

APPENDIX A: ACADEMIC REGULATIONS (2019-20) (REVISED 8-3-2019)



UC Hastings Law
SAN FRANCISCO

ACADEMIC REGULATIONS

2019-2020

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PREFACE

You should read these regulations carefully; all students are presumed to have full knowledge of their contents.

INTRODUCTION

These regulations are divided into eleven parts. Each part is designated by a roman numeral and a title in capital letters. The parts are divided into one or more subparts. Each subpart is designated by a capital letter and an underlined title in initial caps.

I. **DEFINED TERMS AND GENERAL PRINCIPLES.**

A. **DEFINED TERMS**

001. **Defined terms.** The following terms have the meanings shown when used in these regulations. Examples of the use of the terms can be found in the sections noted in parentheses.

Academic Dean -- The Academic Dean of the College and/or the [Assistant Dean of Students]¹ of the College, any other member of the faculty of the College who has been specifically delegated by the Dean of the College or by the Academic Dean of the College to exercise the authority given in these Regulations to the Academic Dean of the College. (§503, et. seq.)

Add/drop period -- The period at the beginning of each semester designated in writing by the Academic Dean, during which students may, generally, change courses without obtaining permission of the [Assistant Dean of Students]. (§803)

Administrative F -- A grade of "F" entered on a student transcript for a course by the Registrar's Office at the direction of the Academic Dean because the student initially received an incomplete in the course and did not follow the required procedures to remove the incomplete, or because, without prior authorization, the student failed to take a scheduled examination, or because the student violated the Hastings Code of Student Conduct. (See §§1103, 1303, 1304, 2902, 2908, and 3008.) Administrative F grades may be accompanied by a notation on the transcript of the reason the student received the F grade.

Administrative withdrawal -- The removal of a student from a course by the [Assistant Dean of Students], in accordance with these Regulations and with the consequences prescribed in these Regulations. (§504)

College -- Hastings College of the Law (§105)

Course (as used in all sections of these regulations except for §§901-1005) -- An offering of the College for which a student is authorized to receive unit credit which counts toward the minimum number of units needed for graduation. (§§501-504, 703, 801, 1101-1103, et seq.)

Course (only as used in §§901-1005, which sections deal with grade point average computation

¹ The academic year 2019-20 Academic Standards Committee plans to make housekeeping and other changes to the Academic Regulations. The following two changes are made in this version of the Regulations for clarity at the direction of the Academic Dean: Where appropriate, previous references to "Associate Academic Dean" (a position that has been retired) are changed to "[Assistant Dean of Students]" (the successor position). Also, for clarity, where the Academic Dean has delegated additional authority to the Assistant Dean of Students, it is so noted as "[Assistant Dean of Students]."

and grade normalization requirements) -- An offering of the College that is either a "GPA course" or a "non-GPA course" and is not a "seminar." The terms "GPA course," "non-GPA course" and "seminar" are defined below and in §901. These terms are used with these meanings by the Hastings Records Office.

Full-time student -- Either a student enrolled in a minimum of 12 units in each semester at the College, or a student enrolled in less than 12 units in each semester who qualifies for such enrollment under §§202, 203, or 204. (§201)

Full-time status -- The status of a full-time student. (§201)

Good academic standing -- Describes status of student whose grade point average is at or above the minimum grade point average defined by §905.

GPA course -- A course in which the grade will be counted in a student's grade point average. In first-year GPA courses the grade must be based at least 50% on an anonymously-graded examination (or a series of anonymously-graded examinations). Except with the prior approval of the Academic Dean for a specific semester, the grade in second and third-year GPA courses will be based at least 50% on an anonymously-graded examination (or a series of anonymously-graded examinations). Instructors shall notify the class in writing during the first week of classes about how they intend to evaluate students.

Independent study -- An arrangement between a faculty member and a student under which a student produces substantial written work under the supervision of the faculty member. Grades given for independent study are not counted in a student's grade point average. (§§2401-2406)

Leave of absence -- An absence of a semester or more permitted by the [Assistant Dean of Students] to an admitted Hastings student that interrupts the normal course of a student's progress to graduation in consecutive semesters. (§§2901-2906)

Non-GPA course -- A course in which the grade will not be included in a student's grade point average. These courses emphasize skills training and evaluation, such as clinics, externships, Legal Analysis, and other courses that may be so designated by the Faculty from time to time, including those courses designated as credit/no credit.

Seminar -- An offering of the College which does not qualify as a GPA course, but in which the grade will be counted in a student's grade point average. A seminar must involve substantial research and writing done under faculty supervision. The grade in a seminar must be based at least 50% on that written work. Instructors shall notify the class in writing during the first week of classes about how they intend to evaluate students.

Upper division -- Describes a course or offering that may only be taken by a second or third-year student at the College. (§§901, 1803)

Withdrawal -- A voluntary termination of enrollment at the College of a student in good standing, approved by the [Assistant Dean of Students], having the consequence that the student may not re-enroll at the College unless readmitted. (§§2908, 2909)

B. GENERAL PRINCIPLES

010. **Compliance with applicable law.** The Academic Dean [and Assistant Dean of Students] shall interpret and apply these Academic Regulations so as not to violate applicable laws, including but not limited to, laws establishing the rights of persons with disabilities.

II. RESIDENCY AND GENERAL ENROLLMENT REQUIREMENTS.

A. Semesters and Units

101. **General requirements for degree.** Except as otherwise provided in this subpart, a student: (1) must be enrolled on a full-time basis, as defined in §201, during six semesters at Hastings and (2) must earn credit for 86 units of course work to qualify for a Hastings J.D. degree.
102. **Transfers after one year of law school.** A student who is admitted as a transfer student after completing the first year curriculum at another law school must be enrolled at the College as a full-time student for not fewer than four semesters and must successfully complete a minimum of 52 units while at the College to qualify for a Hastings J.D. degree. [See §2202. Students visiting at other law schools.]
103. **Matriculation at another law school.** A Hastings student who matriculates at another law school as a full-time student during the student's second or third year must be enrolled at Hastings as a full-time student for not fewer than four semesters and must successfully complete a minimum of 52 units at Hastings to qualify for a Hastings J.D. degree. [See §2205. Transfer students - maximum transferable units.]
104. **Accelerated graduation.** A student can qualify for a Hastings J.D. degree if the student (1) successfully completes five regularly scheduled full-time semesters, (2) successfully completes no fewer than 12 and no more than 16 units during two summer sessions given at one or more ABA approved law schools, and (3) earns no fewer than a total of 86 units in those five full-time regular scheduled semesters and those two summer sessions. [See §2209. Summer session students.]
105. **Joint degree students.** Requirements for graduation at the College by participants in joint degree programs are set forth in §2304 - Effect on graduation requirements.
106. **Reduced course load.** After completion of the first year as a full-time student, the [Assistant Dean of Students] may grant permission for a student to enroll in fewer than eleven units in lieu of full-time enrollment in a given semester. Such approval shall be given only in extraordinary circumstances that involve family or medical needs, financial hardship, unusual academic or career opportunity, or similar concerns. This section will not extend the maximum time that students may be enrolled at the Law School. [See §401.]

B. Minimum Course Load

201. **General minimum full-time course load.** Except as otherwise provided in this subpart, a student must be enrolled in a minimum of 12 units each semester to be considered a full-time student (or to have full-time status) for purposes of these regulations.
202. **One semester exception.** A student will be considered to have full-time status if enrolled in 11 units in one semester, so long as the student is enrolled for 24 units during an academic year.
203. **Externships.** A student will be considered to have full-time status if enrolled in a judicial or a legal externship for 10 units in one semester, so long as the student is enrolled in 24 units during the academic year.
204. **Extraordinary circumstances.** In extraordinary circumstances, the [Assistant Dean of Students] may grant permission for a student to enroll in not less than 10 units in one semester. A student granted such permission will be considered to have full-time status for that semester.

C. Maximum Course Load

301. **General maximum course load.** Except as otherwise provided in this subpart, a student may be enrolled in a maximum of 16 units each semester. No student may be enrolled in more than 17 units in any semester under any circumstances.
302. **Exception to maximum course load.** A second-year or third-year student with a cumulative grade average of 2.8 or better may be enrolled in 17 units in one semester, so long as the student is enrolled in no more than 33 units during the academic year. In extraordinary circumstances, the [Assistant Dean of Students] may grant permission for a student with a cumulative grade average of 2.8 or better to enroll in 17 units in two consecutive semesters of an academic year.

D. Limits on Extended Enrollment

401. **Maximum semesters of enrollment.** A student may not be enrolled at Hastings for more than eight semesters.
402. **Maximum years to qualify for degree.** Except in extraordinary and compelling circumstances, a student must complete the requirements for a Hastings J.D. degree within a period of five years from the commencement of the student's first attendance of classes at Hastings or at another ABA/AALS accredited law school.

E. Attendance and Performance

501. **General rule.** A student who enrolls in any course must regularly and punctually attend class and must perform all class assignments, including any requirements established under §502.
502. **Specific attendance and performance requirements.** An instructor may establish specific attendance and performance requirements in the instructor's course and, during the add/drop period, shall notify the students of those requirements in the course syllabus or by some other form of written notice. [See §803. Add/drop period.]
503. **Reporting deficient attendance or performance.** An instructor may determine that a student has been excessively absent or has failed to perform the course assignments as required in §§501 or 502. The instructor may report such student to the [Assistant Dean of Students]. A student so reported shall not continue to be enrolled in the course without the instructor's permission. [See §504. Administrative withdrawal from a course.]
504. **Administrative withdrawal from a course.** The [Assistant Dean of Students] may, following consultation with the course instructor, direct the Records Office to withdraw a student from a course for excessive absence or failure to perform course assignments. This "administrative withdrawal" shall be noted by an "AW" on the student's transcript and shall be accompanied by a brief explanation of the reasons for the administrative withdrawal. A course in which a student receives an "AW" will be counted as units attempted by the student, but the "AW" will not affect the student's grade point average.

F. Employment

601. **First year students.** A first-year student should not undertake any employment, because the rigorous demands of law study require the full energy and time of the beginning student. In a case of significant financial need, when no other means of meeting expenses are available, the [Assistant Dean of Students] may permit a first year student to be employed for a maximum of 20 hours per week.
602. **Second and third-year students.** A second-year or third-year student should not undertake

extensive employment and, under no circumstances, should such a student be employed for more than an average of 20 hours per week when classes are in session or students are preparing for examinations.

III. SPECIFIC COURSE AND ENROLLMENT REQUIREMENTS.

A. Required Courses

701. **First-year courses (30 units total).** All students must take the first-year curriculum, which consists of: Civil Procedure I (4 units), Contracts (4 units), Criminal Law (4 units), Legal Research and Writing I (3 units), Legal Research and Writing II (2 units), Property (4 units), Torts (4 units), and either Constitutional Law I (3 units), or a Statutory Course (3 units). In addition, each semester one of the above doctrinal courses will include a legal analysis module (1 additional unit per semester). Subject to §§ 1401 and 1402, students must take all of the required first-year curriculum during the first year of law school unless a reduced course load is approved by the [Assistant Dean of Students]. A student who does not take any one of the above-listed courses in the first year must do so in the second year. The first-year course not elected during the first year—Constitutional Law I or the Statutory Course—must be taken during the second year. For purposes of these regulations, including § 1002 (grade normalization) and §§ 1102 and 1603 (re-enrollment), and course listed in this section will be treated as a first-year course, regardless of when the course is taken. First-year students may not enroll in any upper division course without the approval of the [Assistant Dean of Students].
702. **Professional ethics course requirement.** All students must enroll in and receive a grade of C or better in a course on professional ethics and conduct.
703. **Writing requirement.** All students must write a substantial research paper demonstrating professional and scholarly competency in research, analysis, and writing. The paper should present an original, insightful, clearly stated thesis regarding a matter of legal doctrine or policy and should draw on both primary and secondary sources. The paper should display well-structured, reasoned argumentation, demonstrating a student's precise and effective use of language and mastery of the relevant subject area. Projects meeting this requirement may take various forms, including, but not limited to: law-review style papers, briefs, policy analyses (i.e. "white papers"), legislative proposals, analyses, and/or critiques. Students may satisfy this requirement in either a seminar or a two-unit independent study with a substantial writing component. The Academic Dean shall designate the seminars that have a substantial writing component. With the written permission of the Academic Dean, a member of the Adjunct Faculty may supervise an independent study to satisfy this requirement; otherwise, only Distinguished; Tenure and Tenure Track Faculty; Long Term Contract Faculty; Lecturers; Permanent Visitors; and Emeritus members may do so. All of the following requirements must be met in order to satisfy the writing requirement:
- a. The student must inform the instructor that the student wishes to have a paper fulfill the writing requirement.
 - b. The student must submit a topic and receive approval of it from the instructor.
 - c. The student must submit at least one preliminary draft to the instructor for comments and suggestions.
 - d. The student must submit a final draft that is of sufficient length to thoroughly discuss and resolve the issue(s) that it considers. Ordinarily this would require a final draft of approximately 7,000 words exclusive of footnotes and endnotes. Quality, however, is more important than length and a draft of fewer than 7,000 words that is concise, yet thorough,

and otherwise meets the requirements of this section may equally fulfill the writing requirement.

- e. The student must receive a grade of C or better on the final draft of the paper.
- f. The instructor must certify in writing that all of the above requirements have been met, and that the student is at least "competent" in each category under a rubric to be circulated by the Academic Dean.

[See §903. Exception for independent study to fulfill writing requirement. See also §§2401-2406 on Independent Study generally.]

704. **Experiential units requirement.** Each student shall, after the first year, take and pass (with a grade of CR if the course is mandatorily graded on a CR/NC basis, and otherwise with a grade of C or better) at least six units (and in the case of students who commences the J.D. program prior to the fall 2016 semester, at least two units) of experiential courses. An experiential course is a simulation course, a law clinic, or an externship, as long as it is primarily experiential in nature and (i) integrates doctrine, theory, skills, and legal ethics, and engages students in performance of one or more professional skills – e.g., trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and legal drafting; (ii) develops the concepts underlying the professional skills being taught; (iii) provides multiple opportunities for performance, and (iv) provides opportunities for self-evaluation. The Academic Dean shall compile and publicize a list of courses in the curriculum that satisfy this requirement.
705. **Additional upper division courses.** All students must enroll in and receive a grade of "C" or above in Constitutional Law II, Criminal Procedure, and Evidence. [Note: The "C" or above" language applies to students who matriculated in fall 2018 or later. Students who matriculated before fall 2018 should refer to the previous wording of this regulation.]
706. **Restrictions on satisfying course requirements.** No course taken to satisfy Regulation 701 may be used to satisfy the requirements of Regulations 702 (professional ethics), 703 (writing requirement), or 704 (experiential units). A student may not use the same course to satisfy more than one of the requirements of Regulations 702, 703, and 704.

B. Changes in Course Schedule

801. **Records Office requirement.** All changes in student schedules, including changes from one section of a course to another and any change pursuant to the procedures required or authorized in §§803 through 806, must be processed through the Records Office.
802. **First-year sections.** All first-year students must remain in the section to which they are assigned through the first year. In extraordinary circumstances, the [Assistant Dean of Students] may authorize a change in the section assignment or schedule of a first-year student.
803. **Add/drop period.** The Academic Dean shall designate in writing the "add/drop period" as well as any add/drop period policies and procedures in addition to those set forth in these regulations. The Academic Dean shall make copies of such policies and procedures available to all students.
804. **Requirements during add/drop period.** Except where the instructor has established limitations on dropping, a student may drop a course through the last day of the add/drop period without the permission of the instructor. A student who fails to attend each class meeting of a course in which the student is enrolled during the add/drop period may be administratively dropped from the course by the [Assistant Dean of Students].
805. **Restrictions on changes after add/drop period.** After the add/drop period, a student may

change the student's schedule only after demonstrating the existence of extraordinary circumstances to the [Assistant Dean of Students] and receiving written permission from the [Assistant Dean of Students]. In addition, a student must also show good cause to withdraw from a course on the student's schedule after the add/drop period, and a student must also show a compelling reason to add a course to the student's schedule after the add/drop period.

806. **Effects of late course withdrawal.** A student who withdraws from a course after the add/drop period, or after a later date established by the [Assistant Dean of Students], shall receive a notation of "W" for that course on the student's transcript. A course in which a student receives a "W" will be counted as units attempted by the student, but the "W" will not affect the student's grade point average.
807. **Enrollment at overlapping times prohibited.** No student may enroll in courses scheduled to meet at the same hour or at overlapping times.
808. **Employment related changes prohibited.** No student will receive the permission of the [Assistant Dean of Students] to change the student's course schedule to accommodate the student's employment schedule.

IV. STANDARDS FOR GRADING AND GRANTING CREDIT.

A. Grading Scales and Minimum Cumulative Grade Point Average

901. **General Rule.** Offerings of the College are divided into four categories: GPA courses, non-GPA courses, seminars and independent studies as defined in Section 001. Student performance in all graded courses, seminars and independent studies offered by the College shall be graded in accordance with the grading curve set forth in §§1001-1005 below and counted in a student's cumulative grade point average except for those offerings specifically designated in this section or in §§902-903, below. The Faculty shall designate in the Course Catalog the courses that are not graded and also those classes and seminars for which the grades are not used in calculating a student's cumulative grade point averages.
902. **Exception for visiting students from law schools in foreign countries.** Visiting students from law schools in foreign countries are graded according to the following system: (E) for excellent or outstanding performance; (VG) for very good or very creditable performance; (G) for good or average performance; (P) for passing or acceptable performance; and (NP) for not passing or unacceptable performance. With the permission of the [Assistant Dean of Students], a visiting student from a law school in a foreign country may be graded according to the grading scale set forth in §904.
903. **Exception for independent study arrangements.** The letter grades set out in §904 shall be used in grading independent studies, even though grades given for independent studies do not count in a student's grade point average. Such letter grades must be used in grading independent studies arranged for the purpose of fulfilling the writing requirement of the College set out in §703. With the advance permission of the supervising faculty member, other independent studies may be graded on a CR/NC basis.
904. **Grade point equivalents.** Points are assigned for grades on the following basis for purposes of computing the grade point average: A+ = 4.3 grade points per unit; A = 4.0; A- = 3.7; B+ = 3.3; B = 3.0; B- = 2.7; C+ = 2.3; C = 2.0; C- = 1.5; D = 1.0; F = 0.
905. **Minimum cumulative grade point average.** The minimum cumulative grade point average for continuation and graduation is:

- a. 2.2 for the graduating class of 2020 and earlier; and
- b. 2.5 for the graduating class of 2021 and after.

B. Grade Normalization

1001. **Grades in classes with 30 or more students enrolled at the time of grading:** In all classes with 30 or more students the following normalization requirements shall apply: 15 to 25 percent of grades shall be in the A range (A-, A, or A+); 7 to 12 percent of grades shall be below B-. If an instructor teaches more than one section of a course in a given semester, he may, at his discretion, treat multiple sections as a single class for the purposes of grade normalization.
1002. **Waiver of normalization requirements in classes with 30 or more students enrolled at the time of grading.** The Academic Dean may not waive the normalization requirements of any first-year course. [For Legal Research and Writing I, Legal Research and Writing II, and Legal Analysis, see §1003.] The Academic Dean has the authority to waive normalization requirements for upper-division courses only under exceptional circumstances. It is expected that these waivers will be rarely granted. The following conditions are the only ones under which the Academic Dean may consider granting a waiver:
- a. The class is only marginally larger than classes that are exempted from normalization requirements altogether;
 - b. The mean GPA of the students enrolled in the class is substantially above or below the mean GPA of all second and third-year students;
 - c. Students in the class are evaluated by some method other than a common exam;
 - d. Only a single section of the class is offered per year;
 - e. The proposed deviation is minor, consisting of no more than a small number of students.

The satisfaction of one of these conditions is not necessarily sufficient to justify granting a waiver, nor does the satisfaction of any of these conditions obligate the Academic Dean to grant a waiver.

1003. **Grades in classes with fewer than 30 students enrolled at the time of grading.** There are no specific normalization requirements for classes with fewer than 30 students, including Legal Research and Writing I, Legal Research and Writing II, and Legal Analysis. The Academic Dean may reject the grade sheet of a class with fewer than 30 students that does not have a range of grades. Furthermore, if there are multiple sections of a class with fewer than 30 students in a given semester, the Academic Dean shall use her authority to reject grade sheets to ensure a reasonable degree of uniformity across sections.
1004. **Grades below B-.** After satisfaction of the grade normalization requirements set forth in §1001, the distribution of grades of C+, C, C-, D and F is at the instructor's discretion. Student performance that is unsatisfactory must be assigned a grade of C- or lower. Student performance that is unsatisfactory and substantially below the performance of other students in the class must be assigned a grade of D or F.
1005. **Grades of A+.** At the discretion of the instructor, the grade of A+ may be granted to reward superlative performance. An instructor need not award the grade of A+ in any given class. Only in unusual cases may more than one A+ grade be awarded in a given class. No more than one A+ grade may be awarded in a class with fewer than 30 students, no more than two A+ grades may be awarded in a class of 30 to 70 students, and no more than three A+ grades may be awarded in a class of more than 70 students.

1006. **Mandatory Credit/No-Credit (CR/NC) courses.** Legal Analysis shall be graded on a Credit/No-Credit basis. Credits are also awarded to teaching assistants and research assistants on a Credit/No Credit basis.

C. Changes in Grades

1101. **General rule: computation error as basis for grade change.** An instructor may change the grade for a course only in cases of computational error subsequently reported to the Records Office by the instructor. The instructor shall report all such changes to the Records Office no later than the conclusion of the semester following the course.
1102. **Exception: grade change involving re-enrollment.** When a student is required or permitted to re-enroll in any course, whether first year or upper division, pursuant to the standards for continuation and graduation, the grade earned for the re-enrollment shall be substituted for the grade earned for the initial enrollment for purposes of calculating the student's GPA. Both the grade earned on the initial enrollment and the grade earned on the re-enrollment shall appear on the student's transcript.
1103. **Exception: grade change involving misconduct.** In accordance with the Hastings Code of Student Conduct the [Assistant Dean of Students] may administratively change a grade to an F as a sanction for student misconduct on an examination, in the preparation and submission of a paper, or in the performance of other responsibilities for a course. If the student is required or permitted to re-enroll in the course, the grade earned for the re-enrollment shall be averaged with the grade earned for the initial enrollment. Both the grade earned on the initial enrollment and the grade earned on the re-enrollment shall appear on the student's transcript. The original grade shall include a notation that explains that the F was assigned as a sanction for the student's academic misconduct.

