grade point average. Credit hours are earned for “Pass” grades and no credit hours are earned for “Fail” grades.

Withdrawal from a Course: Students who wish to change their schedule by dropping a course may do so only with the permission of the Dean of the Law School. Dropping a class during the first two weeks of the semester will result in no grade or credits attempted being assigned for the course. Beyond the second week of a semester, students may request to be withdrawn from a class and a grade of “W” will be assigned. “W” grades are not calculated into the CGPA, but will be considered units attempted if the student has incurred a financial obligation for the semester and will affect the successful course completion percentage required for the satisfactory Pace.

Repeating a Course: A student who receives a final grade of less than 65% in any course must repeat the course and receive a grade of 70% or higher. Repeating the same course will be granted only one time. When a student repeats a course, both the original course grade (reflected as an RF) and the grade received for the repeated course will be shown on the student’s transcript. However, only the grade received after repeating the course will be included in the student’s grade point average.

Attendance

Regular and punctual attendance is required for the successful completion of law school. Students should plan to attend every class.

A minimum of 80 percent attendance is required in each course.

A student who has reached the absence limit in a course will be sent a warning letter. A student who has exceeded the absence limit in a course will be automatically dropped from the course. Dropped students will be required to repeat the course at its next offering in order to meet graduation requirements. Being dropped from a course for exceeding the absence limit will result in a Withdraw from the course and the units will count as attempted units.

A student admitted to the MLS program in the School of Law is expected to pursue the complete course of study without interruption and to conform their personal schedules to that of the School of Law. No student may extend the course of study beyond four years from the start date unless it is approved by the Dean of the Law School (see Empire Policy Manual section 2B.3).

Standard Period of Non-Enrollment (SPNE)

If a student desires to be absent for not more than one semester, they may request a Standard Period of Non-Enrollment (SPNE) prior to the beginning of the term for which they plan to not attend. The student must, in order to regain the right to return to the School of Law, request a SPNE (see Empire College School of Law Policy Manual Section 5). A student who is a Title IV recipient

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should see the Student Loan Repayment Advisor to be aware of the possible consequences a SPNE may have on loan repayment terms, change in financial aid refunds (return of Title IV funds), and the resulting change in amounts owed to the College.

Withdrawal from School

A student may also withdraw from Empire College School of Law. Readmission is permitted either by approval of the Dean or the Academic Standards Committee, depending on the student's status at the time of withdraw (see Empire College School of Law Policy Manual Section 5). A student who is a Title IV recipient should see the Student Loan Repayment Advisor to be aware of the possible consequences a withdrawal may have on loan repayment terms, change in financial aid refunds (return of Title IV funds), and the resulting change in amounts owed to the College.

Should a student decide to withdraw from school, their request must be in writing. Students withdrawing must attend an exit interview with the Accounts Receivable Manager and the Student Loan Repayment Advisor in conjunction with the Dean of the Law School is required to complete withdrawal paperwork and to discuss student aid and financial obligations due the College.

Grievance Procedure

Academic Matters: A student who claims that an examination or course grade was the product of unfairness, a departure from established grading policy or a clearly shown mistake, and presents credible factual support for the claim, may have his or her claim reviewed by the Academic Standards Committee (ASC). The ASC is formed in accordance with State Bar standards. The ASC consists of no less than three and no more than five instructors appointed by the Dean to serve for the academic year. Requests for a hearing shall be submitted in writing to the Dean or the Assistant to the Dean within ten (10) days of the date that grades were mailed.

Non-Academic, Non-Financial Matters: Except in extraordinary or emergency situations, students who are the subject of proposed disciplinary action for non-academic or non-financial matters are entitled to written notice in advance and a hearing by a disinterested panel before the imposition of discipline. The student has the right to assistance of counsel of their choosing, opportunity to call witnesses and examine adverse witnesses, and submit documentary evidence. Disciplinary action of this nature may be imposed for any conduct by a student which, in the opinion of the Academic Standards Committee of the School of Law, violates the high standards of ethics expected of potential future officers of the court or legal professionals interferes with the rights of other students, disrupts the intended functions of the School of Law, or otherwise violates the rights of others or violates announced policies. The School of Law reserves the right to impose such disciplinary action, up to and including dismissal, on any student whose conduct warrants such action.

9. GRADUATION

9.0 JURIS DOCTOR GRADUATION REQUIREMENTS

Upon meeting the requirements for graduation, the degree of Juris Doctor (J.D.) will be conferred. To be eligible to graduate, a student must meet the following requirements:

- a. Completion of the academic curriculum with passing scores in each class;
- b. Completion of 86 units, at least 44 of which are in residence;
- c. A minimum of 120 weeks enrollment in law school and completion of 1,290 hours of instruction in satisfaction of California State Bar requirements. In order to complete the required curriculum, students may need to take classes during one or more summer semesters;
- d. Achievement of a cumulative grade point average of 70 or higher;
- e. Attendance of at least 80 percent in each course;
- f. Satisfaction of all financial obligations due to Empire College- School of Law.

At the beginning of the second semester of the fourth year, a graduation fee is charged to each student eligible for the J.D. degree. This fee offsets the cost of the diplomas, academic robes, rental of the facility for the ceremony, the reception, and other related expenses. This fee is assessed whether or not an eligible student plans to attend the graduation ceremony.

The graduation ceremony is held annually, usually either the second or third Sunday in May, or the first or second Sunday in June.

9.1 MASTER OF LEGAL STUDIES GRADUATION REQUIREMENTS

Upon meeting the requirements for graduation, the degree of Master of Legal Studies (MLS) will be conferred. To be eligible to graduate, a student must meet the following requirements:

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- a. Completion of the academic curriculum with passing scores in each class;
- b. Completion of 36 units, at least 24 of which are in residence;
- c. Completion of 540 hours of instruction. In order to complete the required curriculum, students may need to take classes during one or more summer semesters;
- d. Achievement of a cumulative grade point average of 65 or higher;
- e. Attendance of at least 80 percent in each course;
- f. Satisfaction of all financial obligations due to the Empire College- School of Law.

At the beginning of the second semester of the second year, a graduation fee is charged to each student eligible for the MLS degree and who wishes to participate in graduation. This fee offsets the cost of the diplomas, academic robes, rental of the facility for the ceremony, the reception, and other related expenses. This fee is assessed whether or not an eligible student plans to attend the graduation ceremony.

The graduation ceremony is held annually, usually either the second or third Sunday in May, or the first or second Sunday in June.

