

2018-2019

# ACADEMIC CATALOG

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## **AN OVERVIEW OF VERMONT LAW SCHOOL**

Vermont Law School, founded in 1972, is one of a handful of independent, private law schools in the United States and is the only law school in Vermont. Vermont Law School offers a strong and varied Juris Doctor (JD) curriculum, experiential programs, and nationally recognized programs in environmental law. The JD curriculum emphasizes the public-serving role of lawyers. The law school also offers four masters degrees—Master of Environmental Law and Policy (MELP), Master of Energy Regulation and Law (MERL), Master of Food and Agriculture Law and Policy (MFALP), and Master of Arts in Restorative Justice; and four post-JD degrees—LLM in Environmental Law, LLM in Energy Law, LLM in Food and Agriculture Law, and LLM in American Legal Studies (for international students). The MELP, MERL, MFALP, MARJ, LLM in Environmental Law, LLM in Energy Law, and LLM in Food and Agriculture Law degrees are also offered online. Vermont Law School is dedicated to educating students in the understanding, skills, and values needed for private practice and public service. Emphasis is placed on developing professional responsibility and judgment, together with respect for the dignity of all people and the integrity of the national environment.

Vermont Law School Motto: *Lex pro urbe et orbe*: “Law for the community and the world”

## **ACCREDITATIONS, APPROVALS, MEMBERSHIPS**

**American Bar Association (ABA)**  
**Section of Legal Education and Admissions to the Bar**  
321 N. Clark Street, 21st Floor  
Chicago, IL 60654  
Phone: 312-988-6738  
Fax: 312-988-5681  
[legaled@americanbar.org](mailto:legaled@americanbar.org)

Vermont Law School's Juris Doctor (JD) degree is accredited by the Council of the Section of the American Bar Association (ABA) Section on of Legal Education and the Admissions to the Bar (Council). The Council is recognized by the United State Department of Education (ESDE) as the accreditor of first-professional degree in Law (JD) programs.

**Association of American Law Schools (AALS)**  
1614 20th St NW  
Washington, DC 20009-1001  
Phone: 202-296-8851  
Fax: 202-296-8869  
Vermont Law School is a member of the American Association of Law Schools.

**New England Commission on Higher Education (NECHE)**  
3 Burlington Woods Drive, Suite 100  
Burlington, MA 01803-4514  
Phone: 781-425-7785  
Fax: 781-425-1001

The New England Commission of Higher Education (NECHE) accredits all degrees offered at Vermont Law School. NECHE is evaluated regularly by the Department of Education and the Council for Higher Education Accreditation (CHEA). This evaluation results in the Commission being "recognized" by the Department of Education and by CHEA.

**Vermont Department of Education**  
120 State Street, Fourth floor  
Montpelier, VT 05620-2501  
Phone: 802-828-3135

Vermont Law School is approved by the Vermont Department of Education.



# ACADEMIC REGULATIONS

Revisions to the Academic Regulations may be made only by vote of the faculty.

The official version of the Academic Regulations is included in the student handbook and course catalog and posted on the Vermont Law School website. Those documents will be revised at the beginning of each academic year. Vermont Law School reserves the right to make revisions to these Academic Regulations without prior notice except as provided in Regulation I.C.2. Any revisions made during the year will be posted on the Vermont Law School website.

# ACADEMIC REGULATIONS

Adopted April 14, 2016; revised May 4, 2018.

## I. INTRODUCTION

### A. GENERAL

These regulations apply to all persons taking courses at, or through, Vermont Law School. They apply to students who are candidates for degrees, to students taking courses for credit, and to students auditing courses. All students taking courses at, or through, Vermont Law School are deemed to have notice of these regulations.

### B. NOTICE

The official version of the academic regulations is included in the student handbook and the course catalog and posted on the Vermont Law School website. Those documents will be revised at the beginning of each academic year. Any revisions made during the year will be posted on the Vermont Law School website.

### C. AMENDMENT

#### 1. GENERAL

Vermont Law School reserves the right to make amendments to these academic regulations without prior notice except as provided in regulation I.C.2.

#### 2. FACULTY VOTE

Except as provided in regulation I.C.3., amendments to these regulations may be made by a majority of the voting faculty at a regular or special faculty meeting provided notice of the proposed amendment has been given to each individual member of the voting faculty at least seven calendar days before the meeting.

#### 3. CONFORMING AMENDMENTS

The Registrar, in consultation with the Committee on Standards, may amend these regulations without faculty approval whenever necessary to conform these regulations to the addition or deletion of courses from the curriculum, to changes in course names, and to changes in title and position of faculty, staff, or administration. The Registrar may also amend these regulations without faculty approval to correct punctuation, grammar, spelling, typographical errors, and inconsistencies between approved amendments and existing regulations.

## II. GENERAL PROVISIONS

The regulations in this section apply to all students enrolled in courses at Vermont Law School. See regulation XII. and XI. for provisions of the Vermont Law School Honor Code and Code of Conduct.

### A. ATTENDANCE

#### 1. REGULAR ATTENDANCE

- a. Students are required to attend all classes except where religious observance, serious illness, personal emergency, or a reason that is adequate in the judgment of the professor prevents attendance. Students are also required to complete all required hours for clinical and externship work. Clinics and externships will establish appropriate policies governing absence due to religious observance, serious illness, and personal emergency and notify students in writing of those policies.
- b. If a student is absent from twenty (20%) percent of the regularly scheduled classes without adequate excuse, the student shall be automatically withdrawn from the course with a grade of F-Wd. If a student is absent from a clinic or externship in violation of the clinic or externship attendance policy, the student shall be automatically withdrawn from the clinic or externship with a grade of F-Wd.

Such withdrawal shall not be effective unless the student has been personally warned by the instructor. Personal notice shall include, but is not limited to, notice placed in the student's Vermont Law School mailbox or notice sent to the student's Vermont Law School e-mail address.

- c. Unless the professor indicates otherwise, a student may not be absent for more than one class in a course during the summer session.
- d. Individual faculty may adopt a more stringent attendance policy than specified in paragraph b, provided that students are given written notice of that policy.
- e. If a course instructor does not arrive within ten minutes of the scheduled beginning of class, and if no contrary notice has been given, students may disperse, and the class will not meet.

## **2. LEAVES OF ABSENCE**

Requests for leaves of absence should be directed to the Registrar. Except as noted below, leaves may be granted for up to one year. Ordinarily, no leave will be granted before the completion of the first semester of the first year.

A student in the Accelerated JD program must apply to the Committee on Standards for any leave of absence. Petitions must be submitted by March 15 for summer term, by August 15 for fall term, and by November 15 for spring term. See also regulation III.A.7.

Requests for leaves of absence beyond one year must be addressed to the Committee on Standards. Requests for medical leaves of absence must be directed to the Vice Dean for Students. See also regulation III.A.6.b.(2).

## **3. STUDENTS WHO ARE NOT CANDIDATES FOR A VERMONT LAW SCHOOL DEGREE**

- a. Except for visiting and exchange students, this regulation applies only to students who are taking courses for credit at Vermont Law School who are not candidates for a degree from Vermont Law School. This includes students who are candidates for degrees at other academic institutions as well as students who are not candidates for degrees at any academic institution. Regulations II.B.6. and 7. apply to students who are auditing courses.
- b. An individual who is not a candidate for a degree or Professional Certificate at Vermont Law School may enroll in courses for credit only with permission. Permission to take a particular class rests in the Vice Dean for Faculty or the Vice Dean's designee. Application procedures are available on the Vermont Law School website at: [vermontlaw.edu/admissions/apply-now/courses-for-credit-for-non-degree-students](http://vermontlaw.edu/admissions/apply-now/courses-for-credit-for-non-degree-students)
- c. Students who are not candidates for a Vermont Law School degree are required to fulfill the same course requirements as degree candidates. They will be graded and receive Vermont Law School credit upon completion of the course. Such students are subject to the same rules and regulations as degree candidates, and they have access to the Vermont Law School library and other Vermont Law School facilities.
- d. Transfer of Credits
  - (1) Transfer of credit to an academic institution other than Vermont Law School is governed by the regulations of the other academic institution.
  - (2) Courses taken for credit by a student who has not matriculated into the Vermont Law School JD program or the JD program of another ABA approved law school may not be transferred into the Vermont Law School JD program for credit and do not satisfy the residence requirement of regulation III.A.6. Vermont Law School does not grant credit toward the JD degree for courses completed prior to the student's matriculation as a candidate for the JD degree at an ABA-accredited law school. See regulation III.A.9. for provisions governing the transfer of credit into the JD program.
  - (3) Courses taken for credit by a student who has not matriculated into the Vermont Law School LLM program or the LLM program of another ABA approved law school may not be transferred into the Vermont Law School



LLM program. See regulation IX.A.4. for provisions regarding the transfer of credit into the LLM program.

- (4) Courses taken for credit may be transferred into the Vermont Law School Master's degree programs at the discretion of the appropriate Program Director or the Director's designee. See regulation IV.A.4. for provisions governing the transfer of credit into the Master's program.
- e. Non-degree students are required to pay tuition on a per credit basis.

## B. COURSE ENROLLMENT

### 1. COURSE LOAD IN THE JURIS DOCTOR (JD) DEGREE

- a. Fall and Spring Semesters  
Except for students in the Accelerated Juris Doctor (AJD) program<sup>1</sup> the minimum course load is 10 credits per semester, and the maximum course load is 17 credits per semester.<sup>2</sup>

For students in the AJD program, the minimum course load is 15 credits, and the maximum course load is 17 credits.

- b. Summer Session  
Except for students in the AJD program, the maximum course load is 11 credits.

For students in the AJD program, the minimum course load for the first AJD summer is 12 credits and the maximum course load is 14 credits. The minimum course load in the second AJD summer is 10 credits, and the maximum course load is 13 credits.

### 3. COURSE LOAD IN THE MASTER'S DEGREES AND MASTER OF LAW (LLM) DEGREES

- a. Except as provided in subsection IX.H.2. with respect to the LLM in American Legal Studies, the following paragraphs apply to all master's degrees and all master of law degrees.
- b. For students taking residential classes, the minimum course load for full-time students is six credits per semester. The maximum course load for full-time students is 14 credits per semester. The maximum course load for summer session is 11 credits. No exceptions are allowed other than with the prior written approval of the appropriate Program Director or the Director's designee.
- c. For students taking online learning classes, the recommended course load is three credits per term. The online learning program offers six terms per academic year.
- d. For students enrolled full-time in the Master of Law in American Legal Studies degree, the minimum course load is 10 credits, and the maximum course load is 16 credits in the fall and 17 credits in the spring.

### 3. CHANGES AND WITHDRAWALS: FALL AND SPRING SEMESTERS RESIDENTIAL COURSES

- a. Courses may not be added after the sixth class day of the semester without the written permission of the professor.
- b. A student may drop an elective course no later than the end of the sixth day of classes.
- c. A student who is added to a class from the waitlist on the sixth day of classes shall be permitted to drop any other course until the end of the seventh day of classes.
- d. A student may not withdraw from a required course without the written permission of the Vice Dean for Students.
- e. A JD student may not voluntarily withdraw from a course without the written permission of the Vice Dean for Students if doing so reduces the student's course load to less than 10 credit hours.<sup>3</sup>

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<sup>1</sup> See Regulation III A.7.

<sup>2</sup> The maximum course load of 17 credits is mandated by the American Bar Association and may not be waived.

<sup>3</sup> Audited courses do not count toward this total.

- f. A MELP, MERL, MFALP, MARJ or LLM student may not voluntarily withdraw from a course if doing so reduces the student's course load to less than the minimum required to remain in the program.
- g. A student may not withdraw from any course or seminar in the student's final semester.
- h. A student may not withdraw from an externship, a clinical offering, or General Practice Program course.
- i. Acceptance of an invitation to be a member of the Vermont Law Review or the Vermont Journal of Environmental Law is a commitment to serve until graduation. A student may not withdraw from the Law Review or Journal during any semester. A student who chooses not to enroll in any semester will receive a "Wd" on his or her transcript for that semester.
- j. No student may drop or add the South Royalton Legal Clinic, the Environmental and Natural Resources Law Clinic, the Energy Clinic, the Food and Agriculture Clinic, or the Land Use Clinic after the first day of classes. However, if the program is determined by the Clinic Director to be under enrolled, a student may add the course, with the Director's permission, within the first calendar week of classes.
- k. No student may drop or add the Legislative Clinic after the last day of classes of the fall semester.
- l. A student may withdraw from a limited enrollment course or seminar only with the written permission of the professor no later than the last day of classes for the semester. If the course or seminar is scheduled to end before the last week of the semester, a student may withdraw no later than the last day of classes for that course or seminar.
- m. A student may withdraw from other elective courses no later than the last day of classes for the semester. If the course or seminar is scheduled to end before the last week of the semester, a student may withdraw no later than the last day of classes for that course or seminar.
- n. A student may not withdraw from any course or seminar after the instructor has submitted a grade, including a grade of F.Wd, to the Registrar.
- o. If a student withdraws after the time limitations in subsections b. and c. (above) the course will appear on the student's transcript with the notation "Wd." A student who has received a "Wd" for a particular course may not take that course for credit without first obtaining the written permission of the instructor giving the course for credit.
- p. For any addition, drop, or voluntary withdrawal to be effective, written notice must be received by the Registrar before the close of office hours on the day indicated above.
- q. A student who has registered for a course and who has not withdrawn from the course under the above regulations is expected to complete all requirements of the course. Failure to complete all course requirements will result in a grade of F or F-Wd.

#### **4. CHANGES AND WITHDRAWALS: SUMMER SESSION RESIDENTIAL COURSES**

- a. Students are not permitted to add or drop a summer course after the start of the second class period.
- b. A student may not withdraw from a required course or an externship.
- c. A student may withdraw from a limited enrollment course or seminar only with the written permission of the instructor no later than the last day of class of that course or seminar.
- d. A student may withdraw from other elective courses no later than the last day of class of that course.
- e. A student may not withdraw from an elective course after the instructor has submitted a grade, including a grade of F-Wd, to the Registrar.
- f. If a student withdraws after the time limitation in subsection a., the course will appear on the student's transcript with the notation "Wd." A student who has received a

“Wd” for a particular course may not take that course for credit without first obtaining the written permission of the instructor giving the course for credit.

- g. A student who has registered for a course and who has not withdrawn from the course under the above regulations is expected to complete all requirements of the course. Failure to complete all course requirements will result in a grade of F or F-Wd.
- h. For an addition, drop, or voluntary withdrawal to be effective, written notice must be received by the Registrar before the close of office hours on the day indicated above.

#### **5. CHANGES AND WITHDRAWALS: ONLINE LEARNING PROGRAM**

For students taking online learning courses, the deadline to add a class is Friday at 12 p.m. Noon Eastern Standard Time (EST) of the week prior to the first day of classes. The Drop period will end on Friday at 11:59 p.m. Eastern Standard time of the first week of classes. Individual courses dropped during the Drop period do not appear on the student’s transcript. A course dropped after the end of Drop period becomes a Withdrawal and will result in a “Wd” on the student’s transcript for each course.

Students should inform Vermont Law School immediately of a decision to withdraw from a course, program, or take a leave of absence prior to the start of classes. After the term or semester starts, a student withdrawing from a course, program, or taking a leave of absence must complete an Official Withdrawal Form. Withdrawing from one or more courses after the add/drop period will result in a “Wd” on the student’s transcript for each such course.

#### **6. AUDITING: FALL AND SPRING SEMESTERS**

- a. A regularly enrolled student may audit free of tuition a maximum of two courses, other than an online course, each semester provided (1) the student is in good academic standing; (2) the student is taking for credit the minimum load of 10 semester hours if enrolled in the JD program or six semester hours if enrolled in any other degree program; (3) the instructor consents; and (4) there is a seat available according to the Registrar’s records. If the student is enrolled in the JD program, the student must have satisfactorily completed at least 28 credits. The instructor may require specific conditions, such as attendance, class participation, or the like. The student must register as an auditor within the add/drop period.

The fact that a student has audited a course will be noted on the student’s record. A student who has audited for more than three weeks shall not be permitted to take the course for credit in a subsequent semester or summer term without first obtaining the permission of the instructor giving the course for credit. Should a student decide to discontinue an audited course or the instructor determines the student has not satisfied the requirements to maintain audit status, the course will be removed from the student’s registration.

- b. Auditing by non-Vermont Law School students is allowed with the consent of the Vice Dean for Students and the instructor, under terms prescribed by them and upon payment of the required fee. Any certification of auditing of this type shall state that Vermont Law School makes no representation as to the individual’s (1) qualifications, (2) attendance, or (3) comprehension of the materials.

#### **7. AUDITING: SUMMER SESSION**

- a. A regularly enrolled student may audit free of tuition one course, other than an online course, during the summer session provided (1) the instructor consents, and (2) there is a seat available according to the Registrar’s records. If the student is enrolled in the JD program, the student must have satisfactorily completed at least 28 credits. The instructor may require specific conditions, such as attendance, class participation, or the like. The student must register as an auditor within the add/drop period.

The fact that a student has audited a course will be noted on the student’s record. A student who has audited for more than two class periods shall not be permitted to take the course for credit in a subsequent summer term or semester without first obtaining the permission of the instructor giving the course for credit. Should a student decide to discontinue an audited course or the instructor determines the student has not satisfied the requirements to maintain audit status, the course will be removed from the student’s registration.

- b. Auditing of summer session courses by students not enrolled in a Vermont Law School degree program is allowed with the consent of the Director of the Environmental Law

Center or the Director's designee and the instructor under terms prescribed by them and upon payment of the required fee.

## 8. REPETITION OF FAILED COURSES

Students who are in good academic standing or who are on academic probation are permitted to repeat for credit a course in which they earned a final grade of D or lower, including a designation of F-Wd. A course may only be repeated once. When a course is repeated, the original course and grade will remain on the student's transcript; however, course credit will count only once and only the grade for the repeated course will be used in the computation of the student's grade-point average. The course instructor has the option to refuse permission for a student to retake their class unless it is a required course. Class ranking will not be retroactively adjusted. Once a degree has been awarded, a course cannot be repeated. Federal financial aid or scholarship awards may not be available for repeating courses so students are advised to check with the Financial Aid Office before repeating a course.

## 9. ENROLLMENT PREFERENCES

Preferences for assignments to oversubscribed, limited enrollment courses, and seminars are determined by the Registrar under rules promulgated by the Vice Dean for Faculty

# C. ACADEMIC STANDARDS

## 1. GRADING SYSTEM

Each student's academic standing is determined at the end of each semester and at the end of the academic year in accordance with the following grading system:

A	4.000 <sup>4</sup>
A-	3.666
B+	3.333
B	3.000
B-	2.666
C+	2.333
C	2.000
C-	1.666
D+	1.333
D	1.000
F	0.000

Pass-Honors (no effect on average)	P-H
Pass (no effect on average)	P
Low-Pass (no effect on average)	L-P
Unexcused failure to complete course requirements including attendance, examinations, papers, etc.	F-Wd

The passing grade in an individual course is D (1.000)

## 2. DESIGNATIONS

Temporarily excused from completion of a requirement I

A designation of I will only be given for extraordinary circumstances beyond the student's control. The professor giving an I should provide written notice to the Registrar by the last day of the semester (or term) of (a) the reason for the designation of I, and (b) the date by which the student is expected to complete the course requirements. The student must complete the required work no later than the end of the spring semester in the case of a fall semester course, no later than the beginning of the fall semester in the case of a spring semester course, or no later than the end of the fall semester in the case of a summer session course or an additional grade of F-Wd will be entered. A professor may require that work be completed earlier.

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<sup>4</sup> These are the course grades; grade point averages are truncated to two decimal places.

Excused or voluntary withdrawal from a course	Wd
Year-long course	Y
Administrative Delay	AD

**3. THE FOLLOWING COURSES ARE GRADED PASS-HONORS/PASS/LOW-PASS/FAIL:**

Bar Examination Skills and Tactics	Food and Agriculture Clinic
Deans Fellows	Legal Analysis and Writing I
Energy Clinic	Legal and Policy Writing
Environmental and Natural Resources	South Royalton Legal Clinic
Law Clinic	

**4. THE FOLLOWING COURSES ARE GRADED PASS/FAIL:**

Judicial Externship practicum	Law Review Legislative Clinic
LLM Externships	MELP Externships
MERL Externships	MFALP Externships;
MARJ Externships	Part-Time JD Externships
Semester in Practice	Practicum Trial Practice
Vermont Journal of Environmental Law	

**5. PASS/FAIL OPTION**

A student who experiences the death of a spouse, life partner, child, parent, brother, or sister any time after the beginning of the semester may elect to complete any or all of the particular semester's course requirements on a pass/fail basis. The student must provide the Registrar's Office with written notice prior to the administration of each examination or the due date of other required work for which this option is selected.

**6. GRADING PROCEDURE**

- a. The recommended average grade for all first-year courses, other than Legal Writing II and Legal Methods, and for all other courses with an enrollment of 40 or greater is a B. For purposes of this regulation, a B is equivalent to a numerical score of 2.84 to 3.17.
- b. Once grades have been turned in to the Registrar, no grade change may be made without the approval of the Committee on Standards and ordinarily only if the instructor certifies that the change is necessary because of mathematical error.
- c. The Committee on Standards may also undertake to review the substance of the work product of a course, or cause other members of the faculty or outside experts to undertake a review of the work product of a course, if, but only if, a student who complains about a grade:
  - (1) Receives a grade below a C for the course; and
  - (2) Alleges that the grade was based in whole or in part on factors other than the merits of the student's performance in the course; and
  - (3) Produces clear and convincing evidence extrinsic to the work product that the grade was based in whole or in part on factors other than the merits of the student's performance in the course.
  - (4) "Work product" includes, but is not limited to, an examination, take-home examination, research paper, empirical study, brief, memorandum of law, or oral exercise which has been electronically recorded.
  - (5) "Factors other than the merits of the student's performance in the course" are limited to prejudice against the student based upon the student's race, color, religious belief, national origin, political belief, sex or sexual orientation, gender expression or identity, disability, or personal animosity toward the student, or upon the personal, political, religious, moral, or ethical views of the faculty member.
  - (6) A petition to review the work product of a course must be submitted no later than 90 days after the due date for grades for the semester (or term) in which the work was completed.
  - (7) If, and only if, the student satisfies the requirements of (1), (2), (3), and (6) of this section, the Committee shall review, or cause the review of, the work product on its merits and make a determination as to whether the grade for the work product was justified. The standard shall be whether any reasonable faculty member teaching in the subject area would have given the grade complained of. If the Committee finds that a reasonable faculty member could have given the grade, the grade shall stand; if the Commit-

tee finds that no reasonable faculty member could have given the grade, the grade shall be removed from the student's transcript and shall be replaced by a grade of pass.

- d. It is explicitly recognized that, subject to the limitations described in this section, members of the faculty have very broad discretion to set academic standards and award grades and nothing herein shall be construed to otherwise limit that discretion.

## 7. DEGREES AND HONORS

- a. Degrees are awarded at the meetings of the Board of Trustees in the fall and winter and at the commencement held annually at the end of the spring semester. Students successfully completing degree requirements at other times may request a certificate of completion prior to the receipt of a diploma.
- b. Vermont Law School grants the JD degree with the Latin honors cum laude, magna cum laude, and summa cum laude, based on the following cumulative GPAs:<sup>5</sup>

Cum laude	3.50
Magna cum laude	3.65
Summa cum laude	3.80

Honors are determined at the end of either the final semester or the semester immediately preceding the final semester.<sup>6</sup> If a student achieves a grade point average sufficient for honors at the end of the semester immediately preceding the final semester, the student will receive those honors even if the student's grade point average decreases in the final semester.

- c. Vermont Law School grants the MELP, MERL, MFALP, MARJ, LLM in Environmental Law, LLM in Energy Law, LLM in Food and Agriculture Law, and LLM in American Legal Studies degrees with distinction for those students who achieve a GPA of 3.50 or higher upon completion of the program.
- d. Faculty members may designate on their faculty grading sheets the top one or two students in each class. The student(s) so designated receive the "Academic Excellence Award" for that particular class, an honor that can be included on resumes, cover letters, or job applications, etc. Faculty have discretion to refrain from designating the top student. This regulation shall not apply to students in IRPs, Directed Study, Law Review class, the Vermont Journal of Environmental Law class, or the classroom component of Externships or SIPs.

## D. EXAMINATIONS

1. Students should use the VLS assigned student identification numbers rather than their names on all examination and course papers unless requested to do otherwise.
2. Students are required to take a regularly scheduled examination in each course; in some courses, seminars, clinical programs, and the like, papers and other assigned work may be substituted.
3. Students are permitted to have in their possession in the examination room only material authorized by the instructor. Possession of any other materials is grounds for a grade of F and for action under the Vermont Law School Honor Code.
4. Faculty members may require that students submit papers, written projects, take-home examinations, and similar work product electronically or through hard copy. Students should keep a copy of all work submitted whether electronic or in hard copy.
5. After an examination has been turned in, a faculty member may require of any student whose paper is found to be illegible that a typed copy of the examination be substituted for grading purposes. At the student's expense the student will be provided by the Registrar with a photocopy of the student's examination paper. The substitute copy of the examination, along with the typed copy, must be returned within ten days, or such shorter period designated by the faculty member. The typed copy must bear the signed certification of the

<sup>5</sup> For students who matriculated in the JD program prior to May 1, 2015, the GPAs required for the award of a degree with Latin honors are as follows: cum laude 3.25, magna cum laude 3.50, and summa cum laude 3.75.

<sup>6</sup> In most situations, the student's "final semester" is the sixth semester so that honors may be earned either at the end of the fifth or the sixth semester.

student and typist that it is “an exact, true, and unedited copy of the original.”

6. Take-home examinations may be given at the discretion of the instructor. Any examination extending beyond a full day (9 a.m. to 5 p.m.) is considered a take-home examination. The time for a take-home examination in a first-year course is determined by the instructor and the Registrar. Take-home examinations in other courses must be distributed no later than the first day and due by the close of business on the last day of regularly scheduled exams for the fall and spring final examination periods. Take-home examinations in summer school extend for the period designated by the Director of the Environmental Law Center or the Director’s designee.
7. An unexcused failure to take such an examination will result in an automatic F-Wd. grade for the course. If a satisfactory explanation for the absence is approved by the Committee on Standards, an I (incomplete) is recorded; the regular course grade earned in a subsequent examination will be added to the permanent record when it becomes available.
8. Except as provided below, students are required to take examinations at the regularly scheduled examination time unless extraordinary circumstances exist to justify departure from this policy. Extraordinary circumstances are defined as serious personal illness or other personal emergency which will prevent the student from taking the examination at its regularly scheduled time. Personal travel plans outside of an emergency situation will not constitute extraordinary circumstances.

Requests for permission to take a make-up examination must be made to the Vice Dean for Students in advance of the regular examination. If a student is prevented by sudden illness or other cause from submitting a written request, an oral request before the examination should be made to the Vice Dean for Students or the Registrar. Requests alleging illness or other medical problems must include a physician’s statement concerning the medical condition.

A request made after the regularly scheduled examination will generally not be granted, unless unforeseeable emergency circumstances prevented the student from making a pre-examination request.

9. When the Vice Dean for Students or the Committee on Standards has excused an absence from an examination, a make-up examination shall be arranged by the Registrar and the instructor. Make-up examinations will be given no later than two weeks following the regular examination period unless the Vice Dean for Students or the Committee on Standards determines that the circumstances justifying the excused absence will continue to prevent the student from taking the examination during that time period.
10. A student seeking accommodation for disability must contact the Vice Dean for Students and follow the procedures outlined in the Vermont Law School Policy and Procedures for the Provision of Services to Students with Disabilities. The Vice Dean for Students will notify the Registrar of the appropriate accommodations to be provided a student. The Registrar will notify the student of the time and place for each examination.
11. A student seeking accommodation for a temporary disability must contact the Vice Dean for Students prior to the beginning of the examination period. (If the condition arises during the examination period, the student must contact the Vice Dean for Students or the Registrar as soon as possible within the examination period.) The Vice Dean for Students or the Registrar may require medical documentation of the temporary disability. The Registrar, in consultation with the Vice Dean for Students, will provide appropriate accommodation and notify the student of the time and place for each examination as well as the nature of the accommodation provided. Accommodation for a temporary disability will be provided only for examinations during one semester (or one summer session). A student seeking accommodation beyond one term should contact the Vice Dean for Students.
12. A student who is unable to take a regularly scheduled examination for religious reasons should contact the Registrar. The Registrar will move the examination to the first day, following the scheduled day, when that student is not taking another examination.
13. A student seeking additional time on examinations or other accommodation because English is not the student’s native language must contact the Vice Dean for Students. The student must provide the Vice Dean with appropriate documentation supporting his or her request. The Vice Dean will notify the Registrar of the appropriate accommodations to be provided a student. The Registrar will notify the student of the time and place for each examination.

14. A student should not be required to take more than one examination per day or three examinations on consecutive days.
  - a. Two Examinations on the Same Day: A student with two examinations scheduled on the same day may request a rescheduling of the examination for the course with the lower enrollment to the first day, following the scheduled day, when that student is not taking another examination.
  - b. Three Examinations on Consecutive Days: A student scheduled to take three examinations on consecutive days may request that one examination (usually in the course with the lowest enrollment) be rescheduled to the next available examination date.
  - c. Requests made to reschedule examinations under this subsection 14 must be presented in writing to the Registrar's Office, on the form available in the Registrar's Office.
15. Other Rescheduling Requests: Any request to take an examination early, or to reschedule an examination for any reason other than described in subsection 14.a. and b., above, must be submitted in writing to the Committee on Standards for approval.
16. Upon approval of a request by the Registrar or the Committee on Standards, the student will be notified of the rescheduled day and time, and of the procedure for picking up and turning in the examination.
17. A rescheduled examination may not be given on a day earlier than the regularly scheduled examination without the express consent of the faculty member. (Examinations with extended time may begin at a time earlier than the regularly scheduled examination if the examination is given on the same day as the regularly scheduled examination.)
18. The Registrar will maintain a list of rescheduled examinations showing the students and courses for which examinations have been rescheduled. The Registrar will note on the list the date each examination is administered and the date the completed examination is given to the professor.
19. A student taking a rescheduled examination must certify in writing that, at the time she/he receives the examination, he/she has not looked at the examination or discussed it with anyone.

## E. MISCELLANEOUS

### 1. USE OF NAME OF VERMONT LAW SCHOOL IN A REPRESENTATIVE SENSE

Students in Vermont Law School shall not, without the consent of the President and Dean, either individually or collectively, use the name of Vermont Law School in a representative sense in any activity of any kind outside the regular work of the school. Violations of this rule are regarded as sufficient cause for dismissal.

### 2. TUTORING IN BASIC ENGLISH

Any student who has significant difficulty with basic English may be required to work in a tutorial program at the student's expense.

## III. JURIS DOCTOR DEGREE (JD)

### A. REQUIREMENTS FOR THE DEGREE

#### 1. GENERAL

The degree of Juris Doctor (JD) is granted for regular attendance and satisfactory completion of the prescribed course of study which includes a minimum of 87 semester hours and a cumulative grade point average of 2.20.