D. Credit

1201. **No credit for failing grades.** A student shall receive no credit for a grade of F, NC or NP.
1202. **Credit awarded for re-enrollment.** If a student re-enrolls in a course for which the student previously received unit credit, the student will receive only the number of units for the class in which the student re-enrolled.
1203. **Maximum credit for non-classroom work.** Students may receive credit for no more than a total of 20 units for academic programs and courses in which the majority of the work is performed outside of the classroom. Such academic programs include independent studies; teaching assistants for Legal Research and Writing I and II, LEOP, and Academic Support; Moot Court Board, interscholastic competitions, and participation on scholarly publications. Such courses emphasize skills training and evaluation, and include the fieldwork component of clinics and externships, and any other non-classroom courses designated by the Faculty in the Course Catalog. Credits earned in excess of the 20-unit limitation shall not be counted toward graduation, but shall be recorded on the student's transcript. [See §§101-103.]
1204. **Credit for distance education courses.** Students may receive credit for distance education courses as long as there is ample interaction with the instructor and other students throughout the duration of the course and ample monitoring of student effort and accomplishment, provided that:
- a. A student shall not receive credit for more than four units in any semester for distance education courses, nor will a student receive more than a total of 12 units toward the student's J.D. degree for distance education courses.
 - b. A student shall not enroll in any distance education course until the student has received credit for 28 units towards the J.D. degree.

E. Incompletes

1301. **Missed examinations.** The [Assistant Dean of Students] may authorize a student to receive an incomplete when the student is unable to take or complete an examination during the regularly scheduled examination period because of illness, accident, or other extraordinary circumstances. An incomplete is a temporary notation on a Hastings transcript that can only be removed pursuant to §§1303 and 1304.
1302. **Non-examination courses.** The instructor in a non-examination course may grant an incomplete to a student for good cause as determined by the professor. Such incompletes do not require the approval of the [Assistant Dean of Students]. An incomplete is a temporary notation on a Hastings transcript which must be removed pursuant to §§1303 and 1304.
1303. **Removal of incomplete by examination.** A student who receives an incomplete in a course in which an examination is given must sit for the next regularly scheduled final examination for the course. If, in the next regularly scheduled offering of the course, a midterm is administered, the student must also sit for the midterm. With the permission of the instructor, the [Assistant Dean of Students] may permit a student to take the examination on a specially scheduled date. An incomplete must be removed from the student's record by the last day of the semester that follows the semester in which the student received the incomplete; if the course is not offered in that following semester or if the student is not enrolled at the time the exam for the course is given in that following semester, the incomplete is automatically continued and must be removed no later than the last day of the next semester in which both the course is offered and the student is enrolled for the entire semester.

Unless the [Assistant Dean of Students] authorizes continuance of the incomplete on the student's record, an incomplete that is not removed in accordance with the preceding rules shall be converted to a grade of administrative F and the student shall receive no credit for the course, provided, however, that if a student cannot remove the incomplete in accordance with the foregoing because the course is not offered again before the student completes his/her graduation requirements, or because the student has withdrawn from the college, the incomplete shall be converted into a grade of administrative NC, in which case, an appropriate notation shall be made on the student's transcript, and the student shall receive no credit for the course.

1304. **Removal of incomplete in a non-examination course.** If a student receives an incomplete in a course in which there is no examination, the incomplete must be removed by the last day of the semester that follows the semester in which the student received the incomplete. Unless the [Assistant Dean of Students] authorizes continuance of the incomplete on the student's record, an incomplete that is not removed in accordance with the preceding rules shall be converted to a grade of administrative F and the student shall receive no credit for the course.
1305. **Removal of incomplete by work at another law school prohibited.** No incomplete may be removed by examination or completion of a course at another law school.

V. STANDARDS FOR CONTINUATION AND GRADUATION.

A. First Year Academic Supervision and Legal Analysis

1401. **Academic Supervision.** A student who earns two or more grades of C- or lower on fall semester final examinations, whose grade point average on those examinations is below the minimum cumulative grade point average defined by §905, or who otherwise places in the bottom 10 percent of the class at the conclusion of the fall semester shall enter the spring semester under Academic Supervision. Students under Academic Supervision shall comply with the following

requirements: (1) counseling by the [Assistant Dean of Students]; (2) participation in the academic support programming and/or enrollment in classes that are designed to teach academic skills, as directed by the [Assistant Dean of Students]; (3) regular attendance in all courses; (4) submission of the student's proposed second-year schedule to the [Assistant Dean of Students] for review and approval; and (5) any other conditions that the [Assistant Dean of Students] deems appropriate.

A student who places in the bottom 11-25% shall consult with the [Assistant Dean of Students] to receive counseling. The [Assistant Dean of Students] may impose any of the requirements described in this section on such a student.

1402. **Legal Analysis.** The [Assistant Dean of Students] may direct a student to enroll in Legal Analysis pursuant to §1401 and may allow any other student to enroll in the course if the [Assistant Dean of Students] determines that the student's legal education would be improved by such enrollment. Enrollment in Legal Analysis is in place of first-year Legal Writing and Research II. Students who enroll in Legal Analysis shall enroll in Legal Writing and Research II during the spring semester of their second year.

B. Exclusion and Readmission to College After First Year

1501. **Exclusion.** A student who fails to earn the minimum cumulative grade point average or better at the close of the first academic year is excluded from the College subject to the provisions of §1502.

1502. **Readmission procedure and criteria.** A student who is excluded under §1501 may petition for readmission to the Committee on Disqualified Students. The Committee may grant the petition only if it determines:

- a. there existed personal problems of an extraordinary nature (including, but not limited to, personal illness or death or serious illness of a friend or family member) that caused or explain the petitioner's poor academic performance;
- b. the problems are not likely to continue to affect the petitioner's ability to achieve and to maintain the minimum cumulative grade point average or better and to pass a bar examination if the petitioner is readmitted to the College; and
- c. it is likely that the petitioner would be able to achieve the minimum cumulative grade point average or better at the conclusion of the student's re-enrollment in the first year curriculum and maintain the minimum cumulative grade point average or better through graduation.

The petitioner may submit written evidence in support of the petition and, upon request, shall have the right to appear before the Committee. In evaluating the petition, the Committee shall consider the petitioner's Hastings file and the evidence submitted by the petitioner that is relevant to the criteria set forth above. The Committee may also request the opinions of faculty members or academic support personnel who have worked with the petitioner.

1503. **Finality.** The Committee's decision to deny readmission is final and may not be appealed to any Hastings officer or body. Except as provided in §1504, a petition for reconsideration will not be accepted.
1504. **Reconsideration.** Petitions for reconsideration will be accepted only if the Committee determines that the evidence on which the petition for reconsideration is based was unknown to the petitioner at the time of the first hearing before the Committee. A student may file a petition only once on such a ground and is not entitled to an oral hearing.

1505. **Terms and conditions of readmission.** If the Committee on Disqualified Students readmits a student, the Committee shall require the student to re-enroll in every first year course. The Academic Dean may waive this re-enrollment requirement for Legal Writing & Research I and Legal Writing and Research II, and any substantive first year courses in which the student received a grade of C or higher. The student must earn a grade of C or better in each of the first year classes in which he or she re-enrolls. The student also must have the minimum cumulative grade point average or better at the conclusion of the student's second year of studies at the College (i.e., at the conclusion of the student's re-enrollment in the first year curriculum plus any upper division courses in which the student enrolls while repeating the first year curriculum). The Committee may impose additional terms and conditions as it deems appropriate.
1506. **Academic supervision.** A student who is readmitted following academic disqualification also shall be subject to the Academic Supervision requirements of §1602.

C. Continuation to Second Year

1601. **Continuation.** A student who earns the minimum cumulative grade point average or better at the close of the first year shall enter the second year.
1602. **Academic supervision.** A student who earns a grade point average above the minimum cumulative grade point average but less than 2.7 at the close of the first year, who is re-admitted following academic exclusion, or who otherwise places in the bottom 10 percent of the class at the conclusion of the first year shall enter the second year under Academic Supervision and must comply with the following requirements: (1) submission of the student's schedule to the [Assistant Dean of Students] for approval; (2) enrollment or re-enrollment in any course that the [Assistant Dean of Students] determines would be beneficial to the student's legal education or would improve the student's performance on the bar examination; (3) enrollment in only one seminar per semester, except in extraordinary circumstances as determined by the [Assistant Dean of Students]; (4) regular attendance in all classes; (5) participation in academic support programming or enrollment in classes that are designed to teach academic skills, as directed by the [Assistant Dean of Students]; and (6) any other conditions that the [Assistant Dean of Students] deems appropriate.

A student who places in the bottom 11-25% shall consult with the [Assistant Dean of Students] to receive counseling. The [Assistant Dean of Students] may impose any of the requirements described in this section on such a student.

1603. **Required and optional retaking of first-year courses with C- or below grades.** Any student who earns a grade of F in a first-year course is required to re-enroll in that course. Any student who earns a grade of C- or below in a first year course may re-enroll in that course with the permission of the [Assistant Dean of Students]. Grading and credit for the re-enrollment shall be governed by the provisions of §§1102 and 1202.

D. Exclusion and Readmission to the College After Second Year

1701. **Exclusion - failure to satisfy conditions of readmission.** A student who is readmitted following academic exclusion and who fails to satisfy the terms and conditions of readmission set forth in §1505 or §1706, or who fails to satisfy any additional terms and conditions established by the Disqualified Students Committee, is excluded from the College and shall not be readmitted.
1702. **Exclusion.** A student who fails to earn the minimum cumulative grade point average defined by §905 at the close of the second academic year, the third academic year, or any semester of studies thereafter is excluded from the College subject to the provisions of §1703.

1703. **Readmission procedure and criteria.** A student who is excluded under §1702, and who has not previously been academically disqualified, may petition for readmission to the Committee on Disqualified Students. The Committee may grant the petition only if it determines:

- a. there existed personal problems of an extraordinary nature (including, but not limited to, personal illness or death or serious illness of a friend or family member) that caused or explain the petitioner's poor academic performance;
- b. the problems are not likely to continue to affect the petitioner's ability to achieve and to maintain the minimum cumulative grade point average or better and to pass a bar examination if the petitioner is readmitted to the College; and
- c. it is likely that the petitioner would be able to achieve the minimum cumulative grade point average or better at the conclusion of the student's next year of studies at the College and maintain the minimum cumulative grade point average or better through graduation.

The petitioner may submit written evidence in support of the petition and, upon request, shall have the right to appear before the Committee. In evaluating the petition, the Committee shall consider the petitioner's Hastings file and the evidence submitted by the petitioner that is relevant to the criteria set forth above. The Committee may request the opinions of faculty members or academic support personnel who have worked with the petitioner.

1704. **Finality.** The Committee's decision to deny readmission is final and may not be appealed to any Hastings officer or body. Except as provided in §1705, a petition for reconsideration will not be accepted.

1705. **Reconsideration.** Petitions for reconsideration will be accepted only if the Committee determines that the evidence on which the petition for reconsideration is based was unknown to the petitioner at the time of the first hearing before the Committee. A student may file a petition only once on such a ground and is not entitled to an oral hearing.

1706. **Terms and conditions of readmission.** A student who is readmitted by the Disqualified Students Committee must have the minimum cumulative grade point average or better at the conclusion of the student's next year of studies at the College. A third year student who is readmitted for only one additional semester pursuant to §1902 must have a minimum of a 2.6 grade point average at the conclusion of that semester. The Committee also may require the student to re-enroll in any class in which the student received a grade of D, F, or NC and may impose additional terms and conditions as it deems appropriate.

1707. **Academic supervision.** A student who is readmitted following academic disqualification also shall be subject to the Academic Supervision requirements of §1802.

1708. **Prohibition on readmission after second academic exclusion.** A student who is twice academically excluded shall not be readmitted.

E. Continuation to Third Year

1801. **Continuation.** A student who earns the minimum cumulative grade point average or better at close of the second year shall enter the third year.

1802. **Academic supervision.** A student who earns a cumulative grade point average above the minimum cumulative grade point average but less than 2.7 at the close of the second year, who is re-admitted following academic exclusion, or who otherwise places in the bottom 10 percent of the class at the conclusion of the second year, shall enter the third year under Academic Supervision and must comply with the following requirements: (1) submission of the student's

schedule to the [Assistant Dean of Students] for approval; (2) enrollment or re-enrollment in any course that the [Assistant Dean of Students] determines would be beneficial to the student's legal education or would improve the student's performance on the bar examination; (3) enrollment in only one seminar per semester, except in extraordinary circumstances as determined by the [Assistant Dean of Students]; (4) regular attendance in all classes; (5) participation in the Academic Support or Legal Education Opportunity Programs, including enrollment in Legal Analysis, as directed by the [Assistant Dean of Students]; and (6) any other conditions that the [Assistant Dean of Students] determines are appropriate.

A student who places in the bottom 11-25% shall consult with the [Assistant Dean of Students] to receive counseling. The [Assistant Dean of Students] may impose any of the requirements described in this section on such a student.

1803. **Required and optional retaking of upper division courses.** Any student who earns a grade of C- or below in a course on professional ethics and conduct, or in Constitutional Law II, Criminal Procedure, or Evidence, must re-enroll in a course meeting the same requirement (including a course that has a different number of units from the original course), and any student who earns a grade of C-, D, F, or NC in any other upper-division course attempted for the first time may re-enroll in that course with the permission of the [Assistant Dean of Students]. Grading and credit for the re-enrollment shall be governed by the provisions of §§1102 and 1202, except that a student who received a grade of F on the first enrollment shall receive credit for the course only if the grade earned on the second enrollment is a C or higher.
1804. **Matriculation beyond three years.** Students whose matriculation at the College extends beyond the third year shall be governed by the continuation rules set forth in §§1801-1803.

F. Graduation Requirements

1901. **General requirements.** In order to graduate and obtain a degree from the College, a student must meet the residency requirements established by §§101-105 that are applicable to that student and
1. must earn the minimum cumulative grade point average or better in all law school courses taken;
 2. must satisfactorily complete all courses required by the College;
 3. must satisfactorily complete at least 86 units of law school course work (if a student retakes a course, the student can receive no more than the number of units awarded for successfully taking the course one time in calculating the student's units for the purpose of meeting the 86 units of course work requirement); and
 4. must have satisfied any readmission requirements and/or continuation requirement imposed under these regulations, unless the [Assistant Dean of Students] determines, based on compelling circumstances, that the failure to satisfy such requirement(s) should be excused in order to permit the student's graduation.
1902. **Additional semester to meet the minimum cumulative grade point requirement.** As set forth in §1702, a student who fails to earn the minimum cumulative grade point average or better following completion of 86 units of law school course work is excluded from the College subject to the provisions of §1703. If the student has not previously been academically excluded, the student may petition the Committee on Disqualified Students for readmission for one additional semester. The Committee shall evaluate the petition according to the standards set forth in §1703, and the terms and conditions of readmission shall be governed by §§1706-1707.

1903. **Additional semester to meet 86 unit requirement.** A student who fails to earn 86 units upon completion of six semesters may continue his or her studies for one or two additional semesters. [See §401 (maximum semesters of enrollment) and §402 (maximum years to qualify for degree).]
1904. **Completion of requirements by graduation date.** All requirements for graduation must be completed prior to the date of graduation for a degree to be granted at that time. The Academic Dean may waive this requirement in extraordinary circumstances.

VI. HONORS, CONCENTRATED STUDIES CERTIFICATES AND RANKING.

A. Honors

2001. **Milton D. Green citations.** A student who has earned one of the 10 highest cumulative grade point averages in the student's first-year courses is eligible for an award of one of the Milton D. Green Top Ten Citations.
2002. **Section scholarships.** The student who has earned the highest cumulative grade point average in the student's first-year section, and who returns to Hastings for the student's second year of law study, shall be awarded a Section Scholarship.
2003. **Thurston Society.** A student whose cumulative grade point average at the end of the student's first-year of studies at the College places the student in the top 5% of the first-year class shall be admitted to the Thurston Society. A student whose cumulative grade point average places the student in the top 10% of either the second-year class or the third-year class also shall be admitted to the Thurston Society. [See §2211. Designation of transfer credit on transcript.]
2004. **UC Hastings Honor Society.** A student whose cumulative grade point average at the end of the student's first year of studies at the College places the student in the top 15% of the first-year class shall be admitted to the UC Hastings Honor Society. A student whose cumulative grade point average at the end of the student's second year of studies at the College places the student in the top 15% of the second-year class also shall be admitted to the UC Hastings Honor Society.
2005. **Valedictorian.** The graduation valedictorian shall be the student who has earned the highest cumulative grade point average after completion of 5 semesters of academic work at Hastings.
2006. **Degree awards.** The awards of *summa cum laude*, *magna cum laude*, and *cum laude* are awarded on the following criteria:
1. *Summa cum laude*--a student whose cumulative grade point average places the student in the top 1% of the student's graduating class after completion of all 6 semesters of academic work at Hastings.
 2. *Magna cum laude*--a student whose cumulative grade point average places the student in the top 10% of the student's graduating class after at least 6 semesters of academic work at Hastings or approved transfer credit, excluding recipients of the *summa cum laude* award.
 3. *Cum laude*--a student whose cumulative grade point average places the student in the top 30% of the student's graduating class after at least six semesters of academic work at Hastings or approved transfer credit, excluding recipients of the *summa cum laude* and *magna cum laude* awards.

Students who complete the degree requirements at the conclusion of the fall semester of any year will be considered for the above honors with the subsequent spring graduating class. The provisions in this Section 2006 shall apply to a student who qualifies for accelerated graduation

by replacing the phrase "6 semesters" with the phrase "5 semesters". [See §104. Accelerated Graduation.]

2007. **Order of the Coif.** A student whose cumulative grade point average places the student in the top 10% of all graduating students, and who has completed at least 75% of the 86 units required for graduation (65 units) at Hastings in graded courses, shall be admitted to the Order of the Coif. For the purpose of this section, "graded courses" are GPA courses and seminars in which the grades are included in a student's grade point average. This requirement applies to all JD students, including transfer students, students participating in faculty approved exchange programs, and students receiving transfer credit for a course or courses taken at another law school or in another graduate program.
2008. **Pro Bono Recognition.**
1. **Pro Bono Society.** Students who complete at least 45 hours of pro bono services during their three years at Hastings (or the requisite number of pro-rated hours), subject to the approval of the Director of Externships and Pro Bono Programs, will be recognized as members of the Pro Bono Society at graduation and on their transcripts.
 2. **Outstanding Achievement in Pro Bono.** Students who complete 150 hours of pro bono services during their three years at Hastings (or the requisite number of pro-rated hours), subject to the approval of the Director of Externships and Pro Bono Programs, will be recognized for Outstanding Achievement in Pro Bono at graduation and on their transcripts.

B. Fields of Concentrated Studies

2101. **Enrollment in concentration.** A student in good academic standing may enroll in one or more of the following fields of concentrated study: Business Law, Civil Litigation and Dispute Resolution, Criminal Law, Environmental Law, Government Law, Intellectual Property, International and Comparative Law, Law and Health Sciences, Social Justice Lawyering, and Taxation. A student who successfully completes the requirements for a concentration shall receive a concentrated studies certificate.
2102. **Requirements for concentration.** The Faculty shall establish the requirements for each field of concentrated study and shall publish those requirements in the Hastings Course Catalog.
2103. **Minimum grade requirements and additional rules regarding concentration.** To complete a concentration successfully, a student may earn no more than one grade below a C in a required or an elective course used for the concentration and must achieve a grade point average of 2.8 or higher in the courses used for the concentration. In consultation with the faculty advisors for each field of concentrated study, the Academic Dean may establish additional rules to govern the concentrated studies program. The Academic Dean shall publish any such rules and shall make written copies available to all students.

C. Class Rank

2111. **Duties of the Records Office.** The Records Office shall provide individual students with the following information about their class rank.
2112. **Students ranked in the top 15% of the class.** The Records Office shall provide students who are ranked in the top 15% of the class with their actual rank in the class.
2113. **Students ranked below the top 15% of the class.** The Records Office shall not provide students ranked below the top 15% of their class with their individual rank in the class. Instead, the Records Office shall provide these students with their percentage group standing in the

following categories: top 20%, top 25%, top 30%, top 35%, top 40%, top 45%, top half, and top 75% of the class. Students below the top 75% shall not be ranked.