9.2 GRADUATION HONORS AND AWARDS

Juris Doctor and Master of Legal Studies students who achieve academic distinction are honored as follows:

Magna Cum Laude; graduation with a cumulative grade point average
from 82 to 100

Cum Laude; graduation with a cumulative grade point average
from 76 to 81.99

10. STUDENT DISCIPLINE FOR NON FINANCIAL, NON ACADEMIC MATTERS

10.0 ACTS SUBJECT TO DISCIPLINE

Administrative disciplinary action may be taken by Empire College School of Law against any student whose personal conduct raises serious questions, in the opinion of the Academic Standards Committee, as to such student's fitness to remain at an institution of legal education. Such action may be imposed for any conduct by a student which, in the opinion of the Academic Standards Committee: (i) violates the high standards of ethics expected of legal professionals and potential future officers of the court; (ii) interferes with the rights of other students; (iii) disrupts the intended functioning of Empire College School of Law; or, (iv) otherwise violates any of the announced policies of Empire College School of Law, including but not limited to the following conduct or situations:

- a. Engaging in plagiarism, or using, giving, or receiving unauthorized aid, equipment or materials during an examination, or with respect to any other required writing for any class;
- b. Defacing, vandalizing, stealing, or removing without proper authorization, any property belonging to or leased by Empire College School of Law, or any other organization or institution with which Empire College School of Law has a contractual relationship with for the benefit of students. The above includes books or other materials from its law library, or using the law library and computerized legal research systems for commercial purposes;
- c. Engaging in harassment of any person while on the premises of Empire College School of Law, or at any function, whether or not on said premises, sponsored by or conducted by Empire College School of Law or by any student organization affiliated with Empire College School of Law;
- d. Willful commission and convictions of acts in violation of local, state, or federal laws, statutes, ordinances, or codes; and,
- e. Knowingly making false statements or entries in any application for admission to Empire College School of Law, or any other document affecting Empire College School of Law records.

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10.1 DISCIPLINARY MEASURES

Disciplinary action concerning a violation of policy 10.0, above, may include, but shall not be limited to, one or more of the following:

- a. Written or verbal reprimand, concerning which a notation or copy thereof may be placed in the student's file;
- b. Cancellation of an examination or course grade, or denial of course credit, or both;
- c. Probation;
- d. Suspension;
- e. Expulsion.

Nothing in this section is applicable to matters relating to financial or academic matters, including, without limitation, matters relating to class attendance, except so far as concerns charges that the student has improperly signed an attendance roster, or signed an attendance roster on behalf of another person.

10.2 NOTICE AND HEARING CONCERNING DISCIPLINARY MATTERS

Except in extraordinary or emergency situations, students who are the subject of proposed disciplinary action for a violation of policy 10.0, above, are entitled to written notice in advance. The student is presumed to have received such notification, absent a showing by the student otherwise, as of the earlier of: (i) the day on which such notification is hand delivered by the Law School Office staff to the student; or, (ii) the third day of regular postal delivery following the day on which the Law School Office mails such notification by first class, registered, or certified United States mail to the mailing address of the student as last furnished by the student to Empire College School of Law.

If the student wishes to appeal that decision, he or she must request a hearing by written notice to the Dean, hand delivered to the Law School Office or mailed by first class, registered, or certified through the United States Postal Service to the correct address of the Law School Office, in either case within 10 working days after the student's receipt of such written notification.

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If the student requests a hearing in accordance with the provisions of this policy 10.2, such hearing will be held as soon as is reasonably possible after such request is received by the Law School Office. Such hearing will be held before a panel composed of three disinterested members of the faculty, and one disinterested student, selected by the Dean. The disinterested members of the faculty may be comprised of Academic Standard Committee members and / or other members of the faculty. The student has the right to assistance of counsel of his or her choosing, the opportunity to call witnesses, and examine adverse witnesses, and to submit documentary evidence.

A final decision on the matter will be provided by the panel within three weeks of the conclusion of the hearing, or as soon thereafter as is reasonably possible. The decision rendered by the panel may:

- a. Approve the intended disciplinary action as set forth in the written notification given to the student pursuant to this policy 10.2; or,
- b. Impose a lesser sanction appropriate under policy 10.1, above; or,
- c. Determine that no disciplinary action is warranted under the circumstances.

No other decision, action, or remedy shall be made or imposed by such panel. The decision shall be dated and in writing, and shall contain a statement of the facts found and the conclusions and decision reached. Such decision shall be final and binding on both Empire College School of Law, and the student. The student will have no further right of appeal within Empire College School of Law. Any sanctions imposed pursuant to policy 10.1, above will take effect as of the date of the written decision of the panel, unless at the discretion of the panel, a later effective date is selected.

10.3 DISCIPLINARY MEASURES IMPOSED WHERE HEARING NOT REQUESTED

If the student does not request a hearing, within the time and in the manner specified in section 10.2, Empire College School of Law may proceed to impose the disciplinary action of which the student was notified. In such case, the student will be notified in writing by the Academic Standards Committee of the disciplinary action taken. The disciplinary action will take effect as of the date of the Academic Standards Committee written notification to the student of the disciplinary action taken, unless at the discretion of the Academic Standards Committee a later effective date is selected.

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10.4 CIRCUMSTANCES UNDER WHICH DISCIPLINARY ACTION AND SANCTIONS WILL BE RETROACTIVELY APPLIED

Notwithstanding the effective dates of disciplinary actions and sanctions set forth in policies 10.2 and 10.3, above, if the action or sanction imposed under either of said policies is expulsion, suspension, or some similar discipline such that the student would not have been present or eligible to sit for one or more examinations, or to complete or receive credit for one or more courses, if such action or sanction had actually been in effect commencing with the date of the written notification of charges and intended disciplinary action from the Academic Standards Committee referred to in policy 10.2, above, then solely for the purpose of disallowing credit for the examination or examinations, and course or courses concerned, such action or sanction will relate back and be deemed to have been retroactively in effect commencing with the date of such written notification from the Dean, and no credit will be allowed for the examination or examinations, course or courses.

11. STUDENT GRIEVANCE PROCEDURES

11.0 ACADEMIC MATTERS

Students who believe their grades reflect a mathematical error or claim that a professor has not fairly graded an examination paper or has departed from the grading policies set forth in section 7, above, may have such claim reviewed by the Academic Standards Committee of Empire College School of Law. The committee consists of no less than three and no more than five professors appointed by the Dean to serve for an academic year. Requests for a hearing shall be submitted in writing to the Dean or the Assistant to the Dean. The decision of the Academic Standards Committee is final, and may not be further appealed.