#### 2. COURSE REQUIREMENTS

- a. Of the 87 semester hours required for the degree, satisfactory completion of the following courses is required: Appellate Advocacy; Civil Procedure I and II; Constitutional Law; Contracts; Criminal Law; Legislation and Regulation; Evidence; Profes-



sional Responsibility;<sup>7</sup> Legal Analysis and Writing I; Legal Research; Legal Writing II: Theory and Practice; Property; and Torts.<sup>8</sup>

Satisfactory completion of two of the following courses is also required: Corporations, Criminal Procedure (either Constitutional Criminal Procedure or Criminal Practice and Procedure), Estates, Family Law; First Amendment Law; and Sales.

Effective for students entering after May 1, 2014, all students shall be required to take at least six (6) experiential credits, as defined below. Experiential credits shall consist of credits in courses that are (i) clinics, both on and off campus, (ii) externships, including SiP offerings, and (iii) such other courses as may be expressly approved by the Curriculum

Committee as appropriate for meeting this requirement. In helping students to meet this requirement, VLS cannot guarantee any particular placement. Clinics, both on and off campus, and externships taken for master's degree credit do not satisfy this requirement.

Except as noted in subsections b and c of this regulation and in regulations III.D.2.b. and III.D.2.c., all other courses are elective.

- b. Each student is also required to satisfactorily complete one perspective course. Perspective courses substantially and systematically expose students to the broader foundations of law, including its social, cultural, historical, philosophical, comparative, or scientific contexts. The courses which satisfy this requirement change from time to time; a list of courses which currently satisfy this requirement is published online each year at [vermontlaw.edu](http://vermontlaw.edu) under JD degree requirements in the academic catalog.
- c. Satisfactory completion of the Advanced Legal Writing Requirement (AWR) is also a graduation requirement. A student must submit a written project which a regular faculty member determines would receive a grade of C or better were it the sole basis of grading in a course for two or more credits. The student may submit a project:
  - (1) In satisfaction of any written requirement in any course or Independent Research Project which a regular faculty member has certified as meeting the provisions of the Advanced Legal Writing Requirement; or in completion of any project, whether or not submitted for academic credit, which a regular faculty member has certified as meeting the provisions of the Advanced Legal Writing Requirement.
  - (2) Every student must either satisfy the requirement prior to the beginning of the student's sixth semester<sup>9</sup> or file with the Registrar a statement approved by a regular faculty member setting forth the particulars of the project which the student intends to complete to satisfy the requirement.
  - (3) PURPOSE: The purpose of the Advanced Legal Writing Requirement is to provide each student with an opportunity to enhance his or her writing skills on a more sophisticated project than is afforded in the first year and appellate advocacy writing programs, preferably in an area of law of his or her choosing, and with the assistance of detailed and individualized feedback from a member of the faculty. Close interaction between student and instructor is considered essential to the success of this requirement, the focus of which should include the substantive content of the student's

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<sup>7</sup> In the spring of 2014 the faculty approved a recommendation of the Curriculum Committee to also allow students to meet the Professional Responsibility requirement through courses that meet a Professional Responsibility Distributional requirement. As those courses are developed and approved by the Curriculum Committee, a list of those courses will be provided online at [vermontlaw.edu](http://vermontlaw.edu) under JD degree requirements in the academic catalog.

<sup>8</sup> For students who matriculated before April 2013, the required coursework is as follows: Appellate Advocacy; Civil Procedure I and II; Constitutional Law I and II; Contracts; Criminal Law; Evidence, Legal Profession; Legal Analysis and Writing I, Legal Research; Legal Writing II: Theory & Practice; Property; and Torts. Students who matriculated before April 2013 and did not complete Constitutional Law I and II before the end of the 2012 -2013 academic year will receive a waiver allowing them to satisfy the requirement through completion of Constitutional Law and Public Law.

<sup>9</sup> The usual period of study to obtain the JD degree is six semesters extended over three academic years. Regulation III.A.6. For students pursuing an accelerated or extended scheduling option or for students in certain joint or dual degrees, the term "sixth semester" as used throughout these regulations means the student's final semester in the JD program at the end of which the student is awarded the JD degree. The term "fifth semester" means the semester preceding the final semester in the JD program.

work, the quality of his or her writing, and the process by which the student organizes and develops ideas, conducts research, and writes.

- (4) GENERAL GUIDELINES: The following guidelines set forth the criteria to be used generally in designing a student's project and in structuring faculty supervision of the project. Both faculty and students are urged to abide by these guidelines except where special circumstances, which allow the goal of the AWR program to be served in some other way, justify variance from them. In this connection, the fact that an AWR project is written in conjunction with a seminar does not, without more, justify departure from these guidelines.
- (a) Genre: A project need not culminate in any particular genre of legal writing to be satisfactory. Such diverse projects as law review articles, advanced moot court briefs, seminar papers, proposed statutes with comment, or other projects might serve as appropriate vehicles for demonstrating one's competence for Advanced Legal Writing. The determinative criteria are the project's requirements for research, analysis, and writing.
  - (b) Length: No particular length is required, although most projects have been in the range of 20 to 30 pages. In any event, the length should be such that the student is required to demonstrate such fundamental writing skills as grammar, syntax, organization, clarity of expression, and ability to present fully the message of the project in a well-reasoned fashion.
  - (c) Drafts: Each project should require, in addition to the final draft, at least one detailed outline and one preliminary draft, or two preliminary drafts of the final product. In addition, the student and the faculty supervisor should complete a written evaluation at the end of the term, focusing on the quality of the student's work, on improvement in the student's skills, and on the quality of the learning process. Outlines, if required, and preliminary and final drafts should be reviewed and critiqued by the certifying faculty member. The final product should reflect consideration of the comments and critiques of the faculty member.
  - (d) Collaborative Efforts: Some projects may involve the collaborative efforts of two or more students. In such instances, the individual student must be able to identify his or her contributions to the research, analysis, and writing incorporated in the drafts and final project. The certifying instructor should take such steps as he or she deems necessary to insure that each student within the group has demonstrated competence in research, analysis, and writing.
  - (e) Meeting: Every faculty supervisor and student may expect each other to be available for a minimum of four face-to-face meetings during the semester to discuss the student's project.
  - (f) Supervision: Faculty supervision should be directed at improving the student's skills in the following areas, the attention paid to each item to be a function of the student's individual needs:
    - (i) fundamentals of writing (grammar, syntax, organization, and clarity of expression),
    - (ii) legal analysis,
    - (iii) legal research and
    - (iv) capacity for self-reflection and self-evaluation on both the quality of the student's work and the process of learning involved in the project.
  - (g) Supervision by Adjuncts: Adjunct faculty, other than individuals who are full-time employees of Vermont Law School, may not supervise an advanced legal writing project unless (1) the project is done in satisfaction of course requirements in a course taught by the adjunct that the Vice Dean for Students has approved in advance of the semester in which it is offered as appropriate for advanced legal writing credit or (2) the Vice Dean for Students

approves the specific project in advance of commencement of the project. In all such cases, the student must draft, and the adjunct faculty supervisor and the Vice Dean for Students approve, a contract for the project containing the information required for independent legal research projects.

- d. Satisfactory completion of the 1L Preliminary Bar Examination is also a graduation requirement. A student must sit for the Preliminary Bar Examination no later than the first week of the beginning of the student's second fall semester enrolled at VLS. A student shall have satisfactorily completed this requirement under either of the following:
- (1) The student earns a passing score on three of the seven sections of the Preliminary Bar Examination no later than the first week of the beginning of the student's second fall semester enrolled at VLS with at least one passing score on a multiple choice section and one on a writing section; or
  - (2) If a student does not meet the requirements of subsection (1), the student must (a) meet with the Director of the Academic Success Program or the Director's designee two times following the Preliminary Bar Examination, (b) sit for the Preliminary Bar Examination a second time during the student's second spring semester, and (c) enroll in either one additional bar course or the Bar Exam Strategies and Tactics course.

A student who transfers to VLS following the 1L year shall be deemed to have completed this requirement upon taking the Preliminary Bar Examination no later than the first week of the beginning of the student's second fall semester enrolled at VLS.

### **3. NON-LAW COURSES AND COURSES NOT APPROVED FOR JD CREDIT**

- a. Except as provided in subsection 3.b. below, JD students may enroll in only one non-law course. Credits so earned will be applied toward the 87 semester hours required for the Juris Doctor degree.
- b. JD students may enroll in non-law courses in any joint or dual degree program or exchange program as approved by the faculty or the Committee on Standards.<sup>10</sup>
- c. JD students may enroll only in courses approved for JD credit.

### **4. CREDITS TOWARD JD DEGREE FROM STUDY ABROAD PROGRAMS**

In accordance with ABA regulations, the total number of credits that may be applied to the JD degree from courses taken in study abroad programs shall not exceed one third of the credits required for that degree, i.e. 29 credits.

### **5. COURSE LOAD**

The following restrictions apply to all JD students. No exceptions are allowed without prior written approval of the Committee on Standards.

- a. The minimum course load is 10 hours per semester, and the maximum course load is 17 hours per semester.<sup>11</sup>
- b. Although there is no per semester "classroom hour" requirement, students must in the course of six semesters complete a minimum of 64 credits of course work requiring attendance at regularly scheduled class sessions. For purposes of calculating attendance at regularly scheduled class sessions, all work done in connection with enrollment in the South Royalton Legal Clinic (SRLC), the Environmental and Natural Resources Law Clinic (ENRLC), the Food and Agriculture Clinic, and the Energy Clinic is considered to be in regular class sessions, whether in a classroom or not.

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<sup>10</sup> The number of credits of non-law courses may be different depending on the joint or dual degree or exchange program. Students pursuing any of these programs should consult with the Vice Dean for Students or the Program Coordinator of International and Comparative Law Programs.

<sup>11</sup> The maximum course load of 17 credits is mandated by the American Bar Association and may not be waived.

Courses taken through exchange and dual degree programs with the University of Cergy-Pontoise Faculty of Law, University of Paris Panthéon-Sorbonne Faculty of Law, the University of Trento Faculty of Law, and the McGill University Faculty of Law are also counted toward satisfying the requirement of 64 credits of course work requiring attendance at regularly scheduled class sessions.

Academic credits awarded in the following do not count toward satisfying the requirement of 64 credits of course work requiring attendance at regularly scheduled class sessions:

- (1) Courses taken at academic institutions, other than A.B.A. accredited schools, including courses taken at the Yale School of Forestry and Environmental Science, Carnegie Mellon University, the Tuck School of Business at Dartmouth College, the University of Vermont, and the University of Cambridge
- (2) Independent Research Projects
- (3) Directed Study
- (4) Practicum portion of an externship
- (5) Legislative Clinic
- (6) Vermont Law Review and the Vermont Journal of Environmental Law
- (7) Non-law courses and courses not approved for JD credit.

## 6. RESIDENCE REQUIREMENT

- a. Three years “residence” (six semesters) is required for the JD degree. To receive residence credit for a particular semester, the student must receive credit for at least 10 hours (the minimum course load).
- b. The usual period of study to obtain the JD degree is three years (six semesters).<sup>12</sup>
  - (1) A student may extend this time period to four years (eight semesters) by taking a reduced course load or pursuing an extended scheduling option.
  - (2) A student may also extend this time period by requesting a leave of absence. Except as provided in regulation III.A.7.g. with respect to students in the Accelerated JD program, the Registrar may grant leaves of absence, other than medical leaves of absence, for two semesters; all other requests for leaves of absence, other than medical leaves of absence, must be addressed to the Committee on Standards. The Vice Dean for Students may grant requests for medical leaves of absence upon submission of appropriate documentation from a health care professional. Under no circumstances will a request for a leave of absence, including a medical leave of absence, be granted that extends the period of study beyond seven years. A student who is on academic probation at the end of the first semester and who requests a leave of absence will be required to complete the second semester of first year JD courses, including Legal Methods, before taking upper division courses.
  - (3) A student pursuing the accelerated scheduling option must also complete a minimum of six residential semesters. (For purposes of this regulation, a summer session will count as one residential semester.)
  - (4) A student may not extend the period of study to obtain the JD degree beyond seven years from the date of matriculation.
- c. To obtain the degree from Vermont Law School, a student must be in residence at Vermont Law School, or at a school with which Vermont Law School has an exchange program, for the last four semesters.

A student pursuing the accelerated scheduling option must also be in residence for the last four semesters. (For purposes of this regulation, a summer session will count as one semester.)

No exceptions will be made except for an unforeseeable change of circumstance of an emergency nature.

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<sup>12</sup> For students pursuing an accelerated or extended scheduling option or for students in certain joint or dual degrees, the term “sixth semester” as used throughout these regulations means the student’s final semester in the JD program at the end of which the student is awarded the JD degree. The term “fifth semester” means the semester preceding the final semester in the JD program.

- (1) A desire to enroll in an academic program not offered at Vermont Law School (or its exchange program) is not considered an unforeseeable change of circumstance of an emergency nature.
  - (2) A desire to avoid separation from a spouse or partner will not ordinarily be considered an unforeseeable change of circumstances of an emergency nature.
- d. No residence credit is granted for Vermont Law School's summer sessions or for attendance at another law school unless part of an exchange program as provided under 6.c. above, unless the student is pursuing the accelerated scheduling option, or the student is pursuing the extended scheduling option and has received permission from the Committee on Standards (see regulation III.A.8.c.).

## **7. ACCELERATED JD PROGRAM**

The Accelerated JD Program allows for completion of the JD course of study in six consecutive terms (four regular semesters and two summer sessions). All academic regulations pertaining to the JD apply to the AJD except where modified by regulations contained in this subsection.

- a. **Eligibility:** First year students are admitted into the AJD program during the admissions process to start in summer or fall terms. Transfers from the VLS JD program into the AJD are permitted only at the beginning of the spring term in the first year. Transfers from other ABA approved law schools are permitted at the beginning of the summer or fall semesters following the completion of the first year.
- b. **Summer terms requirement:** AJD participants may commence the program by enrolling in the first AJD summer session and then enrolling in a second summer session, or they may commence in the fall or spring semester of their first year and enroll in the next two summer sessions. Transfer students from other ABA approved law schools may commence the program in the summer session and enroll in a second summer session or may begin in the fall semester and enroll in only one summer session.
- c. **First Year Program:** AJD participants who start in the summer must complete the first year curriculum during the fall and spring semesters following the first AJD summer session.
- d. **Course load requirements:**
  - (1) The minimum course load for the first AJD summer session is 12 credits and the maximum is 14.
  - (2) The minimum course load for the second AJD summer session is 10 credits and the maximum is 13.
  - (3) The minimum AJD course load for fall and spring semesters is 15 credits and the maximum is 17, unless the AJD student has enrolled in the Semester in Practice program.
- e. **Residence requirement:** AJD students are subject to the residence requirement described in III.A.6. For purposes of this regulation each summer session counts as a regular semester.<sup>13</sup>
- f. **GPA requirement:** Students who begin the AJD program in the fall or spring semester must achieve a 3.0 GPA at the end of the fall semester in order to remain in the accelerated program. Transfer students from other ABA approved law schools must have a 3.0 GPA to be admitted to the AJD program.
- g. If a student in the AJD program seeks a leave of absence, he or she must apply to the Committee on Standards. Petitions must be submitted by March 15 for a leave of absence in the summer term, by August 15 for a leave of absence in the fall term, and by November 15 for a leave of absence in the spring term. A leave of absence will be granted only for good cause and may result in decelerating from the AJD program.
- h. A student in the AJD program may decelerate at any time by notifying the Registrar in writing. A student will be involuntarily removed from the AJD program ("decelerated") if

<sup>13</sup> This regulation applies to students who are admitted to and matriculate into the AJD program after April 1, 2013.

- (1) the student registers for less than the minimum course load specified in regulation II.A.7.d. or
- (2) it becomes impossible for a student to complete the JD requirements in six semesters. Once a student has left the AJD program, whether voluntarily or involuntarily, the student must petition the Committee on Standard for re-admission to that program. The Committee on Standards will only grant such petitions in extraordinary circumstances.

#### **8. EXTENDED SCHEDULING OPTION**

Vermont Law School offers a flexible scheduling option that will allow JD students to extend the JD program over eight semesters. Such students must be in residence (as defined in regulation III.A.6.) for eight semesters.

- a. Eligibility: Interested students should apply prior to the commencement of their first year in the JD program. After that, admission will be granted only in exceptional circumstances, upon petition to the Committee on Standards.
- b. The minimum course load for participants in the extended scheduling option is 10 credits. No exceptions are allowed without prior written approval of the Committee on Standards. The maximum load is 12 credits. The maximum load restriction may be modified by the Vice Dean for Students or the Vice Dean's designee.
- c. Extended scheduling option students must petition the Committee on Standards to have summer session count as a residence semester prior to enrollment in summer session.
- d. The extended schedule course modifies the standard schedule as follows:
  - (1) First Year: Torts; Contracts; Property; Criminal Law; Legal Analysis and Writing I; Legal Research; and Legal Writing II
  - (2) Second Year: Constitutional Law; Legislation and Regulation; Civil Procedure I and II; plus upper level courses.
- e. Tuition: students agreeing to remain enrolled in the extended scheduling option for eight semesters will be billed 80% of the standard tuition fee each semester. Students taking classes in summer sessions that have not been approved as a residence semester will be billed at the per credit rate.
- f. Impact on academic standing: students in the extended scheduling option will be ranked only after completion of the fall semester of their second year.
- g. Impact on extracurricular activities: students in the extended scheduling option will be eligible for participation in Law Review, VJEL and extramural moot court competitions only after completion of their second year.

#### **9. TRANSFER OF CREDIT AND CREDIT FOR SUMMER COURSES**

- a. A student accepted for transfer to Vermont Law School may receive equivalent course and residence credit for work at another ABA-approved law school. No more than one year's residence credit may be transferred and only courses for which the student has received a grade of C or better will transfer. Pass/Fail grades and grades for externships will not transfer. The courses taken, grades, and credit earned, other than pass/fail grades and externships grades, at the prior law school will be noted on the Vermont Law School transcript but will not be included in the student's Vermont Law School grade point average.

If a student has not been enrolled in an ABA-approved law school within the two years preceding application to Vermont Law School, the student will not be accepted as a transfer student. Students who do not qualify as transfer students under this paragraph may apply for admission as first-year students.

- b. A student at Vermont Law School who takes courses at another ABA-approved law school or programs of such school may be granted credit provided the courses do not duplicate courses taken at Vermont Law School and meet the Vermont Law School grade and academic standards provided in these academic regulations. Only courses for which the student has received a grade of C or better will transfer. Pass/Fail grades and grades for externships will not transfer. The courses taken, grades, and total credits earned, other than Pass/Fail and externships grades, will be recorded on the student's Vermont

Law School transcript, but course grades will not be included in the student's Vermont Law School grade point average. The student must provide the Registrar with an official transcript showing the grades earned at the other institution. Students are strongly encouraged to consult the Registrar before enrolling in courses at another ABA-approved law school to ensure compliance with this regulation.

- c. A student at Vermont Law School will be granted credit for summer courses satisfactorily completed at Vermont Law School. Grades for such courses are noted on the Vermont Law School transcript and are included in the grade point average. No residence credit is granted except as provided in regulation III.A.6.
- d. A student will not be granted credit for courses completed prior to the student's matriculation as a candidate for the JD degree at an ABA-approved law school.

#### **10. EXCHANGE PROGRAMS WITH ABA-APPROVED LAW SCHOOLS**

- a. Vermont Law School has exchange agreements with the following ABA-approved law schools to enable students to enroll in courses that are not otherwise available at Vermont Law School:

Howard School of Law  
New York Law School  
University of California Hastings School of Law  
University of Connecticut School of Law  
University of New Hampshire School of Law  
University of Puerto Rico School of Law

- b. Students must be in the upper-half of their class at the time of application and at the time of enrollment in the program.
- c. Students must apply to the Vice Dean for Students, or the Vice Dean's designee, by the deadline set by the Vice Dean. The number of students allowed to participate in the exchange program is governed by the agreement with the exchange school. If there are insufficient slots for all interested students, the Vice Dean for Students will determine who may participate in the program. Ordinarily students will be allowed to participate in an exchange program only for one semester.
- d. Vermont Law School is the home institution and the other ABA-approved law school is the host institution. Students participating in the exchange program are subject to all the rules, regulations, policies, and procedures of both the home institution and the host institution. Students pay all fees and tuition to the home institution.
- e. Enrollment in an approved exchange program satisfies the residency requirement in regulation III.A.6.
- f. The courses taken, grades, and total credits earned will be recorded on the student's transcript and will be included in calculating the student's grade point average. Failing grades will be included. Grades for externships, pass/fail grades, and grades other than letter grades will not transfer and will not be recorded on the student's Vermont Law School transcript. A student who participates in an exchange program should consult with the Vice Dean for Students or the Registrar prior to registering for courses at the host institution.

#### **B. QUALIFICATIONS AND REQUIREMENTS FOR CLINICS AND EXTERNSHIPS**

- 1. Enrollment in a clinic or externship requires permission of the Director, or the Director's designee.
- 2. A student may participate in an externship in the fourth, fifth or sixth semester.<sup>14</sup> Ordinarily, a student with a GPA below 2.4 will not be allowed to enroll.
- 3. Students are permitted to enroll in clinical courses after satisfactory completion of 28 credits.

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<sup>14</sup> Summer school does not count as a semester unless the student is pursuing the Accelerated JD or the extended scheduling option. See, Regulations III.A.7. and III.A.8.c.

4. All clinics and externships are limited enrollment courses with enrollment and application procedures established for each program.
5. A student may not:
  - a. Enroll in more than one clinic or externship course in any one semester;
  - b. Enroll in a clinic or externship course that substantially repeats the experience gained in the same or another clinic or externship course;
  - c. Except for a part-time JD externship, enroll in the same experiential course more than once;<sup>15</sup>
  - d. Enroll in an externship program with the same mentor or at the same site at which the student has been placed as an extern, had an employment relationship or has worked as a volunteer unless the program will provide a qualitatively different or broader learning experience than the student has had as a volunteer or an employee;
  - e. Enroll in a clinic or externship that presents a significant possibility of a conflict of interest based on the student's enrollment in a different clinic or externship, the student's prior or current employment relationship, or the student's prior or current work as a volunteer, unless the conflict can be effectively managed by the clinic or externship;
  - f. Extern under the supervision of mentors not admitted to practice law. This requirement applies whether the mentor is working in a governmental agency, non-profit organization, private law firm, for-profit corporation, or as a judge. The only exception is in the fields of lobbying or policy work. For those externships, the mentor must have a law degree but need not be actively licensed to practice law; or
  - g. Receive compensation for work performed in an externship course for which academic credit is granted, with the following exception:
    - (1) Reimbursement of reasonable out-of-pocket expenses directly related to the specific externship is permitted, but only to the extent that reimbursement is not taxable to the student.
    - (2) Examples of reimbursable expenses include:
      - (a) Local transportation costs such as bus fare, subway fare, parking, and mileage;
      - (b) Transportation to and from an externship that is not local; or
      - (c) The reasonable cost of meals and housing to the extent that the student can establish that those costs exceed what the student was paying at the location of the law school.
    - (3) Examples of expenses that are not reimbursable include:
      - (a) The cost of owning a car, including registration, insurance, and depreciation;
      - (b) The basic cost of meals and housing; or
      - (c) Stipends.
  - h. Students enrolled in full-time externship or semester in practice courses may take up to three additional credits if the additional credits are approved before the externship semester begins by both the Director of JD Externships and the supervising attorney or judge with whom the student will work in the field.
6. Joint-degree and dual-degree students must receive prior approval from the joint-degree or dual-degree program director, or the director's designee, in addition to the full-time externship program director's approval, before enrolling in a full-time externship program.
7. The number of credits available for a part-time externship shall be determined by the externship director, or director's designee, in consultation with the mentor at the time of approval of the externship. Any number of credits from four to six may be set, depending upon the amount of student time required by the project, such credit to be figured at the rate of three hours of student time per week per credit. A load greater than six credits requires approval of the

<sup>15</sup> This regulation does not preclude a student from enrolling in an advanced clinic because advanced clinic is a separate course offering that is distinct from the related clinic course.



Vice Dean for Students (after consultation between said Dean and the Director of the part-time Externship Program). Such approval shall not ordinarily be granted.

## **C. INDEPENDENT RESEARCH PROJECTS**

### **1. GOALS**

- a. To allow the participating student to engage in intensive research in an area of the law in which the participating student has a particular interest.
- b. To give the participating student experience in completing a major piece of legal writing.
- c. To encourage a faculty-student learning experience on a highly individualized basis by providing close supervision of the participating student by a faculty member in both the research and writing stages.

### **2. BASIC ELIGIBILITY REQUIREMENTS**

- a. Any student may undertake an Independent Research Project in any semester during his or her second or third year of studies.
- b. In order to be eligible to undertake an Independent Research Project a student must find a faculty member willing to sponsor the student's project. The decision to sponsor a student's Independent Research Project is solely within the faculty member's discretion. In this exercise of his or her discretion, a faculty member may take into account, but is in no way limited to, the following criteria:
  - (1) The student's record in regularly structured classroom courses,
  - (2) The student's record in previously completed written work, and
  - (3) The student's total number of credits for non-classroom work in the current and prior semesters. See regulation III.A.5.b.

### **3. PROCEDURES FOR DEVELOPING INDEPENDENT RESEARCH PROJECTS**

A faculty member willing to sponsor a student's Independent Research Project is hereinafter referred to as a sponsor.

- a. In consultation with his or her sponsor, the student must prepare a contract.
- b. The contract shall be a typewritten document prepared by the student in consultation with the sponsor setting forth the obligations and expectations of each party. It shall include, as far as possible, the following provisions:
  - (1) a description of the nature of the project;
  - (2) the goals which the student seeks to achieve by undertaking this particular project;
  - (3) a brief description of the research resources necessary for this project;
  - (4) a summary of the preliminary work already undertaken;
  - (5) an estimate of the amount of time the student will spend undertaking the Independent Research Project;
  - (6) a statement of expectations regarding the amount of time and effort the sponsor will devote to aiding the student in carrying out the project;
  - (7) a timetable for completion of various stages of the project;
  - (8) a description of the estimated size and scope of the final work product;
  - (9) a statement as to the mode of evaluation of the final work product;
  - (10) a statement as to the number of credits to be received;
  - (11) a listing of the student's credits for non-classroom work in the current and prior semesters. (Non-classroom work is defined above at regulation III.A.5.b.)
- c. If the Independent Research Project includes interviewing or surveying individuals or otherwise involves human participants, the student must comply with the Vermont Law School Policies and Procedures for Research Involving Human Participants and obtain prior approval from the Vice Dean for Faculty or the Vice Dean's designee.
- d. Requirements of filing a form for the contract are as follows:
  - (1) A copy of the contract, bearing the signature of the student and the faculty

sponsor, shall be filed in the Registrar's Office by the student no later than the deadline for adding courses to student schedules for the semester. If a student fails to file the contract with all required signatures by this deadline, the Registrar will delete the independent research project from the student's registration.

- (2) Contracts without a sponsor currently holding the rank of Vermont Law School assistant professor, associate professor, or professor of law must be approved in writing in advance of the commencement of the project by the Vice Dean for Students unless they are adjunct faculty who are full-time employees of Vermont Law School.
- (3) If the sponsor determines that there is good cause, a revision of a contract may be made after the deadline for adding courses, provided that:
  - (a) the revision will not violate any other provision of the Academic Regulations, and
  - (b) a copy of the revised contract, signed by the student and the faculty sponsor is submitted to the Registrar prior to the last day of classes for the semester in which the independent study is to be completed.

#### **4. REQUIREMENTS CONCERNING THE INDEPENDENT RESEARCH PAPER**

- a. A student taking part in the Independent Research Project is required to submit a paper based on the student's research.
- b. Unless otherwise stated in the contract, this paper shall in substance and form be the equivalent of a scholarly piece of legal writing.
- c. The student and faculty sponsor may agree to the submission of a different sort of final written product, provided that the substituted written work product itself clearly sets forth the underlying legal research engaged in by the student.

#### **5. EVALUATION**

- a. The mode of evaluation is to be decided by the student and the faculty sponsor and incorporated in the contract. The following modes of evaluation are acceptable:
  - (1) by the sponsor and/or one or more other members of the faculty;
  - (2) by one or more members of the faculty and a highly qualified individual in the field of research covered by the Independent Research Project.
- b. The Independent Research Project shall be graded with a letter grade unless agreed to by the sponsor and incorporated into the contract that the project be evaluated on a Pass/Fail basis. If graded with a letter grade, the grade shall be included in the student's grade point average. The minimum acceptable grade shall be 1.67.

Notwithstanding an agreement not to grade an Independent Research Project, if a student elects to satisfy the AWR with an Independent Research Project, the sponsor must still determine that the written product would receive a grade of C or better were it the sole basis of grading a course for two or more credits in order for the student to satisfy the AWR requirement. See regulation III.A.2.c.

#### **6. CREDIT**

- a. The normal procedure shall be for a student to contract for a three-credit Independent Research Project. Such a project should involve at least the same amount of time in research and writing as a student would spend in class and in preparation for class in a three-credit course.
- b. If a student and a sponsor agree that a project has merit, but will in their estimation involve less than or more than the amount of work normally devoted to a three-credit course, they may contract for fewer or more than three credits.
- c. The normal procedure shall be for a student to complete an Independent Research Contract in the academic semester. The Independent Research paper shall be due no later than the end of the last week of the examination period.
- d. If the student and sponsor agree that the proposed project has merit, but that it will be difficult for the student to complete the proposed project in one semester, the

student and sponsor may make special provision in the contract for a two-semester project. The student bears the responsibility of bringing this special provision to the Registrar's attention.

- e. The credits for such a two-semester project must be allocated between the two semesters and a grade submitted at the end of each semester.

## **D. DIRECTED STUDY**

### **1. GOALS**

- a. To allow the participating student to enroll in a course in an area of the law in which the participating student has a particular interest when the course is not offered in that academic year and to allow the title of that course to appear on the student's transcript.
- b. To encourage a faculty-student learning experience on a highly individualized basis by providing close supervision of the participating student by a faculty member throughout the semester.

### **2. ELIGIBILITY REQUIREMENTS**

- a. Any student may undertake a Directed Study in any semester during his or her second or third year of studies, but only if the course is not offered during that academic year.
- b. A student may undertake a Directed Study only of a course in the VLS database.
- c. A student must find a faculty member willing to sponsor the student's Directed Study. The decision to sponsor a student's Directed Study is solely within the faculty member's discretion subject to 2.a. and 2.b. above. In this exercise of his or her discretion, a faculty member may take into account, but is in no way limited to, the following criteria:
  - (1) The student's record in regularly structured classroom courses and non-classroom work, including the number of credits for non-classroom work (see regulation III.A.5.b.) and
  - (2) The faculty member's expertise, workload, and other professional obligations.
- d. In consultation with the faculty supervisor, the student must prepare a written contract setting forth the obligations and expectations of each party. It shall include, as far as possible, the following provisions:
  - (1) the title and registration number of the course;
  - (2) the goals which the student seeks to achieve by undertaking the Directed Study;
  - (3) an estimate of the amount of time the student will spend undertaking the Directed Study (the amount of time should be the same as that required for a course with the same number of credits);
  - (4) a statement of expectations regarding the amount of time and effort the faculty supervisor will devote to direct interaction with the student;
  - (5) a timetable for completion of various stages of the project;
  - (6) a statement as to the mode(s) of evaluation;
  - (7) a listing of the student's credits for non-classroom work in the current and prior semesters. (Non-classroom work is defined at regulation III.A.5.b.)
- e. Requirements of filing a form for the contract are as follows:
  - (1) A copy of the contract, bearing the signature of the student and the faculty sponsor, shall be filed in the Registrar's Office by the student no later than the deadline for adding courses to student schedules for the semester. If a student fails to file the contract with all required signatures by this deadline, the Registrar will delete the Directed Research from the student's registration.
  - (2) Contracts without a sponsor currently holding the rank of Vermont Law School assistant professor, associate professor, or professor of law must be approved in writing in advance of the commencement of the Directed Study by the Vice Dean for Students unless the adjunct faculty member is a full-time

employees of Vermont Law School. Such approval will be granted only in extraordinary circumstances.