VII. CREDIT FOR WORK AT OTHER SCHOOLS.

A. Transfer Credit

2201. **Transfer credit generally.** As provided in the following sections, a student may transfer credits for a course taken at another law school or in another graduate program if the student earned a passing grade in the course at the other school.
2202. **Transfer students - maximum transferable units.** A student may transfer to Hastings after completing the first-year curriculum at another ABA approved law school and such transfer student may transfer a maximum of 31 semester units for the first year of law study. [See §102. Transfers after one year of law school.] A student in the Hastings LL.M. program that is admitted to transfer into the Hastings J.D. program may transfer a maximum of 28 semester units earned as a Hastings LL.M. candidate.
2203. **Students with foreign degrees.** A student enrolled in the J.D. program who has earned from a foreign institution a professional degree that is equivalent to a J.D. in the United States may apply to the [Assistant Dean of Students] for advanced standing. On a case-by-case basis, the [Assistant Dean of Students] may award a maximum of 15 semester units of transfer credit for work completed at the foreign institution. The [Assistant Dean of Students] may waive enrollment in a required course only on a showing that the course substantially duplicates work already completed. [See §§701-703. Required Courses.]
2204. **Joint degree students.** A student who is admitted to a joint degree program may transfer a maximum of 12 semester units from the other graduate school. [See §§2301-2304. Joint Degrees.]
2205. **Students visiting at other law schools.** With the permission of the [Assistant Dean of Students], a second- or third-year student may enroll as a full-time or part-time visiting student at another ABA approved law school. A student who visits at another law school may not exceed the provisions on maximum course load established by §301 and §302. [See §103. Matriculation at another law school. See also §2211. Designation of transfer credit on transcript.]
2206. **Exchange program students.** A student who is selected by the International Programs Committee for participation in a faculty-approved exchange program or study-abroad opportunity with a foreign law school may transfer a maximum of 12 semester units as part of such program, and the units so transferred will count toward the fulfillment of applicable unit requirements in §§101, 102, and 103.
2207. **Students arranging independent study abroad programs.** Upon establishing a compelling justification for pursuing study at the proposed school, as determined by the [Assistant Dean of Students], a student may arrange an independent study program at a foreign law school under terms and conditions approved by the [Assistant Dean of Students] and the Associate Dean for Global Programs on a case-by-case basis. A student who arranges an approved independent study program at a foreign law school may transfer a maximum of 12 semester units for which a passing grade was earned by the other school. A student may not arrange an independent study program at a foreign law school where Hastings has an existing faculty-approved exchange program or study-abroad opportunity.
2208. **Dual J.D./foreign LL.M. degrees.** A student who earns an LL.M. degree as a result of participating in an official Hastings dual degree program at a foreign law school may transfer to

Hastings a maximum of 24 semester units from the foreign law school. A student must complete four full-time semesters at Hastings before beginning the dual degree program. To receive the Hastings J.D. as part of this dual degree program, a student must earn at least 52 semester units of Hastings credit; must be in residence at Hastings for four full-time semesters; must complete all Hastings required courses; and must complete the requirements for the LL.M. degree at the foreign law school. A student who does not obtain an LL.M. degree may transfer a maximum of 12 semester units.

2209. **Summer session students.** A student who enrolls in one or more summer sessions at another ABA approved law school may transfer a maximum of 8 semester units per summer session. [See §104. Accelerated graduation.]
2210. **Students enrolled in courses not available at the college.** With the permission of the [Assistant Dean of Students], a student may enroll as a special student at another ABA/AALS accredited law school to attend a course or courses not available to the student at Hastings. A student who enrolls as a special student may transfer a maximum of 12 semester units.
2211. **Limitation on total transfer credits for study abroad.** A student may transfer a maximum of 28 semester units for all studies conducted abroad, including units earned (1) by enrolling in a summer abroad program conducted by another ABA/AALS accredited law school and (2) by participating in one of the following study abroad opportunities: a faculty-approved dual JD/foreign LL.M. degree program, a one semester faculty-approved exchange program or study-abroad opportunity, or a one semester independent study abroad arranged pursuant to Section 2207. A student may transfer semester units for participation in only one of the study abroad opportunities listed in category 2 above.
2212. **Designation of transfer credit on transcript.** Transfer credit for a course in which a student earned a grade of C or better (or the equivalent) at the other school will be entered on the student's Hastings transcript as a "credit" with the designation "CR." Transfer credit for a course in which a student earned a passing grade of C- or below (or the equivalent) at the other school will be entered on the student's Hastings transcript as a "substandard credit" with the designation "SCR."
2213. **Transfer credits for course work in non-law graduate programs.** A student may transfer up to 6 semester units of credit from a non-law graduate program provided the following requirements are met. Prior to enrollment, the student shall submit a request to the [Assistant Dean of Students] explaining how the course relates to the student's academic and professional goals. Once the [Assistant Dean of Students] approves the student's proposal, the student may enroll in the course. Upon conclusion of the course, the student's work for the course must be submitted to the [Assistant Dean of Students] for evaluation. Once the [Assistant Dean of Students] determines that the student's work has met the goals that the student established, the [Assistant Dean of Students] shall approve the awarding of credit. The [Assistant Dean of Students] shall not award credit for non-law graduate courses that are substantially similar to courses that the student can enroll in at the College or that the student has taken in prior graduate or undergraduate education.
2214. **Distance education courses.** A student may not receive transfer credit for a distance education course without obtaining express approval of the [Assistant Dean of Students] prior to enrollment in that course.

B. Joint Degrees

2301. **Joint degree programs generally.** With the approval of the [Assistant Dean of Students], a Hastings student may pursue a joint, dual, or concurrent degree program between Hastings and another graduate school in a law-related discipline.

2302. **Joint degree proposal.** A student who seeks to pursue a joint, dual, or concurrent degree program shall submit to the [Assistant Dean of Students] a written statement of objectives, proposed curriculum, and request for approval of the joint degree proposal.
2303. **Eligibility.** To be eligible for a joint, dual, or concurrent degree program, the student must successfully complete Hastings' first-year curriculum before beginning course work in the related discipline. Upon a finding of good cause, the [Assistant Dean of Students] may authorize a student to begin work in the related discipline before the student completes Hastings' first-year curriculum.
2304. **Effect on graduation requirements.** To receive the Hastings J.D. as part of a joint, dual, or concurrent degree program, a student must be enrolled at Hastings as a full-time student for not fewer than four semesters, successfully complete a minimum of 52 credits at Hastings, earn a total of 74 units in approved law school courses, and complete all Hastings required courses. A joint degree student may receive credit for one semester of residency at Hastings for one semester of full-time study in residence at the other graduate school. These requirements are generally applicable to joint, dual, and concurrent degree programs; each specific joint, dual, or concurrent degree programs may have additional requirements.

VIII. CREDIT FOR NONCLASSROOM WORK.

A. Independent Study

2401. **General description.** An independent study is an arrangement between a faculty member and a student under which the student produces substantial written work under the supervision of the faculty member. A second- or third-year student may earn credit for an independent study supervised by in accordance with the provisions in §§2401-2406. A two-unit independent study in which the substantial writing component demonstrates professional and scholarly proficiency in research, analysis, and writing may satisfy the writing requirement. [See §703. Writing requirement.]
2402. **Exclusions.** A student shall not receive independent study credit if the student is otherwise receiving or has received credit for the project. A student shall not receive independent study credit if the student is receiving monetary consideration for the project. Independent study credits shall not be awarded for internships, externships, or other activities in which the student's primary activity is fieldwork. Independent study credits shall not be awarded to students in exchange for performing duties as teaching assistants or research assistants. [See §2605. Unit credit for journal participation.]
2403. **Maximum credit.** A student may earn credit toward the J.D. degree for no more than two independent study projects. A student may receive no more than two units for a single independent study project.
2404. **Exclusion from GPA.** A grade earned for an independent study shall not be counted in calculating a student's GPA. [See §904. Exception for independent study arrangements.]
2405. **Faculty supervision.** Except with the approval of the Academic Dean, only Distinguished; Tenured and Tenure Track Faculty; Long Term Contract Faculty; Lecturers; Permanent Visitors; and Emeritus Faculty may supervise independent study projects. Except with the approval of the Academic Dean, a faculty member may supervise no more than three independent study projects in a single semester, and all projects must be in an area in which the faculty member is or has been teaching or working.

B. Interscholastic Competitions and Competition Boards

2501. **Credit for Interscholastic Competition Boards.** A third-year student may earn a maximum of two units for participation as a member of an interscholastic competition board. Participation on an interscholastic competition board must include appropriate training from faculty supervisors, contribute meaningfully to the student's education, and include service as a student coach for interscholastic competition teams, organizing and supervising competitions, and offering individual assistance to moot court team members. Credits earned under this section are distinct from credit earned for service as a teaching assistant under §§2875-2880.
2502. **Eligibility.** Subject to the following exceptions, a student must have a cumulative GPA of at least 2.8 at the time of selection in order to serve with or without academic credit as an interscholastic competition board member or to participate in an interscholastic competition. With the prior joint approval of the [Assistant Dean of Students] and the interscholastic competition supervisor, a student with a cumulative GPA below 2.8 may participate in an interscholastic competition. The interscholastic competition faculty supervisor, at his or her discretion, may invite a student with a cumulative GPA below 2.8 but not less than 2.5 at the time of selection to become a member of an interscholastic competition board if the student has otherwise demonstrated exceptional qualifications.
2503. **Grading.** Credit for work as an interscholastic competition board member shall be granted on a Credit/No-Credit basis. Participation in an interscholastic competition shall be graded consistently with standards for independent studies. [See §903. Exception for independent study courses to fulfill writing requirement. See also §2404. Exclusion from GPA.]

C. Scholarly Publications

2601. **General.** A student invited to join a scholarly publication officially recognized by Hastings' faculty (a "journal") may earn credit for participation on the staff of that journal in accordance with the provisions of this Subpart VIII C.
2602. **Eligibility: prerequisites.** Successful completion of Legal Writing and Research I and Legal Writing and Research II are prerequisites to participation on the staff of a journal. Following consultation with the journal's editor-in-chief, the [Assistant Dean of Students] may permit a student who has not taken, or has received an incomplete in, Legal Writing and Research II to join the staff of a journal. The [Assistant Dean of Students] shall not waive any prerequisites for a student who has failed either Legal Writing and Research I and Legal Writing and Research II. Successful participation, while a second-year student, in journal work or in Appellate Advocacy shall be a prerequisite to a student's serving as an editor of a scholarly publication during the student's third year.
2603. **Eligibility: grades.** A student must have at least the minimum cumulative grade point average defined by §905 to participate on a journal, with or without credit, during the student's second and third years. In order to serve as an editor on a journal during the third year of law school, a student must have a cumulative GPA of at least 2.8 at the time of election or after the third semester, whichever is later. The requirement that third year participants must have a cumulative GPA of at least 2.8 may be waived by the [Assistant Dean of Students] under extraordinary circumstances.
2604. **Journal by-laws and selection of members.** Each journal shall enact by-laws that set forth the journal's procedures and criteria for selection of new members, work requirements, and other policies. The journal shall make copies of the by-laws available to prospective and current members. No journal may begin a writing competition for the purpose of selecting new members earlier than 9 a.m. on the day following the last scheduled examination day for the spring semester preceding the academic year for which the selection is to be made. The competition must end no later than 5 p.m. on the day before the first day of classes of the following fall

semester. "Begin" means the distribution of topics or papers upon which the competition is based and which starts the writing or research by competition. "End" means the collection of papers qualifying for competition. No journal may require that a student who would ordinarily be selected on the basis of grades must additionally participate in a writing competition as a prerequisite to invitation to join that journal.

2605. **Unit credit for journal participation.** A member of a journal may earn one unit by writing a note that a member of the Distinguished; Tenure and Tenure Track Faculty; Long Term Contract Faculty; Lecturers; Permanent Visitors; and Emeritus faculty deems to be of "publishable quality." Subject to the rules of the particular journal, a member of a journal may satisfy the note-writing requirement with a paper written for a seminar or an independent study under the supervision of a faculty member that fulfills the requirements contained in §§2401-2406. Students may not receive a unit under this provision if they have received credit for the independent study or seminar.
2606. **Grading.** Credit for participation on a journal shall be granted on a Credit/No-Credit basis.
2607. **Denial of credit.** Each journal shall establish policies for the denial of credit to participants, consonant with the criteria and procedures set forth in §§2607-2609. Copies of these policies shall be filed with the Academic Dean's office by September 1 of each academic year. Credit for journal participation may be denied in the following three situations.
1. *Withdrawal by member:* A member who withdraws from a journal before October 1 of any academic year shall receive no credit for journal participation and all references to journal participation shall be deleted from the student's transcript for the academic year in question. A member who withdraws from a journal for good cause on or after October 1 of any academic year shall receive no credit for journal participation and shall receive a notation of "W" on the student's transcript.
 2. *Removal by journal:* A member who fails to satisfy the hours requirements of the journal may be removed from journal membership in accordance with the by-laws of the journal. A student who is removed from journal membership shall receive no credit for journal participation and shall receive a notation of "W" on the student's transcript.
 3. *No Credit:* A member who fails to satisfy the "publishable quality" standard for a note, as established by the respective journal's editorial board, shall receive no credit for journal participation and shall receive a grade of "NC" on the student's transcript.
2608. **Denial of credit: review procedures.** If a journal's editorial board determines to deny credit to a journal member for a reason set forth in §2607 (2) or (3), the journal's editor-in-chief shall observe the following procedures:
1. The editor-in-chief shall personally and independently review any determination or recommendation regarding the denial of credit.
 2. If, after such personal and independent review, the editor-in-chief determines that a denial of credit is warranted, the editor-in-chief shall communicate this determination in writing to the member concerned. This determination should be supported by written documentation of the reasons for the denial of credit.
 3. The editor-in-chief shall communicate in writing any determination (and the documentation forming the basis thereof) regarding the denial of credit to the [Assistant Dean of Students].
 4. Upon the request of the concerned member, the [Assistant Dean of Students] shall review the recommendation and supporting documentation. The [Assistant Dean of Students] will accept the recommendation unless it appears that the decision of the

editor-in-chief constitutes an abuse of discretion.

5. The [Assistant Dean of Students] shall notify the member concerned in writing of the decision to accept or reject the editor-in-chief's recommendation, and if the [Assistant Dean of Students] accepts the recommendation, the [Assistant Dean of Students] shall notify the Records Office and the Career Services Office of the denial of credit.

2609. **Denial of credit: resume policy.** If a student is denied credit for journal participation for any of the reasons set forth in §2607, the student is not entitled to include participation on the student's resume. In the case of withdrawal by a member, this prohibition shall commence on the date that the student communicates the withdrawal to the journal's editor-in-chief. In the case of removal by the journal or failure, the prohibition shall commence on the date that the student is notified that the [Assistant Dean of Students] has accepted the editor-in-chief's recommendation. In either case, it is the responsibility of the student who has withdrawn, been removed, or failed to ensure that any resume on file with the Career Services Office does not violate this policy.
2610. **Incompletes.** With the permission of the [Assistant Dean of Students], the editor-in-chief may grant an incomplete for a student who has been unable to fulfill the requirements for academic credit. The incomplete shall be administered pursuant to the requirements of §§1301-1305.
2611. **Review of proposals for new scholarly publications.** Students who are interested in establishing a new scholarly publication shall submit a proposal to the Administrator of Scholarly Publications and also to the Academic Standards Committee, with a copy to the Academic Dean. The proposal shall include: a market analysis explaining the need for the new publication with a description of existing journals in the field; the target audience; a projected subscription based and the reasons underlying the projection; a three-year business plan; the projected number of student participants' and the projected number of annual issues. Based on the students' proposal, the Administrator of Scholarly Publications will make a recommendation to the Academic Standards Committee and state the basis for that recommendation. The Academic Standards committee shall then make a recommendation to the Faculty regarding interim recognition of the publication as a publication of the College. The Faculty will then vote on the Committee's recommendation. If the Faculty grants interim recognition, then within the next academic year, the students shall publish at least one issue. The Administrator of Scholarly Publications may give guidance to the publication, but the publication will not receive funds from the budget of the Scholarly Publications Department. The eligibility requirements of §§2602-2603 shall apply during the period of interim recognition. After at least one issue is published, the Academic Standards Committee shall make a recommendation to the Faculty regarding official recognition as a publication of the College. The Faculty will then vote on the Committee's recommendation. No group shall represent themselves to the public as a Hastings scholarly publication without securing approval through the above process.
2612. **Review of journal reports for continued official recognition.** Every three years the Administrator of Scholarly Publications shall submit a written report to the Academic Standards Committee, based on the annual reports submitted to the Administrator by the editors-in-chief of the journals, detailing the respective journal's operations. This report shall include the journal's budget, the number of subscriptions and their nature, the number of articles received and published each year, descriptions of symposia or other special events, the intra-quartile distribution of GPA's, and any other information the Committee deems pertinent to the College's decision to continue to officially recognize the journal. The Academic Standards Committee will then report its recommendations and conclusions to the Faculty. The Committee at any time may recommend to the Faculty the withdrawal of official recognition of a journal if, based on the facts and circumstances listed above, the Committee determines such action is warranted. The Faculty will then vote on such recommendation.

D. Clinics

2701. **Description of clinics.** Clinics are comprised of a classroom component and a fieldwork component. To participate in a clinic, a student must enroll concurrently in both components.
2702. **Eligibility.** A student in good academic standing who has completed the third semester of law school may enroll in any Hastings clinic or an approved clinic at another ABA/AALS accredited law school. A student in good academic standing who has completed the second semester of law school may enroll in a Hastings in-house clinic.
2703. **Grading.** A clinic's classroom component is a graded, non-GPA course. Credit for the fieldwork component is granted on a Credit/No-Credit basis.
2704. **Restrictions.** Students enrolled in a clinic may not enroll in a second clinic, externship, or other field placement or live client experiential course in a single semester. This restriction may be waived with the approval of the [Assistant Dean of Students], if students demonstrate that they can manage the workload and that conflicts of interest will be clearly identified and will be manageable, in consultation with the faculty members responsible for the aforementioned courses.

E. Externships

2801. **Description of Externships.** Externships are comprised of an academic component and a fieldwork component. A student must concurrently enroll in both components. The academic component consists of the following three elements:
- a. Completion of any prerequisite or co-requisite course designated by the Associate Dean for Experiential Learning.
 - b. Enrollment in the externship classroom component.
 - c. Completion of assigned reflective writing assignments, in accordance with the instructions of the designated faculty supervisor, regarding the externship experience.
2802. **Eligibility: grade requirement.** Subject to the limitations set forth in §§2803-2804, a student in good academic standing may enroll in an externship.
2803. **Eligibility: three semesters.** Externships shall be open only to students who have completed at least three semesters of law school, except in exceptional circumstances approved by the [Assistant Dean of Students].
2804. **Fieldwork eligibility.** A student who has completed three semesters of law school may earn a minimum of three units and a maximum of nine units for fieldwork as an extern at any trial or appellate court, including international or internationalized, or at selected administrative courts where there is an opportunity for significant participation in a quasi-judicial decision-making process, including research and writing. Externs with approved non-profit or governmental law offices may earn three to five units for fieldwork. Students participating in the Corporate Counsel Externship Program may earn three to five units of fieldwork as externs at approved for-profit and non-profit organizations. Unless reauthorized by the faculty, the Corporate Counsel Externship Program will expire at the end of the 2019-20 academic year.
2805. **Fieldwork outside the Greater Bay Area.** A student may work as an extern outside of the counties of San Francisco, Marin, Sonoma, Napa, Solano, Sacramento, Contra Costa, Alameda, Santa Clara, and San Mateo only with the advance permission of the Associate Dean for Experiential Learning. Such permission will be dependent upon the ability of a member of the Hastings faculty to comply with the program requirements during the semester in which the student is enrolled in the program.

2806. **Maximum credits: summer session.** A student who has completed at least the third semester of law school may earn a maximum of eight units, including one unit for the academic component, for an externship conducted during a regularly scheduled summer session.
2807. **Restrictions.** Students enrolled in an externship or other field placement may not enroll in a second externship, or other field placement or live client experiential learning course in a single semester. This restriction may be waived with the approval of the [Assistant Dean of Students], if students demonstrate that they can manage the workload and that conflicts of interest will be clearly identified and will be manageable, in consultation with the faculty members responsible for the aforementioned courses.

F. Interscholastic Competitions

2850. **Credit for Interscholastic Competitions.** A second- or third-year student may earn up to two units per competition per semester for participation in an interscholastic competition approved by the College. The student shall complete all of the requirements for the competition and submit the brief or other competition writing to the faculty coach or academic program director for review and credit. A student may earn no more than eight units toward the J.D. degree for participation in interscholastic competitions.

G. Teaching Assistants

2875. **General Description.** Subject to the following requirements and restrictions, faculty members may award a credit to second and third-year students who assist them in the teaching of a class.
2876. **Requirements.** To receive credit for being a teaching assistant, a student must satisfy all of the following requirements:
- A. He or she must not have been the subject of any sanction under the Student Conduct Code.
 - B. He or she must have enrolled in, completed, and received a grade no lower than a B in the class for which he or she will be a teaching assistant or for an equivalent course expressly approved by the [Assistant Dean of Students]. Teaching assistants for the first-year Legal Research and Writing Program or for any other class mandatorily graded on a Credit/No-Credit basis must have received a CR.
 - C. He or she must attend at least 4 hours of training in teaching methods over the course of the semester. This training must include an emphasis on confidentiality in the student/teacher relationship.
 - D. He or she must meet weekly with the faculty member teaching the class. During these meetings the faculty member shall evaluate the teaching assistant's work and provide guidance to improve the quality of that work.
 - E. He or she must have substantial contact with students enrolled in the class for which he or she is a teaching assistant. Such contact should include both classroom instruction and office hours.
 - F. He or she must engage in substantial written work. This work should include both written feedback to students and the preparation of class materials. [But see §2878 for restrictions.]
2877. **Academic Support Program.** Because teaching assistants who are used by the Academic Support Program are not assisting in the teaching of a specific class, they need not satisfy the

requirements of §2876 B. Furthermore, the student contact required by §2876 E need not include classroom instruction.

2878. **Restrictions.** Teaching Assistants may not be involved in the process of awarding grades to students. All student work that a faculty member considers in awarding a grade for a class must be independently evaluated by the faculty member. Teaching assistants may not be involved in the preparation or evaluation of mid-term or final exams.
2879. **Approval by the Academic Dean.** Before a faculty member may employ teaching assistants for a course, the faculty member must demonstrate to the Academic Dean that he or she will be able to provide the teaching assistants with the opportunity to meet the requirements specified in §2876. The Directors of the Legal Research and Writing Programs, the Moot Court Program, LEOP, and the Academic Support Program are exempted from this requirement.
2880. **Credits.** Teaching Assistants receive a single credit. That credit is awarded on a Credit/No-Credit basis. Except with the permission of the [Assistant Dean of Students], a student may receive no more than one credit per semester for being a teaching assistant. A student may earn no more than two credits towards the J.D. degree for providing teaching assistance, except that a student who earns at least two teaching assistant units in Legal Research and Writing I, Legal Research and Writing II, Appellate Advocacy, LEOP, or the Academic Support Program may earn a maximum of four teaching assistant units.