12. STUDENT ACTIVITIES AND SERVICES

12.0 THE LAW LIBRARY

The law library is an integral part of Empire College School of Law. Emphasis is placed on the basic research required for classes. The law library consists of California, Federal and United States Supreme Court cases, California statutes, encyclopedias, digests, periodicals and other legal reference materials. Lexis/Nexis and Westlaw computerized legal research programs are also available.

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It should be noted, that Lexis/Nexis and Westlaw computerized legal research libraries are for educational purposes only. Students using the law library for commercial purposes and students who remove books and materials from the law library, except for photocopying, are subject to dismissal under policy 10.0, above.

The law library is provided for study, academic research, and related activities for the students of Empire College School of Law. Since the law library is a shared facility, talking, socializing, and other disruptive activities are not permitted. No food or beverages of any kind are permitted in the law library.

The law library is open Monday through Thursday from 7:30 a.m. to 9 p.m., on Friday from 7:30 a.m. to 6 p.m. Weekend hours are from 8:30 a.m. to 5:00 p.m.

A Law Library fee of \$70 per semester is required. The fee entitles the student to the use of the law library facilities and its research and reference materials, including computer software, and modem access libraries.

12.1 VETERANS TRAINING

Empire College School of Law courses are approved for the training of veterans and eligible persons. Students who intend to apply for these benefits should apply at least two weeks prior to the beginning of classes.

12.2 STUDENT LOUNGE

A student lounge is provided where snacks and beverages can be purchased.

12.3 BOOKS AND SUPPLIES

Empire College School of Law maintains a bookstore to sell all of the required and recommended books, both new and used, to students. Students should budget an average of approximately \$900 per year for books.

12.4 EMPLOYMENT PLACEMENT

Empire College School of Law provides employment placement services. Job announcements received by Empire College School of Law are shared and posted for review by students.

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12.5 STUDY GROUPS

Empire College School of Law encourages student interaction for learning purposes. The Socratic method of instruction, generally used in teaching law, allows for student questioning and dialogue. Students often form study groups for continued study, discussion, and preparation outside the structured classroom program. While study groups are not required or established by Empire College School of Law, the objectives and principals of such groups are supported by Empire College School of Law.

13. REGULATIONS OF THE COMMITTEE OF BAR EXAMINERS RELATING TO JURIS DOCTOR CANDIDATES

13.0 STUDENT'S RESPONSIBILITY

It is the responsibility of each student enrolled at Empire College School of Law to comply with the rules of the Committee of Bar Examiners. Some of the major requirements are summarized below. The Committee of Bar Examiners publishes the Rules Regulating Admission to Practice Law in California. These rules are modified from time to time, and current copies may be obtained from the Committee of Bar Examiners at 180 Howard Street, San Francisco, California 94105. Detailed up-to-date policies and procedures are available at the State Bar website at www.calbar.ca.gov/

13.1 REGISTRATION AS A LAW STUDENT

Every person accepted by Empire College School of Law's Juris Doctor program may register with the Committee of Bar Examiners within 90 days after beginning law school. The Committee of Bar Examiners has prepared forms for such registration, which may be obtained from the State Bar website. There is a filing fee required by the Committee of Bar Examiners for such registration. Students should retain copies of all forms, information, and communication submitted to and received from the Committee of Bar Examiners.

13.2 JURIS DOCTOR ADMISSION AS A SPECIAL STUDENT

Juris Doctor applicants who have not completed at least 60 semester units or 90 quarter units acceptable toward a bachelor's degree by a Committee of Bar Examiners approved school may apply as a "special student." A special student is defined under 4.25(B) of the Admissions Rules and section 6060(c) (2) of the California Business and Professions Code. The Committee of Bar Examiners requires that all applicants seeking admission as special students take and pass College-

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Level Examination Program (CLEP) examinations prior to admission to law school. Special Students must attain passing scores on the following General Examinations administered by CLEP prior to commencing the study of law:

- College Composition or College Composition with Modular; and
- Two other examinations, each designed to correspond to full-year courses (6 semester hours each) or four other examinations, each designed to correspond to semester courses (3 semester hours each) that can be selected from any of the following subjects:

Composition and Literature (Humanities examination only)
Foreign Language
History and Social Sciences
Science and Mathematics
Business

To receive credit an applicant must score 50 or higher on each examination. For registration materials, information about the test, and information regarding the location of testing centers and testing dates, please contact the Admissions Department of Empire College School of Law or write to:

College Board / CLEP
P.O. Box 6600 Princeton, NJ 08541-6600
Phone: 800-257-9558 E-mail: clep@collegeboard.org
Online service: <http://clep.collegeboard.org>

All applicants seeking admission as special students must take and pass the First-Year Law Students' Examination (FYLSX) upon completion of the first-year curriculum. The FYLSX is administered by the Committee of Bar Examiners twice a year, usually in June and October. Students should check the deadline for filing application for the test as soon as such information is made available online by the Committee of Bar Examiners.

Applications to take the FYLSX must be mailed by the student. The Committee of Bar Examiners imposes a fee for the examination and the fee must accompany such application. A copy of the student's law school transcript and Law School Certificate will be sent by Empire College School of Law directly to the Committee of Bar Examiners upon a student's request.

A special student will not receive credit for their first year of law studies until such time as the FYLSX examination has been passed.

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In addition to the foregoing, Empire College School of Law requires that a special student must take and pass the Law School Admission Test (LSAT), prior to admission. A score in the 50th percentile or better must be achieved. In addition, Empire College School of Law requires that all applicants for admission as special students provide all other the documentation as required for applicants of regular status, including approval by the Dean.

(See *Empire College School of Law Catalog* for Regular Student admissions requirements.)

13.3 EXAMINATION FOR PROFESSIONAL RESPONSIBILITY

As a prerequisite for admission to practice law in California, all applicants must pass the National Conference of Bar Examiners' (NCBE) Multistate Professional Responsibility Examination (MPRE). NCBE contracts with the Law School Admission Council (LSAC) to provide test registration and administration for the MPRE, while NCBE performs scoring and score reporting to examinees and jurisdictions. Please direct all inquiries regarding MPRE registration and administration to LSAC's MPRE Service. Students generally sit for the professional responsibility examination during the third year of study, following completion of the Professional Responsibility course.