### **3. CREDIT**

The credits allocated to the Directed Study will be the same as those allocated to the course of the same title.

### **4. EVALUATION**

- a. The mode of evaluation is to be decided by the student and the faculty sponsor and incorporated in the contract.
- b. The Directed Study shall be graded with a letter grade.

### **5. GRADUATION REQUIREMENTS**

- a. If the student and sponsor agree, the Directed Study may satisfy the Advanced Legal Writing Requirement. In this case, the method of assessment must satisfy the requirements of the AWR in regulation III.A.2.c. including the requirement that the written product would receive a grade of C or better were it the sole basis of grading a course for two or more credits.
- b. A Directed Study may not be used to satisfy any other graduation requirement including a required course, a perspectives course, or the experiential requirement.

## **E. GRADES AND ACADEMIC STANDARDS**

See regulation II.C. for grading standards and procedures.

### **1. GOOD STANDING**

To be in good academic standing, a student must have an overall average of at least 2.20, be eligible to return for the next academic semester or term, and have no pending Honor Code, Code of Conduct, or other disciplinary proceedings.

### **2. ACADEMIC PROBATION**

- a. A student will be placed on academic probation if, at the end of the first semester, the student's cumulative average is between 1.5 and 2.20, or, at the end of any other semester or summer session (even if summer session is not a residence semester for the student), between 1.90 and 2.20.
- b. A student who is on academic probation at the end of the first semester is required to take Legal Methods in place of one doctrinal class in the second semester. The student must meet with the Vice Dean for Students, the Director of Academic Success, or their designee to determine what course to omit in the second semester. A student who is on academic probation at the end of the first semester is also required to complete the second semester of JD courses, including Legal Methods, before enrolling in upper division courses.
- c. A student who is on academic probation at the end of the second or third semester is required to take the following courses to obtain the JD degree: Corporations, Criminal Procedure, Estates, and Sales. The student's course schedule and any changes to it must be approved by the Vice Dean for Students, the Director of Academic Success, or their designee.
- d. A student who is on academic probation is not permitted to run for election to, or serve on the executive board of, the Student Bar Association. A student who is on academic probation is not permitted to run for election to, or serve in a leadership position (such as an officer or chair) of, any other co-curricular or extracurricular student group.

### **3. ACADEMIC DISMISSAL**

- a. A student will be dismissed from the law school if:
  - (1) the student has failed a total of eight credit hours in two consecutive semesters: no more than four credit hours of F from the first year, first semester will count in the application of this rule; or
  - (2) the student's cumulative average at the end of the first semester is at or below 1.50; or

- (3) the student's cumulative average at the end of the second, third, fourth, or fifth semesters is below 1.90; or
  - (4) the student has a semester grade point average of less than 1.67 in any two semesters; or
  - (5) the student's cumulative average is below 2.20 at the end of any semester and if, at the end of any previous semester, the student was placed on academic probation; or
  - (6) the student's cumulative average is below 2.20 at the end of the student's final semester.
- b. A student who would otherwise be dismissed under subparagraph 3.a.(5) will be allowed to continue for a second semester on academic probation if the student's grade point average for the first semester on academic probation, if repeated for the second semester on academic probation with a credit load of 12 credits, is sufficient to achieve the required cumulative average of 2.20 at the end of the second semester on academic probation. A student who is continued on academic probation is required to take the courses designated in regulation III.E.2.c.
  - c. A student who would otherwise be dismissed under subparagraph 3.a.(6) may petition the Committee on Standards to be allowed to continue on academic probation. No such petition will be granted absent clear and convincing evidence of
    - (1) extraordinary circumstances beyond the student's control and unlikely to continue or recur prevented the student from maintaining a cumulative average of at least 2.20, and
    - (2) a realistic and specific academic plan to raise the cumulative average to 2.20 or above in one additional academic term.
  - d. Except as provided in subsection 3.c., a student who is academically dismissed cannot petition the Committee on Standards for readmission earlier than one year after the date of academic dismissal. The Committee will grant readmission only if it finds that the student has satisfactorily addressed the factors that contributed to the academic dismissal. If the Committee grants a petition for readmission, it may impose any conditions such as retaking some or all of the first-year courses, taking a reduced course load, or taking specific courses. This regulation may not be waived by the Committee on Standards.

**4. FOR PURPOSES OF REGULATIONS, III.E.2 AND III.E.3.**, summer session does not count as a semester unless the student is pursuing the accelerated scheduling option or has been granted permission to treat summer session as a residence semester. As a result, a student on academic probation is not required to achieve a cumulative grade point average of 2.20 unless summer is a residence semester for that student. See regulations III.A.7 and III.A.8.c.

## **5. CLASS RANK**

- a. Students in the JD program will receive a class rank only after grades are submitted at the end of the fall and spring semesters. Class rank will not be calculated at any other time. Students will be ranked based on anticipated completion date, with all students whose final semester ends in May, August, or December of the same calendar year being ranked as one cohort. Completion date is the end of the semester in which the student has completed all degree requirements.
- b. With the exception of JD students in the Extended Scheduling Option, JD students will be ranked at the completion of the fall semester of their first year. Extended Schedule JD students will be ranked at the completion of the fall semester of their second year. Students will be ranked based on anticipated completion date.
- c. Class rank calculated at the end of the spring semester in the year<sup>16</sup> of completion of degree requirements is final even if the student does not complete the degree requirements until the end of summer or fall semester of that year.
- d. Class rank for a semester will not be recalculated at any time, including after completion of academic work for which the student has received a grade of I (temporarily excused from completion of a requirement), after a student has retaken a course in which the student had earned a final grade of D or lower, or after completion of all degree requirements at the end of summer or fall.

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<sup>16</sup> For purposes of this regulation, "a year" refers to a calendar year not an academic year.

## **6. DEAN'S LIST**

"Dean's List" will be noted on the transcript for each semester that a JD student achieves a semester grade point average of 3.33 for the satisfactory completion of at least 10 graded credits.

**7. THE LEARNED HAND AWARD FOR ACADEMIC EXCELLENCE** is given to the JD student with the highest cumulative grade point average at the end of the spring semester who has completed either the five or six semesters.

# **IV. MASTER'S DEGREE PROGRAMS**

## **A. GENERAL PROVISIONS**

The provisions in regulations IV.A., IV.B., IV.C. and IV.D. apply to the MELP, MERL, MFALP, and MARJ degrees.

### **1. GENERAL LIMITATION**

A student may only obtain one master's degree from Vermont Law School.

### **2. CREDITS AND COURSE LOAD**

The master's degree is granted for regular attendance and satisfactory completion of the prescribed course of study as indicated below. A minimum of 30 credits is required for each master's degree. These credits must be selected from courses approved for the specific master's degree program. A cumulative grade point average of 2.20 is required for successful completion of a master's degree.

#### **a. Master's-only Students:**

(1) To satisfy the 30-credit requirement, a student must take a minimum of 24 credits at Vermont Law School. A master's student may take a maximum of 36 credits selected from courses approved for the specific master's program for completion of the degree; however, if a student has reached 30 credits and satisfied all degree requirements at the end of any semester, the degree must be awarded.

(2) For students taking residential classes, the minimum course load is six credits per semester for full-time students. The maximum course load is 14 credits per semester. The maximum course load for summer session is 11 credits.

No exceptions are allowed other than with the prior written approval of the appropriate Program Director or the Director's designee.

(3) For students taking online learning classes, the recommended course load is three credits per term. The online learning program offers six terms per academic year.

#### **b. Joint-Degree Students** See Regulation V below.

#### **c. Dual Degree Students** See regulations VI, VII, and VIII below.

### **3. DURATION OF PROGRAM**

- a.** To obtain a master's degree, a student must complete the degree requirements within a period of five years from matriculation.
- b.** Students may usually enter the master's program in the summer or fall semesters only. The appropriate Program Director shall have the discretion to allow students to enter the master's program in the spring semester.
- c.** Online Learning Students may enter the master's program in any term offered throughout the academic year.

### **4. TRANSFER OF CREDITS**

A student enrolled in a master's program may be granted credit for summer or regular semester courses satisfactorily completed at an ABA-approved law school or at another accredited graduate

school. A student may transfer a maximum of six such credits to the master's program with the approval of the appropriate Program Director or the Director's designee. Before granting such approval, the Director or his or her designee must determine that the course is offered at the graduate level and that the course is relevant and important to the student's overall program of study. Courses eligible as transfer credit include only those courses with specific relevant substance. The Registrar must receive an official transcript showing that the course has been completed and that a grade of C or better (as defined in the Academic Regulations) has been awarded. Pass/Fail grades and grades for externships will not transfer. Transcripts from a foreign institution must be accompanied by a WES or AACRAO evaluation. Grades from transferred courses, other than pass/fail and externship grades, will be noted on the student's transcript but will not be used in computing the student's grade average. Once a student has enrolled as a degree candidate, prior approval must be obtained from the appropriate Program Director or the Director's designee to obtain credit for courses taken at another institution. No transfer credit will be given for a course completed more than five years prior to matriculation into the master's program.

#### **5. COURSES TAKEN PRIOR TO ENROLLMENT**

Students wishing to take a course previously taken at a law school or college or graduate school, may register for the course with the prior approval of the appropriate Program Director or Director's designee, upon showing that the student would benefit from taking the course at Vermont Law School. Students may not take Administrative Law at Vermont Law School if they have taken it at another law school within the previous five years.

#### **6. COURSES TAKEN AT VERMONT LAW SCHOOL PRIOR TO MATRICULATION**

Students who have taken courses at Vermont Law School prior to matriculation into a master's degree program or Professional Certificate may transfer a maximum of six credits into the degree program. Grades from transferred courses earned will be used in computing the student's grade average.

If a student has taken more than six credits, only the most recent six credits will transfer. The student's date of matriculation will be retroactive to the beginning of the semester in which the earliest of the transferred credits was awarded.

#### **7. ADD/DROP AND WITHDRAWAL POLICIES**

See regulations II.B.3., II.B.4., and II.B.5.

## **B. EXTERNSHIPS**

### **1. OBJECTIVES**

The Master's Externship Program provides students with a field experience to test and develop their legal, policy, management, or science knowledge and skills as specified in each master's degree program regulations below.

### **2. THRESHOLD REQUIREMENTS**

The following requirements must be met:

- a. Students must work primarily on site at the Master's Externship. Students may not receive master's externship credit if their work is done by telecommuting.
- b. Externships cannot be substituted for distributional requirements or required courses. No exceptions are allowed other than with prior written approval of the appropriate Program Director or the Director's designee.
- c. The maximum number of credits a student may earn in one or more master's externship(s) is 10 credits. For the MARJ externship, the maximum number of credits is four.
- d. The minimum number of credits a student may earn in a master's externship is four credits.

### **3. ELIGIBILITY REQUIREMENTS**

- a. Students in good academic standing may elect to enroll in a master's externship.

- b. Students may not earn JD credit through a master's externship.
- c. Students will not be allowed to enroll in an externship where they have previously worked as a volunteer or an employee unless the externship will provide a qualitatively different or more in depth learning experience.
- d. Without prior approval from the Director of the Master's Externship Program, students enrolled for six or more credits in a master's or JD externship during a given semester may not subsequently continue in that placement and receive credit toward a master's externship as a consequence of that extended placement. Students seeking to extend such long-term experiences shall petition the Director of the Master's Externship Program in writing with supporting materials that demonstrate the following:

The student's experience during the subsequent master's externship will be substantially different from the experience as a consequence of additional (and more difficult) responsibilities, new subject areas, or new skills to be developed.

#### **4. PROCEDURES FOR ENROLLING IN A MASTER'S EXTERNSHIP**

- a. Fill out in its entirety, including all signatures, the contract form available at [secure.vermontlaw.edu/MastersExternships](https://secure.vermontlaw.edu/MastersExternships).
- b. Submit the fully executed contract to the Director of the Master's Externship Program for approval of the externship opportunity.
- c. All fully executed contracts must be submitted to the Director of the Master's Externship Program by the first day of classes of the semester in which the student will be doing her or his externship.
  - (1) The contract, once submitted to the Director of the Master's Externship Program, will be copied and distributed to the Mentor and the Faculty Supervisor.
  - (2) Students who do not submit final, signed contracts by this deadline will not be enrolled in the master's externship and will not receive credit for their work.
- d. The Director of the Master's Externship Program may decline any master's externship contract or opportunity described therein that does not conform to these regulations.

#### **5. GRADES**

- a. All master's externships are pass/fail.
- b. Faculty Supervisors assign the grade based on the student's journals, the Mentor's letter of evaluation and other information such as work product, emails, telephone conversations and/or meetings and site visits with the student and Mentor.

### **C. INDEPENDENT RESEARCH PROJECTS**

- 1. Students who elect to undertake independent research projects shall follow the guidelines set forth in regulation III.C.
- 2. Independent research projects cannot be substituted for distributional requirements or required courses. No exceptions are allowed other than with prior written approval of the appropriate Program Director or the Director's designee.

### **D. DIRECTED STUDY**

- 1. Students who elect to undertake directed study shall follow the guidelines set forth in regulation III.D.
- 2. Directed study cannot be substituted for distributional requirements or required courses. No exceptions are allowed other than with prior written approval of the appropriate Program Director or the Director's designee.

### **E. GRADES AND ACADEMIC STANDARDS**

See Regulation II.C. for grading standards and procedures.



### 1. GOOD STANDING

To be in good academic standing, a student must not be on academic probation, be eligible to return for the next academic semester or term, and have no pending Honor Code, Code of Conduct, or other disciplinary proceedings.

### 2. ACADEMIC PROBATION<sup>17</sup>

- a. A student will be placed on academic probation if, after the completion of six credits and before completion of 12 credits, the student's cumulative average is between 1.00 and 1.90.
- b. A student will be placed on academic probation if, at any time after the completion of 12 or more credits, the student's cumulative average is between 1.90 and 2.20.
- c. A student who is on academic probation may not enroll in more than nine credits or audit any course except with the written permission of the appropriate Program Director or the Director's designee.
- d. A student who is on academic probation is not permitted to run for election to, or serve on the executive board of, the Student Bar Association. A student who is on academic probation is not permitted to run for election to, or serve in a leadership position (such as an officer or chair) of, any other co-curricular or extra-curricular student group.

### 3. ACADEMIC DISMISSAL

- a. A student will be dismissed if:
  - (1) the student has a cumulative average of 1.0 or below at the completion of six credits; or
  - (2) the student's cumulative average is below 1.90 at any time after the completion of 12 credits; or
  - (3) the student's cumulative average is below 2.20 at any time after the completion of 15 credits and if, at the end of any previous semester, the student was placed on academic probation; or
  - (4) the student's cumulative average is below 2.20 at the completion of the program.
- b. A student who would otherwise be dismissed under subparagraph 3.a.(3) will be allowed to continue for a second semester<sup>18</sup> on academic probation if the student's grade point average for the first semester on academic probation, if repeated for the second semester on academic probation with a credit load of 12 credits, is sufficient to achieve the required cumulative average of 2.20 at the end of the second semester on academic probation.
- c. A student who would otherwise be dismissed under subparagraph 3.a.(4) may petition the Committee on Standards to be allowed to continue on academic probation. No such petition will be granted absent clear and convincing evidence of
  - (1) extraordinary circumstances beyond the student's control and unlikely to continue or recur prevented the student from maintaining a cumulative average of at least 2.20 and
  - (2) a realistic and specific academic plan to raise the cumulative average to 2.20 or above in one additional academic term.
- d. Except as provided in subsection 3.c., a student who is academically dismissed cannot petition the Committee on Standards for readmission earlier than one year after the date of academic dismissal. The Committee will grant readmission only if it finds that the student has satisfactorily addressed the factors that contributed to the academic dismissal. If the Committee grants a petition for readmission, it may impose any conditions it deems appropriate. This regulation may not be waived by the Committee on Standards.

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<sup>17</sup> For purposes of regulations E.2. and E.3., "completion" includes grades of F. and F.Wd. but not Wd.

<sup>18</sup> For purposes of this regulation, the summer session shall be considered as a "semester."

## F. MASTER OF ENVIRONMENTAL LAW AND POLICY DEGREE (MELP)

### 1. REQUIRED CURRICULUM<sup>19</sup>

a. MELP students must satisfy the following requirements<sup>20</sup>:

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
Legislation and Regulation Survey	REQ7186 Reg/Leg (3)
Environmental Law	ENV5115 Environmental Law (3)
Communication, Advocacy and Leadership	ENV5122 Communication, Advocacy and Leadership (3)

b. In addition to the above, each student must satisfactorily complete at least three of the following five core courses:

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
Natural Resources Law	ENV5235 Natural Resources Law (3)
Environmental Science	ENV5112 Science for Environmental Law (3) ENV5430 Ecology (3)
Environmental Economics and Markets	ENV5220 Environmental Economics and Markets (3)
Environmental Ethics (minimum of 2 credits)	DIV7628 Indian Tribes as Governmental Stewards of the Environment (2) ENV5305 Environmental Ethics Seminar (2) ENV5310 Environmental Health Law (2) ENV5375 Global Energy Justice (2) ENV5383 Food Justice and Sustainability (2) ENV5385 Global Food Security (2) ENV5406 Animal Rights Jurisprudence (2) ENV5408 The Law of Animals in Agriculture (3) ENV5422 Animal Welfare Law (2) ENV5446 Environmental Justice (2) ENV5478 Global Food Security and Social Justice (3) ENV5521 Earth Law (2) JUR7330 Moral Philosophy for Professionals (2) JUR7333 Animal Law and Ethics (3)
Dispute Resolution (minimum of 2 credits)	ADR6410 Alternative Dispute Resolution (3) ADR6415 Environmental Dispute Resolution (3) ADR6405 Arbitration (2) ADR6412 Mediation (2) ADR6413 Mediation Advocacy (2) ADR6420 Negotiation (2) ADR6450 Advanced Dispute Resolution Writing Seminar (2) ADR9405 Dispute Resolution Clinic INT7450 International Investment Arbitration

<sup>19</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the online learning program to ensure that all graduation requirements are met.

<sup>20</sup> Students who matriculated in the MELP program prior to May 2013 must satisfy the following requirements: Environmental Law, Administrative Law, Science for Environmental Law, an Environmental Ethics/Philosophy distributional requirement, and a Dispute Resolution distributional requirement. Students who matriculated in the MELP program prior to August 2012 may satisfy the Science for Environmental Law requirement with any of the following courses: ENV5112 Science for Environmental Law, ENV5430 Ecology, or ENV5110 Ecology of Food and Agriculture.

Any MELP student having completed a JD degree or enrolled in a JD degree program may have the Legislation/Regulation Survey and the Legal and Policy Writing Seminar requirements waived. Although the requirement may be waived, the total number of credits required for degree completion remains unchanged.

- c. Any remaining electives must be chosen from the courses and experiential options listed above and from the following list of approved courses.

ADR6405	Arbitration
ADR6410	Alternative Dispute Resolution
ADR6412	Mediation
ADR6415	Environmental Dispute Resolution
ADR6420	Negotiation
ADR6425	Interviewing, Counseling and Negotiation (JD students only)
ADR6450	Dispute Resolution Writing Seminar
ADR6450	Advanced Dispute Resolution Writing Seminar
BUS6262	Social Enterprise Law
BUS6305	Nonprofit Organizations
BUS6350	Nonprofit Management
CLI9302	Environmental and Natural Resources Law Clinic (JD or LLM students only)
CLI9326	Advanced Environmental and Natural Resources Law Clinic (JD or LLM only)
CLI9405	Dispute Resolution Clinic
CLI9427	Energy Clinic
CLI9428	Food and Agriculture Clinic
CLI9429	CAFS Clinic Seminar
CLI9437	Advanced Energy Clinic
DIV7620	Native Americans and the Law
DIV7628	Indian Tribes as Governmental Stewards of the Environment
ENV5105	Administrative Law
ENV5108	Introduction to Agriculture and Food Law and Policy
ENV5112	Science for Environmental Law
ENV5115	Environmental Law
ENV5125	Land Use Regulation
ENV5205	Air Pollution
ENV5209	The Law of Toxics and Hazardous Substances
ENV5210	CERCLA Liability and Cleanup
ENV5212	Climate Change and the Law
ENV5214	Climate Change Mitigation
ENV5218	International Climate Change Law (COP)
ENV5220	Environmental Economics and Markets
ENV5223	Environmental Governance in the Developing World
ENV5226	Energy Law and Policy in a Carbon-Constrained World
ENV5228	Energy Regulation, Markets and the Environment
ENV5230	Global Energy Law and Policy
ENV5235	Natural Resources Law
ENV5239	Land Transactions and Finance

ENV5245	Water Resources Management
ENV5246	Water Quality
ENV5250	Watershed Management
ENV5303	Advanced Energy Writing Seminar
ENV5304	Comparative Environmental Law Research
ENV5305	Environmental Ethics
ENV5310	Environmental Health Law
ENV5335	Extinction and Climate Change
ENV5336	Climate Change, Extinction and Adaptation
ENV5342	Legal Adaptations to Global Warming Impacts
ENV5343	Climate Change Adaptation in Human Systems
ENV5344	Alternative Fuels and Renewable Energy
ENV5346	New Frontiers in Environmental Policy
ENV5349	Regulating the Marine Environment
ENV5350	Risk Assessment
ENV5356	Scientific Controversies
ENV5365	Climate Change: the Power of Taxes
ENV5375	Global Energy Justice
ENV5380	Food Regulation and Policy
ENV5381	Local Farm and Food Law in Practice
ENV5383	Food Justice and Sustainability
ENV5401	Agriculture and the Environment
ENV5405	Ecosystem Conservation Strategies
ENV5406	Animal Rights Jurisprudence
ENV5408	Law of Animals in Agriculture
ENV5410	The Farm Bill
ENV5411	Federal Regulation of Food and Agriculture
ENV5411	Representing Farmers and Food Producers
ENV5422	Animal Welfare Law
ENV5423	Ocean and Coastal Law
ENV5430	Ecology
ENV5446	Environmental Justice
ENV5449	Environmental Litigation Workshop
ENV5462	Public Lands Management: Montana Field Study
ENV5468	Oil and Gas Production and the Environment
ENV5468	Oil and Gas Development and the Environment
ENV5474	Land Conservation Law
ENV5478	Global Food Security and Social Justice
ENV5479	Law and Policy of Local Food Systems
ENV5497	End Use Energy Efficiency
ENV5500	Environmental Aspects of Business Transactions
ENV5510	Three Essentials of the Electric Grid
ENV5521	Earth Law
ENV5540	Public Health and Food and Agriculture Policy
ENV5561	Environmental Enforcement and Compliance

ENV5564	Peace, War and the Environment
XAD7819	Environmental Issues in Business Transactions (JD students only)
INT7412	Law of the European Union
INT7413	European Union Law Trento
INT7421	International Environmental Law
INT7440	Comparative U.S.-China Environmental Law
INT7446	International Trade and the Environment
INT7450	International Investment Arbitration and the Environment

## 2. EXTERNSHIPS

The Master's Externship Program provides students with a field experience to test and develop their environmental law, policy, management, and/or science knowledge and skills. MELP externships are by definition environmental in their subject focus, so students must assure that their work on-site relates to environmental issues. See regulation IV.B. for externship requirements and procedures.

## G. MASTER OF ENERGY REGULATION AND LAW DEGREE (MERL)

### 1. REQUIRED CURRICULUM<sup>21</sup>

a. MERL students must satisfy the following requirements:

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
Energy Law and Policy	ENV5226 Energy Law and Policy in a Carbon-Constrained World (3)
Energy Regulation	ENV5228 Energy Regulation, Markets, and the Environment (3)
Environmental Economics	ENV5220 Environmental Economics and Markets (3)
Legislation and Regulation Survey	REQ7186 Regulation and Legislation Survey (3)
Project/Writing Requirement	CLI9427 Energy Clinic (3-6) CLI9437 Advanced Energy Clinic (3-6) ENV5303 Advanced Energy Writing Seminar (2) Independent Research Project or AWR on an energy topic MERL Externship (4-10) Participation in the Institute for Energy and the Environment research associate program
Energy Electives (minimum of 6 credits)	ENV5230 Global Energy Law and Policy (2) ENV5344 Alternative Fuels and Renewable Energy (3) ENV5375 Global Energy Justice (2) ENV5468 Oil and Gas Production and the Environment (2) ENV5469 Oil and Gas Development and the Environment (3) ENV5497 End Use Energy Efficiency (2) ENV5550 Renewable Energy Project Finance and Development (2) ENV5510 Three Essentials of the Electric Grid - Engineering (1) ENV5511 Three Essentials of the Electric Grid - Business (1) ENV5512 Three Essentials of the Electric Grid - Legal (1)

b. Any remaining electives must be chosen from the courses and experiential options listed above and from the list of approved courses in regulation IV.F.1.c.

<sup>21</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the distance learning program to ensure that all graduation requirements are met.

- c. The Director of the Environmental Law Center or Director’s designee has the authority to waive any of these course requirements provided the student has had comparable experience or course work. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

**2. EXTERNSHIPS**

The MERL Externship Program provides students with a field experience to test and develop their energy law and policy knowledge and skills. MERL externships are by definition energy-related, so students must assure that their work on-site relates to energy issues. See regulation IV.B. for externship requirements and procedures.

**H. MASTER OF FOOD AND AGRICULTURE LAW AND POLICY DEGREE (MFALP)**

**1. REQUIRED CURRICULUM<sup>22</sup>**

- a. MFALP students must satisfy the following requirements

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b>	
ENV5180	Introduction to Agriculture and Food Law Policy (3)
REQ7186	Legislation and Regulation Survey (3)
ENV5122	Communications, Advocacy and Leadership (3)
<b>Food and Agriculture Electives</b>	<b>(minimum of 9 credits)</b>
ENV5401	Agriculture and the Environment (3)
ENV5381	Local Farm and Food Law in Practice (3)
ENV5362	Representing Farmers and Food Producers (2)
ENV5380	Food Regulation and Policy (3)
ENV5383	Food Justice and Sustainability (2)
ENV5385	Global Food Security (2)
ENV5478	Global Food Security and Social Justice (3)
ENV5408	Law of Animals and Agriculture (3)
ENV5410	The Farm Bill (2)
ENV5411	Federal Regulation of Food and Agriculture (3)
ENV5479	Law and Policy of Local Food Systems (3)
ENV5540	Public Health and Food and Agriculture Policy (2)
<b>General Electives</b>	<b>(minimum of 3 credits)</b>
ENV5105	Administrative Law (3)
ENV5115	Environmental Law (3)
ENV5125	Land Use Regulation (3)
<b>Experiential/Writing Requirement</b>	<b>(at least one of the following; zero credit minimum)</b> Independent Research Project or AWR on a Food/ agriculture topic (1-6) Master’s externship in food/agriculture law and policy (4-10) Semester in Practice in food/agriculture law and policy (13) Center for Agriculture and Food Systems research associate program
CLI9428	Food and Agriculture Clinic (4)
ENV 5301	Advanced Food Writing Seminar (2)

<sup>22</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the online learning program to ensure that all graduation requirements are met.

- b. Any remaining electives may be chosen from the courses and experiential options listed above and from the list of approved courses in regulation IV.F.1.c.
- c. The Director of the Environmental Law Center or Director's designee has the authority to waive any of these course requirements provided the student has had comparable experience or course work. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

**2. EXTERNSHIPS**

The Master's Externship Program provides students with a field experience to test and develop their food and agriculture law and policy knowledge and skills. MFALP externships are by definition food and agriculture-related, so students must assure that their work on-site relates to food and agriculture issues. See regulation IV.B. for externship requirements and procedures.

**I. MASTER OF ARTS IN RESTORATIVE JUSTICE (MARJ)**

**1. REQUIRED CURRICULUM**

- a. MARJ students must satisfy the following requirements:

<b>REQUIREMENT</b>	<b>COURSES THAT SATISFY THE REQUIREMENT</b>
<b>Required Courses</b>	
RSJ7110	Restorative Justice Theory and Practice (2)
RSJ7120	Origins, Evolution and Critical Issues in Restorative Justice (3)
ENV5122	Communication, Advocacy and Leadership (3)
REQ7186	Regulation and Legislation Survey (3)
<b>Experiential/Writing Requirement (minimum of 3 credits)</b>	Externship (4) Advanced Writing Seminar (3)
<b>Core Electives (minimum of 7 credits)</b>	
RSJ7330	Restorative Justice in Educational Institutions (3)
REQ7140	Criminal Law (3)
CRI7305	Advanced Criminal Law Seminar (2)
TBD	New Approaches to Domestic and Sexual Violence
RSJ7310	Ethics of Restorative Justice (3) or Moral Philosophy (2)
ADR6420	Negotiation (2)
RSJ7210	Adversity, Trauma, and Victimization (2)
<b>Elective Courses (remaining general elective courses may be chosen from the following approved courses)</b>	
CRI7903	Race and the Criminal Justice System (3)
CRI7313	Capital Punishment Seminar (2)
INT7424	International Human Rights (3)
DIV7610	Race and the Law Seminar (2)
ADR6415	Environmental Dispute Resolution (2)
ENV5446	Environmental Justice (2)
JUR7350	Women and the Law Seminar (2)
DIV7615	Sexual Orientation and the Law (2)
GPP7827	Improv for Advocates (1)

- b. The Director of the Center for Justice Reform or Director's designee has the authority to waive any of these course requirements provided the student has had comparable experience or course work. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

## **2. EXTERNSHIPS**

The Master's Externship Program provides students with a field experience to develop their Restorative Justice knowledge and skills. See regulation IV.B. for externship requirements and procedures.

# **V. JOINT DEGREES**

## **A. JOINT JD/MASTER'S DEGREES**

Vermont Law School awards joint JD/MELP, joint JD/MERL, joint JD/MFALP and joint JD/MARJ degrees. The requirements in regulation V.A.1. apply to all four joint degrees.