H. Research Assistants

2890. **General description.** Subject to the following requirements and restrictions, faculty members may award credit to second and third-year students who act as their research assistants. The research assistance that the student provides must meaningfully contribute to the student's education. Accordingly, the student's responsibilities may not primarily consist of non-substantive cite-checking or other clerical tasks.
2891. **Requirements.** To be eligible to receive credit for providing research assistance, a student must have a cumulative GPA of at least 2.8. This requirement may be waived by the [Assistant Dean of Students] under extraordinary circumstances.
2892. **Restrictions.** To receive credit, research assistants must not receive payment for their work.
2893. **Credits.** Research Assistants receive one or two credits per semester. That credit is awarded on a Credit/No-Credit basis. It is awarded for performing 45 hours of research assistance for a single credit or 90 hours of research assistance for two credits. A student may earn no more than two credits towards the J.D. degree for providing research assistance.
2894. **Faculty supervision.** Except with the approval of the Academic Dean, only Distinguished; Tenure and Tenure Track Faculty; Long Term Contract Faculty; Lecturers; Permanent Visitors; and Emeritus Faculty may award credits to research assistants. Except with the approval of the Academic Dean, a faculty member may award credit to no more than two research assistants in a single semester.

IX. LEAVES OF ABSENCE AND WITHDRAWAL.

2901. **Leaves of absence: bases.** With the permission of the [Assistant Dean of Students], a student may take a leave of absence from the College for the following reasons:
1. The student is unable to complete a semester or to enroll in the following semester as a result of medical, personal, or financial difficulties.

2. The student chooses to interrupt his or her studies during the student's second or third year at Hastings to fulfill the requirements of a joint degree program or to pursue another extraordinary educational opportunity.
 3. The [Assistant Dean of Students] determines that there is other good cause for the leave of absence.
2902. **Leaves of absence: application procedure.** A student shall request a leave of absence from the [Assistant Dean of Students] no later than the beginning of the examination period of the semester during which the student wishes the requested leave to begin. A student who fails to request a leave of absence within this time, and who also fails to take a scheduled examination in any course without the [Assistant Dean of Students]'s prior authorization, shall receive an administrative F for the course, or if the [Assistant Dean of Students] determines that there was good cause for the student's failure to take the examination, an administrative NC in such course.
2903. **Leaves of absence for first-year students: general rule.** The [Assistant Dean of Students] will normally grant a student who has not completed the fall semester of the first year a two-semester leave of absence. The [Assistant Dean of Students] will normally grant a student who has only completed the fall semester of the first-year and who wishes to take a leave of absence beginning with the spring semester a two-semester leave of absence.
2904. **Leaves of absence for fall semester first-year students.** In extraordinary circumstances, the [Assistant Dean of Students] may grant a student who has not completed the fall semester of the first year a one-semester leave of absence and permit the student to re-enroll in the spring semester. In such circumstances, the student may enroll only in one-semester first-year courses and must enroll in the remaining first-year courses in the following academic year.
2905. **Leaves of absence for spring semester first-year students.** In extraordinary circumstances, the [Assistant Dean of Students] may grant a student who has only completed the fall semester of the first-year a one-semester leave in the spring and allow the student to re-enroll in the following fall semester. In such a circumstance, the Academic Dean may require the student to re-enroll in and take the mid-term examinations in all year-long first-year courses. The final grade earned in any of the student's original fall one-semester classes shall remain on the student's transcript and shall be used in compiling the student's cumulative grade point average.
2906. **Leaves of absence for second- or third year students.** The [Assistant Dean of Students] may grant a second or third year student a leave of absence for one semester (which may be extended to a second consecutive semester by the [Assistant Dean of Students]) or two consecutive semesters (which may in extraordinary circumstances be extended by the [Assistant Dean of Students]).
2907. **Multiple leaves of absence.** The [Assistant Dean of Students] shall grant a student a second leave of absence (as distinguished from an extension of a previously granted leave of absence) only in exceptional and compelling circumstances. [See §402. Maximum years to qualify for degree.]
2908. **Withdrawal: application procedure.** The [Assistant Dean of Students] may approve a student's withdrawal from Hastings upon receipt of a request no later than the beginning of the examination period of the semester in which the withdrawal is requested, providing that the student is not subject to exclusion under the standards for continuation and graduation set out in §§1401-1605. A student who fails to request a withdrawal within this time and who fails to take a scheduled examination in any course without prior authorization of the [Assistant Dean of Students] shall receive an administrative F for the course, or if the [Assistant Dean of Students] determines that there was good cause for the student's failure to take the examination, an administrative NC in such courses.

2909. **Effect of withdrawal.** A student who has withdrawn from the College may re-enroll only after application and readmission to the College.

X. EXAMINATIONS.

A. Examination Schedule

3001. **Tentative schedule.** The Records Office shall publish a tentative examination schedule for all courses before enrollment for each semester commences.
3002. **Taking examination: general rule.** All examinations must be taken on the date and at the time set forth in the examination schedule, except when a delayed examination is authorized under §§3003 or 3004. No examination may be administered prior to the time set forth in the examination schedule.
3003. **Delayed taking: 24 hour rule.** A student may delay any examination that is scheduled to begin within 24 hours of the end of another of his or her examinations. The examination shall be delayed to the next regularly-scheduled make-up examination period. The Records Office shall delay an examination in accordance with this rule upon the request of a student.
3004. **Delayed taking: compelling reasons.** The [Assistant Dean of Students] may authorize a delay in a student's examination if the student submits compelling reasons for the delay based upon health reasons, accident, personal emergency, or other extraordinary circumstances.
3005. **Delayed taking for health reasons: required procedure.** A student who seeks a delay in an examination for health reasons must be seen by the Hastings Health Service. If it is not possible for the student to be seen by the Health Service prior to the examination, the student must either report to the Health Service as soon as practical or be seen by a private physician who will contact the Health Service. The Service will submit a memorandum to the Records Office that confirms the student's visit to the Health Service or a private physician and that sets forth a medical opinion about the student's condition.
3006. **Delayed taking for non-health reasons: required procedure.** All requests for delays in examinations for extraordinary circumstances other than health must be approved by the [Assistant Dean of Students].
3007. **Delayed taking: final date.** All delayed examinations must be taken by the close of the examination period for that semester, unless otherwise authorized by the [Assistant Dean of Students].
3008. **Failure to take examination: administrative NC.** A student who, without authorization, fails to take an examination shall receive an administrative F for the course, or if the [Assistant Dean of Students] determines that there was good cause for the student's failure to take the examination, an administrative NC for the course.

B. Rules Applicable During Examinations

3101. **Assigned rooms.** Except for take-home examinations, all students shall write or type their examinations in the rooms assigned by the Records Office. Each student shall sign-in and sign-out of the examination room as directed by the examination proctors.
3102. **Use of materials by examinees.** Except for "open book" or "open-note" examinations as authorized in writing by the instructor, students shall not consult any books, notes, papers, computer files, or other materials during the examination.

3103. **Beginning and ending writing.** No student may begin writing or typing an examination until the proctor has issued an instruction to begin. Every examinee will stop writing or typing immediately upon announcement by the proctor that the examination has ended.
3104. **Communication only with proctor.** All questions and requests for clarification during an examination shall be directed to the proctor. No student shall converse with another for any purpose in an examination room after an examination has begun.
3105. **Leaving room during examination.** After an examination has begun, a student may leave the examination room for the purpose of going to a restroom or relaxing in a nearby corridor. Under no circumstances may a student leave the building during the course of an examination until his or her examination materials have been turned in to the proctor.
3106. **Delayed takers: no communication regarding examination.** A student who is authorized to take a delayed examination shall not ask any student who has taken the examination about the contents thereof and shall take all necessary measures to avoid overhearing discussions about the contents of the examination.
3107. **Past examinees: no communication with delayed takers.** A student who has taken an examination shall not reveal or discuss the contents of the examination with any student in the class whom the former knows has not yet taken the examination.
3108. **Violations of regulations: discipline.** A student who violates §§3001-3109 or who violates one of the examination rules promulgated by the Records Office or the Academic Dean has also violated §52.00 of the Code of Student Conduct and therefore is subject to discipline in accordance with the provisions of that Code.
3109. **Additional policies and procedures.** The Records Office and the Academic Dean shall have authority to publish other policies and procedures to govern the administration of examinations and shall make such rules available in writing to all students.

XI. LL.M. PROGRAM.

A. General

4001. **General.** These regulations are applicable to students who are candidates for the Hastings LL.M. degree. Except as expressly provided to the contrary in this part, the Academic Regulations set forth in parts I through X also shall apply to LL.M. students.

B. Residency and Graduation Requirements

4002. **General requirements for LL.M. degree.** A student must enroll in and receive a grade of P or better in 24 units of course work at the College to qualify for a Hastings LL.M. degree. Except as otherwise provided in this section, with the approval of the [Assistant Dean of Students] and the Associate Dean for Global Programs, a candidate for the LL.M. degree who has successfully completed a course of at least two units in a summer program offered by the College taken during either summer session in the summer immediately prior to attending the mandatory orientation program for LL.M. students may graduate after receiving a grade of P or better in 22 units of course work at the College. All units for courses taken at the College successfully completed by a candidate for the LL.M. degree in any subsequent summer will count toward the units required by §4002. If transfer credits have been approved by the Associate Dean for Global Programs and the [Assistant Dean of Students] pursuant to §4015, a student may qualify for the LL.M. degree after enrolling in and receiving a grade of P or better (or the equivalent from another ABA

approved U.S. law school) in 24 units of course work, provided that at least 15 units are completed at the College.

An LL.M. candidate who previously attended the College under one of its foreign exchange programs may receive academic credit towards the LL.M. degree for courses in which the candidate previously received a grade of not less than "P". The course for which the candidate may receive credit must have been taken within six (6) academic years prior to the date of the candidate's matriculation into the LL.M. program. An LL.M. candidate who previously studied at the College under one of the exchange programs remains subject to Rule 4004.

4003. **Required courses.** During the first semester, each student must enroll in and receive a grade of P or better in at least one course offered to first year J.D. students—Civil Procedure I, Contracts, Criminal Law, Property, Torts or Constitutional Law I—or Civil Procedure II or Constitutional Law II. This requirement may be waived with the written permission of the Associate Dean for Global Programs. Each student also must enroll in and receive a grade of P or better in the Legal Writing and Research class for Master's Students and Introduction to Law for Master's Students. Enrollment in Legal Writing and Research for Master's Students and/or Introduction to Law for Master's Students may be waived with the written permission of the Associate Dean for Global Programs upon having successfully completed a substantially similar course or courses at an ABA approved U.S. law school within six (6) academic years prior to the date of the candidate's matriculation in the LL.M. program. In addition, each student must attend the orientation program for LL.M. students.

If a student applies for transfer credit from an accredited U.S. law school pursuant to §4015, the Associate Dean for Global Programs, in consultation with the [Assistant Dean of Students], may deem these requirements satisfied by the completion of equivalent coursework that are included as part of the requested transfer credits.

4004. **Maximum semesters of enrollment.** Except as provided in this section, students shall complete the requirements for the LL.M. degree in two semesters. With the permission of the Associate Dean for Global Programs, a candidate in good standing for the LL.M. degree may elect to enroll in up to two additional semesters. A candidate for a Hastings LL.M. degree may not be enrolled at Hastings for more than four semesters.
4005. **Maximum years to qualify for degree.** All students must complete the requirements for a Hastings LL.M. degree within two years of commencement of studies at the College. In extraordinary circumstances, the [Assistant Dean of Students] may extend this period for up to one year.
4006. **Minimum and maximum course loads.** A student may enroll in a minimum of eleven units and a maximum of fifteen units each semester. In extraordinary circumstances, the [Assistant Dean of Students] may permit a student to enroll in as few as six units or as many as sixteen units in one semester. With the permission of the [Assistant Dean of Students], an LL.M. student in their final semester may be exempted from the minimum course load requirement described here.

C. Enrollment

4007. **Eligible courses.** Subject to the requirements of §4003, students may enroll in all courses, seminars, and non-GPA courses offered by the College except for judicial externships. The Associate Dean for Global Programs may designate additional courses in which students may not enroll.
4008. **Clinics.** Students may enroll in a clinical course only if the faculty designates the course as open for enrollment by LL.M. students.
4009. **Independent studies.** A student may enroll in no more than two independent studies and may

earn no more than two units of credit for each independent study. Independent studies shall be subject to the requirements of §§2401, 2402 and 2405.

4010. **Research Assistants.** A student may enroll in no more than two credits towards the LL.M. degree for providing research assistance. Credit for research assistance shall be subject to the requirements of §§2890, and 2892-2894.
4011. **Approval of Associate Dean for Global Programs.** The Associate Dean for Global Programs shall approve each student's proposed schedule before the student may enroll.
4012. **Exclusion from minimum GPA requirements.** There are no minimum grade point average requirements applicable to the enrollment of LL.M. students.

D. Grading and Credit

4013. **Grading scale.** Students shall be graded according to the following system: (E) for excellent or outstanding performance; (VG) for very good or very creditable performance; (G) for good or average performance; (P) for passing or acceptable performance; and (NP) for not passing or unacceptable performance.
4014. **Exclusion from grade normalization.** The final examination answers, papers, and other written work of LL.M. students shall be excluded from the grade normalization processes that govern the assignment of grades to J.D. students in the same course or seminar. [See §§1001-1005]
4015. **Credit.** No unit credit shall be awarded for any course, seminar, non-GPA course, or independent study for which a student receives a grade of NP.
4016. **Transfer Credit.** If approved by the [Assistant Dean of Students] on a case-by-case basis, and subject to the requirements of §§4002-4003, a student may transfer credits earned during one semester of study toward an LL.M. at an ABA approved U.S. law school. If approved by the [Assistant Dean of Students] on a case-by-case basis, a student may transfer up to four semester-equivalent units from classes taken at UCSF after matriculation at the College that are integrally related to his or her LL.M. degree program. If approved by the Associate Dean for Global Programs and the [Assistant Dean of Students] on a case-by-case basis, and subject to the requirements of §§4002-4003, a J.D. student may transfer all credits earned as a J.D. candidate at UC Hastings towards the Hastings LL.M. degree. A student may not otherwise transfer units earned at another institution of higher education for credit toward the Hastings LL.M. degree.

E. Examinations

4017. **English as a second language.** Unless English is their native language, or they have previously received a high school or university degree from an institution at which English is the principal language of instruction, candidates for the LL.M. degree and foreign exchange students are entitled to receive (a) one additional hour to complete each final examination, and (b) additional time to complete each quiz or midterm in an amount equal to the lesser of (i) one hour, or (ii) half of the regularly scheduled time allotted for students to complete such quiz or midterm exam. No additional time will be afforded for take-home examinations.
4018. **Use of a dictionary.** Students who received their primary law degree from an institution of higher education at which English is not the principal language may use a dictionary while taking each examination.

F. Leaves of Absence and Withdrawal

4019. **Leaves of Absence.** Subject to the residency requirements of §§4004 and 4005, a student may ask permission from the Associate Dean for Global Programs to take a leave of absence. If the Associate Dean approves the request, he or she shall notify the [Assistant Dean of Students] and the Director of Records in writing and shall state the terms and conditions applicable to the leave.
4020. **Withdrawal.** The [Assistant Dean of Students] may authorize a student to withdraw from the College. A student who receives permission to withdraw may re-enroll only after reapplication and readmission to the College.

G. Disqualification

4021. **Academic disqualification.** A student who receives a grade of NP in two or more courses, seminars, non-GPA courses, or independent studies shall be academically disqualified from the College.
4022. **Petition for readmission.** A student who is academically disqualified may petition the Academic Dean for readmission to the LL.M. Program. The Academic Dean shall consult with the Associate Dean for Global Programs. The Academic Dean may grant readmission only if the petitioner proves that there were compelling reasons to explain the academic disqualification (such as personal illness, family emergency, war, or natural disaster) and the Academic Dean concludes that the petitioner will satisfy the requirements for a Hastings LL.M. degree if readmitted. The Academic Dean shall notify the petitioner in writing of the decision. If the student is readmitted, the Academic Dean shall set forth the terms and conditions applicable to the readmission. The decision of the Academic Dean is final and shall not be subject to review.

H. Miscellaneous

4023. **Employment.** A student enrolled in the LL.M. Program shall not be employed in any job without the approval of the Associate Dean for Global Programs. A student shall not be employed in any job that detracts from the student's work toward the Hastings LL.M. degree and, under no circumstances, shall a student who is enrolled in twelve or more units be employed for more than an average of twenty hours per week when classes are in session or the student is preparing for examinations.
4024. **Inapplicable regulations.** Except as explicitly provided herein, §§101-402, 601-704, 901-1005, and 1401-2909 are inapplicable to students enrolled in the LL.M. Program.
4025. **Degree Honors.** An LL.M. graduate may receive the awards of summa cum laude, magna cum laude, and cum laude according to the following criteria:
- a. Summa cum laude – a student who received no less than 26 credits of E and no grade less than E after completion of all the academic work for their LL.M. degree at Hastings.
 - b. Magna cum laude – a student who received no less than 24 credits of E and no grade less than G after completion of all the academic work for their LL.M. degree at Hastings.
 - c. Cum laude – a student who received no less than 18 credits of E and no grade less than G after completion of all the academic work for their LL.M. degree at Hastings.
4026. **Pro Bono recognition**
1. Pro Bono Society – students who complete at least 15 hours of pro bono services during their tenure years at Hastings, subject to the approval of the Director of Externships and Pro Bono Programs, will be recognized as members of the Pro Bono Society at graduation and on their transcripts.

2. Outstanding Achievement in Pro Bono – students who complete 50 hours of pro bono services during their tenure years at Hastings, subject to the approval of the Associate Dean for Experiential Programs, will be recognized for Outstanding Achievement in Pro Bono at graduation and on their transcripts.

XII. MASTER OF STUDIES IN LAW (MSL) PROGRAM.

A. General

5001. **General.** These regulations are applicable to students who are candidates for the Hastings MSL degree. Except as expressly provided to the contrary in this part, the Academic Regulations set forth in parts I through X shall apply to MSL students.

B. Residency and Graduation Requirements

5002. **General requirements for MSL degree.** A student must enroll in and receive a grade of P in 24 units of course work at the College to qualify for a UC Hastings MSL degree. With the permission of the [Assistant Dean of Students] and the Director of the MSL Program, a student enrolled in the MSL Program may take up to two units at another ABA accredited institution and, upon receiving a P or better, apply those credits to the requirements of the UC Hastings MSL degree.
5003. **Required courses.** Each student must enroll in and receive a grade of P in at least one course offered to first year J.D. students—Civil Procedure I, Constitutional Law I, Contracts, Criminal Law, Property, or Torts. With the written permission of the Director of the MSL Program and the student's faculty advisor, Constitutional Law II may also satisfy the requirement that each student enroll in and receive a grade of P in a first year J.D. course. Each student also must enroll in and receive a grade of P in the Legal Writing and Research class for Master's Students and the Introduction to Law for Master's Students course. Enrollment in Legal Writing and Research for Master's Students and Introduction to Law for Master's Students may be waived with the written permission of the [Assistant Dean of Students] for any J.D. student who successfully transfers to the MSL Program upon having successfully completed substantially similar courses at the College. Students must fulfill the Writing Requirement as codified in section 703 to these regulations. The instructor's approval that the requirements have been met, as included in subsection 703(g), will confirm that the student received a grade of P or better on the final draft of the paper. In addition, each student is invited and strongly encouraged to attend the orientation program for MSL students and the subject matter lectures offered as part of the orientation program for International LL.M. students.
5004. **Full Time or Part Time.** A student may be admitted on either a full time or a part time basis.
5005. **Minimum and maximum course loads for Full-Time.** A student may enroll in a minimum of ten units and a maximum of fifteen units each semester. In extraordinary circumstances, the [Assistant Dean of Students] may waive these requirements.
5006. **Minimum course load for Part-Time.** A part-time MSL student must enroll in a minimum of six units a semester in order to be eligible for financial aid.
5007. **Maximum years to qualify for degree.** Full-time students will be expected to complete their degree requirements in one academic year (two consecutive semesters). However, if circumstances warrant, and with the permission of the Director of the MSL Program, a student may switch his or her status from full-time to part-time. Part-time MSL students must complete the requirements for a Hastings MSL degree within four years of commencement of studies at the College. Part-time students may change their status from part-time to full-time with the permission of the Director of the MSL Program.

C. Enrollment

5008. **Eligible courses.** Subject to the requirements of §5003, students may enroll in all courses, seminars, and non-GPA courses offered by the College except for judicial externships. The Director of the MSL Program may designate additional courses in which students may not enroll.
5009. **Clinics.** Students may not enroll in a clinical course or legal externship without permission of the instructor.
5010. **Independent studies.** A student may enroll in no more than two independent studies and may earn no more than two units of credit for each independent study. Independent studies shall be subject to the requirements of §§2401, 2402 and 2405.
5011. **Research Assistants.** A student may enroll in no more than two credits towards the MSL degree for providing research assistance. Credit for research assistance shall be subject to the requirements of §§2890, and 2892-2894.
5012. **Approval of Director of MSL Program.** The Director of the MSL Program shall approve each student's proposed schedule before the student may enroll.
5013. **Exclusion from minimum GPA requirements.** There are no minimum grade point average requirements applicable to the enrollment of MSL students.