13.4 APPLICATION FOR DETERMINATION OF MORAL CHARACTER

The application for determination of moral character, also known as a preliminary evaluation of the State Bar's Rule X qualification, must be filed with the State Bar to initiate the moral character screening process. Although a determination of good moral character is not required to sit for the bar examination, such determination is required for admission to practice law in California. The review process by the State Bar may take up to 180 days to complete. Therefore, students are strongly encouraged to file an application for determination of moral character with the State Bar prior to sitting for the California Bar Examination. While Empire College School of Law cannot warrant the outcome of the moral character determination, students who have concerns regarding this process are encouraged to speak with the Dean of the Law School during or after the application process.

13.5 CALIFORNIA BAR EXAMINATION

All students planning to take the California Bar Examination must file an application with the Committee of Bar Examiners approximately four months prior to the date of the examination. The California Bar Examination is administered by the Committee of Bar Examiners twice a year, usually in February (the so-called Spring examination), and July (the so-called Fall examination).

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Upon successful completion of all requirements for the Juris Doctor degree, at the student's request (as part of the application process to sit for the CA State Bar examination), Empire College School of Law will submit a Law School Certificate and transcripts to the Committee of Bar Examiners indicating that the student has completed his or her law studies in good standing. However, it is the student's responsibility to notify the Law School Office that the student plans to sit for a certain bar examination so that the required certification can be processed and sent to the Committee of Bar examiners in a timely manner.

If, for any reason, a student has not successfully completed his or her law school program, such student must submit a transcript to the Committee of Bar Examiners for its evaluation to determine eligibility of such student to take the California Bar Examination.

13.6 PRACTICAL TRAINING OF LAW STUDENTS

Practical Training of Law Students is a program that allows a supervised law student certified by the State Bar of CA to negotiate and appear on behalf of a client in the limited circumstances permitted by California Rule of Court 9.42 and the Title 3 State Bar Rules. Under the Rules Governing Practical Training of Law Students, law students may be "certified" to work with a supervising attorney providing legal service to clients. The Rules and application forms are available from the Practical Training of Law Students Office, State Bar of California, 180 Howard Street, San Francisco 94105, or online at:

<http://admissions.calbar.ca.gov/Education/LegalEducation/PracticalTrainingofLawStudentsProgram.aspx>

To be eligible to become a certified law student, an applicant must:

- (1) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the First-Year Law Students Examination;
- (2) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Governors of the State Bar; and
- (3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.

14. PERSONAL CONDUCT OF STUDENTS

14.0 STUDENT CONDUCT, IN GENERAL

All students at Empire College School of Law are expected to conduct themselves in a professional manner by being thoughtful, courteous, and considerate to others. Empire College School of Law reserves the right to suspend or dismiss any student whose conduct in the opinion of the Academic Standards Committee violates the provisions of policy 10.0, above. Empire College School of Law further reserves the right to terminate the enrollment of any student not abiding by the policies and regulations established in this policy manual, as well as any other written policies and regulations which may be adopted by Empire College School of Law from time to time.

14.1 COMPLIANCE WITH THE HONOR SYSTEM

The Honor System is defined as follows:

- a. Each student participating in any examination given by any of the professors at Empire College School of Law, shall be on the his or her honor not to bring outlines, notes or other such materials into the examination room during the time in which the student takes the examination.

- b. Such students will make use only of his or her own knowledge of the course to answer the questions on a given examination, in accordance with the procedures for examination in all of the policies set forth in section 7 of this policy manual, and any other applicable written policies and regulations which may be adopted by Empire College School of Law from time to time.

The Dean and the Academic Standards Committee will use procedures and criteria set out in the section 10, above, in the event that the Honor System is allegedly violated.

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14.2 HARASSMENT OF OTHER'S STRICTLY PROHIBITED

Verbal, physical, visual, and sexual harassment of students and employees of Empire College School of Law is absolutely forbidden.⁴ It is expected that all students will be sensitive to the feelings of others and will not act in a way that might be considered harassment by someone else.

If while at the facilities or on the grounds of Empire College School of Law,⁵ you think you or one of your fellow students has been the victim of harassment as defined above, report it in writing immediately to the Dean or the Law School Office, or Empire College, so that your report may be promptly investigated. Appropriate sanctions will be imposed against any employee or student who is found to have, in fact, harassed a student. Steps will also be taken to prevent and discourage further harassment. Such investigation will include interviews with the alleged victim, alleged harasser, eye witnesses, and corroborative witnesses. The results thereof will be communicated, in writing, to the alleged victim, the alleged harasser, and any others directly concerned. Should the investigation result in findings that harassment has occurred within the meaning of this policy, the matter shall be referred to for consideration of disciplinary action pursuant to section 10, above. Faculty of Empire College School of Law accused of sexual harassment under this policy will be permitted the same protection as afforded any student under the procedural requirements set out under policy 10.2, above.

⁴ Examples of harassment include, but are not limited to; art work, photos, gestures and the like. Verbal harassment includes boisterous, loud, or intimidating language directed at students, faculty, or staff.

California and federal courts have defined sexual harassment as unwanted sexual advances, or unwanted visual, verbal, or physical conduct of a social nature, including but not limited to: (i) unwanted sexual advances, including propositioning, or repeatedly asking someone out for a date after it is clear that such person is not interested; (ii) explicitly or implicitly offering employment or other benefits in exchange for sexual favors; (iii) making of threatening reprisals after a negative response to sexual advances; (iv) visual conduct, such as leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, or posters; and (v) verbal conduct, such as making or using derogatory comments, epithets, slurs or jokes, or making sexually based remarks about another's or one's own body; (vi) verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations; and, (vii) physical conduct, such as touching, assault, impeding or blocking the movement of another.

⁵ Said facilities include the Law School Office, classrooms, courtrooms, law library, lounge, in any place with which Empire College contracts for the benefit of students, and all appurtenant facilities, including but not limited to restrooms and auditoriums within the building in which Empire College School of Law is located, and outdoor areas including parking areas.

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In addition to filing a complaint with Empire College School of Law, any student who alleges that he or she has been the subject of sexual harassment also has a right to file a complaint with the State Department of Fair Employment and Housing, 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758, (916) 478-7251, or online at: <http://www.dfeh.ca.gov/Contact.htm> .

If for any reason, a student believes that this policy 15.2 cannot be effectively implemented to mitigate a particular accusation of harassment, please feel free to make an appointment to discuss the matter with the Dean, upon filing the petition setting forth the facts of such allegation.