### **1. REQUIREMENTS FOR THE JOINT DEGREE**

- a. The joint JD and Master's degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the specific Master's program. The regulations in sections III and IV above apply to joint degree students.
- b. A joint-degree student may share credits between the two degree programs. A joint-degree student must take a minimum of 21 non-shared Master's degree credits at Vermont Law School. A joint-degree student may take a maximum of 36 Master's degree credits for completion of the joint degree; however, if a student has reached 30 credits and satisfied all degree requirements at the end of any semester, the degree must be awarded. All credits must be selected from the list of courses approved for the specific Master's degree program.
- c. A joint-degree student's course load may not exceed a total of 18 credits during the fall and spring semesters.
- d. No exceptions are allowed other than with prior written approval of the appropriate Program Director or the Director's designee.

### **2. JOINT JD/MASTER OF ENVIRONMENTAL LAW AND POLICY (MELP) DEGREE**

The joint JD and MELP degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the MELP program.<sup>23</sup>

### **3. JOINT JD/MASTER OF ENERGY REGULATION AND LAW (MERL) DEGREE**

The joint JD and MERL degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the MERL program.

### **4. JOINT JD/MASTER OF FOOD AND AGRICULTURE LAW AND POLICY (MFALP) DEGREE**

The JD and MFALP degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the MFALP program.

### **5. JOINT JD/MASTER OF ARTS IN RESTORATIVE JUSTICE (MARJ) DEGREE**

The JD and MARJ degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the MARJ program.

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<sup>23</sup> Students who matriculated in the MELP program prior to May 2013 must satisfy the following requirements: Environmental Law, Administrative Law, Science for Environmental Law, an Environmental Ethics/Philosophy distributional requirement, and a Dispute Resolution distributional requirement. Students who matriculated in the MELP program prior to August 2012 may satisfy the Science for Environmental Law requirement with any of the following courses: ENV5112 Science for Environmental Law, ENV5430 Ecology, or ENV5110 Ecology of Food and Agriculture.



## **B. JOINT JD/LLM DEGREE**

Vermont Law School awards joint JD/LLM in Environmental Law, joint JD/LLM in Energy Law, and joint JD/LLM in Food and Agriculture Law degrees. The requirements in regulation V.B.1. apply to all three joint degrees.

### **1. REQUIREMENTS FOR THE DEGREE**

- a. The joint JD and LLM degrees are awarded for the satisfactory completion of a program which includes the requirements of the JD program as well as those of the LLM program. The regulations in sections III and IX apply to joint degree students.
- b. Joint JD/LLM students must finish all requirements for the JD degree before beginning the LLM degree.
- c. A joint JD/LLM student may transfer up to nine credits from the Vermont Law School JD program to the LLM program. A JD/LLM student must take a minimum of 21 LLM credits at Vermont Law School. All credits must be selected from the list of courses approved for the LLM program. All credits to be transferred must be approved by the Director of the Environmental Law Center or the Director's designee.
- d. No exceptions are allowed other than with prior written approval of the Director of the Environmental Law Center or the Director's designee.

### **2. JOINT JD/LLM IN ENVIRONMENTAL LAW DEGREE**

Joint JD/LLM in Environmental Law degree students must satisfy all the requirements in section B.1.

### **3. JOINT JD/LLM IN ENERGY LAW DEGREE**

Joint JD/LLM in Energy Law degree students must satisfy all the requirements in section B.1.

The Energy Electives and General Electives requirements shall not be waived for courses completed prior to matriculation in the LLM program. All LLM candidates must take four credits of Energy Electives and nine credits of General Electives from the above list provided they do not duplicate prior course work. If an LLM candidate is unable to fulfill this requirement without duplicating prior coursework, the candidate must submit an alternative coursework plan to be approved by the Director of the Environmental Law Center or the Director's designee.

The Project requirement shall not be waived because of prior completion of one of the listed options. LLM candidates who have completed one of the listed projects as part of a prior program must choose a different project to meet the LLM requirement.

### **4. JOINT JD/LLM IN FOOD AND AGRICULTURE LAW DEGREE**

Joint JD/LLM in Food and Agriculture Law degree students must satisfy all the requirements in section B.1.

The Food and Agriculture Electives and General Electives requirements shall not be waived for courses completed prior to matriculation in the LLM program. All LLM candidates must take four credits of Food and Agriculture Electives and nine credits of General Electives from the above list provided they do not duplicate prior course work. If an LLM candidate is unable to fulfill this requirement without duplicating prior coursework, the candidate must submit an alternative coursework plan to be approved by the Director of the Environmental Law Center or the Director's designee.

The Project requirement shall not be waived because of prior completion of one of the listed options. LLM candidates who have completed one of the listed projects as part of a prior program must choose a different project to meet the LLM requirement.

## **VI. DUAL DEGREES – JD PROGRAM**

Vermont Law School, in conjunction with other institutions, offers the following dual degree options for JD students: JD/MEM (Yale School of Forestry and Environmental Studies), JD/Master I/II (Université de Cergy-Pontoise (Cergy)), JD/LLM in French and European Law (Université de Cergy-Pontoise (Cergy)), and JD/MPhil (University of Cambridge).

Students are required to satisfy the graduation requirements of both institutions. The JD degree requirements, as described in regulation III. above, govern except as modified by this regulation.

## A. ADMISSION

Each program has different criteria for admission. See Program Requirements, below.

The first school that the applicant applies to will be termed the “domicile” of the student, and the original admissions documents will be filed at that school. The other school will be termed the “secondary school” for that student. Vermont Law School and its partner institutions have agreed to share supporting documentation, such as transcripts, L.S.A.T. and G.R.E. reports, letters of recommendation, writing samples, personal statements, and the like. Photocopies of those documents, certified by the Registrar of the institution holding the original documents, will be deemed adequate for admissions purposes.

## B. REGISTRATION AND RECORDS

The Registrar of each school will register dual degree candidates for courses taken at that school according to the academic schedule of each school. Each Registrar will also certify completion of courses and the assignment of credit. Transcripts of students in the program will bear a notation that the student is enrolled in the dual degree program. Students are entitled to attend graduation at both schools. Students will receive separate diplomas.

## C. REQUIREMENTS FOR THE DEGREE

Students are required to satisfy the graduation requirements of both institutions. The Vermont Law School JD degree requirements govern except as modified by each program’s specific regulation. See below.

## D. RESIDENCE REQUIREMENT

Regulation III.A.6. requires that a student must be in residence at Vermont Law School for the last four semesters of the JD degree. For purposes of this regulation, one semester at the partner institution will count towards satisfaction of this residence requirement. Students enrolled in the dual degree programs with the University of Cergy-Pontoise may apply two semesters towards satisfaction of this requirement.

## E. ACADEMIC PERFORMANCE AND CONDUCT

A candidate for a dual degree is expected to comply fully with all academic and other applicable requirements of both Vermont Law School and the partner institution, even if they are different. Issues concerning academic performance or student conduct will be subject to the regulations and procedures of the school where the matter arose.

Students must be in good academic standing at both schools to remain in the program.

## F. WITHDRAWAL FROM A DUAL DEGREE PROGRAM

Except as provided by regulations VI.G.2.c. and VI.G.3.c., if a student leaves a dual program or fails to complete the program requirements for the degree at the partner institution, the student will no longer be considered a dual degree student. As a result, the student will be required to meet the residence requirements of regulation III.A.6. Credits earned at the partner institution will not be transferred to the Vermont Law School transcript.

## G. PROGRAM REQUIREMENTS

### 1. DUAL JD/MEM

Vermont Law School and the Yale School of Forestry and Environmental Studies offers a dual JD/MEM program to students from both institutions. The program enables students to earn both degrees concurrently over a four-year period.

#### A. ADMISSION

A candidate for the dual degree must apply separately to, and be accepted by, both Vermont Law School and the Yale School of Forestry & Environmental Management (Yale). Information on application requirements and procedures for admission to the Yale School of Forestry & Management are available from Yale. Each school will admit students according to its own criteria for admission. Joint applications may be discussed and coordinated by admissions officials at both schools.

#### B. REQUIREMENTS FOR THE DEGREE

- (1) The JD requires 87 credits. A candidate for the dual JD/MEM degree must satisfactorily complete all the requirements for the JD degree as described in

regulation III. above. A dual degree candidate may share a total of 12 (twelve) credits between the JD and MEM programs. This means that a Vermont Law School candidate for a dual JD/MEM degree may apply the equivalent of 12 (twelve) Vermont Law School credits of course work successfully completed at Yale to the JD degree, thereby reducing to 75 the number of JD credits taken at Vermont Law School required for the JD degree.

- (2) A dual-degree candidate may not satisfy either the perspective requirement or the experiential requirement with courses taken at Yale without the prior permission of the Vice Dean for Students.
- (3) With the permission of the Committee on Standards, a dual-degree candidate may receive residency credit for classes taken during one summer session.
- (4) No credit toward the JD degree will be given for courses taken at Yale prior to the student's matriculation into the JD program at Vermont Law School.

## **2. DUAL JD/MASTER I AND JD/MASTER II DEGREE**

Vermont Law School and l'Université de Cergy-Pontoise (Cergy) offer to students from both institutions a dual JD/Master I and JD/Master II degree program in three areas of concentration: the law of business organizations (DJCE); the law of business ethics (DEA); and the law of international and European economic relations (DREIE). The program enables students to earn the JD/Master I concurrently over a three-year period and the JD/Master I and JD/Master II over a four-year period. Graduates of the program will be able to sit for the bar examination in the United States and France, according to each country's requirements.

### **A. ADMISSION/ELIGIBILITY**

- (1) Vermont Law School students must begin the dual degree program at Vermont Law School.
- (2) Vermont Law School applicants must be in the top half of their class at the end of the semester preceding their application to the program and continue to be in the top half of their class through the completion of the semester prior to taking courses at Cergy.
- (3) Students must have a sufficient mastery of French to take courses and examinations in French. Level of competence in French will be determined by oral and written examination to the satisfaction of the Director of International and Comparative Law Programs.
- (4) A maximum of four Vermont Law School students will be admitted to either program during any one academic year.

### **B. REQUIREMENTS FOR THE DEGREE**

- (1) The JD requires 87 credits. A candidate for a dual JD/MI or JD/MII degree may apply to the JD degree up to the equivalent of one third or 29 Vermont Law School credits of course work successfully completed at Cergy, thereby reducing to 58 the minimum number of JD credits that must be completed at Vermont Law School. The total credits that may be applied to the JD degree from study abroad is governed by regulation III.A.4.
- (2) A dual-degree candidate may satisfy the perspective requirement during study at Cergy.
- (3) Program participants beginning their studies at Vermont Law School must satisfactorily complete the following courses at Vermont Law School before beginning course work in France:
  - (a) Corporations;
  - (b) Income Taxation; and
  - (c) At least one course in each of the following categories:
    - (i) Corporate Finance or Securities Regulation;
    - (ii) Bankruptcy, Business Planning, Commercial Arbitration, Employment Law, Environmental Issues in Business Transactions, International Business Transactions, International Intellectual Property, International Trade and the Environment, International Regulation of Trade, Sales, Secured Transactions;
- (4) Program participants beginning their studies at Vermont Law School must also satisfactorily complete courses that include the following subjects before matriculating in France:

- (a) A course in Introduction to the French Legal System, the French Civil Code, or French Legal Method
- (b) French Corporate Law

Courses satisfying these requirements may be offered at Vermont Law School or at Cergy. These requirements may, with the prior permission of the Associate Dean of Student Affairs, also be satisfied by summer study at another ABA-approved law school.

Other appropriate courses may be substituted for the courses listed in subpart (3) and (4) of this regulation with the prior permission of the Associate Dean of Student Affairs.

- (5) Program participants beginning their studies at Cergy will be admitted to the Vermont Law School JD degree program with advanced standing. Advanced standing and credit hours granted for foreign study may not exceed one-third (1/3) of the total credits required by Vermont Law School for its JD degree (i.e., 29 credits). Courses that qualify for application to the JD degree for these students shall be determined by the Vice Dean for Students at Vermont Law School in consultation with the Associate Dean of Student Affairs.

Program participants beginning their studies at Cergy will ordinarily be required to complete the required first-year JD curriculum at Vermont Law School. Exceptions will be granted by the Vice Dean for Students at Vermont Law School in consultation with the Associate Dean of Student Affairs.

### C. WITHDRAWAL FROM THE PROGRAM

If a student leaves the program or fails to complete the program requirements for either the Vermont Law School JD degree or the Cergy Master I or Master II degree, the student will no longer be considered a dual-degree student. As a result, the student will be required to meet the residence requirements of regulation II.A.6. above. Credits earned at Cergy will not be transferred to the Vermont Law School transcript unless the student has earned a Cergy Master I or unless the credits may be transferred according to the usual rules applicable to transfer of foreign credits earned by participation in Vermont Law School study abroad programs. In advance of withdrawal, Vermont Law School students should consult with the Vermont Law School Office of Financial Aid to determine the impact of withdrawal on financial aid awards.

## 3. DUAL JD/LLM IN FRENCH AND EUROPEAN UNION LAW

Vermont Law School and the Université de Cergy-Pontoise (Cergy) offer this dual degree program which enables VLS students to earn both a JD and LLM degree in French and European Law.

### A. ADMISSION/ELIGIBILITY

- (1) Vermont Law School students must begin the dual degree program at Vermont Law School.
- (2) Vermont Law School applicants must be in the top half of their class at the end of the semester preceding their application to the program and continue to be in the top half of their class through the completion of the semester prior to taking courses at Cergy.
- (3) Vermont Law School students must apply for admission to this program through Vermont Law School.

### B. REQUIREMENTS FOR THE DEGREE

- (1) The JD requires 87 credits. In accordance with ABA regulations, students may apply to the JD degree the equivalent of one third, or 29 Vermont Law School credits, from course work successfully completed at foreign law institutions, thereby reducing to 58 the minimum number of JD credits that must be completed at Vermont Law School.
- (2) A dual degree candidate in this program may satisfy the perspective requirement through courses taken in the LLM portion of the program of study.
- (3) Program participants must satisfactorily complete the following course work at Vermont Law School before beginning course work at Cergy: Comparative Law: Comparative Legal Systems; or Both French Legal Method and French Corporate Law.

Other appropriate courses may be substituted for the courses listed above with the prior permission of the Director of International and Comparative Law Programs.

#### C. WITHDRAWAL FROM THE PROGRAM

If a student leaves the program or fails to complete the program requirements for either the Vermont Law School JD degree or the Cergy LLM degree, the student will no longer be considered a dual-degree student. As a result, the student will be required to meet the residence requirements of regulation III.A.6. Credits earned at Cergy will not be transferred to the Vermont Law School transcript unless the credits may be transferred according to the usual rules applicable to transfer of foreign credits earned by participation in Vermont Law School study abroad programs. In advance of withdrawal, Vermont Law School students should consult with the Vermont Law School Office of Financial Aid to determine the impact of withdrawal on financial aid awards.

#### 4. DUAL JD/M.Phil.

Vermont Law School and the University of Cambridge offer this dual degree program which enables VLS students to earn both a JD and a Master's degree in one of the following fields: Real Estate Finance; Environmental Policy; and Planning, Growth and Regeneration.

##### A. ADMISSION/ELIGIBILITY

- (1) Vermont Law School students must begin the dual degree program at Vermont Law School. A Vermont Law School candidate wishing to enroll in the program must apply in writing to the Director of the Environmental Law Center during the fall semester of the candidate's second year of law school.
- (2) Vermont Law School applicants must be in the top half of their class at the end of the semester preceding their application to the program and continue to be in the top half of their class through the completion of the semester prior to taking courses at Cambridge.
- (3) Students will be notified of acceptance before the conclusion of the fall semester in which they apply. A maximum of two Vermont Law School students will be admitted to the program during any one academic year. Applications may be discussed and coordinated by admissions officials at both schools.

##### B. REQUIREMENTS FOR THE DEGREE

- (1) The JD requires 87 credits. A candidate for the dual JD/Master's degree may apply to the JD degree the equivalent of 14 Vermont Law School credits of course work successfully completed at Cambridge, thereby reducing to 73 the minimum number of JD credits that must be completed at Vermont Law School. The total number of credits that may be applied to the JD degree from study abroad is governed by regulation III.A.4.
- (2) With the permission of the Committee on Standards, a dual-degree candidate may receive residency credit for classes taken during one summer session.
- (3) No credit toward the JD degree will be given for courses taken at the University of Cambridge prior to the student's matriculation into the JD program at Vermont Law School.

## VII. DUAL DEGREES – MELP PROGRAM

### A. ADMISSION

A candidate for a dual degree must apply separately to, and be accepted by, both Vermont Law School and the school conferring the second degree. Students may apply for admission to these dual degree programs at any time prior to the awarding of the degrees.

Each school will admit students according to its own criteria for admission. Joint applications may be discussed and coordinated by admissions officials at both schools.

The first school that the applicant applies to will be termed the "domicile" of the student, and the original admissions documents will be filed at that school. The other school will be termed the "secondary school" for that student. Vermont Law School and its partner institutions have agreed to share supporting documentation, such as transcripts and G.R.E. reports, letters of recommendation, writing samples, personal statements, and the like. Photocopies of those documents, certified

by the Registrar of the institution holding the original documents, will be deemed adequate for admissions purposes.

## **B. REGISTRATION AND RECORDS**

The Registrar of each school will register dual degree candidates for courses taken at that school, according to the academic schedule of each school. Each Registrar will also certify completion of courses and the assignments of credit. Transcripts of students in the program will bear a notation that the student is enrolled in the dual degree program.

Credits and grades for courses taken at the secondary school will appear on the Vermont Law School transcript; however, grades will not be included in the computation of the Vermont Law School grade point average.

Students are entitled to attend graduation at both schools. Students will receive separate diplomas.

## **C. REQUIREMENTS FOR THE DEGREE**

Students are required to satisfy the graduation requirements of both institutions. The Vermont Law School MELP degree requirements govern except as modified by each program's specific regulations. See below.

## **D. ACADEMIC PERFORMANCE AND CONDUCT**

A candidate for a dual degree is expected to comply fully with all academic and other applicable requirements of both Vermont Law School and the partner institution, even if they are different. Issues concerning academic performance or student conduct will be subject to the regulations and procedures of the school where the matter arose.

Students must be in good academic standing at both schools to remain in the program.

## **E. WITHDRAWAL FROM A DUAL DEGREE PROGRAM**

If a student leaves a dual program or fails to complete the program requirements for the degree at the partner institution, the student will no longer be considered a dual degree student. Credits earned at the partner institution will not be transferred to the Vermont Law School transcript, except as allowed by regulation IV.A.4.

## **F. PROGRAM REQUIREMENTS**

### **1. DUAL MELP/MBA (TUCK SCHOOL OF BUSINESS)**

Vermont Law School and the Tuck School of Business at Dartmouth College offer a dual MELP/MBA degree program to students from both institutions. The program enables students to earn both degrees concurrently.

The MELP is a 30 credit degree. A dual degree candidate may share a total of nine credits between the MELP and MBA programs. This means that a Vermont Law School candidate for a dual MELP/MBA degree may apply the equivalent of nine Vermont Law School credits of course work successfully completed at Tuck to the MELP degree, thereby reducing to 21 the number of credits required for the MELP degree.

Tuck courses that are relevant and important to the MELP candidate's overall course of study may be applied to the MELP degree. Courses that qualify for application to the MELP degree shall be determined by the Director of the Environmental Law Center, in consultation with the Dean of the Tuck School. A list of approved courses is available from the Environmental Law Center. A MELP candidate may request approval of a Tuck course that is not on the list by demonstrating how the course will enhance the candidate's course of study.

### **2. DUAL MELP/MS (NATURAL RESOURCES)**

Vermont Law School and the University of Vermont School of Natural Resources offer a dual MELP/MS degree program to students from both institutions. The program enables students to earn both degrees concurrently.

The MELP is a 30-credit degree. A dual degree candidate may share a total of nine credits between the MELP and MS (Natural Resources) programs. This means that a Vermont Law School candidate for a dual MELP/MS (Natural Resources) degree may apply nine credits of course work successfully completed at the University of Vermont School of Natural Resources, thereby reducing to 21 the number of MELP credits required for the MELP degree.

University of Vermont courses that are relevant and important to the MELP candidate's overall course of study may be applied to the MELP degree. Courses that qualify for application to the MELP degree shall be determined by the Director of the Environmental Law Center, in consultation with the program coordinator at the University of Vermont School of Natural Resources. A list of approved courses is available from the Environmental Law Center. Upon petition to the Director of the Environmental Law Center, or the Director's designee, a MELP candidate may seek approval of a University of Vermont course that is not on the list by demonstrating how that course will significantly enhance the candidate's course of study.

## **VIII. DUAL JD/MELP DEGREE PROGRAMS WITH OTHER LAW SCHOOLS**

### **A. ADMISSION**

A candidate for a dual degree must apply separately to, and be accepted by, both Vermont Law School and the school conferring the second degree.

### **B. REGISTRATION AND RECORDS**

Registration for dual degree students at either school is according to the academic schedule of each school.

An official transcript from each school must be provided to the Registrar of the other school. Credits and grades for courses taken at the other school will appear on the Vermont Law School transcript; however, grades will not be included in the computation of the Vermont Law School grade point average.

Students are entitled to attend commencement at both schools. Students will receive separate diplomas.

### **C. REQUIREMENTS FOR THE DEGREE**

Students are required to satisfy the graduation requirements of both institutions. The Vermont Law School MELP degree requirements govern except as modified by each program's specific regulations. See below.

### **D. ACADEMIC PERFORMANCE AND CONDUCT**

A candidate for a dual degree is expected to comply fully with all academic and other applicable requirements of both Vermont Law School and the partner institution, even if they are different. Issues concerning academic performance or student conduct will be subject to the regulations and procedures of the school where the matter arose.

Students must be in good academic standing at both schools to remain in the program.

### **E. WITHDRAWAL FROM A DUAL DEGREE PROGRAM**

If a student leaves a dual program or fails to complete the program requirements for the degree at the partner institution, the student will no longer be considered a dual degree student. Credits earned at the partner institution will not be transferred to the Vermont Law School transcript, except as allowed by regulation IV.A.4. above.

### **F. PROGRAM REQUIREMENTS**

Vermont Law School offers a dual JD/MELP with the following law schools:

The University of South Carolina School of Law  
The University of South Dakota School of Law  
Northeastern University School of Law  
Quinnipiac University School of Law  
Elon University School of Law  
Boston College Law School

Except as noted below in this subsection, the requirements in subsection F.1. apply to all dual JD/MELP programs.

#### **1. REQUIREMENTS**

- a. Students are required to begin the dual degree program at the law school conferring the JD degree.
- b. A candidate for the dual JD/MELP degree must satisfactorily complete all the re-

quirements for the MELP degree as described in regulation IV above. A dual degree candidate may transfer a total of nine credits from his/her JD program to the MELP program.

- c. Vermont Law School will accept nine credits of course work completed in the JD program at the law school conferring the JD degree. Courses taken at the law school that are to be applied toward the MELP degree must be approved by the Director of the Environmental Law Center or the Director's designee. Courses taken at law school will not be applied toward the MELP degree if they substantially duplicate a course taken at Vermont Law School.
- d. The total maximum number of credits a student enrolled in this dual degree may earn toward a MELP Externship is 10 credits.
- e. The courses taken, the grades awarded, and the credits earned for courses transferred from the law school conferring the JD degree will be noted on the Vermont Law School transcript, but the course grades will not be included in the student's Vermont Law School grade average. All passing grades (i.e., a grade of C or better) will be accepted.

## **2. DUAL JD/MELP WITH THE UNIVERSITY OF SOUTH CAROLINA**

Vermont Law School and the University of South Carolina School of Law offer a dual JD/MELP degree program that enables students to earn both degrees concurrently over a three-year period.

## **3. DUAL JD/MELP WITH THE UNIVERSITY OF SOUTH DAKOTA**

Vermont Law School and the University of South Dakota School of Law offer a dual JD/MELP degree program that enables students to earn both degrees concurrently over a three-year period.

## **4. DUAL JD/MELP WITH NORTHEASTERN UNIVERSITY**

Through a combination of transfer credits and an environmental law co-op work placement that provides internship credit, Northeastern University School of Law (Northeastern) and Vermont Law School (VLS) will allow students who meet degree requirements at both schools to receive a dual degree of Juris Doctor (JD) and Master of Environmental Law and Policy (MELP) within the three year term of the JD degree.

Northeastern will accept 12 credits toward the completion of the JD.

MELP Externships and Co-op Work Quarters: Students may use one of Northeastern co-op experience as an MELP externship. Students must follow both Northeastern co-op and VLS Externship guidelines and application deadlines.

## **5. DUAL JD/MELP WITH QUINNIPIAC UNIVERSITY**

Vermont Law School and Quinnipiac University School of Law offer a dual JD/MELP degree program that enables students to earn both degrees concurrently over a three-year period.

## **6. DUAL JD/MELP WITH ELON UNIVERSITY**

Vermont Law School and Elon University School of Law offer a dual JD/MELP degree program that enables students to earn both degrees concurrently over a three-year period.

## **7. DUAL JD/MELP WITH BOSTON COLLEGE LAW SCHOOL**

Vermont Law School and the Boston College Law School offer a dual JD/MELP degree program that enables students to earn both degrees concurrently over a three-year period.



## **IX. MASTER OF LAWS (LLM) DEGREE PROGRAMS**

Except for the Master of Laws in American Legal Studies in regulation IX.H., the requirements in subsections A, B, C, and D of this regulation apply to all Master of Laws degrees.

### **A. GENERAL REQUIREMENTS**

#### **1. GENERAL LIMITATION**

A student may only obtain one master of laws degree from Vermont Law School.

#### **2. REQUIREMENTS FOR THE DEGREE**

The degree of Master of Laws is granted for regular attendance and satisfactory completion of the prescribed course of study. A minimum of 30 credits is required for the LLM degree. These credits must be selected from courses approved for the LLM program. A cumulative grade point average of 2.20 is required for successful completion of the LLM degree.

#### **3. CREDITS AND COURSE LOAD**

- a. A minimum of 30 credits is required for the LLM degree. An LLM candidate may take a maximum of 36 credits from courses approved for the LLM degree; however, if a student has reached 30 credits and satisfied all degree requirements at the end of any semester, the degree must be awarded.
- b. For students taking residential classes, the minimum course load for full-time LLM students is six credits per semester. The maximum course load in the fall or spring semester is 14 credits per semester. The maximum course load in the summer program is 11 credits. No exceptions are allowed other than with the prior approval of the Director of the Environmental Law Center or the Director's designee.
- c. For students taking online learning classes, the recommended course load is three credits per term. The online learning program offers six terms per academic year.

#### **4. TRANSFER OF CREDITS - NON-VERMONT LAW SCHOOL JD GRADUATES**

A student enrolled in the LLM program may be granted credit for courses satisfactorily completed in an LLM program at an ABA-approved law school. A student may transfer a maximum of six such credits to the LLM program with the approval of the Director or the Director's designee. Before granting such approval, the Director of the Environmental Law Center or his or her designee must determine that the course is relevant and important to the student's overall program of study. Only courses with environmental content are eligible for transfer credit. The Registrar must receive an official transcript showing that the course has been completed and that a grade of C or better has been awarded. Pass/Fail grades and grades for externships will not transfer. Transcripts from a foreign institution must be accompanied by a WES or AACRAO evaluation. Grades earned from transferred courses will be noted on the student's transcript, other than pass/fail and externships grades, but will not be used in computing the student's grade average. Once a student has enrolled as an LLM candidate, prior approval must be obtained from the Director of the Environmental Law Center or the Director's designee to obtain credit for courses taken at another institution. No transfer credit will be given for a course completed more than five years prior to matriculation into the LLM program.

#### **5. DURATION OF PROGRAM**

- a. To obtain the LLM degree, a student must complete the degree requirements within a period of five years from matriculation.
- b. Residential students may enter the LLM program in either summer or fall semester.
- c. Online Learning Students may enter the LLM degree program in any term offered throughout the academic year.

#### **4. ADD/DROP AND WITHDRAWAL POLICIES**

See regulations II.B.3., II.B.4., and II.B.5.

## B. EXTERNSHIPS

### 1. THRESHOLD REQUIREMENTS FOR AN LLM EXTERNSHIP

The following requirements must be met:

- a. Students must work primarily on site at the LLM externship. Students may not receive LLM externship credit if their work is done by telecommuting.
- b. Externships cannot be substituted for distributional requirements or required courses. No exceptions are allowed other than with prior written approval of the Director of the Environmental Law Center or the Director's designee.
- c. LLM externships must be supervised by an attorney.
- d. The maximum number of credits a student may earn in one or more LLM externships is ten credits.
- e. The minimum number of credits a student may earn in an LLM externship is four credits.<sup>24</sup>

### 2. ELIGIBILITY REQUIREMENTS

The eligibility requirements for an LLM externship are the same as for a Master's externship. See regulation IV.B.

### 3. PROCEDURES FOR ENROLLING IN AN LLM EXTERNSHIP

The procedures for enrolling in an LLM Externship are the same as for a Master's externship. See regulation IV.B.

### 4. GRADES

- a. All LLM externships are pass/fail.
- b. Faculty Supervisors assign the grade based on the student's journals, the Mentor's letter of evaluation and other information such as work product, emails, telephone conversations and/or meetings and site visits with the student and Mentor.

## C. DIRECTED STUDY

- a. Students who elect to undertake directed study shall follow the guidelines set forth in regulation III.D.
- b. Directed study cannot be substituted for distributional requirements or required courses. No exceptions are allowed other than with prior written approval of the Director of the Environmental Law Center or the Director's designee.

## D. GRADES AND ACADEMIC STANDARDS

See Regulation II.C. for grading standards and procedures.

### 1. GOOD STANDING

To be in good academic standing, a student must not be on academic probation, be eligible to return for the next academic semester or term, and have no pending Honor Code, Code of Conduct, or other disciplinary proceedings.

### 2. ACADEMIC PROBATION<sup>25</sup>

- a. A student will be placed on academic probation if, at any time after the completion of six credits and before completion of 12 credits, the student's cumulative average is between 1.00 and 1.90.
- b. A student will be placed on academic probation if, at any time after the completion of 12 or more credits, the student's cumulative average is between 1.90 and 2.20.

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<sup>24</sup> Students who matriculated into the LLM program prior to May 2012 may earn a minimum of two and a maximum of nine LLM externship credits.

<sup>25</sup> For the purposes of regulations D.2. and D.3., "completion" includes grades of F. and F.Wd. but not Wd.

- c. A student who is on academic probation may not enroll in more than nine credits or audit any course except with the written permission of the Director of the Environmental Law Center or the Director's designee.
- d. A student who is on academic probation is not permitted to run for election to, or serve on the executive board of, the Student Bar Association. A student who is on academic probation is not permitted to run for election to, or serve in a leadership position (such as an officer or chair) of, any other co-curricular or extra-curricular student group.