D. Grading and Credit

5014. **Grading scale.** Students shall be graded according to the following system: (HH) for High Honors; (H) for Honors; (P) for Pass; or (NP) for No Pass.
5015. **Exclusion from grade normalization.** The final examination answers, papers, and other written work of MSL students shall be excluded from the grade normalization processes that govern the assignment of grades to J.D. students in the same course or seminar. [See §§1001-1005]
5016. **Credit.** No unit credit shall be awarded for any course, seminar, non-GPA course, or independent study for which a student receives a grade of NP.
5017. **Transfer credit.** A student may transfer up to 6 semester-equivalent units from classes taken at UCSF that are integrally related to his or her MSL degree program. These units must be approved by the [Assistant Dean of Students] and the Director of the MSL Program. This provision does not apply to units taken prior to matriculation at the College.
5018. **MSL and J.D. credits.** Credits earned as an MSL candidate cannot be applied to earning a J.D. degree. Students in the MSL program interested in enrolling in the J.D. program must apply through the regular admissions process for the College. If approved by both the Director of the MSL Program and the [Assistant Dean of Students] on a case-by-case basis, and subject to the requirement of §§5002-5003, a J.D. student may transfer all credits earned as a J.D. candidate at UC Hastings towards the UC Hastings MSL degree. Any successful candidate for transfer from the J.D. program to the MSL Program must meet the qualifications for admission that would otherwise be required for an MSL applicant.

E. Examinations

5019. **English as a second language.** Unless English is their native language, or they have previously received a high school or university degree from an institution at which English is the principal language of instruction, candidates for the MSL degree are entitled to receive (a) one additional hour to complete each final examination, and (b) additional time to complete each quiz or midterm

in an amount equal to the lesser of (i) one hour, or (ii) half of the regularly scheduled time allotted for students to complete such quiz or midterm exam. No additional time will be afforded for take-home examinations.

5020. **Use of a dictionary.** Students who received their primary law degree from an institution of higher education at which English is not the principal language may use a dictionary while taking each examination.

F. Leaves of Absence and Withdrawal

5021. **Leaves of absence.** Subject to the residency requirements of §§5004 and 5005, a student may ask permission from the Director of the MSL Program to take a leave of absence. If the MSL Director approves the request, he or she shall notify the [Assistant Dean of Students] and the Director of Records in writing and shall state the terms and conditions applicable to the leave.
5022. **Withdrawal.** The [Assistant Dean of Students] may authorize a student to withdraw from the College. A student who receives permission to withdraw may re-enroll only after reapplication and readmission to the College.

G. Disqualification

5023. **Academic disqualification.** A student who receives a grade of NP in two or more courses, seminars, non-GPA courses, or independent studies shall be academically disqualified from the College.
5024. **Petition for readmission.** A student who is academically disqualified may petition the Academic Dean for readmission to the MSL Program. The Academic Dean shall consult with the Director of the MSL Program. The Academic Dean may grant readmission only if the petitioner proves that there were compelling reasons to explain the academic disqualification (such as personal illness, family emergency, war, or natural disaster) and the Academic Dean concludes that the petitioner will satisfy the requirements for a Hastings MSL degree if readmitted. The Academic Dean shall notify the petitioner in writing of the decision. If the student is readmitted, the Academic Dean shall set forth the terms and conditions applicable to the readmission. The decision of the Academic Dean is final and shall not be subject to review.

H. Miscellaneous

5025. **Employment.** The part-time MSL program is meant to accommodate working professionals. However, given the intensive nature of the course work, full-time students are not encouraged to work during the academic year.
5026. **Inapplicable regulations.** Except as explicitly provided herein, §§101-402, 601-704, 901-1005, and 1401-2909 are inapplicable to students enrolled in the MSL Program.
5027. **Pro Bono recognition.**
1. Pro Bono Society – students who complete at least 15 hours of pro bono services during their tenure at Hastings, subject to the approval of the Director of Externships and Pro Bono Programs, will be recognized as members of the Pro Bono Society at graduation and on their transcripts.
 2. Outstanding Achievement in Pro Bono – students who complete 50 hours of pro bono services during their tenure years at Hastings, subject to the approval of the Director of Externships and Pro Bono Programs, will be recognized for Outstanding Achievement in Pro Bono at graduation and on their transcripts.

XIII. MASTER OF SCIENCE IN HEALTH POLICY AND LAW PROGRAM.

A. General

6001. **General.** These regulations are applicable to students who are candidates for the Master of Science in Health Policy & Law Degree, which is jointly-conferred and governed by the University of California, San Francisco (UCSF) and UC Hastings College of the Law.

B. Interpretation and Application

6002. **Interpretation and Application.** The HPL Program Directors shall jointly interpret and apply these regulations, with any conflicts or ambiguities to be resolved by a joint conference of the UC Hastings Academic Dean and the Dean of the Graduate Division of UCSF. The HPL Program Directors, the UC Hastings Academic Dean and the Dean of the Graduate Division of UCSF shall interpret and apply these regulations in accordance with all applicable laws including, but not limited to, laws establishing the rights of persons with disabilities.

C. Attendance

6003. **Definition of attendance in the online program.** Student “attendance” in an online HPL course is defined as active participation in the course as described in the course syllabus. Instructors are responsible for providing students with clear instructions for how they are required to participate in the course. Additionally, instructors are responsible for incorporating specific instructional activities within their course and will, at a minimum, have weekly mechanisms for documenting student participation. These mechanisms may include, but are not limited to, participating in a weekly discussion board, completing and submitting assignments, or communicating with the instructor.
6004. **Tracking of attendance.** Student activities are readily tracked and documented through the HPL learning management system. Documenting that a student has logged into an online class or website is not sufficient, by itself, to demonstrate academic attendance by the student. For example, if a student simply logs into an online course and logs out, without any further activity, the student did not attend the online class on that day.

D. Graduation Requirements

6005. **Graduation Requirements for the MS HPL degree.** A student must enroll in and receive a cumulative grade of 3.0 or better in 36 quarter units of MS HPL coursework to qualify for the UCSF/UC Hastings MS HPL degree. Students must also complete a comprehensive capstone project that is completed and graded within the HPL Seminar.
6006. **Required courses.** Each student must enroll in and receive a cumulative grade of 3.0 in all HPL core courses (24 quarter units) as defined by the HPL Curriculum Committee and listed in the student handbook. In addition to successful completion of the core courses, students must also enroll in and receive a cumulative grade of 3.0 or better in 12 quarter units of courses required by or chosen within the student’s track (Policy Track or Law Track).
6007. **Full Time or Part Time.** A student may be admitted on either a full time or a part time basis.
6008. **Course loads for Full-Time.** Full-time is typically seven to eleven units each quarter.

6009. **Minimum course load for Part-Time.** A part-time MS HPL student must enroll in a minimum of four units a quarter.
6010. **Maximum years to qualify for degree.** Full-time students will be expected to complete their degree requirements in one year (four consecutive quarters). However, if circumstances warrant, and with the permission of the Program Directors of the MS HPL program, a student may switch his or her status from full-time to part-time. Part-time MS HPL students must complete the requirement.

E. Enrollment & Eligible Courses

6011. **Academic and registration calendar.** The HPL degree program operates on a four-quarter academic year. Students shall enroll in coursework according to the registration calendar established for the HPL Program and administered through UCSF Office of the Registrar. HPL students shall not be subject to the UC Hastings academic or registration calendar.
6012. **HPL tracks.** Before the end of the second quarter of enrollment in the program and after consultation with the Program Directors, a student shall declare either the Law Track or the Policy Track. Students shall only enroll in coursework prescribed or available within their chosen track. Students shall not be permitted to enroll in courses available in the track without the prior consent of the Program Directors.
6013. **Non-HPL courses at UCSF and UC Hastings.** Students shall not be permitted to enroll in coursework offered outside of the HPL Program at either UC Hastings or UCSF without the prior consent of the Program Directors.
6014. **Changes in course schedule.** Any student who wishes to make changes to his/her course schedule must do so by the filing deadline posted on the UCSF Registrar's website. After a filing period ends, a student may change their course schedule only by submitting a Study List Change Petition to the UCSF Registrar.

F. Grading and Credit

6015. **Quarter units.** All units in the HPL program are quarter units, which shall be awarded through the UCSF Office of the Registrar. HPL students are exempt from the UC Hastings semester unit system, grading scale, and JD curve.
6016. **Grade point equivalents.** Points are assigned for grades on the following basis for purposes of computing the grade point average: A = 4.0; B = 3.0; C = 2.0; D = 1.0; F = 0.
6017. **Grading scale.** Students shall be awarded letter grades for all courses, with the exception of the second and third quarters of the HPL Seminar, for which they will be graded on a Pass/Fail basis.
6018. **Credit.** No unit credit shall be awarded for any course for which a student receives a grade of F.
6019. **Incompletes.** An incomplete grade (I) is assigned when a student's work is of passing quality but incomplete for good cause. An incomplete grade must be removed within one calendar year. If it is not removed, the grade of F will be assigned.
6020. **Changes in grades.** Grade corrections shall only be made on the basis of procedural or administrative error. Instructors can submit grade corrections by sending an e-mail to the UCSF Associate Registrar. The email must explain the error and identify the course, quarter, old grade, new grade, and student name. The Office of the Registrar will then solicit concurrence from the HPL Program Directors.

6021. **Transfer credit.** Students shall not be permitted to transfer credits earned through other degree programs, including those at UC Hastings or UCSF, to meet the requirements of the MS HPL degree.
6022. **HPL credit applied toward other degrees:** Students shall not be permitted to apply HPL credits toward a JD degree at UC Hastings College of the Law or toward any degree at UCSF.

G. Leaves of Absence and Withdrawal

6023. **Leaves of absence.** Any leave of absence must be approved by the MS HPL Program Directors, Dean of the Graduate Division at UCSF and Academic Dean of UC Hastings. Students in satisfactory academic standing taking a leave of absence for less than one year (four consecutive quarters) can reenter the program in any subsequent quarter.
6024. **Withdrawal.** The Program Directors may authorize a student to withdraw from the program. A student who receives permission to withdraw may only re-enroll only after reapplication and readmission to the MS HPL program.

H. Dismissal

6025. **Academic dismissal.** Students who fails to receive a cumulative 3.0 GPA in any quarter shall be subject to the procedures contained in this section.
6026. **Initial screening.** A student eligible for dismissal will receive formal notice that his/her performance does not meet HPL program standards and s/he therefore is referred to a committee charged with an in-depth review of academic performance and consideration of dismissal. This information will be transmitted in writing and conveyed electronically or in person. This notice will inform the student of his/her right to submit information for the committee's consideration. The notice will include the specific reasons for the referral, the rules and procedures governing the committee's deliberations, the student's right to review and request a copy of his/her educational record, and the written information that will be provided by the school to the in-depth review committee.
6027. **In-depth review and dismissal decision.** The HPL Directors shall convene an in-depth review committee. This committee shall consist of faculty members within the HPL Program who are knowledgeable about the academic program and student performance standards, and may include academic officers of the school as long as they number in the minority of those committee members present at the review hearing. A quorum (two-thirds of committee membership) must be present to conduct the academic review.

The HPL Directors will establish and communicate to the student the meeting date for the in-depth review, to occur no sooner than 15 working days after the student is notified of the action. The term "working days" is based on UCSF's academic and administrative calendar.

The student will receive a copy of his/her record of academic performance within five working days following notification of eligibility for dismissal.

The in-depth review committee shall undertake a comprehensive review of the entire academic performance of the student.

The student may submit additional written information, including information from other individuals, and may address any aspect of his or her academic performance in writing to the review committee. The student will submit any such additional information at least five working days before the committee meeting.

The HPL Directors will provide the student and the review committee with any additional

information provided by the student and the school five working days before the committee meeting.

If further relevant material becomes available within five working days of the meeting, it shall be provided by the school to both the review committee and the student.

The student will be invited to attend a portion of the committee meeting in order to make a statement and answer questions from the committee. The student may bring another person to the meeting for personal support but this person may not be an attorney representing the student and may not speak unless requested to do so by the committee.

The committee will carefully deliberate and review the student's entire academic record and professional performance. Based on their review, the in-depth review committee shall make one of the following determinations:

- 1) Allow the student to continue in the program with specific conditions and a timeline for remediation, and established dates for review of compliance with those conditions and timeline.
- 2) Offer or mandate a leave of absence with specific conditions and a timeline for return, and established dates to review compliance with the conditions and timeline.
- 3) Confirm dismissal.

All decisions require a majority vote of the members present.

The committee will prepare a letter that includes an explanation of its findings and decision to the chief academic officer.

The chief academic officer will notify the student of the decision and its basis in writing, electronically or in person. A dismissal becomes effective as of the date of notification and a dismissed student is immediately dis-enrolled, even if pursuing an appeal.

6028. **Appeal.** There is no appeal of an in-depth review committee decision to continue the student in the program or mandate a leave of absence, or any conditions or timelines associated with those decisions.

There are only two grounds for a student to appeal a dismissal decision:

- 1) Factual errors in the record that were not identified at the in-depth review committee meeting, if such failure would have changed the committee's decision.
- 2) Failure of the committee to follow the procedure set forth in this section, if such failure would have changed the committee's decision.

An appeal must be made in writing to the UCSF Dean of the Graduate Division *and* the UC Hastings Academic Dean within 10 working days of the student being notified of dismissal. The appeal must specify which of the above two grounds for appeal applies and must set forth specific facts to explain why, with any supporting materials.

The UCSF Dean of the Graduate Division and the UC Hastings Academic Dean will jointly determine if there are grounds to reconsider the in-depth review committee dismissal decision. If there are grounds for reconsideration, the Deans may modify the in-depth review committee's decision; and will provide the in-depth review committee members with a report of his/her actions. The Deans will notify the student in writing of the decision. The decision will be final and will conclude the grievance and appeal procedure.

APPENDIX B: UC HASTINGS CODE OF STUDENT CONDUCT AND DISCIPLINE

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UC HASTINGS CODE OF STUDENT CONDUCT AND DISCIPLINE

100. Preamble

- (A) This Code of Student Conduct and Discipline (the “Code”) is designed to promote an atmosphere of confidence, trust, and respect at UC Hastings College of the Law (the “College”). Students are expected to conduct themselves in accordance with this Code and with the high ethical standards expected in the legal profession.
- (B) In addition to this Code, Students of the College are bound by all other applicable regulations and policies.

101. Scope

This Code applies to the conduct of Students of the College and sets forth procedures for initiating and resolving complaints about Student conduct.

102. Definitions

- (A) “**Academic Dean**” means the Academic Dean of the College or that person’s designee.
- (B) “**College Premises**” means all land, buildings, facilities, and other property owned, used, or controlled by the College.
- (C) “**College-Related Function**” means an event that is held on or off College Premises that is sponsored by the College, a Member of the College Community, or an approved College organization.
- (D) “**Dean**” means the Chancellor and Dean of the College or that person’s designee.
- (E) “**Member of the College Community**” means a Student, alumnus, faculty, or staff member of the College.
- (F) “**Student**” means an individual who:
 - (1) Is enrolled in or registered in a class or an academic program of the College.
 - (2) Is eligible for enrollment or re-enrollment in the College but is not currently enrolled.

103. Jurisdiction

This Code extends to the following:

- (A) Conduct by a non-Student who has graduated, is academically disqualified, or is otherwise not eligible for re-enrollment but is alleged to have violated the Code while a Student.
- (B) Conduct by a Student occurring on or near College Premises or in connection with a College-Related Function.
- (C) Conduct by a Student on or off College premises constituting a violation of law, whether or not the conduct is, will be, or has been subject to a judicial or administrative proceeding.
- (D) Conduct by a Student, which in the judgment of a College official, negatively bears on the Student’s moral or ethical fitness.
- (E) Conduct by a Student directed at a Member of the College Community.

104. Academic Dishonesty

A Student may not engage in academically dishonest conduct including, but not limited to, the following:

- (A) **Cheating** including, but not limited to, the following acts:
 - (1) Unauthorized copying, in part or in whole, from another Student’s examination or assignment.
 - (2) Submitting work previously presented in another course or created in the course of employment unless specifically authorized by the instructor of the subsequent course.
 - (3) Using or consulting, during an examination or other assignment, unauthorized sources, materials, or devices.
 - (4) Collaborating with another person during an examination or other assignment, unless authorized.
 - (5) Intentionally stealing, sequestering, altering, or destroying materials needed by another Student for an academic endeavor.

- (6) Disobeying assignment or examination instructions or procedures, whether included in the College's examination rules or provided orally or in writing by an instructor or exam proctor.
- (7) Altering or interfering with grading or grading instructions.
- (8) Obtaining or giving unauthorized aid on an examination or assignment.
- (9) Providing false attendance verification for oneself or another Student.
- (10) Obtaining unauthorized prior knowledge of an examination or assignment, or if such knowledge was obtained inadvertently, failing to immediately disclose such knowledge to the Academic Dean.
- (11) Discussing an examination with, or in the proximity of, another Student whom the Student knows or has reason to know has not yet taken the examination.
- (12) Engaging in an act that gives the Student or another Student an unfair academic or professional advantage.
- (B) Plagiarizing** in any submitted work, whether or not the work is in final form. Plagiarism is a strict liability offense not requiring intent, and it includes, but is not limited to, the following actions unless they are accompanied by proper citation and attribution:
 - (1) Incorporating into the Student's own work a substantially similar portion of another's work.
 - (2) Copying all or part of another person's written work.
 - (3) Paraphrasing ideas, theories, cases, conclusions, or research.
 - (4) Representing as the Student's original work the work of another person.

105. Misrepresentation and Duty to Disclose

- (A)** A Student may not engage in misrepresentation including, but not limited to, the following:
 - (1) Forging, altering, or misusing a document, record, transcript, key, logo, or identification of the College or another official entity or person.
 - (2) Furnishing information that a Student knows or has reason to know is false, incomplete, or misleading when:
 - (a) Applying for financial aid.
 - (b) Requesting to reschedule or requesting an accommodation for an exam.
 - (c) Representing a grade, award, academic status, or rank to an employer, potential employer, or other third party.
 - (d) Applying for a College course, program, or benefit.
 - (e) Providing testimony or other evidence either as an accused or as a witness in a meeting or hearing under this Code.
- (B)** A Student has a duty to immediately disclose to the Academic Dean, in writing, if the Student is arrested for, charged with, or convicted of a misdemeanor or felony.
- (C)** An applicant has a duty to immediately disclose to the Senior Assistant Dean of Enrollment any omission, inaccuracy, or material change in the applicant's College application prior to matriculation including, but not limited to, being charged with, arrested for, or convicted of a misdemeanor or felony.

106. Interference with Property and Misuse of Services

A Student may not interfere with property or misuse services including, but not limited to, the following actions:

- (A)** Stealing, converting, destroying, or damaging property or data located on College premises or belonging to the College, a Member of the College Community, or the organizer of a College-Related Function.
- (B)** Violating the College's Policy on Recording Classes.
- (C)** Entering College Premises without authorization.
- (D)** Using or misusing College equipment or resources without authorization or in violation of the College's Computer Resources Acceptable Use Policy.
- (E)** Violating any other College policies or regulations governing a College-owned residence or property belonging to the College, a Member of the College Community, or the organizer of a College-Related Function.

107. Harmful Acts and Disturbances

A Student may not engage in harmful acts including, but not limited to, the following:

- (A) Threatening violence or physical abuse, or otherwise threatening the safety or physical or emotional health of a Member of the College Community, a person on or near College Premises, or any other person in connection with a College-Related Function.
- (B) Engaging in conduct in violation of the College's Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy.
- (C) Engaging in conduct not comporting with the standards of ethics, professionalism, and courtesy expected in the legal profession.
- (D) Obstructing or disrupting teaching, research, administration, disciplinary procedures, or other College activities.
- (E) Engaging in disorderly, lewd, discourteous, or unprofessional conduct on College Premises or at a College-Related Function.
- (F) Participating in a disturbance of the peace or unlawful assembly on College Premises or at a College-Related Function.
- (G) Failing to comply with the directions of a College official or public official who is acting in the performance of the official's duties, or resisting or obstructing an official in the performance or attempted performance of the official's duties while on College Premises or in connection with a College-Related Function.

108. Obstruction

A Student may not obstruct compliance with or implementation of this Code including, but not limited to, the following:

- (A) Assisting another Student to commit prohibited conduct under this Code.
- (B) Failing to cooperate with the investigation of a complaint initiated under this Code.
- (C) Violating an interim or final sanction imposed under this Code.

109. Violation of Law

It is a breach of this Code for a Student to violate local, state, or federal law, including by committing any of the following actions:

- (A) Possessing, selling, manufacturing, or attempting to use, possess, sell, or manufacture illegal narcotics other illegal or controlled substances, including marijuana, on College Premises or at a College-Related Function.
- (B) Possessing, storing, manufacturing, or using explosives, firearms, weapons, or other devices that can be used to harm persons or property.
- (C) Engaging in other illegal conduct not otherwise covered by this Code.

110. Initiating a Complaint; Investigation; Interim Sanctions

- (A) Complaints under the College's Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy shall be made pursuant to that policy.
- (B) Except as provided in paragraph (A) above, a Member of the College Community may initiate a complaint against a Student for misconduct under this Code. The decision of whether to pursue a complaint will be at the discretion of the College. Further information provided to the complaining person will be pursuant to 115(F)
- (C) A complaint referred to in paragraph (B) may be submitted orally or in writing to the Academic Dean.
- (D) Upon receipt of a complaint under this section, the Academic Dean shall:
 - (1) Act with due regard for the privacy of all individuals involved.
 - (2) Investigate whether the complaint has merit.
 - (3) If the Academic Dean decides to pursue the complaint, the Academic Dean shall provide notice of the complaint, orally or in writing and as soon as practicable, to the Student(s) who is/are the subject of the complaint, giving the Student(s) the opportunity to respond to the allegations, and to the parties involved in the dispute.
 - (4) Proceed expeditiously at all stages of the investigatory and disciplinary process.
- (E) After an investigation, the Academic Dean shall take one or more of the following actions:
 - (1) Dismiss the complaint if it is found meritless.