14.3 SEXUAL ASSAULT

Under state law, Empire College School of Law is required to provide certain information concerning sexual assault. The following information and procedures apply only to students, faculty and staff who are victims of, or witnesses to, sexual assault or other crimes committed at or upon the grounds or facilities of Empire College School of Law. Any such sexual assault must be reported to the police and emergency services authorities immediately. Telephone 911 using any available telephone, including any telephone at Empire College School of Law. Give the authorities the following information: (i) your name; (ii) your telephone number (i.e. the telephone number at which authorities can reach you at a later time; (iii) the building name and address (3035 Cleveland Avenue, Santa Rosa, California 95403), and any other specific locational information; (iv) describe the situation clearly and accurately; and, (v) don't hang up the telephone. Let the person you are talking to end the conversation. The emergency service authorities may need additional information or assistance.

It is the policy of Empire College School of Law to encourage victims and witnesses to immediately report all crimes, including sexual assault, to the Law School Office and to proper law enforcement authorities. Empire College School of law administration believes that such reporting enhances the likelihood of apprehension and prosecution of the perpetrators, and assists in the improvement of preventative measures for the future. However, Empire College School of Law also respects the privacy concerns of victims and attaches a high priority to dealing with those concerns in a sensitive and positive manner. In that context:

a. Reporting. In cases of emergency or other situations, where immediate contact with authorities or other means of assistance may aid the victim of a sexual assault or other crime, mitigate the effects of such crime, result in apprehension of the perpetrator, or otherwise serve to protect the life or property of any person, Empire College School of Law and other persons may report such crime with or without the victim's consent. Victims of a sexual assault or other crime

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should report such crime to Empire College School of Law or to the proper law enforcement authorities. Any such report to Empire College School of Law must be made in writing on a form provided by Empire College School of Law and available from the Law School Office. If required by law, or upon the victim's written request, Empire College School of Law will report such sexual assault or other crime, and furnish a copy of the Crime Report Form to the proper authorities.

b. Assistance to Victims. Because of its relatively small size, Empire College School of Law does not provide direct assistance in the way of treatment, counseling and the like to victims of sexual assault or other crimes. In addition, Empire College School of Law will consult with the victim concerning such exceptions, if any to Empire College School of Law policies and procedures as may be necessary or appropriate to accommodate the needs of the victim resulting from such an incident.

c. Notification to Victim of Disciplinary Action. If the alleged perpetrator of a sexual assault or other crime is a student, faculty or staff member at Empire College School of Law, the victim will be kept informed of the initiation and results of any disciplinary action taken by Empire College School of Law, so far as reasonably possible without violating the legal rights of such alleged perpetrator. Except for the reporting to proper authorities or other sources of assistance, in the circumstances described above, or except as otherwise consented to by the victim, Empire College School of Law staff will not discuss any aspect of the victim's case with any person except to the extent reasonably necessary, in the discretion of Empire College School of Law, for the conduct of business and affairs of Empire College School of Law.

15. EQUAL OPPORTUNITY; COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT

15.0 EQUAL OPPORTUNITY POLICY

Empire College School of Law grants to students all rights, privileges, programs, and activities otherwise generally available to students at Empire College School of Law regardless of race, color, creed, religion, ethnic origin, gender, physical handicap, age, or sexual orientation. Empire College School of Law does not discriminate on any bases in the administration of its educational policies, admissions practices, or other programs which it administers.

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15.1 AMERICANS WITH DISABILITIES ACT

The building facilities and grounds which house Empire College School of Law meet city and state regulations concerning access for persons with disabilities, in addition to the federal regulations, also known as the Americans with Disabilities Act, enacted in 1990. The services provided are specially designed restroom facilities, drinking fountains, parking stalls, and access corridors to the building, handrails, access ramps, and building entry doors.

Empire College School of Law will make a reasonable accommodation to all individuals with disabilities to attend law school unless such an accommodation would impose an undue hardship on the operation of Empire College School of Law. Students with disabilities will be given consideration for accommodations based upon a written request from such a disabled student, accompanied by medical documentation. (Refer to Section 17: Students with Disabilities Policy & Procedures for additional information.)

16. SAFETY POLICY

16.0 SAFETY POLICY STATEMENT

It is the policy of Empire College, 3035 Cleveland Avenue, Santa Rosa, California, 95403, that accident prevention shall be considered of primary importance in all phases of operation and administration. It is the intention of the school's administration to provide safe and healthy conditions and to establish and insist upon safe practices at all times by employees and students. The prevention of accidents is an objective affecting all levels of the organization and its activities. It is the duty of each employee and student to accept and follow established safety regulations and procedures.

16.1 INJURY REPORTING

Employees and students are expected to assist the administration in accident prevention activities. Unsafe conditions must be reported. Students and employees that need help should be assisted. Everyone is responsible for the housekeeping that reduces the potential for slight cut or strain, must be reported to the administration as soon as possible. In no circumstance, except an emergency, should an employee or student leave the premises without reporting an injury; forms are available from the Administrative offices.

17. STUDENTS WITH DISABILITIES POLICY & PROCEDURES (ADA POLICY)

17.1 INTRODUCTION

In recent years, Empire College School of Law has been faced with an increasing number of both pre-admission and post-admission decisions involving students with disabilities. While this policy touches briefly on admissions issues, it is primarily directed to students who have already been admitted to the College through the normal admissions process and have thus been deemed qualified to undertake the academic program. It is College policy that enrolled students who have disabilities be given reasonable adjustments or accommodation. In providing greater access to qualified students with disabilities, the College demonstrates its belief that the legal profession will benefit from the skills and talents of these individuals.

Empire seeks to accommodate students with disabilities on an individual basis. Individual students are given reasonable and necessary accommodations based on specific information and assessment data documented by a qualified professional. The office makes available information as to the existence and location of services, activities and facilities that are accessible to and usable by persons with disabilities. The program for adjustments and accommodations is administered under the direction of the Dean with the advice of the Empire College ADA Committee.

The Dean is the senior administrative officer responsible for college policies affecting students with disabilities. With the advice of the ADA Committee and the administrative staff responsible for implementing policy, the Dean ensures that these policies are both educationally sound and responsive to the needs of students with disabilities.