### 3. ACADEMIC DISMISSAL

- a. A student will be dismissed if:
  - (1) the student has a cumulative average of 1.0 or below at the completion of six credits; or
  - (2) the student's cumulative average is below 1.90 at any time after the completion of 12 credits; or
  - (3) the student's cumulative average is below 2.20 at any time after the completion of 15 credits and if at the end of any previous semester, the student was placed on academic probation; or
  - (4) the student's cumulative average is below 2.20 at the completion of the program.
- b. A student who would otherwise be dismissed under subparagraph 3.a(3) will be allowed to continue for a second semester<sup>26</sup> on academic probation if the student's grade point average for the first semester on academic probation, if repeated for the second semester on academic probation with a credit load of 12 credits, is sufficient to achieve the required cumulative average of 2.20 at the end of the second semester on academic probation.
- c. A student who would otherwise be dismissed under subparagraph 3.a(4) may petition the Committee on Standards to be allowed to continue on academic probation. No such petition will be granted absent clear and convincing evidence of (1) extraordinary circumstances beyond the student's control and unlikely to continue or recur prevented the student from maintaining a cumulative average of at least 2.20 and (2) a realistic and specific academic plan to raise the cumulative average to 2.20 or above in one additional academic term.
- d. Except as provided in subsection 3.c., a student who is academically dismissed cannot petition the Committee on Standards for readmission earlier than one year after the date of academic dismissal. The Committee will grant readmission only if it finds that the student has satisfactorily addressed the factors that contributed to the academic dismissal. If the Committee grants a petition for readmission, it may impose any conditions it deems appropriate. This regulation may not be waived by the Committee on Standards.

## E. MASTER OF LAWS IN ENVIRONMENTAL LAW DEGREE (LLM)

### 1. REQUIREMENTS FOR THE DEGREE<sup>27</sup>

- a. Each student must satisfy the following requirements for the LLM degree<sup>28</sup>

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
Graduate Seminar	ENV9606 LLM Graduate Seminar (3)
Environmental Law	ENV5115 Environmental Law (3)
Administrative Law	ENV5105 Administrative Law (3)

- b. With the approval of the Director of the Environmental Law Center or the Director's designee, an LLM candidate may waive Environmental Law or Administrative Law if the Candidate has successfully completed equivalent course work in a JD program at an

<sup>26</sup> For purposes of this regulation, the summer session shall be considered as a "semester."

<sup>27</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the online learning program to ensure that all graduation requirements are met.

<sup>28</sup> Students who matriculated in the LLM in Environmental Law program prior to May 2013 must satisfy the following requirements: the LLM Graduate Seminar, Environmental Law, Administrative Law, Science for Environmental Law, and Natural Resources Law. Students who matriculated in the LLM program prior to August 2012 may satisfy the Science for Environmental Law requirement with any of the following courses: ENV5112 Science for Environmental Law, ENV5430 Ecology, or ENV5110 Ecology of Food and Agriculture.

ABA accredited law school or comparable international academic institution. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

- c. Any remaining electives may be chosen from the courses and experiential options listed above and from the list of approved courses in regulation IV.F.1.c.

## **2. OPTIONAL LLM THESIS OR PROJECT**

### **A. THESIS**

An LLM candidate may choose to write a thesis. Six credits will be given for the satisfactory completion of an LLM thesis. The thesis must be a substantial piece of written work of publishable quality. A 10-15 page thesis proposal must be approved by the LLM candidate's faculty supervisor and the Director of the Environmental Law Center before the thesis is begun.

A student will have three terms to complete the thesis. A student will register in the term in which the thesis project is begun. A student who writes a thesis must make an oral presentation to the Vermont Law School community of the thesis work and must deposit a copy of the thesis in the Vermont Law School Library. The grade will be entered on the transcript in the semester the thesis is completed. Ordinarily, an LLM student will begin the thesis in the spring semester. If a student extends the thesis project beyond three terms, regulation II.C.2. "Temporarily excused from completion of a requirement" applies.

### **B. TEACHING PROJECT**

An LLM candidate may choose to undertake a teaching project. A minimum of four and a maximum of six credits will be given for a teaching project. To receive credit for teaching, a candidate must satisfactorily complete a teaching practicum under the guidance of a faculty supervisor and the appropriate number of hours of actual teaching in the classroom. A five- page teaching project proposal must be approved by the LLM candidate's faculty supervisor and the Director of the Environmental Law Center before the project is begun.

- C. AN LLM CANDIDATE who is a Fellow of the Environmental and Natural Resources Law Clinic (ENRLC) may elect to undertake a second teaching project with the approval of the ENRLC Director. Each teaching project will be for a minimum of four credits and a maximum of six credits. The second teaching project must provide a qualitatively different experience from the first. The ENRLC Fellow must satisfactorily complete all aspects of each teaching project in accordance with the teaching project plan, subject to the ENRLC Director's approval.

### **D. RESEARCH PROJECT**

An LLM candidate may choose to undertake a research project, either alone or as part of a joint effort with other LLM candidates. A minimum of two and a maximum of six credits will be given for a research project. An LLM project must be a substantial undertaking, involving significant legal and policy research. A five-page research project proposal must be approved by the LLM candidate's faculty supervisor and the Director of the Environmental Law Center before the project may be commenced. Students engaged in a joint project will be graded on their individual contribution to the project and on their teamwork skills.

A student will have two terms to complete the research project. A student will register in the term in which the project is begun. The grade will be entered on the transcript in the semester the project is completed. If a student extends the research project beyond two terms, regulation II.C.2. "Temporarily excused from completion of a requirement" applies.

## **3. EXTERNSHIPS**

The LLM in Environmental Law Externship Program provides students with a field experience to test and develop their environmental law, policy, management, and/or science knowledge and skills. LLM externships are by definition environmental in their subject focus, so students must assure that their work on site relates to environmental issues.

## F. MASTER OF LAWS IN ENERGY LAW DEGREE (LLM)

### 1. REQUIREMENTS FOR THE DEGREE<sup>29</sup>

- a. Each student must satisfactorily complete the following requirements as part of the requirements for the LLM degree:

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
Energy Law and Policy	ENV5226 Energy Law and Policy in a Carbon-Constrained World (3)
Energy Regulation	ENV5228 Energy Regulation, Markets and the Environment (3)
Administrative Law	ENV5105 Administrative Law (3)
Graduate Seminar	LLM9606 LLM Graduate Seminar (3)
Project/Writing Requirement	CLI9427 Energy Clinic (3-6) CLI9437 Advanced Energy Clinic (3-6) ENV5303 Advanced Energy Writing Seminar (2) LLM thesis or research project on an energy topic (4-6) LLM externship in energy law (4-10) Participation in the Institute for Energy and the Environment's research associate program
Energy Electives (minimum of 4 credits)	ENV5230 Global Energy Law and Policy (2) ENV5344 Alternative Fuels and Renewable Energy (3) ENV5375 Global Energy Justice (2) ENV5468 Oil and Gas Production and the Environment (2) ENV5469 Oil and Gas Development and the Environment (3) ENV5497 End Use Energy Efficiency (2) ENV5550 Renewable Energy Project Finance and Development (2) ENV5510 Three Essentials of the Electric Grid - Engineering (1) ENV5511 Three Essentials of the Electric Grid - Business (1) ENV5512 Three Essentials of the Electric Grid - Legal (1)

- b. Any remaining electives may be chosen from the courses and experiential options listed above and from the list of approved courses in regulation IV.F.1.c.
- c. With the approval of the Director of the Environmental Law Center or the Director's designee, an LLM candidate may waive any of the required courses if the candidate has successfully completed equivalent course work in a JD program at an ABA accredited law school or comparable international academic institution. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

The Energy Electives requirement shall not be waived for courses completed prior to matriculation in the LLM program. All LLM candidates must take four credits of Energy Electives from the above list provided they do not duplicate prior course work. If an LLM candidate is unable to fulfill this requirement without duplicating prior coursework, the candidate must submit an alternative coursework plan to be approved by the Director of the Environmental Law Center or the Director's designee.

The Project requirement shall not be waived because of prior completion of one of the listed options. LLM candidates who have completed one of the listed projects as part of a prior program must choose a different project to meet the LLM requirement.

### 2. LLM THESIS OR PROJECT

#### A. THESIS

The provisions of regulation IX.E.2.a. apply.

#### B. RESEARCH PROJECT

The provisions of regulation IX.E.2.d. apply.

### 3. EXTERNSHIPS

The LLM Externship Program provides students with a field experience to test and develop their energy law and policy knowledge and skills. LLM externships are by definition focused on energy issues, so students must assure that their work on-site relates to energy issues.

<sup>29</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the online learning program to ensure that all graduation requirements are met.

## G. MASTER OF LAWS IN FOOD AND AGRICULTURE LAW DEGREE (LLM)

### 1. REQUIREMENTS FOR THE DEGREE<sup>30</sup>

- a. Each student must satisfactorily complete the following requirements as part of the requirements for the LLM degree:

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b>	
ENV5105	Administrative Law (3)
ENV5180	Introduction to Agriculture and Food Law and Policy (3)
LLM9606	LLM Graduate Seminar (3)
<b>Food and Agriculture Electives</b>	<b>(minimum of 6 credits)</b>
ENV5362	Representing Farmers and Food Producers (2)
ENV5380	Food Regulation and Policy (3)
ENV5381	Local Farm and Food Law in Practice (3)
ENV5383	Food Justice and Sustainability (2)
ENV5385	Global Food Security (2)
ENV5401	Agriculture and The Environment (3)
ENV5408	Law of Animals and Agriculture (3)
ENV5410	The Farm Bill (2)
ENV5411	Federal Regulation of Food and Agriculture (3)
ENV5478	Global Food Security and Social Justice (3)
ENV5479	Law and Policy of Local Food (3)
ENV5540	Public Health and Food and Agriculture Policy (2)
<b>General Electives</b>	<b>(minimum of 3 credits)</b>
ENV5115	Environmental Law (3)
ENV5125	Land Use Regulation (3)
<b>Experiential/Writing Requirement</b>	<b>(at least one of the following; zero credit minimum)</b> LLM thesis or research project on a food/agriculture topic (2-6) LLM externship in food/agriculture law (4-10) Center for Agriculture and Food Systems research associate program
CLI9428	Food and Agriculture Clinic (4)
ENV5301	Advanced Food Writing Seminar (2)

- b. Any remaining electives may be chosen from the courses and experiential options listed above and from the list of approved courses in regulation IV.F.1.c.
- c. With the approval of the Director of the Environmental Law Center or the Director's designee, an LLM candidate may waive any of the required courses if the candidate has successfully completed equivalent course work in a JD program at an ABA accredited law school or comparable international academic institution. Although requirements may be waived, the total number of credits required for degree completion remains unchanged.

The Food and Agriculture Electives and General Electives requirements shall not be waived for courses completed prior to matriculation in the LLM program. All LLM candidates must take four credits of Food and Agriculture Electives and nine credits of General Electives from the above list provided they do not duplicate prior course work. If an LLM candidate is unable to fulfill this requirement without duplicating prior coursework, the candidate must submit an alternative coursework plan to be approved by the Director of the Environmental Law Center or the Director's designee.

<sup>30</sup> Students enrolled in the online learning program are required to satisfy the same degree requirements, but the availability of elective courses is limited. Students should consult the Program Planning Guidelines for the online learning program to ensure that all graduation requirements are met.

The Project requirement shall not be waived because of prior completion of one of the listed options. LLM candidates who have completed one of the listed projects as part of a prior program must choose a different project to meet the LLM requirement.

## **2. LLM THESIS OR PROJECT**

### **A. THESIS**

The provisions of regulation IX.E.2.a. apply.

### **B. RESEARCH PROJECT**

The provisions of regulation IX.E.2.d. apply.

## **3. EXTERNSHIPS**

The LLM Externship Program provides students with a field experience to test and develop their food and agriculture law and policy knowledge and skills. LLM externships are by definition focused on food and agriculture issues, so students must assure that their work on-site relates to food and agriculture issues.

# **H. MASTER OF LAWS IN AMERICAN LEGAL STUDIES (LLM)**

## **1. ELIGIBILITY**

The Master of Laws in American Legal Studies is specifically designed for students who hold a law degree from an institution outside of the United States.

## **2. REQUIREMENTS FOR THE DEGREE**

- a. A minimum of 28 credits is required for the LLM degree. An LLM candidate may take a maximum of 33 credits.
- b. Course load: The minimum course load for full-time LLM students is 10 credits. The maximum course load is 16 credits in the fall and 17 credits in the spring semester.
- c. Each LLM candidate must satisfactorily complete the following courses: Constitutional Law, Civil Procedure I and II, Contracts, Torts, Criminal Law, Property, Legal Analysis and Writing I, Professional Responsibility and Legal Research. With the approval of the Director of International and Comparative Law Programs or the Director's designee, an LLM candidate may substitute a different course for Contracts, Torts, Criminal Law, or Property if the candidate has successfully completed a comparable course at another law school. Although course requirements may be waived, the total number of credits required for degree completion remains unchanged.
- d. LLM candidates have the option of enrolling in additional courses during their second semester, with prior approval of the Director of International Programs.
- e. A cumulative average of 2.20 is required for successful completion of the LLM degree.
- f. Residence requirement: To obtain this degree, students must be in residence at Vermont Law School for two semesters.

## **3. GRADES AND ACADEMIC STANDARDS**

See regulation II.C. for grading standards and procedures.

- a. **Good Standing**  
To be in good academic standing, a student must have an overall average of at least 2.20, be eligible to return for the next academic semester or term, and have no pending Honor Code, Code of Conduct, or other disciplinary proceedings.
- b. **Academic Probation**  
A student will be placed on academic probation if, at the end of the first semester, the student's cumulative average is between 1.5 and 2.20.
- c. **Academic Dismissal**  
A student will be dismissed from the law school if:

- (1) the student has failed a total of eight credit hours; or
- (2) the student's cumulative average at the end of the first semester is at or below 1.50; or
- (3) the student's cumulative average is below 2.20 at the end of any semester and if, at the end of any previous semester, the student was placed on academic probation; or
- (4) the student's cumulative average is below 2.20 at the completion of the LLM program.

## X. PROFESSIONAL CERTIFICATE PROGRAMS

Vermont Law School awards Professional Certificates as described below. Professional Certificates differ from the certificates earned by JD students as part of their JD concentrated field of study.

### A. PROFESSIONAL CERTIFICATE IN RESTORATIVE JUSTICE

#### 1. GENERAL

The Professional Certificate in Restorative Justice provides working professionals and students with the Restorative Justice skills and substantive knowledge valuable to their field.

#### 2. REQUIREMENTS

- A. The Professional Certificate in Restorative Justice requires a minimum of 10 credits and a maximum of 12 credits. Notwithstanding any other provision of these regulations to the contrary, up to 12 credits earned in the Professional Certificate program and the respective grades may be transferred to the MARJ degree program. JD students who want to pursue the Professional Certificate would need to earn 10 credits independently of and in addition to any other courses they take.
- B. A student who matriculates into the Professional Certificate program must complete the program requirements in no longer than two years from the date of matriculation. A matriculated student enrolled in the Professional Certificate program who decides to pursue the Master of Arts in Restorative Justice will have five (5) years from the date of original matriculation to complete the Master's degree.
- C. Students pursuing the Professional Certificate must take, or have taken; a foundational course entitled Communication, Advocacy, and Leadership (CAL) and then may elect the balance of their courses in either a residential or online format from a list of courses approved for Certificate credit.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b>	<b>3 Credits</b>
ENV5122	Communication, Advocacy and Leadership (3)
<b>Elective Courses</b>	<b>Minimum of 7 Credits</b>
RSJ7330	Restorative Justice in Educational Institutions (3)
RSJ7310	Ethics of Restorative Justice (3)
RSJ7120	Origins, Evolution, and Critical Issues in Restorative Justice (3)
RSJ7110	Restorative Justice Theory and Practice (2)
RSJ7210	Adversity, Trauma, and Victimization (2)
TBD	New Approaches to Domestic and Sexual Violence (3)
CRI7305	Advanced Criminal Law Seminar (2)

## XI. CERTIFICATE PROGRAMS

All certificates for JD students must be declared by the end of their fourth semester. For all other residential students, the declaration must be made by the end of their first semester or after 12 credits for online students. Please see [vermontlaw.edu/academics/certificates](http://vermontlaw.edu/academics/certificates) for more information.



## A. GENERAL

1. A student may only obtain one certificate.<sup>31</sup>
2. All certificates require a cumulative grade point average of 3.00 in all courses that count toward the certificate.
3. Students must declare their intention to pursue a certificate by filing a written declaration with the Registrar. The declaration must be signed by the student and by the director of the certificate program.

All certificates for JD students must be declared by the end of their fourth semester.

All certificates for other residential students must be declared by the end of the second semester or after 12 credits for online students.

4. Prior to filing the certificate declaration, the student must meet with and obtain the permission of the director of the certificate program or the director's designee.
5. Completion of the certificate requirements will be noted on the student's transcript.

## B. GENERAL PRACTICE PROGRAM CERTIFICATE

### 1. GENERAL

The General Practice Program Certificate is a formal recognition that a student has pursued a concentrated course of study in the field of experiential advocacy.

### 2. REQUIREMENTS

The General Practice Certificate requires 16 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MERL, MFALP, MARJ, and LLM degree programs.

At the discretion of the Director, there may be additional non-curricular requirements that students must meet in order to receive the Certificate. These requirements may include but are not limited to attendance at professional and related events, keeping of journals, submission of Practice of Law Memos and other reflective work.

### 3. DIRECTOR DISCRETION

For good cause shown, the Director retains discretion to substitute equivalent course(s) or to alter the distribution, but not the number, of credits required for the Certificate.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Course Options</b>	(minimum of 16 credits) <sup>32</sup>
ADR6413	Mediation Advocacy (2)*
ADR6420	Negotiation (2)*
ADR6424	Interviewing and Counseling (2)*
ADR6425	Interviewing, Counseling and Negotiation (2)*
BUS6226	Corporate Finance (2)**
BUS6372	Hacktivist Boot Camp (2)**
BUS7819	Environmental Issues in Business Transactions (2)
CRI7307	Criminal Practice and Procedure (2)*
CRI7331	Impaired Driving (2)**
FAM7715/7717	Family Law w/Optional Lab (2)**
GPP7810	Commercial Transactions (2)
GPP7812	Real Estate Transactions (2)
GPP7814	International Intellectual Property (2)

<sup>31</sup> This regulation is effective for students matriculating after May 1, 2016.

<sup>32</sup> \*Credit accepted for 2014-2015 academic year forward

\*\*Credit accepted for 2015-2016 academic year forward

GPP7815	Municipal Law (2)
GPP7816	Employment Law/Pre-Trial Litigation (2)
GPP7817	Criminal Procedure: Bail to Jail/Criminal Law (2)
GPP7818	Representing Entrepreneurial Business (2)
GPP7821	Estate Planning (2)
GPP7823	Bankruptcy, Collections, and Foreclosure/Landlord-Tenant (2)
GPP7830	Legal Activism: Lawyering for Social Change (2)**
LIT7220	Trial Practice (2)*
Enrollment	Enrollment in any VLS clinic or participation in an Externship/SiP may be substituted for one semester of GPP courses (4)

## C. INTERNATIONAL AND COMPARATIVE LAW CERTIFICATE

### 1. GENERAL

The International and Comparative Law (ICL) Certificate formally acknowledges a student's academic concentration in international and comparative law.

### 2. REQUIREMENTS

To earn the International and Comparative Law Certificate, each student must satisfactorily complete the following requirements in addition to those noted in regulation X.A.:

- a. Minimum of 18 credits in international, foreign and comparative law courses.

In the minimum 18 credits of courses, the following courses are required:

- (1) International Law;
- (2) a Comparative or Foreign Law course, from the list of approved courses designated in the table below in subsection C.7. as meeting this requirement; and
- (3) a Study Abroad course, from the list of courses designated in the table below in subsection C.7. as meeting this requirement.

The remainder of the 18 credits may be taken from a list of international and comparative law courses approved for this purpose by the Associate Dean for Academic Affairs; a list of courses that satisfy this requirement is published each year in the registration materials.

- b. Grade of B or above in both International Law and in the course that is used to meet the Comparative or Foreign Law course requirement of the certificate.

**3. PASS/FAIL CREDITS:** No more than 10 credits taken on a pass/fail basis may be used to satisfy the Certificate's credit requirement.

**4.** No more than 10 credits from a qualifying Semester-in-Practice may be used to satisfy the Certificate's credit requirement.

**5.** Courses taken at an ABA-approved summer study-abroad program must have the prior approval of the Associate Dean for Academic Affairs for the course to be used to satisfy the study-abroad requirement, and prior approval of the Registrar to determine that VLS will accept the credits.

**6.** Number of credits for courses taken at foreign institutions: Many foreign law schools determine the number of credits differently than U.S. law schools. The number of credits earned for courses taken at a foreign institution will be determined in accordance with the ABA regulation for determining course credits.

**7.** List of courses meeting the certificate requirements:

<b>REQUIRED COURSE</b>	<b>INT7425 International Law (must earn B or above in this course)</b>
Take at least one course from each of the following two categories	Courses that satisfy the requirement
<b>COMPARATIVE OR FOREIGN LAW COURSE (must earn B or above)</b>	INT7407 Comparative Law INT7426 Comparative Constitutional Law INT7412 European Union Law INT7437 Introduction to Chinese Law INT7440 Comparative U.S.-China Environmental Law INT7448 Comparative U.S.-France Land Use Study
<b>STUDY ABROAD COURSE</b>	INT7426 Comparative Constitutional Law INT7414 European Union Law – Trento  International SiP <sup>33</sup> (max. 10 credits towards Certificate) Semester Study at McGill University <sup>34</sup> Semester Study at University of Trento  Semester Study at Renmin University Semester Study at the University of Cergy-Pontoise ABA-approved Summer Course <sup>35</sup>  An independent research project (IRP) conducted abroad, if based upon international work experience during law school, including summers, as long as prior approval of the project for this purpose is obtained from the Associate Dean for Academic Affairs.  Other such courses approved by the Associate Dean for Academic Affairs.
<b>ADDITIONAL COURSES to meet the 18 credit requirement</b>	Courses meeting this requirement are produced each year and are found in the web-based registration materials.

8. Official transcripts and translations or foreign evaluations as required must be submitted prior to the credits being accepted and noted on the transcript.

## D. CERTIFICATE IN CLIMATE LAW

### 1. GENERAL

The Certificate in Climate Law is a formal recognition that a student has pursued a concentrated course of study in the field of climate law.

### 2. REQUIREMENTS

The Certificate in Climate Law requires 14 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MERL, MFALP, and LLM degree programs.

<sup>33</sup> Credit maximum: A maximum of 10 credits from this course may be used to satisfy the course credit requirements for the Certificate in International and Comparative Law; however, all of the credits earned may apply to satisfy the J.D. requirements.

<sup>34</sup> Number of credits for courses taken at foreign institutions: The number of credits earned for courses taken at a foreign institution will be determined in accordance with the ABA regulation for determining course credits.

<sup>35</sup> Courses taken at an ABA-approved summer study-abroad program must have the prior approval of the Associate Dean of Student Affairs for the course to be used to satisfy the study-abroad requirement, and of the Registrar to determine that VLS will accept the credits.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b> (minimum of 6 credits)	ENV5212 Climate Change and the Law (3) ENV5226 Energy Law and Policy in Carbon-Constrained World (3)
Climate Electives (minimum of 4 credits)	ENV5205 Air Pollution Law and Policy (3) ENV5214 Climate Change Mitigation (3) ENV5218 International Climate Change Law (3) ENV5230 Global Energy Law and Policy (2) ENV5335 Extinction and Climate Change (2) ENV5342 Legal Adaptations to Global Warming Impacts (2) ENV5336 Climate Change, Extinction and Adaptation (3) ENV5343 Climate Change Adaptation in Human Systems (3) ENV5365 Climate Change: The Power of Taxes (2)
General Electives (minimum of 3 credits)	ENV5112 Science for Environmental Law (3) ENV5228 Energy Regulation, Markets and the Environment (3) ENV5346 New Frontiers in Environmental Policy (3) ENV5375 Global Energy Justice (2) ENV5468 Oil and Gas Production and the Environment (2) ENV5469 Oil and Gas Development and the Environment (3) ENV5510 Three Essentials of the Electric Grid (3) ENV5550 Renewable Energy Project Finance and Development (2)
Experiential/Writing Requirement (minimum of 1 credit)	Advanced Writing Requirement on a climate topic Independent Research Project on a climate topic LLM thesis or research project on a climate topic Master's or JD externship on a climate topic

## E. CERTIFICATE IN ENERGY LAW

### 1. GENERAL

The Certificate in Energy Law is a formal recognition that a student has pursued a concentrated course of study in the field of energy law.

Students in the Master of Energy Regulation and Law (MERL) and LLM in Energy Law degree programs may not pursue the Certificate in Energy Law.

### 2. REQUIREMENTS

The Certificate in Energy Law requires 14 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MFALP, LLM in Environmental Law, and LLM in Food and Agriculture Law degree programs.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b> (minimum of 6 credits)	ENV5226 Energy Law and Policy in a Carbon-Constrained World (3) ENV5228 Energy Regulation, Markets and the Environment (3)
Energy Electives (minimum of 4 credits)	CLI9427 Energy Clinic (3-6) CLI9437 Advanced Energy Clinic (3-6) ENV5230 Global Energy Law and Policy (2) ENV5344 Alternative Fuels and Renewable Energy (3) ENV5468 Oil and Gas Production and the Environment (2) ENV5469 Oil and Gas Development and the Environment (3) ENV5510 Three Essentials of the Electric Grid (1-3) ENV5550 Renewable Energy Project Finance and Development (2)
General Electives (minimum of 3 credits)	ENV5105 Administrative Law (3) ENV5205 Air Pollution Law and Policy (3) ENV5209 The Law of Toxics and Hazardous Substances (3) ENV5210 CERCLA Liability and Cleanup (2) ENV5212 Climate Change and the Law (3) ENV5365 Climate Change: The Power of Taxes (2) ENV5375 Global Energy Justice (2) ENV5497 End Use Energy Efficiency (2) BUS6226 Corporate Finance: Mergers and Acquisitions (3) BUS6235 Corporations (4) ENV5125 Land Use Regulation (3)

Experiential/Writing Requirement (minimum of 1 credit)	ENV5303 Advanced Energy Writing Seminar (2) Advanced Writing Requirement on an energy topic Independent Research Project on an energy topic LLM thesis or research project on an energy topic Master's or JD externship on an energy topic
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## F. CERTIFICATE IN LAND USE LAW

### 1. GENERAL

The Certificate in Land Use Law is a formal recognition that a student has pursued a concentrated course of study in the field of land use law.

### 2. REQUIREMENTS

The Certificate in Land Use Law requires 14 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MERL, MFALP, and LLM degree programs.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b> (minimum of 6 credits)	ENV5125 Land Use Regulation (3) ENV5239 Land Transactions and Finance (3)
Land Use Electives (minimum of 4 credits)	ENV5345 Land and the Law of Takings (2) ENV5430 Ecology (3) ENV5405 Ecosystem Conservation Strategies (2) ENV5472 Law of Ecosystem Management (2) ENV5474 Land Conservation Law (2) ENV5462 Public Lands Management: Montana Field Study ENV5250 Watershed Management and Protection (3)
General Electives (minimum of 3 credits)	ENV5105 Administrative Law (3) ENV5401 Agriculture and the Environment (3) ENV5235 Natural Resources Law (3) ENV5423 Ocean and Coastal Law (3) PUB7580 State and Local Government (2)
<b>Experiential/Writing Requirement</b> (minimum of 1 credit)	Advanced Writing Requirement on a land use topic Independent Research Project on a land use topic LLM thesis or research project on a land use topic Master's or JD externship on a land use topic

## G. CERTIFICATE IN WATER RESOURCES LAW

### 1. GENERAL

The Certificate in Water Resources Law is a formal recognition that a student has pursued a concentrated course of study in the field of water resources law.

### 2. REQUIREMENTS

The Certificate in Water Resources Law requires 14 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MERL, MFALP, and LLM degree programs.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses</b> (minimum of 6 credits)	ENV5245 Water Resources Law (3) ENV5246 Water Quality (3)
Water Electives (minimum of 4 credits)	ENV5250 Watershed Management and Protection (3) ENV5349 Regulating the Marine Environment (2) ENV5405 Ecosystem Conservation Strategies (2) ENV5423 Ocean and Coastal Law (3) ENV5472 Law of Ecosystem Management (2) ENV5561 Environmental Enforcement and Compliance (2)
General Electives (minimum of 3 credits)	ENV5235 Natural Resources Law (3) ENV5401 Agriculture and The Environment (3) ENV5430 Ecology (3) ENV5474 Land Conservation Law (2)

Experiential/Writing Requirement (minimum of 1 credit)	Advanced Writing Requirement on a water topic Independent Research Project on a water topic LLM thesis or research project on a water topic Master's or JD externship on a water topic
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## H. CERTIFICATE IN CRIMINAL LAW

### 1. GENERAL

The Certificate in Criminal Law is a formal recognition that a student has pursued a concentrated course of study in the field of criminal law.

### 2. REQUIREMENTS

The Certificate in Criminal Law requires 18 credits.

REQUIREMENT (18 CREDITS)	COURSES THAT SATISFY THE REQUIREMENT
Doctrinal Requirements (10-11 credits)	REQ7140 Criminal Law (3 credits) CRI7262 Constitutional Criminal Procedure (3 credits) or CRI7307 Criminal Practice and Procedure (4 credits) LIT7210 Evidence (4 credits)
Skills/Experimental Requirements (8-16 credits)	LIT7220 Trial Practice (3 credits) or LIT7318 Intensive Trial Practice (2 or 3 credits depending on whether students are selected to compete in the Texas Young Lawyers' Association Trial Competition).  Part-time externship or full-time SIP in a prosecutor's or defender's office or part-time or full-time judicial externship where 50% or more of student's time is spent on criminal matters (6-13 credits depending on whether placement is part-time or full-time).
Writing Requirements (0-3 credits)	A law review note written on a criminal law topic and submitted for AWR credit (2 credits) or a seminar, to be chosen from the following list, in which the student fulfills his/her AWR requirement (2-3 credits):  CRI7305 Advanced Criminal Law Seminar (2) CRI7313 Capital Punishment Seminar (2) CRI7319 Juvenile Justice Seminar (2) CRI7314 Narcotics Law and Policy Seminar (2) CRI7304 Sex Crimes Seminar (2)

## I. CERTIFICATE IN BUSINESS LAW

### 1. GENERAL

The Certificate in Business Law is a formal recognition that a student has pursued a concentrated course of study in the field of business law.

### 2. REQUIREMENTS

The Certificate in Business Law requires 15 credits.