- (2) Address the complaint informally under § 111.
- (3) Initiate a formal hearing process as outlined in § 114.
- (4) Impose an appropriate interim sanction if the Academic Dean determines that action is needed to protect the health, safety, or welfare of Members of the College Community.
- (5) Take administrative action if the complaint involves disruptive Student conduct that the Academic Dean determines that the Student's conduct may be caused by physical or mental illness exceeding either reasonable stress reactions or the resources of the College to provide appropriate support. This administrative action may include mandatory physical, psychological, psychiatric, or other evaluation, withdrawal from one or more classes, removal from College Premises, or other requirements or conditions deemed necessary by the Academic Dean.
- (F) Refer the complaint to a professional outside hearing officer.
- (G) If the Academic Dean imposes an interim sanction under paragraph (E)(4) or takes administrative action under paragraph (E)(5), that sanction or action shall remain in effect until the complaint is resolved by the Academic Dean.
- (H) A Student subject to an interim sanction under paragraph (E)(4) or administrative action under paragraph (E)(5) may appeal the sanction or action to the Dean under § 116 of this Code.

111. Informal Resolution Process

- (A) The Academic Dean may resolve a complaint through an informal resolution process, which may include imposing a sanction authorized under this Code or making another appropriate disposition.
- (B) A sanction greater than a warning must be communicated to the Student in writing and must specify whether the sanction will be noted on the Student's transcript.
- (C) The accused Student may request a formal hearing if the Student disagrees with the disposition of the informal resolution process.
- (D) A formal hearing request must be in writing and received by the Academic Dean within 15 business days of the Student's receipt of notice of the proposed informal resolution.
- (E) If the Student does not request a formal hearing, the informal resolution is final.

112. Student Conduct Committee

- (A) Each academic year, the Academic Dean, after consultation with the Faculty Executive Committee shall appoint seven faculty or staff members to the Student Conduct Committee (the "Committee"), designating one of these members as chair. At least two of the members each year shall be faculty.
- (B) The Academic Dean shall also select three Student members and three Student alternates by lot from the second- and third-year classes.
 - (1) A selected Student may decline after being informed of the nature and extent of the responsibility.
 - (2) The nomination process shall proceed until three Students and three Student alternates have agreed to serve on the Committee. An alternate Student member may serve if a Student seat becomes vacant.
- (C) When a formal hearing process is triggered under § 114, the chair of the Committee shall constitute a Hearing Panel to consist of three Committee members, one of whom shall be a student and one other of whom shall serve as chair.

113. Waiver of Hearing

- (A) At any time before a complaint is resolved informally or formally, a Student may waive a formal hearing and plead to a violation.
- (B) Where a Student waives a hearing and pleads to a violation under paragraph (A), the Academic Dean may impose any sanction the Academic Dean deems appropriate.
- (C) A Student has the right to appeal a sanction imposed under paragraph (B) in accordance with the procedures set out under § 116, but may not appeal the underlying violation to which the Student pled.

114. Formal Hearing Process

A formal hearing initiated under § 110(E)(3) shall conform to the following procedures and rules:

(A) Notice

The Academic Dean shall give prompt written notice to the accused Student, including all of the following:

- (1) The Code provision, rule, regulation, or policy alleged to have been violated.
- (2) The date or period of time and location the violation allegedly occurred.
- (3) A description of the basis for believing the alleged violation occurred.
- (4) A copy of or link to the Code.
- (5) An explanation of the formal hearing process.
- (6) A statement requiring the Student to acknowledge receipt of the notice in writing.
- (7) A date and time for a meeting with the Student within five business days of receipt of the notice. At that meeting, the Academic Dean shall outline the hearing process, answer any procedural questions, and, unless prohibited by law, provide the Student with an opportunity to review relevant documents and orally respond to the accusation(s).

(B) Hearing

- (1) The hearing shall be closed to the public and shall take place on College premises during normal business hours.
- (2) The Academic Dean will present the case for the College.
- (3) A witness is not allowed to attend the hearing except when testifying or being questioned.

(C) Due Process

- (1) The hearing shall be conducted applying basic standards of due process, as appropriate for higher education student conduct proceedings, including providing the Student a full opportunity to respond to the charges and evidence.
- (2) The Hearing Panel chair shall conduct the hearing in an orderly manner and rule on any questions of procedure, admission of evidence, or relevance of testimony or other evidence.
- (3) The Hearing Panel chair shall:
 - (a) Notify the Student at least 10 business days prior to the hearing of the date, time, and place of the hearing and the names of the panel members.
 - (b) Provide the Student at least five business days prior to the hearing a written proposed schedule setting out the order of the proceedings, listing the expected witnesses, and outlining a process to provide the Student access to the evidence expected to be presented.

(D) Accused Student Rights During the Hearing

- (1) The accused Student is presumed not to have committed the violation in question.
- (2) The Student may invoke the privilege against self-incrimination.
- (3) The Student may strike Student members of the Hearing Panel and proceed to a hearing before a panel of three faculty and staff members only.
- (4) The Student may challenge a member of the Hearing Panel on the grounds of prejudice, bias, conflict of interest, or another factor the Student asserts would preclude the panel member from rendering an impartial and fair decision. The challenge shall be decided by secret ballot of the remaining panel members. A unanimous vote is required to exclude a Hearing Panel member. The chair of the Committee shall appoint an alternate member if a panel member is excluded.
- (5) The Student may present evidence in the Student's defense, including witnesses and documents.
- (6) The Student may testify.
- (7) The Student may question a witness unless the Hearing Panel determines there are compelling reasons to disallow this questioning. In such circumstances, the panel may permit the Student to submit written questions to the witness through the Hearing Panel. The Hearing Panel may disallow or decline to ask questions it deems irrelevant.
- (8) The Student may bring an advisor to the hearing, including an attorney retained at the Student's expense or serving pro bono, a faculty member, a fellow Student, or another person. The advisor may act as a consultant to the Student but may not speak on the Student's behalf. The Student must notify the chair of the Hearing Panel at least five

business days prior to the hearing if the Student intends to attend the hearing with an advisor.

(E) Evidence

- (1) Before the hearing, the Hearing Panel shall investigate the complaint as it deems appropriate, including by consulting with individuals within or outside of the College.
- (2) The Hearing Panel may consider all evidence that it deems appropriate and is not bound by formal rules of evidence. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible in a state civil action.
- (3) An inference may not be drawn from the silence of the accused Student.
- (4) The Hearing Panel may require witnesses to make an oath or affirmation before presenting oral testimony.
- (5) To sustain a charged violation, the College bears the burden of proof by a preponderance of the evidence, except that a violation giving rise to a sanction of dismissal from the College must be supported by clear and convincing evidence.

(F) Recording

The College shall make an adequate audio or video recording of the hearing.

(G) Decision and Notice

- (1) All decisions of the Hearing Panel shall be by majority vote.
- (2) The Hearing Panel shall issue a written report to the Student and Academic Dean within 15 business days of the conclusion of the hearing. The report shall state the Hearing Panel's decision, the reasons supporting the decision, and any sanction the Hearing Panel is imposing. The report shall also indicate whether the sanction should be included on the Student's transcript.

(H) Waiver

The accused Student may voluntarily, in writing, waive any of the time periods or other conditions set out in this section, with the consent of the Chair of the Committee.

115. Sanctions

- (A) A sanction imposed on a Student must be proportionate to the context and seriousness of the violation.
- (B) One or more of the following sanctions may be imposed on a Student found, through the informal resolution process or after a formal hearing, to have violated this Code:
 - (1) **CENSURE.** Written reprimand.
 - (2) **RESTITUTION.** Reimbursement to the injured person, organization, or the College.
 - (3) **GRADE REDUCTION.** When the misconduct consists of academic dishonesty, reduction of a Student's grade in the affected course or issuance of an administrative "F" or "NC."
 - (4) **EXCLUSION FROM ACTIVITIES.** Exclusion of the Student from designated activities, which may include classes, for a specified period.
 - (5) **SUSPENSION.** Suspension of student status for a specified period. A suspended student will not participate in classes and typically will be barred from College activities and the College Premises.
 - (6) **DISMISSAL.** Permanent termination of student status and dismissal from the College.
 - (7) **REVOCATION.** Revocation of a degree where admission to the College, award of credit, or award of a College degree was through fraud or academic dishonesty.
 - (8) **INTERIM EXCLUSION FROM ACTIVITIES OR SUSPENSION.** The College may impose an interim exclusion from activities, which may include classes, or an interim suspension of student status for a specified period when there is reasonable cause to believe this is in the best interest of the College before final disposition on an alleged violation. An interim-suspended Student will not participate in classes and typically will be barred from College activities and the College Premises.
- (C) The Academic Dean may order that a sanction be noted on a Student's transcript. When a sanction is so noted, the College will report that sanction to any state bar to which the Student has applied for admission and to any state bar to which the Student has previously been certified for admission. A disciplinary sanction, whether or not noted on the Student's transcript, will be recorded in the Student's official College record, and will be reported to any

licensing authority making an inquiry.

- (D) In lieu of a sanction, a Student may receive a written warning that a future violation of the Code will be cause for disciplinary action. A warning is not a disciplinary sanction, will not be recorded in a Student's official College record, and will not be reported to a licensing authority, unless the Student is subsequently sanctioned for a violation of this Code.
- (E) The imposition of a sanction or issuance of a warning may be conditioned on the Student completing an apology, reflection, restorative act, work assignment, service to the College, or other action. Any such condition shall be set forth in writing. If the Student does not complete the condition(s), the Academic Dean may impose an additional sanction.
- (F) **Notification**
When a disposition is final, the Academic Dean shall notify the complainant that the matter has been resolved. Because of the privacy rights of the accused Student, the Academic Dean is not required to disclose any information about the nature of the disposition.

116. Appeal to the Dean

- (A) A Student may appeal an interim sanction or a decision of the Hearing Panel to the Dean within 15 business days of imposition of the sanction or receipt of the decision. The appeal must be made in writing and state the grounds for appeal.
- (B) The Dean may grant an appeal after the deadline listed in paragraph (A) upon a showing of new information or other good cause for delay and that the appeal was made as soon as possible under the circumstances.
- (C) The Dean will hear an appeal of a Hearing Panel decision only where the Student pleads one or more of the following grounds:
 - (1) The Hearing Panel committed a procedural error or omission that materially impacted the outcome of the hearing.
 - (2) The evidence was not sufficient to support the decision.
 - (3) The imposed sanction was excessive or not appropriate.
 - (4) One or more of the Hearing Panel members were incapable of making an impartial decision in the Student's case.
 - (5) There is new information that was not reasonably available at the time of the hearing that could substantially impact the original finding or sanction.
- (D) On appeal, the Dean shall review the interim sanction or the decision of the Hearing Panel and do one of the following:
 - (1) Affirm the Hearing Panel's decision.
 - (2) Overrule the Hearing Panel's decision.
 - (3) Reduce the sanction(s) imposed.
 - (4) Request additional information, including a written submission from the Student and a response from the Hearing Panel.
 - (5) Refer the case back to the Hearing Panel.
- (E) The Dean's decision on the appeal shall be in writing and shall be sent to the Student, the Academic Dean, and the members of the Hearing Panel.
- (F) If the Dean takes an action other than affirming the Hearing Panel's decision, the Dean's written decision shall include the reasons for the Dean's action. In such cases, a copy of the Dean's decision shall be sent to the Faculty Executive Committee.
- (G) The Dean's decision on the appeal is final.

117. Records and Recording Policy; Interpretation

- (A) The Academic Dean shall maintain the recording of all formal hearings under §114(B) and a digital and paper copy of the complaint in question for at least 10 years. This record shall include the identity of the Student and complainant, the date and nature of the complaint, whether the matter was dismissed or handled informally or formally, and its disposition.
- (B) All questions of interpretation of this Code shall be determined by the Academic Dean.

STUDENT COMPLAINTS AND GRIEVANCES

1.0 Law School Compliance with ABA Standards: Student Complaints

- (A) A Student who wishes to assert that the College is not in compliance with one or more ABA Standards should file a written complaint with the Academic Dean, specifying the College's alleged failure to comply and citing to the specific ABA Standard or Standards at issue.
 - (1) The complaint may be submitted by email, US Mail, or personal delivery.
 - (2) The complaint should include the Student's contact information to facilitate further communication.
 - (3) The absence of contact information may prevent a thorough investigation and/or resolution of the matter. When contact information is available, the Academic Dean shall acknowledge receipt of the complaint within 5 business days.
- (B) The Academic Dean shall investigate the alleged failure to comply with the ABA Standard and provide the Student with a written response within 30 calendar days of receipt of the assertion. The written response shall provide a substantive response to the complaint, describing the steps taken to investigate.
- (C) If the complaint is found to be valid, the written response shall include steps to be taken or already taken to address a failure to comply.
- (D) If the Student is dissatisfied with the Academic Dean's response to or resolution of the complaint, the Student may file a written appeal with the Dean. The appeal must be filed within 30 calendar days of the Academic Dean's response.
- (E) The Dean shall either affirm or reverse, in whole or in part, the Academic Dean's determination. The Dean's response will be communicated to the Student within 30 calendar days of receipt of the appeal. The Dean's decision shall be final.
- (F) The College shall maintain a record of each complaint and its resolution in the Academic Dean's office for a period of 8 years from the date of final resolution of the complaint.

2.0 Student-Initiated Grievance Procedures

Any student who claims a violation of the rights listed under this section below may file a written grievance with the Director of Student Services. Where appropriate, such allegations will be referred for hearing in accordance with the proceedings set out for hearings on student conduct; provided however, that the student shall bear the burden of proof.

- (A) Violation of the privacy rights accorded the student by the Federal Family Educational Rights and Privacy Act of 1974, the State of California Education Code, and the Hastings Policies Applying to the Disclosure of the Information from Student Records;
- (B) Discriminatory practices based upon sex, under Title IX of the Education Amendments of 1972 or under University of California Policy Applying to the Student-Related Sections of Title IX of the Education Amendments of 1972;
- (C) Discriminatory practices based upon handicap, under §504 of the Rehabilitation Act of 1973 or under the University of California Guidelines Applying to Nondiscrimination on the Basis of Handicap;
- (D) Discriminatory practices based upon race, color or national origin, under Title VI of the Civil Rights Acts of 1964; and
- (E) Other types of grievances specified in campus regulations.

3.0 Student-Initiated Grievance Procedures: College Services and Departments

(A) Informal Resolution

A student who believes that he or she has encountered a violation of the rights listed under § 2.0 of this section or any other College policy is encouraged to notify the Director of Student Services as soon as possible after the incident. In the event that the party against whom the grievance is filed is the Director of Student Services, then the grievance shall be filed with the Academic Dean. The Director of Student Services in consultation with the Academic Dean may dispose of the matter informally or refer it for hearing to a hearing committee of the Panel on Student Grievances. The Panel on Student Grievances may be coextensive with the Student Conduct Committee or may be selected using the procedures set forth in § 112 of the Code of Student Conduct and Discipline.

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

If the matter is handled informally and the aggrieved student disagrees with its disposition, a hearing before a hearing committee of the Panel on Student Grievance shall be held.

Before final action on a grievance, the Academic Dean may impose any appropriate measure on an interim basis when there is reasonable cause to believe that such action is needed for the health, safety, or welfare of the student or other members of the College community or to avoid disruption to the academic process. Notice shall be given expeditiously of action hereunder. Where interim measures are imposed, the grievance process shall proceed in an expedited manner.

Except as provided above, the parties to the grievance shall maintain the status quo and no services shall be removed or additional obligations imposed.

(B) Hearing

The grievant and the respondent shall be given written notice, within a reasonable time prior to the hearing, including a brief statement of the factual basis of the grievance, the College policies or regulations in regard to the matter and the time and place of the hearing.

The student and the respondent shall have the opportunity to present documents and witnesses and to confront and cross-examine witnesses.

The College shall make an adequate record of the hearing by written memorandum, tape recording or otherwise.

The hearing shall be open unless the student, the College or a majority of the hearing committee requests that it be closed.

The hearing committee shall render an expeditious written decision which shall include findings of fact, conclusions, and, if appropriate, remedies.

The hearing committee shall have the discretion to prescribe its procedures for matters not addressed herein. For example, the hearing committee may require that:

- (1) Oral evidence shall be taken only on oath or affirmation, and/or
- (2) Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- (3) The committee may seek independent testimony from experts whether or not the parties

presented testimony from experts at the hearing.

(C) Appeal to the Dean

An aggrieved student may appeal the decision of the hearing committee to the Dean of the College in writing within 30 days of the date of the decision.

On appeal, the Dean shall review the written decision of the hearing committee. The Dean may affirm or reverse or modify the hearing committee's decision.

The Dean shall issue a written decision affirming, overruling or modifying the decision of the hearing committee. A copy shall be sent to the student and the members of the hearing committee.

If the Dean overrules or modifies in any respect the decision of the hearing committee, his or her written decision shall include the reasons for the modification of the decision of the hearing committee.

Upon appeal, the decision of the Dean of the College is final.

(D) Expedited Grievance Procedures

Expedited grievance procedures shall be utilized where there is a time-sensitive grievance, for example, a dispute over disabled student exam accommodations or matters related to an impending Bar examination.

In addition, any grievance may be designated for expedited grievance process by the Academic Dean or the Director of Student Services.

The informal resolutions process of expedited grievances shall be concluded within 3 days of the filing of the grievance. If the matter is not resolved informally within that time, the matter shall be referred to a hearing. The hearing committee shall be convened within 7 days of the referral for hearing.

The hearing committee shall issue a decision within 7 days after conclusion of the hearing. Any appeal to the Dean shall be made within 3 days of the date of the decision of the hearing committee. The Dean shall issue a written decision within 5 days of the appeal.

4.0 Student-Initiated Grievance Procedures: Career Services

(A) Nondiscrimination Policy. "The University of California, Hastings College of the Law, does not make its Career Services facilities available to employers who unlawfully discriminate in the selection of employees on the basis of national origin, race, religion, sex, sexual orientation, age, handicap, or any other basis prohibited by applicable law."

Employers are required to sign a statement of compliance before participating in any on-campus interviewing program and when listing a position with Career Services. The College takes most seriously compliance with the nondiscrimination policy and will fully investigate complaints in order to enforce the policy.

(B) Complaint Procedures. A student who believes that he or she has encountered a violation of the College's Nondiscrimination Policy during interviewing on campus or at another site is encouraged to notify the Assistant Dean of the Career Development Office as soon as possible after the incident.

(C) Oral Complaint. A student may make an oral complaint to the Assistant Dean of the Career

Development Office. The Assistant Dean may, if appropriate, contact the employer to discuss the complaint and to clarify the employer's or the College's policies and/or practices. The student's identity shall be kept confidential if he or she desires.

- (D) Written Complaint.** A student who wishes to have his or her complaint recorded and pursued may submit the complaint in writing to the Assistant Dean of the Career Development Office. The complaint shall specify the date of the occurrence, the name and address of the employer, the name of the representative of the employer with whom the complaint dealt, the employer's statements and/or practices upon which the complaint is based; and the specific manner in which statements or practices are alleged to violate the Nondiscrimination Policy. The written complaint also may set forth any other facts that the complainant deems relevant.

Upon receipt of a written complaint, the Assistant Dean of the Career Development Office shall have the authority to use the contents of the statement, according to his or her discretion as needed, to fully investigate the complaint. If the student's complaint provides a clear showing of a violation of the Nondiscrimination Policy, the Assistant Dean of the Career Development Office shall promptly inform the employer of the complaint and seek the employer's response to the complaint. The Assistant Dean of the Career Development Office shall make a determination based upon the complaint and investigation, or, has the option to refer the complaint to the Academic Dean, if the Assistant Dean deems that the complaint so warrants.

If the student disagrees with the manner in which the matter has been determined by the Assistant Dean of the Career Development Office or wishes to advocate sanctions against the employer, the student may request that the Academic Dean review the matter. This request shall be made in writing and submitted to the Academic Dean.

- (E) Consideration by the Academic Dean; Imposition of Sanctions.** If either the Assistant Dean of the Career Development Office or the student/complainant wish the Academic Dean to review the complaint or its resolution, the Assistant Dean of the Career Development Office shall forward a copy of the written complaint and findings of the Assistant Dean of the Career Development Office to the Academic Dean.

The Assistant Dean of the Career Development Office shall give written notification to the employer that the complaint has been referred to the Academic Dean, and the employer with a copy of the complaint and a copy of the College's Nondiscrimination Policy, if these have not already been provided.

The Academic Dean shall review the complaint, the results of the Assistant Dean's investigation and any other available relevant information, and determine whether sanctions against the employer are appropriate under the circumstances.

Sanctions may include, but are not limited to, an admonitory letter to the employer, publicizing the discriminatory conduct in connection with the employer's use of Career Services facilities, or barring the employer from further use of Career Services facilities for a specified period of time.

If the Academic Dean determines that sanctions should be imposed, he or she shall notify the employer of this determination and shall notify the employer that it has a right to request review of the determination in the form of a hearing before a Student Conduct Panel of three persons. If the employer requests a hearing, the employer may submit data concerning its interviewing and hiring practices and any other relevant information. The employer shall have a reasonable time to submit such information and, if it desires, an opportunity to be heard through oral testimony of witnesses. The Academic Dean shall forward to the Student Panel a copy of the student complaint, the Assistant Dean's findings and the Academic Dean's

findings. The Student Conduct Panel shall review all the information submitted to it.

The Student Conduct Panel shall set forth its Findings of Fact and its recommendation for disposition of the matter and shall forward these findings and recommendations to the Academic Dean. If the Panel's findings and recommendation differ from the Academic Dean's initial determination to impose sanctions, the Academic Dean shall reconsider the imposition of sanctions in light of the Student Conduct Panel's findings and recommendations.

(F) Recorded Reports. Career Services shall maintain confidential records of all written complaints for not less than three years. Records of Panel dispositions shall be available for general inspection for three years from the date of disposition.

A brief annual report will be completed by July 1 and sent to the faculty describing the disposition of matters arising under this policy. The names of the parties concerned will not be included.

5.0 Student-Initiated Grievance Procedures: Disabilities and Accommodations

It is Hastings policy to ensure that no qualified student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination, in any Hastings program or activity. Hastings is obligated to comply with Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and other federal and state laws and regulations pertaining to persons with disabilities.

Once a student notifies Hastings, through its Disability Resource Program, of the nature of his or her disability and that he or she is requesting accommodations, Hastings will engage the student in an interactive process to determine what modification, adjustment, aid or service may be appropriate to afford the student the opportunity to participate fully in Hastings' program or activities.