Empire recognizes that disabilities include mobility, sensory, health, psychological, and learning disabilities, and will make every effort to provide reasonable accommodations to the extent it is readily achievable. While the College strives to accommodate students as fully as possible, reasonable adjustments or accommodations do not include measures which fundamentally alter the academic program or create an undue administrative or financial burden on the College. While our legal obligation relates to disabilities of a permanent nature, it is our practice to also provide accommodations, when possible, for temporary disabilities.

Students requesting and/or utilizing disability accommodations have certain obligations and responsibilities surrounding their use of such accommodations. Students are responsible for reviewing this policy and meeting the requirements stated herein.

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17.2 DEFINITION

- A. A person with a disability is any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such impairment(s); or (iii) is regarded as having such impairment.

- B. Any otherwise qualified person with a disability is an individual with a disability who meets the academic and technical standards requisite to admission and participation in the College's educational program and activities. The College's admission philosophy recognizes that success in law school cannot always be predicted solely by the numerical indicators of scores and grades. Such factors as maturity, oral expression, employment background, community involvement, and motivation are also considered to determine each applicant's overall potential for success in law school.

17.3 ADMISSIONS

A. Admissions Policy

The College does not discriminate on the basis of a disability in the admission process. Any information concerning an applicant's disability provided during the admission process shall be on a voluntary or optional basis and shall be kept confidential in accordance with state and federal laws. The College will use this information only for the purpose of overcoming past performance difficulties as reflected in their students' academic records. No limitations will be placed on the number or proportion of persons with disabilities who may be admitted or enrolled. While assessing the qualifications of an applicant with a disability, evaluators consider other relevant factors including the undergraduate record, educational program, work experience, and any other information that the applicant supplies.

B. The LSAT

An indication by Law School Admissions Services (LSAT) that an applicant took the Law School Admissions Test (LSAT) under accommodated conditions shall not be used as a basis for discrimination. Rather, the nonstandard testing conditions shall be viewed as necessary reasonable accommodations which have been accorded only after proper evaluation by LSAT and which do not result in an unfair advantage or inflated score.

C. Post-Admission Inquiries

Empire invites and encourages voluntary self-identification by students with disabilities for purposes of verifying the disability and identifying the reasonable accommodations that the College will provide to the student.

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17.4 POLICY FOR ENROLLED STUDENTS

A. Policy of Non-Discrimination Based on Disability

Empire provides reasonable adjustments or accommodations necessary to afford equal opportunity and full participation in all College academic programs for qualified students with professionally verified disabilities. These adjustments or accommodations will be provided in the most integrated setting appropriate to the student's needs.

In particular:

1. Students with disabilities have the opportunity to participate in Empire College programs or activities, such as scholarly publications, interscholastic competitions, clinics, and externships, if they qualify for such programs or activities.
2. Empire will not knowingly provide services to or use services of outside organizations or persons that discriminate against students on the basis of disability.
3. Examinations and evaluation of students' academic achievement will be adopted and administered to minimize the effect of the disability. Consistent with the academic program, reasonable efforts and accommodations will be made to accurately measure the student's academic achievement by minimizing the effect of the disability.
4. Empire provides personal counseling, academic advising, and career services without discriminating on the basis of disability. Qualified students with disabilities will not be counseled toward more restrictive career objectives than are other students with similar interests and abilities.
5. In providing financial assistance Empire does not limit eligibility for assistance, or otherwise discriminate on the basis of disability.
6. The location of programs within the physical plant provides equal access to mobility and visually impaired students to the extent reasonably possible. In the design of new construction or renovation of existing building and facilities, the College will strive to incorporate principles of barrier-free design.

B. Determination of Reasonable Accommodations

The Dean reviews all documents submitted to verify a disability and conducts a personal interview to explore the needs of the student in the law school setting. Students may be asked to submit to the Dean Accommodation forms that the State Bar of CA utilizes. The Dean may request information about a student's history of academic adjustments, accommodations received in post-secondary institutions, reports/evaluations from a learning disability specialist and reports or evaluation's from other medical providers. The history of adjustments and accommodations will be subject to verification by the institution that facilitated the adjustments or accommodations.

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The verification documents will be considered, with the results of the personal interview and history of academic adjustments or accommodations. The ADA Committee will recommend to the Dean the academic adjustments and accommodations appropriate for the student. In arriving at the determination the ADA Committee and the Dean may consult with appropriate faculty, administrative staff and professional consultants to the College.

Reasonable academic adjustments and accommodations designed to provide equal opportunity to students with disabilities may be made in the following three areas:

1. **ACADEMICS PROGRAM** – Adjustments in this category include those necessary to enable a student to enroll in, study for, attend and participate in classes, and may include modification of a course load. Some modifications may be restricted by the California Committee of Bar Examiners rules regulating enrolled students.
2. **EXAMINATIONS** – Examination time adjustments and individual accommodations will be made as necessary to minimize the effect of a particular disability.
3. **AUXILIARY AIDS** – To the extent feasible, Empire will either provide or assist students with disabilities in acquiring educational auxiliary aids designed to enable them to participate fully in the academic program.

Each student receiving academic adjustments or accommodations must meet upon request with the Dean to discuss and evaluate the effectiveness of the academic adjustments and accommodations. Each student must immediately report any dissatisfaction with any academic adjustment or accommodation to the Dean, as well as adjustments and termination upon any change in the nature of the student's disability or the student's failure to properly utilize the services provided.

Services for students who improperly procure adjustments or accommodations under this policy may be subject to disciplinary action under the Student Honor Code.

The Dean, subject to applicable rules of confidentiality, may provide information to administrative staff and faculty to arrange for efficient administration adjustments and accommodations.

C. Records and Privacy

Empire maintains confidential records relating to academic adjustments and accommodations based upon disability. The records shall include the documentation submitted to verify the disability. Upon graduation, termination or withdrawal, these records will be maintained for a period of five years. The records, after five years, shall be sealed in an envelope marked "Confidential" and consolidated with all other records of the student.

All documents produced by consultants in the performance of services for the College shall be and remain the property of the College.

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D. Confidentiality

Information about who has a disability and the nature of that disability shall remain confidential. However, it is sometimes necessary to provide disability information to staff personnel in the consideration and facilitation of academic adjustments and accommodations for students. As a general rule, only the staff members and faculty responsible for assisting in the administration of the program will have specific information about the student's disability. Only when necessary for carrying out the responsibilities of their jobs is disability information given to other College personnel. The written consent of a student with a disability is necessary to share information with anyone other than the referenced College personnel.