REQUIREMENT (15 CREDITS)	COURSES THAT SATISFY THE REQUIREMENT
Required (7 credits) <b>TAKE BOTH:</b>	BUS6235 Corporations (4) BUS6290 Securities Regulation (3)

<p><b>General Electives (7 credits)</b>  <b>TAKE SEVEN CREDITS FROM THIS LIST.</b>  Refer to <a href="http://vermontlaw.edu/registrar">vermontlaw.edu/registrar</a> for current list</p>	ADR6410.A Alternative Dispute Resolution (3) ADR6405.A Arbitration (2) ADR6412 Mediation (2) ADR6420.A Negotiation (2) BUS6280.A Sales (2) BUS6285.A Secured Transactions (3) BUS6262.A Social Enterprise Law (2) BUS6255.A Income Taxation (4) BUS6260.A Intellectual Property (2) BUS6305.A Non-Profit Organizations (3) BUS6238 Digital Drafting (3) BUS6245.A Employment Law (3) TBD Bankruptcy (3) CRI7318 White Collar Crime (3) ENV5365 Climate Change and the Power of Taxes (2) ENV5239 Land Transactions and Finance (3) ENV5220.A Environmental Economics and Markets (3) FAM7710.A Estates (4) INT7411.A French Corporate Law (1) INT7416.A International Business Transactions (3) BUS7819.A Environmental Issues in Business Transactions (2) GPP7814.A International Intellectual Property (XAD) (2) GPP7823.A Bankruptcy/Landlord-Tenant (XAD) (2) GPP7810.A Commercial Transactions (XAD) (2) GPP7816 Employment Law/Pretrial Litigation (XAD) (2) GPP7812 Real Estate Transactions (XAD) (2) GPP7818 Representing Entrepreneurial Business (XAD) (2)
	Students must complete a business law-related IRP or AWR

## J. CERTIFICATE IN FOOD AND AGRICULTURE LAW

### 1. GENERAL

The Certificate in Food and Agriculture Law is a formal recognition that a student has pursued a concentrated course of study in the field of food and agriculture law.

### 2. REQUIREMENTS

The Certificate in Food and Agriculture Law requires 14 credits. Certificate courses may also be used to satisfy course requirements in the JD, MELP, MERL, and LLM in Environmental Law, and LLM in Energy Law degree programs.

REQUIREMENT	COURSES THAT SATISFY THE REQUIREMENT
<b>Required Courses (3 credits)</b>	ENV5108 Introduction to Agriculture and Food Law and Policy (3)
<b>Food and Agriculture Electives (minimum of 7 credits)</b>	ENV5380 Food Regulation and Policy (3) ENV5381 Local Farm and Food Law in Practice (3) ENV5383 Food Justice and Sustainability (2) ENV5385 Global Food Security (2) ENV5401 Agriculture and The Environment (3) ENV5408 Law of Animals and Agriculture (3) ENV5410 The Farm Bill (2) ENV5411 Federal Regulation of Food and Agriculture (3) ENV5478 Global Food Security and Social Justice (3) ENV5479 Law and Policy of Local Food (3) ENV5540 Public Health and Food and Agriculture Policy (2) TBD Representing Farmers and Food Producers (2)

<b>General Electives</b> (minimum of 3 credits)	ENV5125 Land Use Regulation (3) ENV5235 Natural Resources Law (3) ENV5245 Water Resources (3) ENV5246 Water Quality (3) ENV5250 Watershed Management and Protection (3) ENV5310 Environmental Health Law (3) ENV5405 Ecosystem Conservation Strategies (2) ENV5406 Animal Rights Jurisprudence (2) ENV5474 Land Conservation Law (2) ENV5561 Environmental Enforcement and Compliance (2) JUR7333 Animal Law and Ethics (3)
<b>Experiential/Writing Requirement</b> (minimum of 1 credit)	CLI9428 Food and Agriculture Clinic (4) Advanced Writing Requirement on a food and agriculture topic Independent Research Project on a food and agriculture topic LLM thesis or research project on a food and agriculture topic Master’s or JD externship on a food and agriculture topic

## XI. VERMONT LAW SCHOOL HONOR CODE

### ARTICLE I. AN HONOR CODE FOR ACADEMIC INTEGRITY AND HONESTY

#### A. STATEMENT OF PRINCIPLES

Vermont Law School is a community of adults and professionals committed to the principles of academic integrity and honesty which are the underpinnings for the responsible exercise of academic freedom. As an expression of this commitment, Vermont law School has developed this Honor Code with attendant procedures to deal with instances of academic dishonesty and misconduct which may occur in connection with any aspect of a student’s work and performance in curricular (e.g. courses, experiential programs) or co-curricular (e.g. law review, moot court) endeavors. It is the duty and responsibility of all members of the Vermont law School community to report any known or suspected violations of this Honor Code. The Honor Code seeks to preclude the following forms of academic dishonesty and misconduct<sup>36</sup>:

1. Any conduct pertaining to academic matters that evidences fraud, deceit, dishonesty, or an intent to obtain unfair advantage over other students, and
2. Any conduct that violates Vermont Law School academic regulations or written policies not inconsistent with this Honor Code, and
3. Any other conduct pertaining to academic matters that raises serious doubts about the accused student’s honesty, integrity, or fitness to practice law.

#### B. PROHIBITED CONDUCT

This Honor Code recognizes two classes of violations which may attract the sanctions described in Article V below. To assist students in understanding their responsibilities under the Honor Code, the following is a list of conduct pertaining to academic matters which violates this Honor Code.

##### CLASS ONE VIOLATIONS:

The following offenses shall qualify as Class One Violations under Article V:

1. A student shall not plagiarize. Plagiarism is knowingly appropriating another’s words or ideas and representing them in writing as one’s own. Whenever a student submits written work, including an examination, as his or her own, the student shall not use the words of another without acknowledging the source. If the words of another are paraphrased or the ideas of another are used, there must be a clear attribution of the source.
2. A student shall not invade the security maintained for the preparation and storage of examinations.
3. While taking an examination, a student shall neither possess nor refer to any material not authorized by the instructor for use during the examination.
4. In connection with an examination or an academic assignment, a student shall neither give, receive, nor obtain information or help in any form not authorized by the instructor or the person administering the examination or assignment.

<sup>36</sup> Non-academic matters are governed by a separate Code of Non-Academic Conduct.



5. A student who is taking or has taken an examination shall not discuss any part of that examination with another student who is taking the examination or will be taking a deferred examination when such a discussion is likely to endanger the security of the examination questions.
6. A student shall not submit any written work, or part thereof, prepared, submitted or used by him or her for any other purpose (such as work prepared for or submitted in another course, work prepared for a law journal, clinic, law firm, government agency, or other organization), or prepared by another, except upon specific disclosure of the facts and receipt of permission from the instructor to whom the work is submitted.
7. A student shall not take or copy materials of an academic nature belonging to another student without the express consent of the latter.

**CLASS TWO VIOLATIONS:**

The following offenses will qualify as Class Two Violations under Article V:

1. A student shall not make a false statement regarding an academic matter to a law school faculty member, administrator or to the Honor Committee.
2. With respect to the Law School Library, a student shall not knowingly (a) mark, mutilate or destroy library material; (b) hide, misshelve, or misfile library material; or (c) remove library material from the library without authorization.
3. A student shall not obstruct the Honor Code process.
4. A student shall not engage in any other conduct which in determination of the Vice Dean for Students and the Honor Committee evidences dishonesty or a manifest lack of fitness to practice law.

**C. STANDARD OF PROOF**

Before a student may be found to have violated this Honor Code, there must be clear and convincing evidence that the accused committed the acts constituting the violation. This burden of proof shall apply in both the informal and the formal processes.

Unless otherwise specified in the examples above, a student is guilty of a violation of the Honor Code if she or he acted purposely, knowingly or recklessly. A student acts purposely if it is the student's conscious object to engage in prohibited conduct or to cause a prohibited result. A student acts knowingly when that student knows that such conduct is prohibited or knows that his or her conduct will cause a prohibited result. A student acts recklessly when that student consciously disregards a substantial and unjustifiable risk that his or her conduct will fall within prohibited conduct or cause a harmful result.

It is not a defense to charges of violating this Honor Code for a student to claim he or she has not received, read or understood this Honor Code, or is otherwise ignorant of its provisions. A student is held to have notice of this Honor Code by enrolling in a Vermont law school class.

**ARTICLE II. ADMINISTERING THE HONOR CODE**

- A. Principal responsibility for administering the policies and procedures of this Honor Code shall lie with the Vice Dean for Students and/or an Honor Committee duly constituted as described below.
- B. The Honor Committee consists of six members who shall represent the student body, the faculty and the Administration and which shall act according to procedures as set forth below in Article IV.
- C. The makeup of the Honor Committee shall be as follows: (a) the Vice Dean for Students as Ex Officio member<sup>37</sup>; (b) Four students, one elected from each of the JD classes and one from the MELP, MERL, and LLM classes combined; (c) Two faculty members appointed by the President and Dean of the Law School.

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<sup>37</sup> Ex Officio in this context means the Vice Dean for Students participates, but does not vote, on matters before the Honor Committee. The Vice Dean for Students participates in hearings before the Honor Committee under the Formal Process as described in IV (C).

## ARTICLE III. TERM OF OFFICE

- A. All student members shall be elected to serve one-year terms with no bar to reelection for a subsequent term. If for any reason a student member is unable to complete his or her term or to participate in the resolution of a particular matter (See, Article III, Paragraph 3) an alternate student member shall complete the term or participate as necessary. The alternate student member shall be appointed by the President of the Student Bar Association (SBA), or by the Vice-President of the SBA, or by the Treasurer of the SBA, or by the Secretary of the SBA, if the President already serves on the Honor Committee.
- B. All faculty members shall be appointed for one year terms. If for any reason a faculty member is unable to complete his or her term or to participate in the resolution of a particular matter (See, Article III, Paragraph 3), an alternate faculty member, appointed by the President and Dean of the Law School, shall complete the term or participate as necessary.
- C. Any member of the Honor Committee (including the chair) who believes that he or she may be unable to render an impartial decision in any case shall excuse himself/herself from such case; alternatively, the Honor Committee may remove any Honor Committee member from a case if a majority of the remaining Honor Committee members believes that member may be unable to render an impartial decision in the case. Because Vermont Law School is a small community, knowledge of or acquaintance with the accused student and/or witnesses in a hearing, awareness of a case, participation in campus issues related to the subject matter of a case, or participation in the disciplinary process prior to the hearing of the case shall not automatically be grounds for disqualification. Any concern an accused student may have about the ability of any Honor Committee member or alternate to render an impartial decision in his or her case must be submitted in writing to the chair. This submission must include any supporting materials and must be submitted at least 72 hours in advance of the formal hearing.

## ARTICLE IV. PROCEDURES

### 1. INITIAL CHARGE

1. A person who wishes to make a charge of a violation of the Honor Code against a student must report the violation to the Vice Dean for Students. Such a report must be made in writing. An anonymous report of a violation will not be sufficient to initiate an investigation or hearing under this Honor Code.
2. As soon as practicable, but no later than 15 working days (defined as periods during which all administrative offices of the Vermont Law School are open and operating under regular business hours) after receiving the written report of the violation, the Vice Dean for Students shall notify the accused student in writing that a complaint has been filed. In addition, the Vice Dean for Students will inform the accused student of his/her rights under the Honor Code, including the appointment of an advocate for the accused student. The Vice Dean for Students will also inform the student that a preliminary investigation into the matter will be conducted by a named investigator whose report will be submitted to the Vice Dean for Students.
3. At the same time as the Vice Dean for Students notifies the accused student of the complaint, the Vice Dean shall notify the remaining Honor Committee members of the alleged violation and shall provide the Honor Committee with a preliminary timetable whether the matter proceeds under the formal or informal process.
4. The Vice Dean for Students shall appoint an investigator from among the faculty, staff administration, or students. When the investigator appointee may be a student, this appointment shall be made in consultation with the President of the SBA (unless s/he is serving on the Honor Committee, in which case the consultation may be with the Vice-President of the SBA, or the Treasurer of the SBA, or the Secretary of the SBA). The investigator may speak with the accused student, and other witnesses, and may obtain statements and any evidence or facts necessary to report to the Vice Dean for Students. The investigator shall submit a report about the matter to the Vice Dean for Students within twenty-one (21) calendar days following his/her appointment as investigator unless good cause exists to warrant a reasonable extension of time.
5. The Vice Dean for Students shall appoint an advocate for the accused student from among the faculty, staff, administration, or student body. When the advocate

appointee may be a student, this appointment shall be made in consultation with the President of the SBA (unless s/he is serving on the Honor Committee, in which case the consultation may be with the Vice-President of the SBA, or Treasurer of the SBA, or Secretary of the SBA). The advocate will serve as advisor to the accused. The advocate may also speak for the accused to the Honor Committee and act on the accused's behalf at the formal hearing. The accused student may prefer to have an advocate other than the appointed person in which event, the appointed advocate shall serve as an advisor on Honor Code procedure to the advocate of choice.

## **B. INFORMAL PROCESS**

1. After receiving the investigator's report, the Vice Dean for Academic Affairs may: (a) determine that even if the facts alleged are true, no violation of the Honor Code has taken place; or (b) determine that it is more probable than not that a violation has taken place and may proceed to take action as outlined in paragraph 2 below. Either determination shall be communicated to the accused student in writing within a reasonable time following the Vice Dean's receipt of the investigator's report.
2. If the Vice Dean for Students determines that it is more probable than not that a violation of the Honor Code has occurred, the Vice Dean may proceed as follows. A discussion of the charges and the formal process as outlined below in Section C shall be held with the accused student. The student will be given the option of going forward with the formal process or agreeing in writing to abide by both the decision of the Vice Dean as to whether a violation of the Honor Code occurred and the penalty assessed by the President and Dean of the Law School upon recommendation of the Vice Dean. Such an agreement by the student will constitute a waiver of any right to the formal process including the right to appeal. The accused student does not waive the right to make public the outcome of the informal process. In this informal process, the President and Dean of the Law School retains the right to accept, reject or modify any recommendation which may be made by the Vice Dean for Students. The decision of the President and Dean of the Law School is final.

## **C. FORMAL PROCESS**

1. If the Vice Dean for Students concludes that the facts warrant a finding that it is more probable than not that a violation of the Honor Code has taken place and that the case is not one which will be dealt with informally above, the Vice Dean will notify the Honor Committee in writing of the nature of the complaint and of her or his conclusions. The Vice Dean will also notify the student accused in writing that the case is being referred to the Honor Committee for further proceedings. This notice shall include the names of all members of the Honor Committee.
2. The Vice Dean for Students may request that the investigator conduct further investigation in preparation for the formal hearing.
3. The Honor Committee as described in Article II (3) shall conduct a formal hearing of this matter at a meeting scheduled not more than thirty (30) calendar days after the Vice Dean for Students has reported a probable violation of the Honor Code to the Honor Committee. The Honor Committee shall meet to elect a chair for the hearing. It shall be the chair's responsibility, prior to the formal hearing, to (1) distribute a copy of the investigator's report to each member of the Honor Committee; and (2) to ensure that each member of the Honor Committee has received from the Vice Dean for Students the written notice of the nature of the complaint and the Vice Dean's conclusions. The Vice Dean for Students is not a member of the Honor Committee when it sits in formal hearing.
4. **Formal Hearing**  
The Vice Dean for Students, along with the appointed investigator, shall present the matter to the Honor Committee. This hearing is not intended to be adversarial in nature (e.g. a prosecution and defense role). Rather, the purpose of the hearing is for the Honor Committee to gather information to enable it to make a factual determination as to whether or not a violation of the Honor Code has occurred, and if so, to recommend a penalty. To that end, the Honor Committee will call and question witnesses and receive any relevant documents. Because this is not a trial, rules of evidence may be more relaxed in the interest of gathering all relevant information. The accused student will be entitled to have counsel present at the hearing, in addition to his/her advocate. The accused student or any such counsel or advocate will also have the right to call and question witnesses, the right of access to any and all documents offered as evidence, and the right to examine such documents.

After hearing all witnesses and considering all evidence presented, the Honor Committee shall decide whether a violation of the Honor Code has occurred. A majority vote of the six Honor Committee members voting shall be necessary for a finding of violation and the imposition of any sanction. However, a recommendation of expulsion or a recommendation that an awarded degree be withdrawn shall require unanimity.

After the formal hearing is concluded, the chair of the Honor Committee shall assign one member of the Honor Committee to prepare a written report stating: (1) the essential findings of fact upon which the committee's determination of violation or no violation is based; (2) the conclusions of law which are necessary to support the determination; and (3) the recommended sanction if a determination of violation is made. Concurring and dissenting members may prepare reports explaining their positions. Copies of the report(s) shall be given to the accused student and to the President and Dean of the Law School.

The Honor Committee shall tape record the hearing in each case. The recording, documents received and the opinion of the Honor Committee shall be retained in the President and Dean's Office. This record may be referred to by the Honor Committee for any purpose and by the President and Dean of the Law School in the case of appeal, but the confidentiality of the record should otherwise be maintained. The accused student shall have the right to make public the results of the formal hearing. At any time after three years, the Honor Committee may destroy the record except for the final report/opinion of the Honor Committee and the opinion of the President and Dean of the Law School, if any.

If the accused student does not appeal the decision of the Honor Committee within seven days after receiving the written report of the Honor Committee pursuant to Article VI, the decision of the Honor Committee shall become final and binding upon all parties, and the President and Dean of the Law School shall proceed to consider implementation of the recommended penalty. In so doing, the President and Dean of the Law School shall have plenary power to accept, reject or modify the recommended penalty. The decision of the President and Dean of the Law School is final.

#### **D. RESOLUTION OF THE CASE WITHOUT A HEARING**

At any time the accused shall have the right to make a proposal for resolution of the matter to the Vice Dean for Students or to the Honor Committee. Any such proposal shall include acknowledgment by the accused student of a violation, and shall include a waiver of all rights to the formal process including the right to appeal under the Honor Code with the understanding that the President and Dean of the Law School can modify all agreed to sanctions.

#### **E. TIME LIMITATION**

No complaint may be filed more than sixty (60) days after the occurrence of the alleged violation or sixty (60) days after the day that the alleged violation and/or the identity of the accused student should have reasonably been discovered.

#### **F. THE POWER TO APPOINT ALTERNATES**

Should it become necessary at any point during the informal or formal processes, the President and Dean of the Law School shall have the power to appoint alternates to serve the role(s) of the Vice Dean(s).

#### **G. NOTICE**

Notice to the accused student shall be given through the United States mail to the local address contained in the accused student's educational file. If there is no local address, notice will be sent to the accused student's permanent address.

Notice to members of the Honor Committee required by this Honor Code can be provided either through the Vermont Law School campus mail system (the notice is thereby placed in the individual's campus mailbox) or through the United States mail.

Notice will be considered given on the date the notice is placed in the mail.

## ARTICLE V. SANCTIONS

If through the informal or formal process it is determined that the accused student has violated one or more of the provisions of this Honor Code, the Honor Committee members or the Vice Dean for Students shall recommend a sanction<sup>38</sup> in accordance with the provisions below:

CLASS ONE SANCTIONS: If the Honor Committee members or the Vice Dean for Students conclude that the student has committed a Class One violation of the Honor Code as defined in Article III, Section B, the recommended penalty shall be suspension, expulsion or withdrawal of an awarded degree, unless the Honor Committee members or Vice Dean find substantially mitigating circumstances warrant a lesser penalty as set out in the following paragraph. A recommendation of expulsion or a recommendation that an awarded degree be withdrawn shall require unanimity.

CLASS TWO SANCTIONS: If the Honor Committee members or Vice Dean for Students conclude that the student has committed a Class Two violation of the Honor Code as defined in Article III, Section B, the Honor Committee members or Vice Dean for Students shall recommend such lesser penalty as they deem appropriate, including, but not limited to: a warning; a fine; probation; reference to counseling; or notation in the student's permanent file, unless the Honor Committee members or Vice Dean find substantially aggravating circumstances warrant a harsher penalty as set out in the preceding paragraph.

NOTATION ON OFFICIAL TRANSCRIPT: The fact of a violation, whether subject to a Class One or Class Two sanction, shall in the usual case be noted on the student's official transcript. For purposes of this section, the official transcript means the official record of the student's academic history at Vermont Law School in all programs (e.g. JD, MELP, MERL, MFALP, MARJ, LLM, or joint-degree) in which the student is enrolled at the time of the violation.

## ARTICLE VI. APPEALS

- A. The accused student may appeal the decision of the Honor Committee directly to the President and Dean of the Law School. Within seven days after receiving the written report of the Honor Committee, any accused student wishing to appeal shall give written notice of such intention to the President and Dean of the Law School. The accused student shall include a statement of the basis for such an appeal with the written notice. The review shall be on the record.
- B. The President and Dean of the Law School shall notify the Honor Committee and the involved faculty member, if any, of the appeal.
- C. The Honor Committee shall make available to the President and Dean of the Law School a copy of the tape recording of the hearing and copies of any documents received by the Honor Committee.
- D. The President and Dean of the Law School shall schedule a meeting with the accused student within a reasonable time after receiving the written notice of appeal. The President and Dean of the Law School shall allow the accused student, the student's counsel or advocate, the Vice Dean for Students and/or the investigator, to present arguments at that meeting.
- E. Factual findings of the Honor Committee shall not be overturned on appeal absent a showing that the findings are not supported by relevant evidence. Deference shall be accorded determinations of credibility made by the Honor Committee. Determinations of what constitutes relevant evidence shall be overturned only for abuse of discretion. Conclusions of law, including interpretations and applications of this Honor Code, may be overturned upon a showing that the conclusions are erroneous.

The President and Dean of the Law School shall have the plenary power to accept, reject, or modify the recommended penalty. The decision of the President and Dean of the Law School is final.

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<sup>38</sup> Grade adjustments have been excluded from the list of sanctions. Grading is solely a faculty function. A faculty member may consider a determination that a student violated the Honor Code, for example by cheating or plagiarism, in assigning a grade. The President and Dean of the Law School cannot, however, compel the faculty member to adjust a grade based on the result of an Honor Code determination.

## ARTICLE VII. AMENDMENT OF THE HONOR CODE

- A. This Honor Code may be amended upon the initiative of (1) a majority vote of the members of the Honor Committee; (2) a majority vote of the faculty; or (3) a petition signed by 50 or more Vermont Law School students. Any amendment must be approved both by a majority of the student members of the Honor Committee together with the members of the Student Bar Association voting as one body and by the faculty. If a student is both a member of the governing body of the Student Bar Association and the Honor Code Committee, the student shall have only one vote.
- B. Amendments to this Honor Code shall be effective upon approval by the faculty and by the student members of the Honor Committee together with the Student Bar Association.

## XII. COMMITTEE ON STANDARDS POLICIES AND PROCEDURES

The faculty has delegated responsibility for administration of the Academic Regulations to the Committee on Standards. Any student who seeks a discretionary decision provided for under the regulations, or the waiver of a regulation, must petition the Committee; students should not contact individual members of the Committee concerning any matter which may come before the Committee.

### A. MEETINGS OF THE COMMITTEE

1. Regular meetings of the Committee are ordinarily held monthly. Special meetings are held at the discretion of the chair. The Committee may meet telephonically or electronically.
2. Three members of the Committee shall constitute a quorum for the Committee to take action upon student petitions.
3. The deadline for submission of petitions shall be on the Friday preceding the meeting of the Committee at which the student seeks a decision. The Committee may, in its discretion, consider late petitions or consider petitions telephonically or electronically outside a regularly scheduled meeting provided a quorum of Committee members acts on the petition(s).
4. The Registrar and Director of Academic Procedures or designee shall serve as Secretary to the Committee on Standards.

### B. PETITIONS AND PERSONAL APPEARANCE

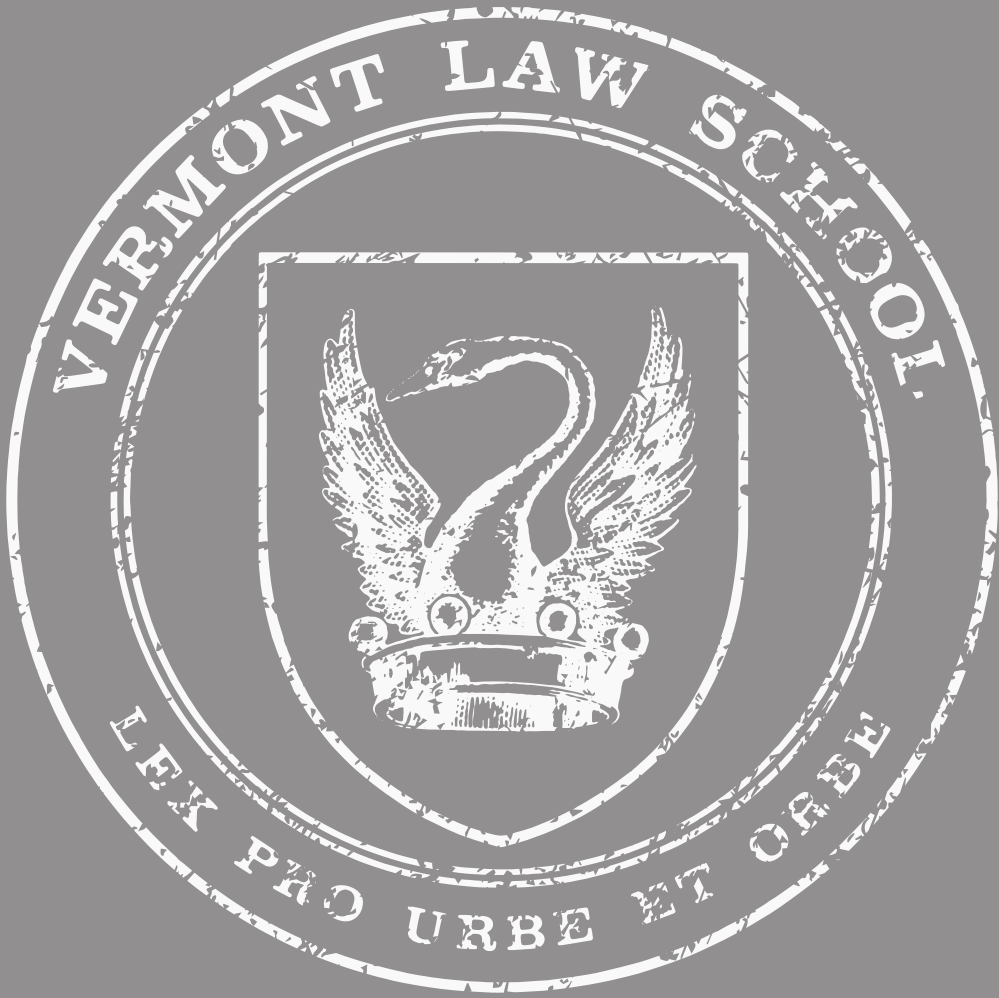
1. The student shall submit a typewritten petition to the Registrar via email, mail, or in person, setting forth in detail the student's request and the reasons why the Committee should make an exception to the Academic Regulations and grant the request.
2. In any case which may result or has resulted in suspension or dismissal from the school, the student has a right to a personal appearance before the Committee. Such personal appearance must be requested at the time of the student's original petition, and the student shall appear at the time the petition is being considered by the Committee. In any other case, the student may request a personal appearance, which shall be granted only by unanimous consent of the members of the Committee. Such requests should be made in writing and submitted to the Registrar no later than the Friday preceding the Committee meeting at which the student petition will be considered.

### C. NOTICE OF ACTIONS

The Committee shall notify the students of its decisions in writing by mail or email. In addition, the Committee shall notify the following parties in writing of its action when appropriate: Registrar, President and Dean, student's instructor, Business Office.

### D. PETITIONS FOR REHEARING

If a student's petition is denied in whole or in part, the student may request reconsideration of the petition. Such a request will ordinarily be granted only upon presentation of new information which was not available at the time of submission of the original petition. Students requesting rehearing shall make this request in writing by the Friday preceding the Committee meeting at which the student would like the petition to be reconsidered.



# CODE OF CONDUCT

The Code of Conduct may be amended at any time by the President and Dean after consultation with the Student Services Committee, the Vice Dean for Students, and the Associate Dean for Student Affairs and Diversity. Notice of amendment shall be given by posting on the official campus bulletin board, email, and through the campus mail.

# CODE OF CONDUCT

**ADOPTED 10/10/94**

**AMENDED 6/7/06**

**AMENDED 4/14/10**

**AMENDED 5/8/15**

**AMENDED 5/25/16**

**Effective Date May 25, 2016. The policies, procedures and information outlined herein supersede previous Vermont Law School policies, procedures and information on the same topics.**

## ARTICLE I. STANDARDS OF CONDUCT

*"I pledge that I will uphold the highest standards of academic excellence, honesty, professionalism, and integrity. In my academic and professional life, I will treat others with dignity, respect, and courtesy. I commit myself to zealous advocacy for justice and to ethical service without prejudice."*

This oath is sworn before a Vermont Supreme Court justice by all Vermont Law School students upon their first morning of school. Vermont Law School students are citizens of an academic and social community whose members are expected to show respect for the person, property, and rights of others. Students seeking admission to the Vermont Bar, as well as most other state bars, must meet a standard of conduct set by the bar. Vermont Law School is required to certify a student's character and fitness for the bar and for clearance by the FBI and other investigators for positions with the federal government. Therefore, all students are expected to maintain the standards set in this Code of Conduct and to act with professionalism at all times. Professionalism is the strict adherence to courtesy, civility, honesty, and responsibility when interacting with other students, faculty, staff, or other individuals in the community.

## ARTICLE II. APPLICATION OF THE CODE OF CONDUCT

This Code governs all matters of conduct not covered by the Vermont Law School Honor Code. It applies to the conduct of all students of Vermont Law School (VLS) with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities, when those actions occur on VLS property or in the use of VLS facilities (including the computer network and telephone and email systems). This Code applies to all students taking classes on campus, as well as all students taking distance learning classes and students participating in off-campus programs, such as externships or SiPs. This Code also applies when those actions occur off campus in connection with events sponsored by VLS or VLS-approved organizations, or in connection with official business undertaken for VLS, or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS or could pose a threat to the safety or other interests of VLS or members of the VLS community.

This Code of Conduct does not govern interactions between members of the Vermont Law School community that do not involve violations of its provisions. An employer-employee dispute, a contract dispute, a landlord-tenant dispute, a domestic dispute, or other civil dispute between two individuals who happen to be members of the Vermont Law School community is governed by local, state, or federal law rather than this Code except insofar as the dispute also involves actions by the parties that independently are violations of the Code.

Conduct covered by this Code may also violate local, state, and federal laws. This Code will not be used merely to duplicate the function of those laws, but where Vermont Law School's distinct interests as an academic community are involved, the Law School may pursue enforcement of its own policies whether or not legal proceedings involving the same incident are underway or anticipated. Vermont Law School may use information from third-party sources, such as law enforcement agencies and the courts, to initiate or adjudicate proceedings under this Code of Conduct. Conversely, Vermont Law School will not shield law students from the law, nor will it intervene as a party in legal proceedings against a law student. In general, this Code prohibits:

1. Any conduct that evidences fraud, deceit, dishonesty, any intent to harm or to obtain unfair advantage over another, or a gross disregard for the rights of others; and
2. Any conduct that violates Vermont Law School regulations or policies contained in the Vermont Law School Student Handbook; and
3. Any other conduct or activities that raise serious doubts about the student's honesty, integrity, professionalism, or fitness to practice law, regardless of whether the conduct occurred on campus or off campus, and regardless of whether classes were in session or during semester breaks.



A student violates this Code of Conduct if he or she acts purposely, knowingly, or recklessly. A student acts purposely if it is the student's conscious object to engage in prohibited conduct or to cause a prohibited result, whether or not the student knows the conduct is prohibited. A student acts knowingly when that student knows that such conduct is prohibited or knows that his or her conduct will cause a prohibited result. A student acts recklessly when that student consciously disregards a substantial and unjustifiable risk that his or her conduct will fall within prohibited conduct or cause a harmful result.