The College's Disabled Student-Initiated Grievance Procedures may be used to address disputes concerning the accommodation process and other forms of discrimination based on disability, alleged to have occurred in any College program or activity. The procedure may also be used to address complaints of retaliation based on having filed or participated in a prior complaint of discrimination at the College.

(A) Definitions

(1) "Grievance" as used in this procedure means a written complaint by any student alleging discrimination on the basis of disability with respect to any College program or activity, including an alleged improper application of one or more the College's rules, regulations, or policies, or by specified improper actions of any individual affiliated with the College in the capacity of academic personnel, administrative or professional staff, or clerical or service staff.

(2) "Student" as used in this procedure includes persons (1) who are registered for classes at the College at the time a grievance pursuant to this policy is initiated; (2) who were registered for classes at College at the time of the adverse occurrence that gave rise to the grievance; and (3) who have an offer of admission to the College.

(B) Informal Resolution of Complaints

An individual with a potential grievance regarding the accommodation process or other disability discrimination issue is encouraged to work with the staff of the Disability Resource Program ("DRP") informally in an effort to expeditiously resolve the matter in order to minimize the problem's impact on the student's studies.

Students who have complaints involving DRP staff and/or DRP procedures and who wish to resolve them informally may direct such complaints to the Assistant Dean of Students.

For discrimination issues not involving the accommodation process, students may wish to work directly with the Assistant Dean of Students to attempt to informally resolve the matter.

(C) Formal Grievance Procedures

If a complainant does not wish to use the informal process or in the event that the informal process is unsuccessful, a formal grievance may be initiated. The following procedure has been developed for use by students for purposes of grievances pursuant to the ADA and Section 504:

(1) Step One

- (a)** If informal discussion with appropriate Hastings personnel does not resolve the complaint, the student may submit a written grievance to the Director of Student Services within 45 days from the conclusion of the informal resolution or, if the informal process is not utilized, 45 days from the of the event(s) that triggered the grievance, or in the case of inaction, within 45 days from when the student with reasonable diligence should have known of the inaction. Hastings strongly recommends filing without delay; delay can affect the student's future studies at Hastings. The written grievance must include:

 - i. a clear and unequivocal statement of the Hastings rule(s), regulation(s), policy(ies), circumstances and/or action(s) of which the student complains;
 - ii. the date of any action of which the student complains; [the date on which the discriminatory action occurred; or on which the complainant learned of the discriminatory action];
 - iii. the names of all witnesses, including the Hastings employees involved; and
 - iv. a summary of the action(s), if any, the student has taken to resolve the matter informally.
- (b)** The Hastings ADA/504 Coordinator, Andrea Bing, shall meet with the student within ten (10) working days of the receipt of the grievance. If this meeting does not resolve the grievance, the ADA/504 Coordinator will conduct an investigation of the subject of grievance with the objective of resolving the grievance. The investigation will include gathering relevant evidence to make an unbiased determination with respect to whether discrimination occurred. In conducting the investigations the ADA/504 Coordinator will consult expert resources within Hastings, as appropriate.

In those cases where the grievance involves a dispute regarding the conduct or requirements of a course or of an academic program, the ADA/504 Coordinator shall consult with the Academic Dean.

- (c)** The ADA/504 Coordinator shall furnish the student with a written response to the grievance within 45 working days of meeting with the student. The written response will state the Coordinator's conclusion as to whether discrimination occurred, the basis for the conclusion and any steps the Coordinator has taken or will take to address the problem. The response shall be mailed to the student by certified mail, return receipt requested. If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written response issued by the ADA/504 Coordinator shall be provided to the Academic Dean.

(2) Step Two

- (a)** If the student is not satisfied with the written response of the ADA/504 Coordinator, the student may present his/her grievance in written form to the Hastings Academic Dean. The grievance presented to the Academic Dean will be limited to those

matters raised in the student's grievance to the ADA/504 Coordinator pursuant to Step One of this procedure.

- (b) Within thirty (30) working days after the receipt of the grievance, the Academic Dean shall review the appeal, any documentation gathered in the course of the investigation, witness statements, and investigative reports and findings by the ADA/504 Coordinator, and determine whether all relevant information was gathered, whether the appropriate legal standard was applied and whether the outcome is appropriate based on these factors. Both parties to the complaint shall be immediately notified in writing of the Academic Dean's decision. The decision by the Academic Dean shall be final.
- (c) When the subject of grievance is the responsibility of the Academic Dean, the Chancellor and Dean shall make a decision on the recommendation within 30 days of receipt of the appeal. The complainant shall be immediately notified in writing of the Chancellor and Dean's decision. The decision by the Chancellor and Dean shall be final.
- (d) If the grievance involves a dispute regarding the conduct or the requirements of a course, or of an academic program, a copy of the written decision issued by the Academic Dean or Chancellor and Dean if applicable, may be provided to the professor responsible for the course.

APPENDIX C: UC HASTINGS POLICIES & OTHER RULES APPLICABLE TO STUDENTS

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I. FACULTY STATEMENT ON PLURALISM AND NONDISCRIMINATION POLICY

The students, faculty, and staff of Hastings College of the Law are committed to the creation of an environment where all people, individually and collectively, without regard to race, gender, national origin, religion, age, disability, class, or sexual orientation, are provided an unobstructed opportunity to develop while contributing to the sharing in the Hastings community and experience.

The Hastings community strives towards creating, perfecting, and maintaining an environment of cooperation based upon tolerance, honesty, justice, and respect for the development of the mind, body, and spirit in order to realize our human potential.

Approved by Faculty on May 1, 1989

UC Hastings prohibits discrimination against any person on the basis of race, color, national origin, religion, age, sex, gender, sexual orientation, gender expression, gender identity, gender transition status, sex- or gender-stereotyping, pregnancy, physical or mental disability, medical condition (e.g., cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, citizenship, or service in the uniformed services, including protected veterans. This policy is intended to be consistent with applicable state and federal laws and UC Hastings policies.

II. AMERICANS WITH DISABILITIES ACT (ADA)

Hastings complies with Title II of the Americans With Disabilities Act (ADA), §504 of the Rehabilitation Act of 1973 (§504), and other federal and state laws and regulations pertaining to persons with disabilities. The College Disabled Student Initiated Grievance Procedure may be used to address disputes concerning the accommodations process and other forms of discrimination based on disability, alleged to have occurred in any College program or activity. To obtain a copy of the grievance procedure or for more information regarding the procedure, please contact the College's ADA/504 Coordinator, Andrea Bing, wellesan@uchastings.edu, (415) 565-4733.

III. STUDENT RIGHTS RELATING TO PRIVACY AND ACCESS TO STUDENT RECORDS: NOTICE TO STUDENTS OF RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their student education records. These are:

- 1. The right to inspect and review your education records within 45 days of the day the College receives a request for access.**

You should submit to the Registrar, or other appropriate official responsible for the record, a written request that identifies the record(s) you wish to inspect. The College official will make arrangements for access and notify you of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official will advise you of the correct official to whom the request should be addressed.

- 2. The right to request the amendment of your education records that you believe are inaccurate or misleading and the right to grieve alleged violation of privacy rights pursuant to the Student Conduct Code §91.00 et seq.**

You may ask the College to amend a record that you believe is inaccurate or misleading. To do

so, you should write the College official responsible for the record, clearly identify the part of the record you want changed and specify why it is inaccurate or misleading. If the official decides not to amend the record as requested by you, the College will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing. You also have the right to grieve alleged violations of your right to privacy regarding your education records.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent FERPA authorizes disclosure without consent.

FERPA permits the disclosure of records retained by Hastings as "directory information" without student consent. These items include: student name, address (local and/or permanent), telephone numbers, date and place of birth, major field of study, dates of attendance, number of course units in which enrolled, degrees and honors received, the most recent previous educational institution attended and participation in officially recognized activities. The Department of Defense regulations also identify these items as directory information. However, students may refuse to permit disclosure of any or all of these categories of personally identifiable information designated as public or "directory information."

Notice of a student's refusal to permit disclosure of directory information shall be submitted in writing to the Records Office on the form entitled: "Right to Withhold Disclosure of Directory and Other Information" which is part of the orientation packet for first-year students or may be obtained in the Records Office.

The U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or state education authorities ("Federal and State Authorities") may allow access to your records and personally identifiable information without your consent to any third party designated by a Federal or State Authority to evaluate a federal-or state-supported education program. The evaluation may relate to any program that is "principally engaged in the provision of education," as well as any program that is administered by an education agency or institution. Additionally, Federal and State Authorities may allow access to your education records and personally identifiable information without your consent to researchers performing certain types of studies, in certain cases even when the College objects to or does not request such research. Federal and State Authorities must obtain certain use-restriction and data security promises from the entities that they authorize to receive your personally identifiable information, but the Authorities need not maintain direct control over such entities. Also, in connection with Statewide Longitudinal Data Systems, State Authorities may collect, compile, permanently retain, and share without your consent personally identifiable information from your education records, and they may track your participation in education and other programs by linking such personally identifiable information to other personal information about you that they obtain from other Federal or State data sources, including workforce development, unemployment insurance, child welfare, juvenile justice, military service, and migrant student record systems.

Another exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the College has contracted (e.g., an attorney, auditor or collection agent); a person serving on the Board of Directors; or a student serving on an official committee (e.g., a disciplinary or grievance committee) or assisting another school official in performing his/her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Students may provide a written, dated consent for Hastings to provide personally identifiable information from that student's educational records to third parties.

Pursuant to FERPA, certain student records are not subject to inspection and review by students. These are set forth in Hastings' Policies and Procedures Applying to Privacy and Access to Educational Records and referenced below:

- a. Financial records and statements of the student's parents or guardians or any information contained therein. Information from the Parents' Confidential Statement, or equivalent information, may be disclosed to the student on condition that the proper authorization has been signed by the parent(s) or guardian(s).
 - b. Confidential letters and statements of recommendation which were placed in a student's records prior to January 1, 1975, provided that the letters and statements are used only for the purposes for which they were specifically intended.
 - c. Confidential letters and statements of recommendation which were placed in a student's records after January 1, 1975, with regard to admission, application for employment, or the receipt of an honor, if the student has waived the right to inspect and review those recommendations.
 - d. Records containing personally identifiable information about other students. If student records contain information on more than one student, students may inspect and review or be informed of only the specific information which pertains to themselves.
- 4. Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by University of California, Hastings College of the Law to comply with the requirements of FERPA.**

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, S.W.
Washington, D.C. 20202-4605
(202) 260-3887/(202) 260-9001 - FAX

IV. COMPUTER RESOURCES ACCEPTABLE USE POLICY

The following acceptable use policy covers use of E-mail and other Hastings computer resources. Use of such resources constitutes acceptance of this policy.

Hastings College of the Law provides computing resources, including E-mail, in support of the College's mission of teaching, research, and community service. Use of Hastings computing resources constitutes acceptance of this policy and agreement to comply with this policy. In addition, you should be aware that there is no guarantee of privacy or confidentiality with regard to E-mail/Internet communications.

Users of Hastings computing resources must respect the rights of other users, including the rights of copyright holders, abide by the security needs of the systems, and conform their behavior to all relevant laws, regulations, and contractual obligations of the College. In addition, all College regulations and policies apply, including the Student Code of Conduct, Academic Regulations, and the Staff Personnel Manual. Misuse of Hastings computing, networking, or information resources may result in disciplinary action. Additionally, misuse can be prosecuted under applicable state and

federal statutes defining computer crime. Appendix A (available at the Circulation Desk in the Law Library), Network Working Group RFC 1855, which provides netiquette guidelines, is incorporated by reference as part of this policy.

V. POLICY ON RECORDING CLASSES

Audio or video recording of classes, using any technological device, shall be permitted only with the prior approval of the instructor. Students with disabilities may be provided with either recordings or notes under the conditions set through UC Hastings' Disability Resource Program, if such an accommodation is deemed necessary to provide equal access. All accommodations are determined on an individualized basis using an interactive process. Students shall not, under any circumstances, make copies of, or distribute to others, any recordings.

VI. SEXUAL MISCONDUCT POLICY

The following is an overview of the University of California Hastings College of the Law Sexual Violence and Sexual Harassment Policy. For the full policy, please visit the website at: <https://www.uchastings.edu/wp-content/uploads/2019/01/Gender-Based-Harassment-Discrimination-and-Sexual-Misconduct-Policy.pdf>.

A. PURPOSE AND SCOPE

Members of the University of California Hastings College of the Law community, guests and visitors have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy (the Policy) has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This Policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The Policy addresses the College's responsibilities and procedures related to Prohibited Conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The Policy defines conduct prohibited by the University of California Hastings College of the Law and explains the administrative procedures the College uses to resolve reports of Prohibited Conduct. This Policy applies to all members of the UC Hastings community, including faculty and other academic appointees, staff, student employees, students, and non-student or non-employee participants in College programs (e.g., vendors, contractors, and visitors).

The University of California Hastings College of the Law is committed to creating and maintaining a community free of sexual violence and sexual harassment. Sexual violence and sexual harassment violate both law and College policy. Any member of the College community may report conduct that may constitute sexual violence, sexual harassment, retaliation, and other prohibited behavior ("Prohibited Conduct"). The College will respond promptly and equitably to such reports, and will take appropriate action to stop, prevent, and remedy the Prohibited Conduct, and when necessary, to discipline the Respondent.

In addition to sexual harassment, discrimination based on sex, gender, gender identity, gender expression, sex- or gender-stereotyping, and sexual orientation violates law and other College policies. Such discrimination may also contribute to the creation of a hostile work or academic environment based on sex and thus constitute or contribute to sexual harassment. Harassment that may not be sexual, but still contributes to a hostile work or academic environment, may also violate the College's other non-discrimination policies.

B. REPORTING

For assistance with incidents of sexual violence, sexual harassment, dating violence, domestic violence, and stalking, please contact the UC Hastings Title IX Officer:

Andrea Bing
Title IX Coordinator
200 McAllister Street, Room 552
San Francisco, CA 94102
E-mail: TitleIXCoordinator@uchastings.edu
Telephone: 415-565-4733

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

California Office for Civil Rights
San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

Sexual misconduct, including, but not limited to sexual harassment, sexual assault, dating violence, domestic violence, and stalking, by any faculty member, staff member, student, or a third party who is a participant in a UC Hastings-sponsored program, event, or activity, is a violation of both state and federal law, as well as UC Hastings policy and will not be tolerated at UC Hastings. Further, UC Hastings is committed to providing ongoing sexual misconduct primary prevention, awareness, and risk reduction programs and training for the entire UC Hastings community. Sexual misconduct of employees is prohibited under Section 703 of Title VII of the Civil Rights Act of 1964; sexual harassment and discrimination of or by any member of the UC Hastings community is prohibited under Title IX of the Education Amendments of 1972.

C. MANDATORY REPORTING UNDER TITLE IX

All University of California Hastings College of the Law employees have a duty to report, unless they fall under the “Confidential Reporting” section below. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator. Employees must share all details of the reports they receive, including the identity of the reporting party. All UC Hastings employees (faculty, staff, administrators, student employees) are expected to immediately report actual or suspected discrimination or harassment to the Title IX Coordinator, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate college

officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them.

D. CONFIDENTIAL REPORTING

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus victim CARE Advocates
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. CARE Advocates and counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit annual anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client or patient.

E. DEFINITIONS (for a list of complete definitions, see the Gender-Based Harassment, Discrimination, and Sexual Misconduct Policy.)

- 1.** Sexual Harassment: unwelcome, sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.
 - a. A hostile environment is created when sexual harassment is: sufficiently severe, or persistent or pervasive, and objectively offensive, such that it: unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the College's educational, employment, or other programs and services of the College, and social and/or residential programs, and creates an environment that a reasonable person would find to be intimidating or offensive.
 - b. Quid Pro Quo Harassment is: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational [or employment] progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

- 2.** Non-Consensual Sexual Contact is: any intentional sexual touching, however slight, by a person upon another person, that is without consent and/or by force.
 - a. Sexual Contact includes: Intentional contact with the breasts, buttock, groin, mouth or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or Any other intentional bodily contact in a sexual manner. May be clothed or unclothed.

- 3.** Non-Consensual Sexual Intercourse is: any sexual intercourse however slight, by a person upon another person, that is without consent and/or by force.

- a. Intercourse includes: vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
- 4.** Sexual exploitation includes, but is not limited to:
- a. Invasion of sexual privacy;
 - b. Prostituting another person;
 - c. Non-consensual digital, video or audio recording of nudity or sexual activity;
 - d. Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
 - e. Engaging in voyeurism;
 - f. Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
 - g. Knowingly exposing someone to or transmitting an STI, STD or HIV to another person without their knowledge and consent;
 - h. Intentionally or recklessly exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
 - i. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
- 5.** Consent: Consent is affirmative, conscious, voluntary, and revocable.
- 6.** Incapacitation: A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
- 7.** Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").
- 8.** OTHER MISCONDUCT OFFENSES (Will fall under Title IX when sex or gender-based):
- a. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
 - b. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender;
 - c. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
 - d. Bullying, defined as
 - i. Repeated and/or severe
 - ii. Aggressive behavior
 - iii. Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - iv. That is not speech or conduct otherwise protected by the 1st Amendment.
 - e. Relationship Violence is:
 - i. physical violence toward the Complainant or another person with whom the Complainant has a close relationship (e.g., a current or former spouse or intimate partner, a child or other relative), or
 - ii. intentional or reckless physical or non-physical conduct that would put a reasonable person in the Complainant's position in fear of physical violence toward themselves or another person with whom the Complainant has a close relationship (e.g., a current or former spouse or intimate partner, a child or other relative),
 - iii. that is by a person who is or has been in a spousal, romantic or intimate relationship with the Complainant, or a person with whom the Complainant

- shares a child in common, and that is part of a pattern of abusive behavior by the person toward the Complainant.
 - iv. Physical violence is physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
 - v. Patterns of abusive behavior may consist of or include non-physical tactics (e.g., threats, isolation, property destruction, abuse of pets, economic control, displaying weapons, degradation, or exploitation of a power imbalance).
 - vi. The nature of the relationship between the Complainant and Respondent is determined by the length and type of relationship, and the frequency of interaction between them. Relationship violence includes both “dating violence” and “domestic violence.”
 - vii. Conduct by a party in defense of self or another does not constitute Relationship Violence under this Policy. If either party asserts that they acted in defense of self or another, the Title IX Officer will use all available, relevant evidence to evaluate the assertion, including reasonableness of the defensive actions and which party is the predominant aggressor.
- f. Stalking:
- i. A course of conduct
 - ii. Directed at a specific person
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear for their safety or the safety of others, or to suffer substantial emotional distress.

7. Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party’s sex or gender.

F. GRIEVANCE PROCEDURES FOR SEXUAL MISCONDUCT CLAIMS

Employees or students of UC Hastings who believe they have been subjected to sexual misconduct are encouraged to use the College Sexual Misconduct Grievance Procedures, which may be found on the college’s website, to resolve their complaint.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. The College aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

UC Hastings will make every effort to adhere to the prescribed time frames of the informal and formal resolution processes. However, in the event that individuals involved are unavailable or of other unanticipated occurrences, the Title IX Coordinator, may adjust the time frames. Any changes will be communicated to the complainant and respondent by the Title IX Coordinator, and where possible, their needs will be accommodated. Time frames may also be extended upon the mutual agreement of the parties. Time frames will be extended if necessary to accommodate holidays and vacation periods that form part of the academic calendar or days on which the College is closed for weather or other emergency purposes. Working days are those on which the offices of UC Hastings are open for business. Extensions will not exceed the bounds allowed by applicable law and regulations.

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Sexual Misconduct Policy has been violated. If so, the University of California Hastings College of the Law will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determine whether the Sexual Misconduct Policy has been violated. If the investigation and resolution process concludes that a policy violation occurred, the College will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

In cases where the reporting party wishes to proceed or the College determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of three processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when all parties agree to conflict resolution,
- Informal/alternative Resolution – typically for less serious offenses, use of alternative resolutions that do not include permanent record sanctions, or
- Formal Resolution – a resolution of contested allegations.

G. INFORMAL INVESTIGATION AND ALTERNATIVE RESOLUTION:

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties. The parties can elect for Informal Resolution, but Informal Resolution may also apply if the responding party accepts responsibility for all alleged violations of policy.

If conflict resolution or alternative resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator or mediator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict Resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Informal or Formal Resolution, and either party participating in Conflict Resolution can stop that process at any time and request a shift to either Informal or Formal Resolution.

Informal Resolution [or Alternative Resolution] can be pursued for any behavior that falls within the policy on Gender-Based Harassment, Discrimination and Sexual Misconduct at any time during the process.

This option may be used when:

- A responding party admits responsibility for all or part of the alleged policy violations at any point in the process;
- When the investigation reaches a finding that the parties accept;
- When all parties elect to resolve the allegation using the Informal Resolution process and the Title IX Coordinator assents;
- When the Title IX Coordinator implements the results of an investigation for an at-will employee.

H. FORMAL INVESTIGATION AND RESOLUTION

If either party or both parties select Formal Resolution, or the Title IX Coordinator determines that Formal Resolution is appropriate, the allegation will be addressed using the Formal Resolution option.

For all contested allegations that are not resolved through either Conflict Resolution or Informal Resolution, the Title IX Coordinator will initiate a formal hearing at the conclusion of the investigation.

The Title IX Coordinator will hold a formal hearing, which will include one or more relevant Senior Administrators (depending on whether the responding party is a faculty member, employee, or a student.) In cases with student respondents, the Assistant Dean of Students or designee (or Academic Dean or designee, if appropriate) will be the hearing officer for formal hearings. For faculty respondents, the Academic Dean or designee would adjudicate. For non-union employees, a Senior Administrator would adjudicate. For union employees, hearing officer designated would be based on the applicable MOU. In cases where the Title IX Coordinator deems it appropriate, an outside hearing officer may be brought in to fill any of these roles.