Therefore, the following is a list of personnel by department who may have information regarding students with disabilities:

Personnel who may have access to Disabled student files:

1. Dean
2. Vice President and Director of Student Services
3. Assistant Dean
4. Assistant to the Dean/Registrar
5. Admissions Officer

Personnel who may need to have knowledge that a student has a disability, but who will not have access to the nature of the disability:

1. Exam Proctors
2. Student Note takers
3. Registrar (to facilitate advance priority registration)
4. Faculty Academic Standards Committee
5. ADA Committee
6. Faculty (Where the disability is or may be an issue in the classroom)

E. Academic Dismissal and Re-admission

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. While this may sometimes justify allowing the student a second opportunity to prove academic ability, the burden is on the student to clarify why the disability was not brought to the attention of the administration and to explain why accommodations were not requested, or to explain why accommodations that had been provided were not adequate.

The faculty Academic Standards Committee upon receipt of a petition for continuation or re-admission will request that the Assistant to the Dean shall submit a report, in chronological form, providing available information regarding the nature of the disability, the extent to

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which it affects the student's ability to participate or perform in the academic program, the academic adjustment(s) requested by the student, those granted, if any, and any other information contained in the student's file relevant to the petition. In any event, the committee may request to see the actual records of the student regarding the Disabled.

Generally, the disability, standing alone, will not provide a sufficient basis for granting the petition.

17.5 POST-GRADUATION POLICY AND SERVICE

Empire College School of Law will assist students in documenting accommodations received during law school to aid in students requesting accommodations for bar examiner's review.

17.6 GRIEVANCE POLICY

Students who request accommodations and believe that such accommodations have been inappropriately denied or believe that they have been discriminated against on the basis of their disability, must bring this matter to the attention of the College within 30 days of the occurrence of the event. The Assistant to the Dean upon the receipt of a written request for consideration shall present the matter to the ADA Committee for consideration or establishment of an acceptable accommodation, if the matter cannot be resolved informally by the ADA Committee or if the student is unsatisfied with the resolution, the student may file a grievance with the faculty Academic Standards Committee who will make recommendations to the Dean, for determination. The Dean's decision shall be final.

If the matter is handled informally and the aggrieved student agrees with its disposition, the disposition shall be final.

17.7 EMPIRE COLLEGE SCHOOL OF LAW DOCUMENTATION POLICY

It is the policy of Empire College School of Law to provide reasonable accommodations for disabled students. This includes learning and physically disabled students, those with health impairments, and other disabilities. Reasonable and appropriate academic adjustments/ accommodations are defined as alternative means to access information or facilities, or alternative ways to demonstrate knowledge, without compromising essential academic objectives and without undue financial or administrative burden on the institution. All students requesting services are required to submit professional documentation of disability prepared by an appropriate licensed independent professional prior to receiving services. Documentation of accommodations received at another educational institution or place of work may be helpful but are not binding in determining accommodations in the law school setting. Students whose disabilities may require some type of academic adjustments, including course load modification, note taker, or accommodations for exams are encouraged to discuss these with the Dean as early as possible. Appropriate modifications and accommodations will be worked out on a case-by-case basis between the Dean

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and the student using the documentation submitted by the student and possible involvement of the ADA Committee.

The Law School may require documentation of disabilities when the disabled individual puts the disability at issue.

17.8 VERIFICATION OF PHYSICAL DISABILITIES

A student with a physical disability must provide professional verification certified by a licensed physician, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. The student shall provide the verification documentation to the Assistant to the Dean, Assistant Dean or the Dean. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the College has the discretion to require supplemental assessment of a disability. The cost of the supplemental assessment shall be borne by the student. If the College requires an additional assessment for purposes of obtaining a second professional opinion, then the College shall bear the cost.

17.9 VERIFICATION OF LEARNING DISABILITY

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. The cost of obtaining the professional verification shall be borne by the student. The verification must be by an appropriately qualified Learning Disability Specialist or other qualified medical professional other than the students' personal medical professional.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities; (2) the presence of a cognitive-achievement discrepancy or an intro-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention; and (4) an absence of other primary causal factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability.

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17.10 DOCUMENTATION VERIFYING THE LEARNING DISABILITY MUST

1. Be prepared by a professional qualified to diagnose a learning disability, including but not limited to, a licensed physician, learning disability specialist, or psychologist, other than the student's personal medical provider;
2. Include the testing procedures followed, the instruments used to assess the disability, the test results, a written interpretation of the test results by the professional and an explicit statement that the individual has a specific learning disability;
3. Reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing grammar, and spelling; and
4. Reflect the individual's present level of functioning in the areas of intelligence and processing skill.

The assessment must provide data that supports the requests for any academic adjustment. In the event that a student requests for any academic adjustment or accommodation the student must have records that:

- a. supports the data in the assessment;
- b. have a complete verification; or
- c. have other data adequate to determine the extent of the disability.

It is incumbent on the student to obtain supplemental testing assessment at the student's expense if the data is not complete.

If Empire requires an additional assessment for purposes of obtaining a second professional opinion, then Empire will bear the cost.

17.11 VERIFICATION OF TEMPORARY DISABILITY

A temporary disability is not a handicap within the meaning of the ADA legislation, Section 504; however, it is the policy of Empire to provide reasonable academic accommodations for such disability.

Students seeking accommodations on the basis of a temporary disability must provide documentation verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary. Verification must be provided by a professional health care provider who is qualified to diagnose the disabling condition(s). The assessment or verification of disability must reflect the student's current level of disability. The report must have been prepared within five (5) days of submission. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the extent of the disability/appropriate accommodations, Empire has the discretion to require supplemental

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assessment of a temporary disability. The cost of the supplemental assessment shall be borne by the student. If Empire requires an additional assessment for purposes of obtaining a second professional opinion, then the College will bear the cost.

Temporary disabilities are for a designated period of time or length of a specified condition. The temporary disability must be reconsidered at designated intervals.

18. CLINICAL EDUCATION PROGRAM

EMPIRE COLLEGE SCHOOL OF LAW CLINICAL EDUCATION PROGRAM

A WORD ABOUT THE CLINICAL EDUCATION PROGRAM

1. Clinical Education is available to **third and fourth year** students who have approval from either the Clinical Education Supervisor or the Dean.
2. The student must submit the “Application and Proposal” document describing intended work to the Clinical Education Supervisor for approval. The application is normally submitted to the Clinical Education Supervisor at the first Clinical Education meeting.
3. The student has the option to register with the California State Bar through the Practical Training of Law Students Program. (Forms are available on the State Bar of CA website).
4. One (1) hour of credit is granted for each 48 hours of participation.
5. Up to (5) units of credit are granted for participation in the program. The maximum number of units per academic year is three (3) units.
6. In order to receive credit for your internship, at the conclusion of each semester, the student must submit the following:
 - Completed Supervisor's Evaluation- (Note: the supervising attorney must submit an evaluation report on forms provided by the Empire College School of Law.)
 - Completed Student's Evaluation
 - Proof of Hours Worked
 - Approved Writing Sample
7. Approved clinical education units will be charged the same tuition rate as all other academic units.