It is not a defense to charges of violating this Code of Conduct and related policies for a student to claim that she or he has not received, read or understood this Code, or is otherwise ignorant of its provisions. Students will be held accountable for policy violations that take place between the time they first arrive in South Royalton to begin their Law School career and their graduation, or the Law School's confirmation of their withdrawal. Online learning students will be held to have notice of this Code of Conduct and to be bound by its provisions upon their enrollment in a VLS course or program. The Law School may also initiate charges with respect to alleged misconduct of the sort described herein that occurs before matriculation, if it appears that such alleged misconduct may have an effect on the student's fitness to remain a part of the Law School community or fitness to practice law, or that reflects negatively on the student's honesty or integrity. Further, the Law School reserves the right to pursue withdrawal of a degree, if it is determined that the degree was in part procured through academic dishonesty, fraud, or other misconduct. Violations of the Code of Conduct include, but are not limited to:

- Alcohol policy violation
- Alteration, misuse, or forgery of documents, records, ID's, or keys
- Any and all felonies and misdemeanors, excluding minor traffic violations
- Arson
- Attempting to improperly influence the decision of the VLS Disciplinary Board
- Conduct off campus that is incongruent with the mission and goals of VLS
- Deliberate tampering with fire safety equipment on campus
- Desecration, profanation, misuse of any VLS property
- Disruptive behavior
- Drug policy violation
- Failure to present proper identification of oneself or one's guest when asked by VLS personnel or campus security; failure to comply with the directives of VLS personnel, including Aladdin staff, or knowingly furnishing false information to VLS personnel
- Harassment, Sexual Harassment, Discrimination, and Retaliation Policy violation
- Lewd, indecent, or obscene conduct
- Lying
- Misuse of VLS fire equipment, VLS ID card, the VLS computer network, the VLS email system or telephones (including pay phones)
- Obstruction or disruption of educational activities, administrative functions, or other activities of the Law School
- Physical assault
- Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy violation
- Theft, attempted theft, or sale of VLS property or property belonging to others
- Unauthorized entry into any VLS sponsored event or club/organization activity
- Unauthorized entry into or use of VLS or student facilities or property
- Use or possession of firearms, explosives, knives, ammunition, or other lethal devices on campus
- Verbal abuse
- Willful damage
- Reading, copying, altering, or deleting computer files in another user's account without permission of that user; willfully modifying or disabling computer files, programs, or equipment provided by the Computer Center for general use; using VLS computing facilities for outside business purposes
- Any of the behaviors listed above and exhibited in electronic form are also prohibited.

Each student is responsible for keeping informed of any changes in this Code. Ignorance of regulations and changes to regulations are not an excuse for violations of the VLS Code of Conduct.

### **ARTICLE III. STUDENT'S DUTY TO REPORT**

Vermont Law School is required to certify students' and graduates' good character and fitness to state bar examiners. Students are responsible for informing themselves on the character and fitness requirements of the bar in the state or states where they intend to practice. Students have a duty to promptly report

to the Associate Dean for Student Affairs and Diversity any charges, arrests or convictions of a violation of any civil or criminal law, other than a minor parking violation or parking ticket. In their application to Vermont Law School, students are required to disclose such events, as well as any prior disciplinary action by an educational institution, government, or administrative agency (including any branch of the Armed Forces). Students who failed to disclose such in their application materials must report to the Vice President for Enrollment Management. A failure to disclose events which occurred prior to or during Law School may lead to more serious consequences than the event itself. Any failure to report is a violation of the Code of Conduct.

## **ARTICLE IV. PROCEDURE**

### **A. GENERAL PROVISIONS**

1. The procedures for investigating and resolving complaints under this Code include voluntary informal resolution, mediation, informal process and formal process. Additional specific provisions governing the handling of alleged violations of the “Harassment, Sexual Harassment, Discrimination and Retaliation Policy” and the “Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, Resources and Procedures” by students are set forth in those policies. Such specific provisions will apply to complaints that allege harassment, discrimination, retaliation, sexual misconduct, domestic violence, dating violence and stalking within the scope of those policies, to the extent that such specific provisions differ from the provisions outlined in these more general procedures. The availability of these procedures does not restrict the authority of the President and Dean to take whatever action he or she deems necessary to maintain good order within the Law School or to determine whether harassment or discrimination is occurring and ensure that any such action cease.

### **B. COMPLAINT AND PRELIMINARY PROCEEDINGS**

1. Any person may initiate a proceeding under this Code by making a complaint to the Associate Dean for Student Affairs and Diversity (the Associate Dean) alleging a violation of the Code. The complaint may be oral or written. Upon receiving a complaint that this Code has been violated, the Associate Dean shall meet with the complainant, outline the possible courses of action, and explain the operation of these procedures. The Associate Dean shall discuss the allegations with the complainant to determine whether all pertinent facts have been alleged. The Associate Dean may conduct a further investigation.
2. If the Associate Dean determines that the facts alleged, if true, would not establish a violation of the Code, the Associate Dean shall dismiss the complaint. When a complaint is dismissed for this reason, the Associate Dean may ask the complainant and the student complained against to meet in an effort to resolve differences between them. The fact that a complaint has been filed and dismissed will not be publicly disclosed by the Associate Dean or any party unless all parties agree.
3. If the Associate Dean determines that the facts alleged, if true, would establish a violation of the Code, he or she shall notify the student complained against of the substance of the complaint, meet with the student, outline the possible courses of action, and explain the operation of the procedures. The Associate Dean at his or her discretion may appoint advisors for the complainant and the student complained against. The appointed advisors serve as advisors only, and do not give legal advice. There is no attorney/client privilege between students and advisors. The students may retain legal counsel at their own expense. The Associate Dean shall give the student the opportunity to tell her or his side of the story. If it is appropriate in the circumstances, the Associate Dean may ask the parties to participate in voluntary informal resolution of the complaint as provided in subsection IV.C. and may take other actions designed to clarify and resolve issues for the parties and the Law School community.
4. If the Associate Dean does not request voluntary informal resolution, or that procedure does not result in resolution of the complaint, the Associate Dean shall appoint a Preliminary Investigator to conduct a preliminary investigation of the facts and submit a written report to the Associate Dean. When conducting a preliminary investigation, the Preliminary Investigator shall make every effort to avoid disclosing sensitive information, although full confidentiality cannot be guaranteed because some information may need to be shared with witnesses and otherwise as necessary in order to complete the preliminary investigation.
5. The Preliminary Investigator shall complete the investigation and submit her or his report within 30 working days after the date of appointment unless the time is extended by the

Associate Dean for reasonable cause. Upon receipt of the Preliminary Investigator's report, the Associate Dean may direct such further investigation as he or she deems necessary. The report may be given, as appropriate, to the parties, to the mediator under subsection IV.D., to the Associate Dean for Academic Affairs under subsection IV.E. or to the Chair of the Disciplinary Board and the President and Dean of the Law School (President and Dean) under subsection IV.F. The report will be included in the President and Dean's confidential file under subsection IV.L., but will not otherwise be distributed or disclosed to anyone.

6. At the conclusion of the preliminary investigation, and after consulting with the complainant and the student complained against, the Associate Dean will determine whether there are reasonable grounds to believe that a violation of this Code has occurred. If there are not reasonable grounds to believe that a violation has occurred, the Associate Dean shall dismiss the complaint. If the complaint is dismissed on this ground, the Associate Dean may ask the parties to meet in an effort to resolve differences between them and may take other actions designed to clarify and resolve issues for the parties and the Law School community.
7. If the Associate Dean finds reasonable grounds to believe that a violation of this Code has occurred, he or she shall determine whether the complaint is to be resolved by mediation as provided in subsection IV.D., informal process as provided in subsection IV.E., or formal process as provided in subsection IV.F. and shall take the steps necessary to initiate the procedure selected. Pending resolution of the complaint by one of these procedures, the Associate Dean, or the President and Dean, is authorized to take whatever interim measures he or she deems necessary to maintain good order within the Law School or to ensure that any harassment or discrimination complained of ceases.
8. The Associate Dean shall issue a written statement of reasons for any decision that he or she makes under this subsection and shall provide a copy of that statement to the parties and to the President and Dean.

#### **C. VOLUNTARY INFORMAL RESOLUTION**

1. With the agreement of the parties, the Associate Dean may work with them to reach an informal resolution of the complaint. Other members of the Law School community or outside individuals with appropriate experience or expertise may be asked to participate in an informal resolution process.
2. Voluntary informal resolution must be completed within 20 working days after the parties have signified their agreement to participate unless the Associate Dean extends the time for reasonable cause. If the process does not result in a resolution satisfactory to the parties and approved by the Associate Dean within the allotted time, the Associate Dean shall resume the proceeding at the point at which voluntary informal resolution was undertaken.
3. A written report of a voluntary informal resolution that reaches a result satisfactory to the parties and approved by the Associate Dean shall be provided to the President and Dean and made part of the confidential file of the complaint. The resolution reached shall not be disclosed by the Associate Dean or any party unless the parties agree.
4. An informal resolution of the complaint by the parties does not affect the power and responsibility of Vermont Law School to take whatever action may be necessary to ensure past and future compliance with all policies and regulations of the Law School.

#### **D. MEDIATION**

1. If the Associate Dean determines that mediation is appropriate, then the Associate Dean, or another mediator selected by the Associate Dean, may undertake mediation with the complainant and the student complained against. Mediation shall not be undertaken unless both parties agree.
  - a. During mediation, each party may be accompanied by counsel or another person of his or her own choice and at his or her own expense.
  - b. Possible resolutions through mediation include, but are not limited to, an apology (public or private); promise to cease the behavior complained about; counseling; limitations on contact; assurance of no retaliation; and/or notation in the student's personal file.
  - c. Mediation will be completed within 30 working days after the parties have signified their agreement to participate unless the Associate Dean, on the representation of the mediator that a mediated resolution is probable, extends the time.

2. A complaint shall be deemed resolved by mediation when both parties have signed a settlement agreement indicating their acceptance of the resolution reached in the mediation procedure, the mediator has approved and signed the agreement, and the Associate Dean has approved the agreement and dismissed the complaint with any necessary conditions.
3. If a complainant believes that a mediated settlement agreement has been breached, she or he shall make a complaint to the Associate Dean. If the Associate Dean decides that the mediation agreement has been breached, he or she shall undertake appropriate further proceedings or may recommend an appropriate sanction or disciplinary action to the President and Dean. The President and Dean may accept, reject, or modify the recommended sanction or disciplinary action.
4. Either party may withdraw from mediation at any time before resolution. If a party withdraws from mediation, the mediator will report the status of the mediation to the Associate Dean. The Associate Dean may dismiss the complaint or may reopen the preliminary investigation or may determine that the complaint should be resolved in another resolution procedure under this Code.

#### **E. INFORMAL PROCESS**

1. If the Associate Dean finds that mediation is not appropriate or mediation has not resulted in an approved settlement agreement and that the violation is subject only to Class Two Sanctions (as set out in Article V), he or she shall proceed as follows. The Associate Dean shall discuss the charges, the potential consequences, and the operation of the informal process with the student complained against. After discussion with the student and deliberation, the Associate Dean shall make a decision as to whether a violation has occurred and shall make a recommendation concerning sanctions to the President and Dean. In this recommendation, the Associate Dean is limited to Class Two Sanctions.
2. The student may appeal the decision and recommendation of the Associate Dean to the President and Dean. No other appeal is available. If the student does appeal, the President and Dean may affirm, reverse, or modify the decision of the Associate Dean, and may accept, reject, or modify any recommended sanction that may be made by the Associate Dean, provided that only a Class Two Sanction may be imposed. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final.
3. If the student does not appeal, the President and Dean shall approve the recommended sanction.
4. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against, to the extent permitted by applicable law.

#### **F. FORMAL PROCESS**

1. If the Associate Dean finds that mediation is not appropriate or has not resulted in an approved settlement agreement and that the violation is one the sanctions for which are not limited to Class Two Sanctions (as set out in Article V), he or she shall discuss the charges, the potential consequences, and the formal process with the student complained against. The student will be given the option of going forward with the formal process or agreeing in writing to abide both by the decision of the Associate Dean as to whether a violation of this Code of Conduct has occurred and by the sanction imposed by the President and Dean upon the recommendation of the Associate Dean. Such agreement by the student will constitute a waiver of any right to the formal process. In this process, the President and Dean may accept, reject, or modify any recommendation which may be made by the Associate Dean. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final. In this process, the Associate Dean and the President and Dean are not limited to Class Two Sanctions.
2. If the student decides to proceed with the formal process, the Associate Dean will schedule a hearing before the Vermont Law School Disciplinary Board and shall give notice to all parties and the President and Dean. The hearing shall be held within 20 working days after notice is given unless the time is extended by the Associate Dean for reasonable cause. The notice shall include the date, time, and location of the hearing and a summary of the elements of the complaint.
3. The Vermont Law School Disciplinary Board shall be composed of the Associate Dean as a non-voting chair, three members of the Vermont Law School faculty committee on standards, administration or staff appointed by the President and Dean, and two of the five students elected by the student body during the fall elections.
4. The hearing shall not be a formal adversarial one in the sense that there will be a prosecution

versus a defense. The purpose of the hearing is to gather information to enable the Disciplinary Board to make a factual determination and if necessary to recommend a sanction. To that end, the Associate Dean shall conduct the proceeding and shall have the right to call witnesses and present documents as evidence. The Associate Dean and all members of the Disciplinary Board shall have the right to question witnesses and examine documents offered as evidence. The Law School may have counsel present at the proceeding.

5. Because this is not a trial, rules of evidence may be more relaxed in the interest of gathering relevant information.
6. The student complained against will be entitled to have counsel or another person of his or her own choosing at the hearing. The student or any such counsel or person will also have the right to call and question witnesses and the right to introduce and examine documents offered as evidence. The Law School may also choose to have counsel present on its behalf to call and question witnesses and to introduce and examine documents offered as evidence.
7. After hearing all witnesses and considering all evidence presented, the Disciplinary Board shall decide whether a violation of the Code of Conduct has occurred. A majority vote shall be necessary for a finding of a violation and the recommendation of any sanction. However, a recommendation of expulsion or a recommendation that an awarded degree be withdrawn shall require unanimity. The Associate Dean shall appoint a member of the Disciplinary Board to prepare a written report stating: (1) the essential findings of fact upon which the Board's determination of violation or no violation is based; (2) the conclusions which are necessary to support the determination; and (3) the recommended sanction if a determination of violation is made. Concurring and dissenting members may prepare reports explaining their positions. Copies of the report(s) shall be given to the student complained against and to the President and Dean.
8. The Disciplinary Board shall tape record the hearing in each case. The recording, the documents received, and the opinion of the Board shall be retained in the President and Dean's Office. This record may be referred to by the Board for any purpose, but the confidentiality of the record should otherwise be maintained. At any time after three years, the Board may destroy the record except for the final report/opinion of the Board and the opinion of the President and Dean, if any, unless there is a pending request for production of the record or some other reason why, in the Board's discretion, the record should be maintained.
9. If the student complained against does not appeal the decision of the Disciplinary Board within fourteen days after receiving the written report of the Board, the decision of the Disciplinary Board on the merits shall become final and binding upon all parties, and the President and Dean shall proceed to consider implementation of the recommended penalty. In so doing, the President and Dean may confer with the Associate Dean and shall have plenary power to accept, reject, or modify the recommended penalty. The decision of the President and Dean is final.
10. The student may appeal the decision of the Disciplinary Board directly to the President and Dean. If the student appeals, the President and Dean may affirm, reverse, or modify the decision of the Disciplinary Board and may accept, reject, or modify any recommended sanction. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final.
11. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against, to the extent permitted by applicable law.

## **G. CONFIDENTIALITY**

1. All proceedings under this Code are confidential from the initial complaint through the final decision of the President and Dean. The identity of the complainant and other witnesses will be disclosed to the student complained against, unless the Associate Dean decides otherwise.
2. The Law School has the right to investigate incidents or situations brought to its notice.
3. All hearings and meetings are confidential and are not open to persons not directly involved in the proceedings.
4. The President and Dean has discretion to report violations of local, state, and federal law to the appropriate authorities. The President and Dean also has discretion to report the results to the Vermont Law School community, to the extent permitted by applicable law. The

Associate Dean and the Disciplinary Board may recommend public acknowledgment of wrongdoing by an accused student as a sanction. The student complained against has the right to release only the results of the proceeding.

5. These confidentiality provisions cannot be waived except as provided in this subsection.

#### **H. RETALIATION**

“Retaliation” is defined as an adverse action taken against any person for making a good faith complaint of a violation of the Code of Conduct or of having participated in an investigation of such a complaint. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person’s educational, living, or work environment. Retaliation may be unlawful and may constitute a violation of this policy depending on the circumstances, whether or not the complaint is ultimately found to have merit.

#### **I. STANDARD OF PROOF**

Before a student may be found to have violated this Code of Conduct, the Associate Dean or the Disciplinary Board must find that the student committed the acts constituting the violation by a preponderance of the evidence.

#### **J. TIME LIMITATION**

No complaint under this policy may be brought more than one hundred and eighty (180) days after the occurrence of the alleged violation or one hundred and eighty (180) days after the alleged violation should have reasonably been discovered by the Administration. If an individual has begun a proceeding under the Vermont Law School Honor Code, this time limitation shall be tolled during that proceeding.

#### **K. THE POWER TO APPOINT ALTERNATES**

Should it become necessary at any time during proceedings under this Code, the President and Dean shall have the power to appoint alternates to serve either in the role of the Associate Dean or as members of the Disciplinary Board. The President of the Student Bar Association also has the power to appoint alternate students to serve on the Disciplinary Board.

#### **L. NOTICE**

If written notice must be given to a student complained against, it shall be given by U.S. certified mail to the local address contained in the student’s educational file. If there is no local address, notice will be sent by U.S. certified mail to the student’s permanent address. Notice will be considered given on the date the notice is placed in the mail.

#### **M. RECORDS**

Records of all complaints and proceedings for their resolution shall be retained by the President and Dean in a confidential file and/or as described above.

### **ARTICLE V. SANCTIONS**

Following the determination that the student complained against has violated one or more of the provisions of this Code of Conduct, the Associate Dean or the members of the Disciplinary Board shall recommend a sanction in accordance with the provisions below:

#### **A. CLASS ONE SANCTIONS**

If the Associate Dean or the members of the Disciplinary Board conclude that the student has committed a serious violation of the Code of Conduct, the recommended sanction shall be suspension, expulsion, or that the President and Dean recommend to the Board of Trustees withdrawal of an awarded degree, unless there are substantially mitigating circumstances that warrant a lesser penalty as set out in the following paragraph.

#### **B. CLASS TWO SANCTIONS**

If the Associate Dean or the members of the Disciplinary Board conclude that the student has committed a lesser violation of the Code of Conduct, the recommended sanction shall be such lesser penalty as is deemed appropriate, including, but not limited to a warning, a fine, res-

titution, community service, probation, reference to counseling, or notation in the student's permanent file, unless there are substantially aggravating circumstances that warrant a harsher penalty as set out in the preceding paragraph.

#### **C. NOTATION IN THE STUDENT'S OFFICIAL FILE**

If the student complained against receives either a Class One sanction or a Class Two sanction the fact of the violation and the sanction shall be noted in the student's official file, unless the President and Dean decides otherwise.

#### **D. NOTATION ON OFFICIAL TRANSCRIPT**

If the student complained against receives a Class One sanction, the fact of the violation and the sanction shall be noted on the student's official transcript.

#### **E. STUDENT STATUS**

Ordinarily a student will not be permitted to graduate, or to withdraw with the expectation of returning to the Law School, while a disciplinary matter is pending. The disciplinary matter shall be held in abeyance until the matter is resolved. If a student withdraws with a disciplinary matter pending, the withdrawal will be considered a resignation from the Law School and the student will have given up any opportunity to return to the School. A notation to this effect will be made in the student's permanent record. The Law School reserves the right to adjudicate disciplinary matters even after a student has withdrawn with a disciplinary matter pending.

### **ARTICLE VI. AMENDMENT**

This Code of Conduct may be amended at any time by the President and Dean after consultation with the Student Services Committee, the Vice Dean for Students and the Associate Dean for Student Affairs and Diversity. Notice of amendments shall be given by posting on the official campus bulletin board, email, and/or through the campus mail.

#### **INVOLUNTARY WITHDRAWAL OR SEPARATION**

Vermont Law School is committed to providing a safe environment for students, staff, faculty, and community members. VLS reserves the right to involuntarily withdraw or separate a student whose conduct VLS reasonably believes, based upon a case-by-case objective assessment, poses a threat to the health or safety of the student or other members of the VLS community, or demonstrates medical or behavioral needs requiring a level of support that cannot reasonably be provided while participating in an academic program. This includes, but is not limited to:

Conduct that a student engages in, or is at significant risk of engaging in, that could reasonably be anticipated to result in physical or emotional harm to self or others;

Conduct that manifests an inability to attend to personal needs related to food, shelter, personal safety, medical and emotional care, and general well-being;

Conduct that poses a reasonable possibility of serious physical harm or property damage;

Conduct that demonstrates an abuse of alcohol or drugs on the Vermont Law School campus or at Vermont Law School sponsored events;

Conduct that interferes substantially with the regular daily activities of members of the VLS or South Royalton community;

Conduct that interferes substantially with the educational and employment environment or the orderly operation of the law school and activities conducted on its campus; or

Conduct that significantly or unreasonably burdens VLS's human and/or financial resources.

VLS also reserves the right to exclude at any time a student who poses a substantial risk to the health of others, for example, because of a contagious disease or similar condition.

A student will be involuntarily withdrawn or separated on the recommendation of two of the following

administrators: the Vice Dean for Faculty, the Vice Dean for Students, the Associate Dean for Academic Affairs, the Associate Dean for Student Affairs and Diversity, and the President and Dean.

A student who is involuntarily withdrawn is terminated from all VLS academic programs. A student who is involuntarily separated may return to campus at the discretion of the Vice Dean for Students. Such decision shall only be made after the Vice Dean for Students or designee receives and accepts documentation demonstrating that the student no longer poses a threat to the health or safety of the law school community. The student must also agree in writing to abide by any conditions imposed by the Vice Dean for Students.

Vermont Law School financial aid and refund policies apply to a student who is involuntarily withdrawn or terminated.

## POLICY AGAINST HARASSMENT, SEXUAL HARASSMENT, DISCRIMINATION AND RETALIATION

ADOPTED 10/28/94

AMENDED 6/7/06

AMENDED 7/1/13

AMENDED 5/8/15

Effective Date: 5/8/15. The policies, procedures and information outlined herein supersede previous Vermont Law School policies, procedures and information on the same topics.

### A. GENERAL PROVISIONS

- 1. INTRODUCTION:** This policy applies to all Vermont Law School (VLS) employees, officers, trustees, and students with regard to their actions in connection with the application or admissions process, educational activities, career services, employment, or other law school-related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network and telephone and email systems). This policy also applies when those actions occur off campus in connection with events sponsored by VLS or VLS-approved organizations, or in connection with official business undertaken for VLS, or when the alleged conduct of concern involves interactions between VLS employees, officers, trustees and/or students, or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS, and/or could pose a threat to the safety or other interests of VLS or members of the VLS community. This policy also applies to the actions of VLS agents and contractors in the circumstances set forth in this paragraph to the extent that VLS can control their conduct.

In addition to this Policy, VLS also maintains a Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy ("SMDVS Policy"). Sexual misconduct as defined by the Law School (which includes, for example, sexual exploitation and sexual assault) will usually also be a form of sexual harassment. Reports of sexual harassment that fit within the definition of sexual misconduct in the SMDVS Policy will be handled under the SMDVS Policy. Reports of sexual harassment that fit within the definition of sexual harassment in this Policy Against Harassment, Sexual Harassment, Discrimination and Related Retaliation ("HSHDR Policy") but do not fit within the definition of sexual misconduct in the SMDVS Policy will be handled under this HSHDR Policy. In some cases, alleged behavior may violate both policies. In such cases, the procedures outlined in the SMDVS Policy will be followed in general, though some procedural variation may be necessary where deemed appropriate by the Title IX Coordinator, the Associate Dean for Student Affairs and Diversity, and/or the Associate Dean for Academic Affairs.

- 2. NOTICE OF NON-DISCRIMINATION:** Vermont Law School is committed to promoting an employment and educational environment free from unlawful harassment, sexual harassment, discrimination, and retaliation. Unlawful harassment or discrimination on the basis of age, race, color, creed, ethnicity, national origin, place of birth, ancestry, religion, sex/gender, gender identity/expression, sexual orientation, marital status of students, service in the armed forces of the United States, HIV-positive status, genetic information, or against qualified individuals with disabilities on the basis of disability, as defined by applicable law, or other characteristics as defined and protected by applicable law ("protected characteristics") is prohibited and will not be tolerated. In compliance with Title IX of the Education Amendments of 1972 ("Title IX") and applicable state law, Vermont Law School does not discriminate on the basis of sex in its education programs and activities or in employment, and it is required by Title IX to not discriminate on that basis. Discrimination on the basis of sex prohibited



by Title IX includes sexual harassment and sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion (sexual assault is addressed separately in VLS's SMDVS Policy), as well as retaliation connected with a person's exercise of any right or privilege secured by Title IX, defined more fully below. The Law School will take all necessary steps to end conduct prohibited by this policy, to prevent its recurrence, and to address its effects.

- 3. TITLE IX COORDINATOR:** Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the Law School's Title IX Coordinator has primary responsibility for coordinating the Law School's efforts to comply with and carry out its responsibilities under Title IX. Sexual harassment against students and employees can be a form of sex discrimination under Title IX. Vermont Law School has designated Shirley Jefferson, Associate Dean for Student Affairs and Diversity, 802-831-1333, to serve as its Title IX Coordinator. Kim Harris, Director, Human Resources, 802-831-1225, will act as Dean Jefferson's Deputy Title IX Coordinator when Dean Jefferson is unavailable, or in the event of a conflict of interest. The Title IX Coordinator is responsible for coordinating VLS's compliance with Title IX, including overseeing all complaints of sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Law School's Title IX Coordinator also oversees, in collaboration with other Law School offices as necessary, the Law School's response to reports and complaints of sexual misconduct, domestic violence, dating violence and stalking involving Law School students and employees. Inquiries concerning Title IX may be referred to the Law School's Title IX Coordinator or to the United States Department of Education's Office of Civil Rights.

A student or employee should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct, file a complaint or make a report of sex discrimination, including sexual misconduct,
- notify the Law School of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct,
- ask questions about the Law School's policies and procedures related to sex discrimination, including sexual misconduct, and
- seek or provide information about any of these issues as they relate to domestic violence, dating violence or stalking involving Law School students or employees.

In the event that the incident, policy, or procedure about which the student or employee seeks to file a report or complaint creates the appearance of a conflict of interest with the Title IX Coordinator, students or employees may contact the Deputy Title IX Coordinator. If an individual perceives a conflict of interest with the Title IX Coordinator and the Deputy Title IX Coordinator, the individual may contact the President and Dean's Office. The President and Dean or designee will appoint another person to handle the Law School's Title IX-related responsibilities, as appropriate.

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at [contact information for regional office: [wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm](http://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm)] or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): [justice.gov/crt/complaint/#three](http://justice.gov/crt/complaint/#three). See attached Addendum A for a detailed outline of the Title IX Coordinator's functions and responsibilities.

#### **4. DEFINITIONS:**

- a. a. "Unlawful Harassment" is defined as verbal or physical conduct that, on the basis of a protected characteristic, has the purpose or effect, from the point of view of a reasonable person, either of interfering with an individual's employment or educational performance or of creating an intimidating, hostile or offensive employment or educational environment. Unlawful harassment may include, but is not limited to, the following actions if, as isolated acts or as part of a pattern, they have the prohibited purpose or effect on employment or educational performance or environment: jokes, derogatory expressions, or comments; the display of graphics, cartoons, or objects; sending or forwarding electronic mail messages; and other conduct offensive to a reasonable person possessing a particular protected characteristic.

- b. “Sexual Harassment” is defined as a particular type of unlawful harassment, defined generally as unwelcome conduct of a sexual nature. In addition to conduct described in the preceding paragraph that is of a sexual nature, sexual harassment includes conduct that a reasonable person would judge to be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly affects employment or educational decisions concerning an individual, or when the conduct has the purpose or effect of substantially interfering with an employee’s performance or a student’s educational experience, or creating an intimidating, hostile or offensive employment or educational environment because of the employee’s or student’s gender. Sexual harassment specifically includes: (a) statements or threats which imply a link between an individual’s sexual conduct and his or her academic or employment status, advancement potential, salary treatment, grading treatment, participation in VLS programs or activities, or other employment or educational actions; (b) basing an employment decision such as hiring, promotion, retention, or compensation, or an educational decision such as admission, a grade, or participation in any VLS program or activity, on whether an employee, a student, or an applicant submits to sexual advances. Sexual harassment may occur regardless of the genders of the individuals involved.
- c. “Discrimination” is defined as making a decision or taking an action that affects the terms or conditions of a person’s employment or education at VLS, or participation in or access to the benefits of any VLS program or activity, on the basis of a protected characteristic of that person.
- d. “Retaliation” is defined as an adverse action taken against any person for making a good faith complaint of unlawful harassment, sexual harassment, or discrimination or for having participated in an investigation of such a complaint. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person’s educational, living, or work environment. Retaliation may be unlawful and may constitute a violation of this policy depending on the circumstances, whether or not the complaint is ultimately found to have merit.
- e. “Complainant” is defined as a student, employee, or third party involved in some way in an academic or extracurricular program of the Law School who has allegedly been subjected to conduct in violation of this policy by a student or employee respondent. For ease of reference and consistency, the term “complainant” is used hereafter in this policy to refer to a person who believes that he or she has been subjected to harassment, sexual harassment, discrimination or retaliation, or who is believed by another to have been subjected to such conduct.
- f. “Respondent” is defined as an individual (student, faculty, staff, or third party over whom the Law School has some form of jurisdiction) who is reported to have violated the Law School’s Harassment, Sexual Harassment, Discrimination, and Retaliation Policy.
- g. “Responsible Employee” is defined as a Law School employee who has the authority to address conduct that violates this policy, or whom an individual could reasonably believe has this authority or duty. Law School administrators, staff, and student employees whose job responsibilities include working with students, and Law School faculty, are considered to be “responsible employees,” as are (where the complainant is an employee) supervisors, administrators, and individuals working in Human Resources.<sup>39</sup> Responsible employees are respectful of an individual’s wishes to the extent appropriate and are discreet, but they need to convey information about reported conduct in violation of this policy to the Law School’s Title IX Coordinator.

General inquiries or questions about this policy may remain private, do not have to be reported, and the Law School will strive to protect the privacy interests of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the Law School community. Otherwise, once any responsible employee learns of an incident that may violate this policy, written or unwritten, the responsible employee must immediately notify the Title IX Coordinator of such complaint. The responsible employee must report all relevant details about the incident (such as the name of the complainant and respondent, any witnesses, and other relevant

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<sup>39</sup> “Responsible employee” does not include the confidential resources as defined in the Law School’s Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.

facts, such as the date, time and specific location of the alleged incident). Such notice to the Law School generally obligates the Law School to investigate the incident and take appropriate steps to address the situation.