The hearing officer will make determination(s) on a preponderance of the evidence (i.e., whether it is more likely than not that the responding party committed each alleged violation) or clear and convincing standard (i.e., highly probable.) To sustain a charged violation, the College bears the burden of proof by a preponderance of the evidence, except a violation giving rise to a sanction of Dismissal/Termination must be supported by clear and convincing evidence.

If a responding party or organization is found responsible by the hearing officer, the hearing officer will recommend appropriate sanctions.

I. DISCIPLINE

The hearing officer assigned to the resolution will decide sanctions or responsive actions appropriate to the policy violation. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- Any other information deemed relevant by the hearing officer
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

A sanction may be noted on a student's official College transcript, if so ordered by the official or body imposing the sanction. When a sanction is noted on a student's transcript, the College will report that sanction to a state bar to which the student has applied for admission and to any state bar the student has previously been certified for admission. A disciplinary sanction, whether or not noted on the student's transcript, will be reported to any licensing authority making an inquiry.

Any party may appeal the findings and/or sanctions, but appeals are limited to the specific grounds. All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the written finding of the hearing. An appeal request submitted to the Title IX Coordinator will be given to the Chancellor & Dean who will review the appeal request(s). All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision or remand. Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).

J. CONFIDENTIALITY

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In all cases, the College will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the

community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. The College reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party. A reporting party has the right, and can expect, to have reports taken seriously by the University of California Hastings College of the Law officials when formally reported, and to have those incidents investigated and properly resolved through these procedures.

K. PROTECTIVE MEASURES

Interim Measures: Services, accommodations, or other measures put in temporarily after the Title IX Officer receives a report of Prohibited Conduct. The Title IX Coordinator may provide interim measures intended to address the short-term effects of harassment, discrimination and/or retaliation, in order to assist or protect the Complainant, the Respondent, or the College community. Interim measures may remain in place until the final outcome of an Alternative Resolution, Formal Investigation, or subsequent disciplinary or appeal process; change or terminate depending on the parties; evolving needs, as assessed by the Title IX Coordinator; or become permanent as part of the resolution of a report.

Remedial Measures: Services, accommodations, or other measures put in place as a result of a Resolution Process (i.e., Alternative Resolution, Formal Investigation, or Other Inquiry).

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Interim, remedial, and/or supportive measures may include, but are not limited to:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of a party, subject to availability
- Providing campus escorts
- Providing transportation accommodations
- Implementing contact limitations between the parties through No Contact Orders
- Offering adjustments to academic deadlines, course schedules, etc.

L. PROTECTION OF COMPLAINANTS, RESPONDENTS, AND WITNESSES

The University of California Hastings College of the Law community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as drug use at the time of the incident. It is in the best interests of this community that reporting parties choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, University of California Hastings College of the Law pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been using drugs might hesitate to help take a sexual misconduct victim to the Campus Police). The College pursues a policy of amnesty for students who offer help to others in need.

M. FILING OF FALSE REPORTS

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

N. DUTY TO COOPERATE

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the College's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later. Failure of a witness to cooperate with and/or participate in the investigation constitutes a violation of policy and may be subject to discipline. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation will not have the opportunity to offer evidence during appeal stages of the process if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

O. PROHIBITION ON RETALIATION

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Protected activity includes report or disclosure of Prohibited Conduct under this Policy and/or participation in the investigation, reporting, remedial, or disciplinary process provided for in this Policy. Retaliation against an individual for an allegation, for supporting a reporting party or for assisting in providing information relevant to an allegation is a serious violation of College policy. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. University of California Hastings College of the Law is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions

P. PRIVACY

All employees receiving reports of a potential violation of the Sexual Misconduct Policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, University of California Hastings College of the Law will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

For more details on the Sexual Violence and Sexual Harassment Policy, please review the full policy available at: <https://www.uchastings.edu/title-ix-and-sexual-misconduct-reporting/>

VII. USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CAMPUS

I. Purpose and Scope

This policy governs the consumption of Alcoholic Beverages (defined as beer, wine, and distilled spirits) on property owned, or operated, by UC Hastings (the "Campus"). This policy is designed to promote the responsible use of Alcoholic Beverages. Everyone consuming Alcoholic Beverages on Campus is expected to assume responsibility for their own behavior. Behavior and conduct by an individual whose judgment is impaired due to alcohol abuse that interferes with the decorum and atmosphere of UC Hastings will not be tolerated.

II. Statement of Policy

This policy applies to any person who possesses or consumes Alcoholic Beverages on the Campus. The policies outlined below attempt to reduce many risky situations that accompany alcohol use, keeping safety foremost in choices related to alcohol use, while complying with state and local regulations.

III. Policies and Guidelines

- A. No person under 21 years of age may possess or consume Alcoholic Beverages on Campus.
- B. No person may use funnels or play drinking games with Alcoholic Beverages. Drinking games are activities that encourage increased consumption of Alcoholic Beverages beyond safe and legal limits.
- C. No person shall provide or distribute Alcoholic Beverages to persons who are intoxicated.
- D. When serving Alcoholic Beverages on Campus, Non-Alcoholic Beverages must be available at the same place and time as Alcoholic Beverages and featured as prominently as the Alcoholic Beverages.
- E. Alcoholic Beverages must remain in the location in which they are served.
- F. UC Hastings department heads responsible for the administration of a designated facility or area on Campus must give express permission, orally or in writing, for Alcoholic Beverages to be served in their area.
- G. Alcoholic Beverages are not permitted in the Law Library, the Gold Reading Room, other reading or study rooms, or any College classroom.
- H. Alcoholic Beverages may be consumed in the Clara Foltz Lounge in the 100 McAllister Tower; however, common source containers are prohibited.
- I. Persons 21 years of age or older may possess or consume Alcoholic Beverages on UC Hastings property where they hold a leasehold interest.
- J. Public intoxication and any associated problematic behavior is not permitted. If a person becomes noticeably intoxicated while on Campus, College security may require him/her to leave the area and/or Campus. Such incidents may be reported to Human Resources or College administration, as applicable, for disciplinary action.

IV. Registered Student Organization Events

- A. Registered student organizations wishing to sponsor an event on Campus where Alcoholic Beverages are to be served must comply with all College Policies and Guidelines.
- B. All registered student organizations must submit the UC Hastings College Events Request Form to the Special Events and Guest Services (“SEGS”) at least ten business days prior to the day of the event when requesting the service of Alcoholic Beverages.
- C. No person may possess or serve Alcoholic Beverages from a common source on Campus, unless it has been approved by SEGS as part of a registered event in a designated space. Common source containers include kegs, coolers, and similar containers of Alcoholic Beverages.
- D. All registered student organizations must obtain an Alcoholic Beverage Control (“ABC”) special event permit when holding an event on Campus where Alcoholic Beverages will be served when one or more of the following circumstances apply:
 1. The event is open to the general public, i.e., no private guest list or someone can walk in uninvited.
 2. There is an admission cost for the event, i.e., ticket price, donation, or door charge.
 3. There will be other College-entity hosted fundraising activities held at the event, i.e., silent auction, etc.
 4. Alcoholic Beverages are being sold at the bar, i.e., no-host or “cash” bar.
 5. All events held in the Skyroom in the 100 McAllister Tower.
- E. A student organization does not need to obtain an ABC special event permit when holding an event on Campus where Alcoholic Beverages will be served by an ABC licensed caterer.
- F. The hours and duration of events are applicable to events sponsored by registered student organizations:
 1. Alcoholic Beverages cannot be served on Campus before 3:30 pm during week days or before 12 noon on Saturdays, Sundays, or holidays.
 2. The service of Alcoholic Beverages at any event on Campus cannot last more than four hours.
- G. All registered student organizations and individuals should be cognizant of vicarious liability and the consequences to the organization should a vicarious liability suit be filed against the organization/individual when a person, regardless of age, attending an event and consuming Alcoholic Beverages is involved in an accident resulting in personal injury and/or death.
- H. UC Hastings has the sole and absolute discretion to require any registered student organization that is a separate 501(c)(3) corporation to provide private event liability insurance when serving Alcoholic Beverages at an event on Campus. Further, the liability insurance policy must name the College, its officers, and its employees as additional insured.

V. Beer on the Beach

UC Hastings allows the consumption of beer on the patio of the building located at 198 McAllister Street (“Beer on the Beach”) as a sanctioned Associated Students of UC Hastings (“ASUCH”) activity. UC Hastings administration may authorize alternative Campus locations when inclement weather prevents holding Beer on the Beach on the 198 McAllister Street patio.

VI. Use of College Facilities By Non-College Entities

- A. Use of College facilities by Non-College entities are within the sole and absolute discretion of UC Hastings. UC Hastings reserves the right to deny such entities' requests to serve Alcoholic Beverages at their events. (See the College's Facilities Usage Policies and agreement for further information.)
- B. All Non-College entities must submit the UC Hastings College Events Request Form at least ten business days prior to the day of event when requesting the service of Alcoholic Beverages. The form must be submitted to the SEGS with the room reservation request.
- C. All private, commercial entities must obtain an Alcoholic Beverage Control (ABC) special event permit when holding an event on Campus where Alcoholic Beverages will be served.
- D. Public institutions and not-for-profit organizations must obtain an ABC special event permit when holding an event on Campus where Alcoholic Beverages will be served when one or more of the following circumstances apply:
 - 1. The event is open to the general public, i.e., no private guest list or someone can walk in uninvited.
 - 2. There is an admission cost for the event, i.e., ticket price, donation, or door charge.
 - 3. Alcoholic Beverages are being sold at the bar, i.e., no-host or "cash" bar.
- E. Public institutions and not-for-profit organizations do not need to obtain an ABC special event permit when holding an event on Campus where Alcoholic Beverages will be served by an ABC licensed caterer.

VII. Sanctions

- A. Individuals, students, or student organizations who violate UC Hastings policies are subject to UC Hastings disciplinary proceedings under the Code of Student Conduct and Discipline or College's personnel rules and regulations.² Sanctions for the violation of this policy are based on the severity and frequency of violation. Sanctions may include, but are not limited to, referral to on- or off-campus alcohol assessment and counseling, alcohol education, community service, disciplinary probation, suspension of individual students, suspension from use of UC Hastings facilities for a designated period of time, and suspension of registered student organization status.
- B. At UC Hastings, we believe that student health and safety is a responsibility shared by all members of the UC Hastings community, and that our obligation as a community is to act with care and respect for each other. Toward that end, students who seek appropriate medical aid due to an incident of intoxication either for themselves or for other students, generally, will not be subject to disciplinary action for that incident with respect to violation of this UC Hastings' alcohol policy.

² State laws and local ordinances are the foundation of the College's Alcoholic Beverages Policy. Violators may be subject to civil and/or criminal penalties in addition to College disciplinary proceedings, as applicable.

VIII. SMOKING IN AND AROUND ALL UC HASTINGS BUILDINGS

All students, staff, faculty, visitors, and anyone on or within UC Hastings managed property, are prohibited from smoking and using, tobacco products, including electronic cigarettes, in UC Hastings buildings and on UC Hastings property whether the property is enclosed or not enclosed, except in areas designated by UC Hastings.

Smoking means:

Carrying or holding a lighted pipe, cigar, cigarette of any kind, or any other lighted smoking equipment, or the lighting, emitting, or exhaling the smoke of a pipe, cigar, or cigarette of any kind, including e-cigarettes.

Tobacco product means:

Any product containing, made, or derived from tobacco that are intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to, cigarettes; cigars; little cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products exclude any tobacco product that has been approved by the U.S. Food and Drug Administration for use as a tobacco cessation product, a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Electronic cigarette means:

Any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

Each individual is responsible for complying with the policy. The policy will be enforced by the Human Resources Department and College security as applicable.

College facilities management shall be responsible for the posting of signs at the entrances to UC Hastings buildings to communicate smoking is prohibited on and within UC Hastings property, except in areas designated by UC Hastings.

* Government Code Section 7597 provides the following:

(a) No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a main exit, entrance, or operable window of a public building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state. (b) This section shall not preempt the authority of any county, city, city and county, California Community College campus, campus of the California State University, or campus of the University of California to adopt and enforce additional smoking and tobacco control ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter.

IX. POLITICAL ELECTIONS

I. Purpose and Scope

This policy pertains to issues that have arisen within UC Hastings relating to the use of state resources for political elections, either municipal, or state, or national.

It is prohibited by law to use public funds for any political campaign activity. This principle is established in the leading case of *Stanson v. Mott* 17 Cal.3d 206, 210 (1976), which states that:

“[A] public agency may not expend public funds to promote a partisan position in an election campaign.”

This rule is also established in Government Code Section 8314, which provides that:

“It shall be unlawful for any elected state officer, appointee, employee, or consultant to use or permit others to use state resources for a campaign activity...which [is] not authorized by law.”

II. Statement of Policy

This policy of neutrality is consistent with the California Constitution, which establishes that the University of California shall be “entirely independent of all political or sectarian influence.” Cal. Const. art. IX, § 9. Campaign neutrality is also consistent with statutes prohibiting the misappropriation or gifting of public funds. Cal. Pen. Code § 424; Cal. Const. art. XVI, § 6. Further, this rule is supported by the bar against using student fees to support political positions, as established in *Smith v. Regents of University of California*, 4 Cal. 4th 843 (1993).

UC Hastings resources are implicated whenever any UC Hastings property or asset is used in a political election campaign. This includes real property, facilities, equipment, computers, employee time, and funds. The College receives various requests for the use of College facilities during election season, especially. College officials must be cognizant that as a public institution, UC Hastings has an obligation to ensure that the use of its facilities does not suggest or imply an endorsement of any candidate for public office.

III. Policies and Guidelines

UC Hastings provides the following:

- A. **CAMPAIGN MATERIALS:** Campaign materials such as bumper stickers, posters, and commercials constitute advocacy, and cannot be purchased with taxpayer funds. However, written information that is neutral in tone, and is primarily factual and informative may be purchased with public funds. Generally, if information is presented in a manner that is argumentative or leads to only one logical conclusion, or encourages a particular vote, it is advocacy.
- B. **DEBATES:** Debates, where both sides have an opportunity to express themselves, are appropriate expenditures of public funds. Sponsors of the debate and participants must clarify at the outset that they are presenting their own personal opinions and not an institutional position. When public college and/or university officials are participants in a debate and advocate a particular point of view, they should clarify at the outset that they are presenting their own personal opinions and not an institutional position. Although balance need not be achieved at each speaking event, UC Hastings aims to have various points of view represented. The need for balance increases with proximity to elections. Public funds may be used to pay speakers, even when they advocate for a particular candidate or position in an election year, although the speaker should be introduced in a manner that makes it clear that the speaker’s position is not the position of the college and/or university.
- C. **FREE SPEECH ZONES:** Areas of campus may be designated as the usual gathering places where public speech occurs (“free speech zones”). Speakers may be directed to these free speech zones as the usual places where speech occurs. Outside of the free speech zones, speech is subject to reasonable regulation regarding time, place and manner of speech.

The free speech zone at UC Hastings is an area of the 198 McAllister Street patio (the beach.) It is at the eastern edge facing Leavenworth Street.

Care needs to be exercised in developing advance notice requirements for use of the campus for speech purposes. When large groups are anticipated, where sound amplification is required, where the speaker is not a member of the campus community, or where special security issues are presented, it may be appropriate to require advance notice to the College. However, a blanket advance notice requirement is probably an inappropriate prior restraint.

- D. LEAFLETING: Leafletting is permitted on the public streets. However, you must avoid unsafe congestion near sidewalks surrounding UC Hastings. Leafletting is not allowed on the patios of the 198 McAllister and 200 McAllister Street buildings.
- E. POSTERS: Campaign posters that advocate a position may not be paid for with public money. Political posters may be displayed in public areas, such as bulletin boards and kiosks. They may also be displayed in private areas, such as McAllister Tower units and private offices, as long as the context does not suggest that the posters represent the position of UC Hastings.
- F. USE OF FACILITIES: Campaign groups which request the use of campus facilities for meetings, rallies, or other gatherings must be treated the same as other outside groups which make such requests. If UC Hastings charges other groups for the given use, it must also charge campaign groups at the same rate. UC Hastings should include a disclaimer with any printed materials advertising the event that it does not endorse the opinions expressed at the event.
- G. FILMING OF POLITICAL ADS ON CAMPUS: The sidewalks adjacent to the UC Hastings buildings are public property; and as such, are acceptable locations to film political campaign advertisements. Reasonable time, place, and manner restrictions may apply as apply to filming on campus generally.
- H. USE OF EMAIL: UC Hastings provides email for employees to conduct official college business. It is not appropriate for individual employees to conduct campaign advocacy or solicit funds using these accounts. Conversely, to the extent that a certain degree of personal communication is tolerated or allowed under applicable policy, then personal communications which include the expression of political views must also be tolerated. Even if it is appropriate for UC Hastings to expend effort to promote and encourage voter registration, a broadcast effort to get out the vote on email is not appropriate. Union organizing campaigns are an exception to this policy.
- I. PUBLIC RESOLUTIONS: Certain bodies within UC Hastings have a tradition of expressing common views on matters of public importance. There is no reason why such bodies cannot continue to express their viewpoints, even on matters that go before the electorate. UC Hastings employees do not lose their personal right of individual or collective free speech because of their employment. Accordingly, a deliberative body may take a position on an issue of importance to society or on a ballot proposition. However, having exercised rights of expression, the body may not then spend state funds to publicize its point of view other than preparing the usual minutes of the meeting and engaging in normal communications that follow the meeting. The body should include a statement expressing that its position is not endorsed or sanctioned by UC Hastings. If the position is adapted in procedures that are out of the ordinary course, for example by a special meeting called for the purpose of establishing a political position, there is a possibility that this could be considered an illegal campaign activity.
- J. SIGNING ADVOCACY LETTERS: First Amendment rights to free speech are not sacrificed upon assuming public employment. UC Hastings faculty and staff may sign their name to letters and other written documents that advocate political positions.
- K. CAMPAIGN BUTTONS: Employees may wear political campaign buttons to work as an expression of their views.

IV. Sanctions

Individuals, students, or student organizations who violate UC Hastings policies are subject to civil, criminal and UC Hastings disciplinary proceedings under the Student Conduct Code or College's personnel rules and regulations. Sanctions for the violation of this policy are based on the severity and frequency of violation. Sanctions may include, but are not limited to: referral to on or off-campus alcohol assessment and/or counseling, alcohol education, community service, disciplinary probation, suspension

of individual students, suspension from use of UC Hastings facilities for a designated period of time, and suspension of student organization status.

For more information, consult the American Council on Education's publication, "Political Campaign Related Activities of and at Colleges and Universities," available at <http://www.acenet.edu/news-room/Pages/Memo-Political-Campaign-Related-Activities-of-and-at-Colleges-and-Universities.aspx>. The Internal Revenue Service has also published guidelines in this area, available at <https://www.irs.gov/charities-non-profits/charitable-organizations/the-restriction-of-political-campaign-intervention-by-section-501-c-3-tax-exempt-organizations>.

**APPENDIX C-1: UC HASTINGS LAW SPECIAL EVENTS & GUEST SERVICES
COLLEGE EVENTS REQUEST FORM**

Background & Purpose

All College Events require compliance with all UC Hastings' policies including the space reservation policy and the alcohol policy. Execution of this form confirms compliance with all UC Hastings' policies. The College will not confirm your reservation until receiving a completed form with detailed information about your College Event. Please submit the form via your reservation request in Ad Astra. If you do not have access to Ad Astra, please submit directly to Lan Tran, Special Events & Guest Services Coordinator at tranla@uchastings.edu.

Contact Information

Name of organization:

Event contact person:

Best Contact Phone:

Email address:

If you are a student, are you coordinating this event with a faculty or staff member? If so, please list their names:

Event Details

Descriptive Name of Event:

Description of Purpose of the Event:

Event Date:

Event Start Time:

Requested Room Access Time:

Event End Time:

Requested Event Location:

External Speakers Confirmed or Invited (include name, title, place of employment, College affiliation if any) and conversation topic if different from event description above:

Approximate number of anticipated attendees (note: UC Hastings caps total attendees based upon the capacity of the room reserved for the event):

Will the event be open to non-UC Hastings (i.e., anyone other than students, faculty, staff, alumni) persons?

Will the event be invite-only or is it open to the general public?

Will there be an admission fee or funds of any sort collected at the event, e.g., donations, silent auction, food sales, raffles, etc.? If yes, please describe:

Do you anticipate that this event will have security concerns, e.g., a government official that requires his or her own security, a controversial speaker that requires heightened campus security, etc.? If yes, please describe:

Event During Non-Business Hours or Days

Is your event scheduled outside of normal business hours?

The normal business hours of UC Hastings Campus Buildings are found at:
www.uchastings.edu/building-hours/.

There is a fee of \$55.00 per hour or portion for use of UC Hastings facilities outside of normal business hours.

We cannot accommodate your request on a holiday or when the UC Hastings facilities are shut down. Our academic calendar can be found at: <https://www.uchastings.edu/academic-calendar/>.

Event Logistics

AV Setup: describe AV setup needs if applicable.

Furniture Setup: describe furniture setup needs if applicable.

Event Food

All caterers must appear on the College's approved caterer's list or otherwise meet the catering requirements of College.

Is your event catered?

Event Caterer:

Event Alcohol

In order to serve alcohol at an on-campus event, this form must be **submitted at least ten (10) business days prior to the date of the event**. Please note that some events require an ABC special event permit as designated in the alcohol policy, which may require additional time, please take that into account when timely submitting this form.

Will you be serving alcoholic beverages at the event: Y or N

Will you be serving wine, beer, or distilled liquor?

Who will be serving the alcohol, e.g., bartender, self serve, etc.?

What is the period of alcoholic beverage service (maximum limit 4 hours): _____ PM to _____ PM

Please list any organization or individuals who are donating the alcoholic beverages to your event:

Confirmation of Event Form & Compliance with all College Policies

As stated above, execution of this form is mandatory to complete your reservation. Your signature confirms the accuracy of the information provided herein. It also confirms your understanding of and compliance with all College policies.

Signed: _____ Date: _____