EMPIRE COLLEGE SCHOOL OF LAW CLINICAL EDUCATION PROGRAM

GUIDELINES FOR SUPERVISORS OF CLINICAL EDUCATION STUDENTS

The attorney who undertakes the supervision of clinical education students directly participates in the legal education of the student. This undertaking requires commitment and agreement to expend the time necessary to analyze and evaluate the student's work. The following guidelines have been prepared by Empire College School of Law to assist you in meeting the School's requirements.

The School of Law permits students in good standing to earn academic credit for legal work performed in an office, in court, and/or in the legal department of a government agency. The organization must agree to accept full responsibility for the student, designate a specific supervisor to whom the student must answer, and evaluate the student's performance for the student and the Law School.

Forty-eight (48) hours of clinical work must be performed for each unit of academic credit awarded. Students may earn up to five (5) units of clinical education, with no more than three (3) units being awarded in any given academic year.

SUPERVISION

1. Students working in clinical or extern programs are expected to receive the **personal supervision** of a practicing attorney or judge. There must be an attorney to whom the student is primarily responsible and who regularly reviews his or her work to see that it meets the standards of the profession and of the particular office.
2. The School of Law expects the research and writing skills of the student be evaluated. Guidance should be given so the student may learn the quality of work demanded of the competent practitioner working in the area of law involved.
3. Supervisors should exercise their sound consideration on whether and to what extent students should participate in giving advice to, or representing, clients.

For information on specific State Bar rules in this area, supervisors should contact the State Bar of California.

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4. At the conclusion of the semester, the supervisor will be asked to evaluate the student on forms provided by the School of Law. We ask that this be objective and based on the quality of the work done. Only by receiving accurate evaluation can we better prepare students for clinical positions in the future and determine whether the particular student's performance was satisfactory.

A "No-Credit" designation is the equivalent to a grade of C- or lower and shows that the student has done unsatisfactory work. A "credit" is equivalent to a C or above and indicates work demonstrating at least minimal acceptable competence in successfully completing the assigned tasks.

ASSIGNMENTS

1. Students should be given professional assignments, i.e. an assignment that would be given to a new attorney, rather than to an office assistant, secretary, or paralegal. It is therefore, anticipated that students will not normally be called upon to do typing or office filing, nor will a substantial amount of their work involve merely summarizing depositions.
2. The students should be given assignments reflecting the variety of work done in the office both as to procedural and substantive areas of law.
3. Where feasible, the student should be allowed to observe or participate in client interviews and court or administrative appearances.

OTHER CONSIDERATIONS

Working with a practicing attorney or judge is often the most stimulating experience in a student's law school career; the enthusiasm felt in this type of work carries over into the student's other courses. We encourage supervisors to acquaint the student on an informal basis, with the practical demand of practice in terms of time, economics, office management, etc.

Finally, should a problem occur during the semester with a student's performance, punctuality, or attitude, the supervising attorney should contact either the Assistant to the Dean or the Dean of the Law School at 707/ 546-4000. Empire College School of Law is willing to work with the supervising attorney and to assist him or her in any way possible so that accepting clinical students will be a rewarding and profitable experience for student and supervisor alike.

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**EMPIRE COLLEGE SCHOOL OF LAW
CLINICAL EDUCATION PROGRAM**

SAMPLE FORM: APPLICATION AND PROPOSAL

Name _____ Student ID No _____
Class of _____

Name and type of agency where clinical education will be performed:

Address of Agency: _____

Name of Direct Supervisor: _____

Supervisor's Direct Telephone Number: _____

SUPERVISOR MUST SIGN THE FOLLOWING:

I have received, read, and agree to abide by the Empire College School of Law Guidelines for Supervisors of Clinical Education Students

Supervisor's Signature

What is the nature of the work you will be doing? _____

Date you will begin: _____ Units of Credit Requested: _____
Total of Previous Clin Ed Units: _____

Credit to be given for _____ semester, 20____

Applicant's signature _____ Date _____

FOR LAW SCHOOL OFFICE USE ONLY

APPROVED BY:

Dean or Clinical Education Supervisor _____ Date _____

**EMPIRE COLLEGE SCHOOL OF LAW
CLINICAL EDUCATION PROGRAM**

SAMPLE FORM:

SUPERVISOR'S EVALUATION OF STUDENT

Name of Student: _____

Supervising Judge/Attorney: _____

Time Period Covered: _____

Total Number of Hours Worked During the Period: _____

This is a learning experience for the student. Please take the time to evaluate the student by answering the following questions:

1. How would you rate the student's ability to get along and work with the office staff?

2. How would you rate the student's professional attitude and overall appearance?

3. Does the student possess the ability to assume responsibility and to perform within a deadline?

4. How did the student approach tasks? Describe your impression of the student's standards for work production.

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5. What is your opinion of the student's knowledge and understanding of the law?
6. Was the student able to interpret, apply, and organize facts in written form?
7. If applicable, was student professional in conducting interviews with clients?
8. Is there a course that you feel should be required of the student that would enhance the student's effectiveness if it were taken during the time he or she is with your organization?
9. Overall, how would you rate the student and the quality of work involved?

Supervising Attorney/Judge

Date

EMPIRE COLLEGE SCHOOL OF LAW
CLINICAL EDUCATION PROGRAM

SAMPLE FORM:

EVALUATION BY STUDENT

Name of Student: _____

Supervising Agency/Firm: _____

Address of Agency/Firm: _____

Telephone of Agency/Firm: _____

Semester and Year Covered: _____

PLEASE ANSWER THE THREE QUESTIONS THAT FOLLOW IN DETAIL.

1. Describe the kinds of cases on which you worked.

2. Please describe the accessibility of judges, clerks, and/or attorneys for questions, criticism, and/or observations.

3. Please describe the hours spent performing research and writing tasks v. the hours spent observing, the volume of work and other general comments.

Student Signature

Date