5. **ACADEMIC FREEDOM:** In the establishment and enforcement of this policy against unlawful harassment, VLS recognizes and affirms that free, honest intellectual inquiry, debate, constructive dialogue, and the open exchange of ideas are essential to the Law School's academic mission and must be respected even when the views expressed are unpopular or controversial. Respect for speech in all its forms is, therefore, an important element in the "reasonable person" standard to be used in judging whether harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussions or presentations of differing points of view, in or out of the classroom, concerning complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, ethnicity, religious orientation, age, physical ability, or other protected characteristics, when in the judgment of a reasonable person, those discussions or presentations are conducted appropriately and with respect for the dignity of others. VLS also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong, or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own freedom of speech or to seek an appropriate remedy under the Law School's procedures for enforcing this policy.
6. **OUTSIDE AGENCIES:** All members of the VLS community have the right to pursue discrimination and harassment complaints, including sexual harassment and sexual misconduct complaints, and complaints of retaliation, beyond the Law School. Such outside agencies include local, state and federal enforcement agencies, including local and state police as appropriate, as set forth below. Complainants may pursue an internal complaint under this policy or with an external agency, or pursue both at the same time.

The following agencies have jurisdiction over student complaints:

- **Vermont Human Rights Commission**, 14-16 Baldwin Street, Montpelier, Vt. 05633-6301, Tel: 800-426-2010 ext. 25 (voice), TTY: 877-294-9200, Fax: 802-828-2481, Email: human.rights@state.vt.us
- **United States Department of Education**, Office of Civil Rights, 8th Floor, 5 Post Office Square, Boston, Mass. 02109-3921, Tel: 617-289-0111, Fax: 617-289-0150, Email: OCR.Boston@ed.gov

Employees may contact the following agencies:

- **Vermont Attorney General's Office**, Civil Rights Unit, 109 State Street, Montpelier, Vt. 05609-1001; Tel: 802-828-3171 or 888-745-9195, TTY: 802-828-3665, Fax: 802-828-3187, Email: civilrights@atg.state.vt.us
- **Equal Employment Opportunity Commission (EEOC)**, Boston Area Office, John F. Kennedy Federal Building, Government Center, Room 475, Boston, Mass. 02203, Tel: 617-565-3200, TTY: 617-565-3204, Email: info@ask.eeoc.gov

The Vermont Attorney General's Office and the EEOC can conduct investigations, facilitate conciliation, and, if either finds that there are reasonable grounds to believe that unlawful conduct has occurred, take the case to court. There are certain time deadlines for filing complaints with these state and federal agencies and/or in state or federal court.

7. **OTHER RESOURCES:** There are many resources available to individuals affected by sexual harassment, inappropriate sexual misconduct, and/or sexual assault. A list of these resources is set forth in the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.
8. **QUESTIONS:** If any person has questions or concerns regarding this policy, he or she should talk with the VLS Title IX Coordinator, Director of Human Resources, the Associate Dean for Students Affairs and Diversity, and/or the Associate Dean for Academic Affairs.

## B. PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT, SEXUAL HARASSMENT, DISCRIMINATION, OR RETALIATION

All information in the following sections applies to students, staff or faculty of Vermont Law School or covered third parties<sup>40</sup> who wish to report a complaint of harassment, sexual harassment, discrimination, or retaliation. Vermont Law School is committed, and required by law, to take action when it learns of potential harassment or discrimination. The Law School will take all necessary steps to ensure that complaints are promptly investigated and addressed, so it is important that such complaints or concerns be presented in a timely fashion. A person who feels harassed or discriminated against is primarily responsible for bringing these concerns to the Law School's attention, but employees and students are also encouraged, and supervisors and all other responsible employees are required, to report incidents or patterns of prohibited harassment or discrimination to appropriate Law School personnel.

- 1. COMPLAINTS.** Any Vermont Law School student, faculty member or staff member who has reasonable cause to believe that a student, faculty member, staff member, officer, trustee, agent, or contractor of Vermont Law School has engaged in conduct prohibited by this policy or who believes that he or she has been subjected to retaliation for having brought or supported a good faith complaint covered by this policy, or for having participated in an investigation of such a complaint, is encouraged to bring this information to the immediate attention of the Title IX Coordinator, an employee's supervisor, the Director of Human Resources, any Dean or Vice President, or the President and Dean of the Law School (President and Dean). The complainant will be encouraged, though not required, to provide a written statement of the factual basis for the complaint and requested remedial action (if any). Any supervisor or responsible employee having first-hand knowledge of conduct prohibited by this policy shall immediately make such a complaint.
- 2. HANDLING OF COMPLAINT.** When a complaint is made, the person receiving the complaint should assure the complainant that the complaint will be investigated promptly by the Law School, that appropriate corrective action will be taken, and that the complainant will not suffer retaliation as a result of making a good faith complaint of unlawful harassment, sexual harassment, discrimination or related retaliation. The person to whom a complaint has been made shall immediately inform the Associate Dean for Academic Affairs of the complaint and transmit the written complaint or other material concerning the matter to the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs will inform the Title IX Coordinator of complaints that involve reports of sexual harassment, sex discrimination or related retaliation. The Associate Dean for Academic Affairs will appoint a Vice President, Associate Dean, or Director to undertake the investigatory responsibilities set forth in paragraph 3. If a complaint involves the Associate Dean for Academic Affairs, the person to whom it is made shall inform the President and Dean, who will appoint another dean or director to undertake those responsibilities. If a complaint involves the President and Dean or another officer or Trustee, the Associate Dean for Academic Affairs shall inform the Chair of the Board of Trustees, who will appoint a Trustee to undertake those responsibilities. If a complaint involves the Chair, the Vice Chair will appoint a Trustee to undertake those responsibilities. With the approval of the President and Dean, or the Chair or Vice Chair of the Board of Trustees if appropriate, a qualified individual from outside the Law School community may be appointed to undertake or assist in those responsibilities.

The Title IX Coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator or her or his designee will be available to meet with students as needed.

- 3. INVESTIGATION.** The person appointed by the Associate Dean for Academic Affairs under paragraph 2 (the "Investigator") will promptly make an initial determination as to whether the complaint alleges conduct prohibited by this policy. Absent extenuating circumstances, this initial determination will occur within five business days of receipt of the complaint. The complainant and respondent will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Associate Dean for Academic Affairs within three days of notice of the appointment. The Associate Dean for Academic Affairs will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not. If the Investigator determines that the complaint falls within this policy, he or she will, individually or in conjunction with other Law School officers or individuals

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<sup>40</sup> Under Title IX, third parties are protected from sexual harassment arising out of the Law School's programs or activities. Accordingly, any third party who participates in any Vermont Law School program or activity ("covered third party") may report a complaint of sexual harassment and/or sexual violence under this Policy. Also, the Law School will take appropriate action, to the extent practicable, in response to a report or complaint that a third party has engaged in sexual harassment toward a VLS student, faculty member or staff member.

(including, if warranted, outside investigators), promptly and equitably conduct or supervise an investigation of the complaint, as appropriate under the circumstances. The investigation will be conducted in a thorough, impartial and expeditious manner. The parties will not be permitted to question or cross-examine each other directly during the course of the investigation. The nature and scope of the investigation is within the discretion of the Investigator. Absent extenuating circumstances, the investigation of a complaint under this policy will ordinarily be completed within 30 calendar days. If the complainant or respondent requests an extension of this general 30 day period, he or she should make a written request for an extension to the Investigator, who will make a decision on the request after having provided the other party notice of the request and an opportunity to respond.

4. **INTERMEDIATE REMEDIAL ACTION.** The Title IX Coordinator, Investigator or other school official may take interim remedial action, including by way of example only, issuance of no contact orders or temporary changes in assignment of duties, classes or housing (where requested and reasonably available), as deemed necessary and appropriate to protect complainants on an interim basis.
5. **INFORMAL RESOLUTION.** The Investigator may recommend and participate in voluntary alternative dispute resolution such as informal meetings or mediation sessions with the parties. A complainant will not be required to participate in alternative dispute resolution and may end the alternate dispute resolution process at any time. The Law School may also decide, at its discretion, not to pursue or to discontinue informal resolution. Mediation between the complainant and the respondent will not be pursued in cases involving allegations of sexual assault (addressed below).
6. **INVESTIGATOR'S REPORT.** After the investigation is completed, the Investigator shall issue a report to the Associate Dean for Academic Affairs together with recommended findings, based upon the preponderance of the evidence standard, i.e., whether it is more likely than not that the policy was violated. The report may be issued orally or in writing, depending upon the nature and complexity of the information. The Investigator's report is advisory in nature.
7. **DETERMINATION.** The Associate Dean for Academic Affairs is not bound by the Investigator's report and may accept or reject the Investigator's recommended finding in whole or in part, and/ or may request additional relevant information before making a final determination. The Associate Dean for Academic Affairs should avoid duplicating the efforts of the Investigator and should not accept the Investigator's recommended findings without first conducting a careful review of all of the evidence. Either party may choose to meet individually with the Associate Dean for Academic Affairs prior to his/her final determination. Equally, the Associate Dean for Academic Affairs may request an individual meeting with either party or any other person(s) as appropriate. After reviewing the Investigator's report and recommended finding, the Associate Dean for Academic Affairs shall issue a final determination as to whether conduct prohibited under this policy occurred. The final determination will be based on a preponderance of the evidence standard. Absent extenuating circumstances, the Associate Dean for Academic Affairs will issue the final determination within 10 business days after receipt of the Investigator's report. The complainant and respondent will ordinarily be notified of the final determination of the Associate Dean for Academic Affairs as to whether this policy was violated. In sexual harassment or sexual misconduct cases involving student-complainants, both parties will be notified of the final determination concurrently in writing, to the extent permitted by law. However, information regarding discipline or sanctions will not be shared with any complainant under this policy except as required and/or permitted by law.
8. **ADJUDICATION.** The Associate Dean for Academic Affairs will work with those Law School officials who have authority over the individuals involved in the matter and the Law School will promptly take any necessary and remedial action to prevent recurrence of any harassment, discrimination or retaliation and to correct its discriminatory effects on the complainant and others, as appropriate. If the Associate Dean for Academic Affairs determines that a staff or faculty member has engaged in conduct in violation of this policy, he/she will report the determination to the appropriate supervisory authority, in accordance with the applicable provisions of §§ II.G and H of the Vermont Law School Staff Handbook (July 1, 2005) and § V.F of the Vermont Law School Faculty Handbook (October 2013). The appropriate supervisory authority shall consider the initiation of disciplinary proceedings and/or action up to and including termination of employment. If the Associate Dean for Academic Affairs determines that the President and Dean, another officer or Trustee, or an agent or contractor of the Law School engaged in conduct in violation of this policy, he/she will make recommendations for action appropriate in the circumstances to the Chair or Vice Chair of the Board of Trustees, or to the administrative officer responsible for the relevant agency or contractual relationship. If the Associate Dean for Academic Affairs determines that a student has engaged in conduct in violation of this policy, he/she will refer the matter to the Associate Dean for Student Affairs and Diversity for disciplinary action, up to and including expulsion. The hearing procedures followed will be the same as the hearing procedures set forth in the "Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, Resources and Procedures" at Article IV, Section C, §§ 7-11.

# SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING POLICY, RESOURCES AND PROCEDURES

ADOPTED: MAY 8, 2015  
EFFECTIVE DATE: MAY 8, 2015.

The policies, procedures and information outlined herein supersede previous Vermont Law School policies, procedures and information on the same topic.

## ARTICLE I. VLS SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING POLICY

### A. PURPOSE

Sexual misconduct, domestic violence, dating violence and stalking violate Vermont Law School's Code of Conduct and often constitute a crime. The purpose of this Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, Resources and Procedures ("SMDVS Policy") is to make clear that sexual misconduct, domestic violence, dating violence, and stalking, as defined herein, violate Vermont Law School's Code of Conduct, and to provide members of the VLS community who may have been subject to conduct that violates this policy with information about reporting incidents of prohibited conduct and available resources.

### B. NOTICE OF NON-DISCRIMINATION

Vermont Law School maintains and publishes in several publications a Notice of Nondiscrimination. For example, this Notice is included in the VLS Policy Against Harassment, Sexual Harassment, Discrimination and Related Retaliation ("HSHDR Policy"), available at [vermontlaw.edu/resources](http://vermontlaw.edu/resources) and, in its printed handbook, as stated above. That Notice is incorporated into this Policy by reference. Any questions regarding sexual misconduct may be referred to the Law School's Title IX Coordinator or to the Office of Civil Rights (contact information is provided in the HSHDR Policy).

### C. TITLE IX COORDINATOR

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the Law School's Title IX Coordinator has primary responsibility for coordinating the Law School's efforts to comply with and carry out its responsibilities under Title IX, which include the Law School's efforts to respond to reports of sexual misconduct. Vermont Law School has designated Shirley Jefferson, Associate Dean for Student Affairs and Diversity, 802-831-1333, to serve as its Title IX Coordinator. Kim Harris, Director of Human Resources 802-831-1225, will act as Dean Jefferson's alternate Title IX Coordinator when Dean Jefferson is unavailable. More detail about the duties the Title IX Coordinator and Deputy Title IX Coordinator is provided in the HSHDR Policy, which is incorporated herein by reference.

Reports or concerns regarding sexual misconduct, domestic violence, dating violence or stalking may also be reported to Beth McCormack, Vice Dean for Students, 802-831-1004 and any safety concerns should be reported immediately to Vice President of Finance, Lorraine Atwood, 802-831-1204. In the event that the incident, policy, or procedure about which the student or employee seeks to file a report or complaint creates the appearance of a conflict of interest with the Title IX Coordinator, students or employees may contact the President and Dean's Office. The President and Dean or designee will appoint another person to handle the Law School's related responsibilities, as appropriate.

### D. DEFINITIONS

"SEXUAL MISCONDUCT" is a broad term that, as explained within this policy, encompasses sexual exploitation and sexual assault. Sexual misconduct usually constitutes a form of sexual harassment. Sexual harassment that does not fit within the definition of sexual misconduct stated in this SMDVS Policy will be handled under the Law School's HSHDR Policy, unless reported incidents involve alleged sexual harassment that would fit into both policies, in which case the procedures outlined in this SMDVS Policy will be followed in general, though some procedural variation may be necessary where deemed appropriate by the Title IX Coordinator, the Associate Dean for Student Affairs and Diversity, and/or the Associate Dean for Academic Affairs. The Law School prohibits a broad range of inappropriate sexualized activity through this sexual misconduct policy. The prohibitions of this policy apply regardless of the sex, sexual orientation or gender identity of any involved individual.

"COMPLAINANT" is defined as a student, employee, or third party involved in some way in an academic or extracurricular program of the Law School who has allegedly been subjected to conduct in violation of this policy by a student or employee respondent. In some cases (such as, for

example, cases in which a student, employee, or third party involved in an alleged incident of sexual misconduct, domestic violence, dating violence or stalking does not wish to participate in the process but the Law School decides that the alleged misconduct needs to be investigated and addressed), the Law School may move forward with an investigation and/or related disciplinary proceedings. In such cases, the Law School may extend the full rights of a complainant as defined in this policy to affected parties as deemed appropriate by the Law School. For ease of reference and consistency, the term “complainant” is used hereafter in this policy to refer to a person who believes that he or she has been subjected to harassment, sexual harassment, discrimination or retaliation, or who is believed by another to have been subjected to such conduct.

“RESPONDENT” is defined as an individual (student, faculty, staff, or third party over whom the Law School has some form of jurisdiction) who is reported to have violated the Law School’s SMDVS Policy.

“SEXUAL EXPLOITATION” occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent; distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

“SEXUAL ASSAULT” is defined as engaging in a sexual act with another person by any of the following means:

- Without his or her consent; or
- By physically forcing, threatening, intimidating or coercing the other person; or
- By placing the other person in fear that any person will suffer imminent bodily injury; or
- When the other person, or reasonably should know based on an objective standard, that the other person’s ability to give or withhold consent is impaired: 1) by the consumption of drugs, alcohol or other intoxicants; or 2) because the other person is subject to a physical or mental incapacity such as sleep or unconsciousness.

“SEXUAL ACT” is defined as conduct between persons consisting of:

- Contact between the penis and the vulva.
- Contact between the penis and the anus.
- Contact between the mouth and the penis.
- Contact between the mouth and the vulva.
- Any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

“CONSENT” is defined under Vermont law as “words or actions by a person indicating a voluntary agreement to engage in a sexual act.” At the foundation of this policy is the understanding that in order to engage in behavior of a sexual nature there must be clear, knowing and voluntary consent prior to and during sexual activity. For purposes of the Law School’s SMDVS Policy, the following is true of consent:

- Consent is informed, active, and freely given and is grounded in rational and reasonable judgment. It requires clear communication between all persons involved in the sexual encounter.
- Consent can be communicated verbally or by action(s). Consent must be mutually understandable by all parties involved in the sexual experience, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.
- The person initiating the sexual contact is always responsible for obtaining consent from their partner(s). It is not the responsibility of one party to resist or communicate “no” to the sexual advances of another.
- Consent is not the absence of resistance. Silence is an inactive behavior and does not constitute consent. If a partner is inactive (for example, silent or physically still) sexual activity must stop until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.
- Consent to one form of sexual activity does not imply consent to another form of sexual activity. Each new sexual act requires new consent. Consent can be rescinded at any time.

- Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations.
- Consent to engage in sexual activity with one person does not imply to consent to engage in sexual activity with another;
- Consent cannot be given by minors, mentally disabled individuals, or by incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. A person who is unconscious, unaware, or otherwise physically helpless cannot give consent to sexual activity.
- A person will be considered unable to give valid consent, for example, if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing.
- Imbalance of power (supervisor- supervisee, faculty member-student, etc.) may lead to confusion about consent.
- Consent cannot result from force, or threat of force, coercion, fraud, intimidation, incapacitation (due to drunkenness for example), or imbalance of power. The Law School will use an objective standard when determining incapacitation-related questions; that is, the Law School will determine whether from the standpoint of a reasonable person, the respondent knew or should have known that the complainant could not effectively consent because he or she was incapacitated.

It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the Law School's objective standard) be considered an excuse for violating this policy.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute sexual misconduct under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

“DOMESTIC VIOLENCE” includes violence committed (1) by a current or former spouse of the complainant, (2) by a person with whom the complainant shares a child in common, (3) by a person who is cohabitating with or has cohabitated with the complainant as a spouse, (4) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Vermont, or (5) by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Vermont.

Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a family or household member, or to willfully cause a family or household member to fear imminent serious bodily injury. “Household members” are defined as those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, and are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute domestic violence under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

“DATING VIOLENCE” is defined as violence by a person who is or has been in a social relationship of a romantic or sexual nature with the complainant. The factors that will be considered in determining whether a dating relationship exists or existed, include: (a) the nature of the relationship; (b) the length of time the relationship has existed; (c) the frequency of the interaction between the parties; (d) the length of time since the relationship ended, if applicable; and e) the complainant's statement as to whether a dating relationship exists or existed. Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated, or to willfully cause such person to fear imminent serious bodily injury, and such conduct is prohibited by Law School policy.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute dating violence under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants who believe they are being or have been subjected to such conduct,



and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

"STALKING" as defined by federal law means engaging in a course of conduct (a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose) directed at a specific person that would cause a reasonable person to: fear for one's safety or the safety of others; or suffer substantial emotional distress.

Under Vermont law, "stalking" is defined to mean engaging in a course of conduct which consists of one of the following, when such conduct serves no legitimate purpose and would cause a reasonable person to fear for one's physical safety or health or would cause a reasonable person to suffer emotional distress.

- a. Following - defined as maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.
- b. Lying in wait for - defined as hiding or being concealed for the purpose of attacking or harming another person, or
- c. Harassing - defined as actions directed at a specific person, or a member of the person's family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

When part of a pattern of behavior that falls within the definition of stalking described above, examples of stalking behaviors or activities may include, but are not limited to:

- a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- b. Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - Posting of pictures or text in chat rooms or on websites;
  - Sending unwanted/unsolicited e-mail or talk requests;
  - Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
  - Installing spyware on a person's computer;
  - Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- c. Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- d. Surveillance or other types of observation including staring or "peeping".
- e. Trespassing.
- f. Vandalism.
- g. Non-consensual touching.
- h. Direct verbal or physical threats.
- i. Gathering information about an individual from friends, family, or co-workers.
- j. Accessing private information through unauthorized means.
- k. Threats to harm self or others.
- l. Using a third party or parties to accomplish any of the above.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute stalking under VLS policy as defined above, and as defined by Vermont law. The Law School encourages individuals who believe that they are being or have been subjected to such conduct, and others

with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

“Retaliation” is defined as an adverse action taken against any person for making a good faith complaint of conduct that would violate this policy or for having participated in an investigation of such a complaint. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person’s educational, living, or work environment. Retaliation may be unlawful and may constitute a violation of this policy depending on the circumstances, whether or not the complaint is ultimately found to have merit. Retaliation is strictly prohibited.

#### **E. SCOPE AND REQUIRED INFORMATION**

The Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, applies to conduct on VLS property and/or in connection with VLS-sponsored programs and events, including student group events. The policy also applies in other circumstances where the alleged conduct: could have a significant impact on the educational or employment environment or the reputation or integrity of VLS; involves interactions between VLS employees, officers, trustees and/or students; or indicates that someone could pose a threat to the safety or other interests of VLS and its community. Further, because the Code of Conduct prohibits “any conduct that raises serious doubts about the student’s honesty, integrity, or fitness to practice law” VLS may in certain cases investigate and address any sexual misconduct, domestic violence, dating violence or stalking complaint against a law student, regardless of the circumstances of the alleged misconduct.

Disciplinary proceedings regarding reports of sexual misconduct, domestic violence, dating violence or stalking will involve prompt, fair and impartial investigations and resolutions, will be conducted by VLS officials and/or appointees who receive annual training on the issues related to domestic violence, dating violence, sexual misconduct and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. VLS will not publish the name or other identifying information about a person who was reportedly subject to such misconduct when creating publicly available records about criminal incidents, to the extent permissible by law. The Law School prohibits retaliation, intimidation, coercion, threats, coercion or other discrimination against any individual for exercising their rights or responsibilities as outlined in this SMDVS Policy.

#### **F. REPORTING**

VLS strongly encourages any student or employee who feels that he or she has been subjected to sexual misconduct, domestic violence, dating violence, or stalking to contact local authorities. Reporting the incident does not obligate you to prosecute, but helps preserve your options in the event that you choose to pursue criminal prosecution or an order of protection. Delayed reporting will diminish the possibility of collecting potentially crucial evidence. Nevertheless, VLS will accept reports when they are made, and it is never too late to seek support and medical attention.

#### **G. LENIENCY**

Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of Code of Conduct standards (for example, because they engaged in illegal drug use at the time of the incident). It is of paramount importance to the Law School that all perceived violations of this policy be reported, so that those affected can receive the support and resources needed. Therefore, in order to facilitate reporting, the Law School may choose to not charge students who report violations of this policy with violations of Code of Conduct standards.

#### **H. CONFIDENTIALITY**

VLS will strive to maintain confidentiality in responding to a complaint under this policy, including inquiries regarding the investigation, the disciplinary process, and the final outcome of any disciplinary proceeding—although, by law, both the respondent and the complainant will be informed in writing of the outcome of disciplinary proceedings involving a report of sexual assault, domestic violence, dating violence or stalking.

Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for VLS to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct. Please do not be discouraged to come forward: your reporting of misconduct covered by this policy may help prevent other misconduct, and information will be shared only to the extent necessary to protect our community’s safety and facilitate investigations and adjudications.

Counselors and medical providers are confidential resources. This means that, in most cases, these confidential resources will not share the substance of any such communications or that such communications occurred with the complainant's consent. Individuals who wish to talk about sexual misconduct, domestic violence, dating violence or stalking-related issues confidentially, with the understanding that the Law School will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources.

Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with confidential resources. Reports or records maintained by VLS (including the Counseling Service records), and other confidential, non-privileged records may, however, be subject to subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the Law School's compilation of campus crime statistics. Even if a student wishes to maintain confidentiality, the confidential resources will still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, transportation or academic accommodations.

Contact information for confidential resources is as follows:

- **Vermont state-wide Emergency Number | 1-800-489-RAPE**  
This number automatically connects the caller with the local domestic violence/sexual assault program.
- **For victims with disabilities | 1-800-489-7273**  
Connect with local program for crisis intervention, peer counseling, court advocacy, referral and other services.
- **Legal Assistance**
  1. Vermont Legal Aid | 800-889-2047 | or vtlegalaid.org
  2. Vermont Bar Association | vtbar.org
  3. Clara Martin Center | 802-728-4466

#### **I. NON-CONFIDENTIAL RESOURCES: RESPONSIBLE EMPLOYEES<sup>41</sup>**

Many staff and faculty members are "responsible employees" for purposes of this policy and the Law School's HSHDR Policy. As defined in more detail in the HSHDR Policy, a "responsible employee" is defined as a Law School employee who has the authority to address conduct that violates this policy or the HSHDR Policy, or whom an individual could reasonably believe has this authority or duty. Law School administrators, staff, and student employees whose job responsibilities include working with students, and Law School faculty, are considered to be "responsible employees," as are (where the complainant is an employee) supervisors, administrators, and individuals working in Human Resources. Responsible employees are respectful of an individual's wishes to the extent appropriate and are discreet, but they need to convey information about reported conduct in violation of this policy to the Law School's Title IX Coordinator.

General inquiries or questions about this policy may remain private, do not have to be reported, and the Law School will strive to protect the privacy interests of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the Law School community. Otherwise, once any responsible employee learns of an incident that may violate this policy, written or unwritten, the responsible employee must immediately notify the Title IX Coordinator of such complaint. The responsible employee must report all relevant details about the incident (such as the name of the complainant and respondent, any witnesses, and other relevant facts, such as the date, time and specific location of the alleged incident). Such notice to the Law School generally obligates the Law School to investigate the incident and take appropriate steps to address the situation.

#### **J. VERMONT LAW SCHOOL DISCIPLINARY SANCTIONS**

A student who violates the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to disciplinary proceedings under this Policy independently of whether legal proceedings involving the same incident are underway or anticipated. See Article IV of this Policy.

An employee of VLS who violates either the Standards of Professional Conduct or who violates the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to disciplinary action up to and including the termination of employment. If the Associate Dean

<sup>41</sup> "Responsible employee" does not include the confidential resources as defined above.

determines that the President and Dean, another officer or Trustee, or an agent or contractor of the Law School has engaged in conduct in violation of this policy, he/she will make recommendations for action appropriate in the circumstances to the Chair or Vice Chair of the Board of Trustees, or to the administrative officer responsible for the relevant agency or contractual relationship. VLS will encourage and assist a complainant in reporting any illegal conduct to the appropriate authorities, and may have to do so independently where it determines that the circumstances pose an ongoing threat to a member or members of the VLS community.

## ARTICLE II. MATERIALS AVAILABLE REGARDING SEXUAL ASSAULT AND SEXUAL OFFENSES

Educational materials concerning rape, sexual assault, and sexual harassment are available from the Associate Dean for Student Affairs and Diversity, the Title IX Coordinator, and the Deputy Title IX Coordinator. These materials are available for the purpose of creating awareness and prevention of sexual assault acts and to provide resources if you, a friend, or a relative become the victim of rape or sexual assault.

You can also obtain educational materials confidentially by contacting any of the rape crisis centers listed in Section III (D) of this document.

## ARTICLE III. RESOURCES FOR VICTIMS OF SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

The Law School will support individuals in making referrals to, contacting, and/or providing the options and support resources outlined below, regardless of whether an individual wishes to report covered misconduct to law enforcement authorities.

### A. OBTAINING SUPPORT

You are in control to decide whether you want to talk with somebody about the incident and with whom you want to talk. The choice to report a crime to the police is also yours, though VLS may be required to report a crime to the police in contradiction to the complainant's wishes if VLS determines that the circumstances pose an ongoing threat to a member or members of the VLS community. If you are unsure about what to do immediately after an incident of sexual assault, domestic violence, dating violence or stalking, these are some of your options:

1. Call a rape-crisis hotline.
  - **Safeline 800-639-7233**
  - **WISE (Women's Information Services) 603-448-5525**  
Safeline and WISE trained counselors are available 24 hours a day. They can talk with you about your options, and they can accompany you through any or all stages of the process including going to the hospital and reporting to the police.
2. Go to a friend's house or any place where people can give you emotional support.
3. Call the Associate Dean for Student Affairs and Diversity at 802-831-1333 or Vice Dean for Students at 802-831-1004.
4. Call **Clara Martin Center 24-hour Emergency Service 800-639-6360**.
5. Call a domestic violence support provider
  - **Vermont 211. Get Help. Give Help. Discover options. A free and confidential service.**
  - **SafeSpace Vermont 866-869-7341 or 802-863-0003, for LGBTQA survivors [rul2.org/safespace](http://rul2.org/safespace).**
  - **[rainn.org](http://rainn.org) | Rape, Abuse, Incest National Network | lots of info | 24/7 hotline.**
  - **Deaf Vermonters Advocacy Services, videophone or hearing 802-661-4091.**
  - **[malesurvivor.org](http://malesurvivor.org) overcoming sexual victimization for boys and men.**
  - **Women Safe 24-hour hotline 800-388-4205 - provides crisis intervention and emotional support to survivors of physical, sexual, and/or emotional abuse.**

### B. OBTAINING MEDICAL ATTENTION

It is important to seek medical attention, even if you do not have visible injuries.

1. Seeking medical attention immediately or shortly after an assault provides the most options in the prevention of pregnancy and sexually transmitted infections.

2. You do not need to make a report or talk to the police in order to seek medical attention.
3. Gifford Medical Center (802-728-4441) in Randolph and Dartmouth-Hitchcock (603-650-5000) in Lebanon are the only area hospitals that possess necessary medical tests for rape/sexual assault incidents.
4. Do not bathe, shower, douche, brush your teeth, change your clothes or clean up before you obtain medical attention.
5. You will need to bring a change of clothes with you, because your clothing will be collected as evidence.
6. You can get evidence collected anonymously and have it kept for at least six months so you can decide whether filing a report with police is right for you.

### **C. OBTAINING EMERGENCY CONTRACEPTION**

Emergency contraception (EC) can prevent pregnancy after unprotected vaginal intercourse. It is also called "morning-after" contraception, emergency birth control, or backup birth control. EC dramatically reduces the risk of pregnancy when started within 72 hours (three days) after unprotected intercourse. It must be started prior to 120 hours (five days) in order to reduce the risk of pregnancy. The sooner it is started, the better. The hospital may provide this upon your visit. If it does not, or if you do not wish to go the hospital, EC is available over-the-counter at local pharmacies and drug stores.

Pharmacies known to carry EC:

- **Rite Aid Pharmacy**, Gifford Family Health Center, Route 107, Bethel, Vt. Closed Saturday and Sunday 802-234-5289.
- **Walgreens Drug Store**, 3 Airport Rd., W. Lebanon, N.H. (Exit 20 off I89S.) Open 24 Hours a Day 603-298-5796.

### **D. REPORTING THE RAPE OR ASSAULT**

As a legal adult, the decision of whether or not to report the crime is yours, absent circumstances described above in A. Law enforcement may be reached at:

- **State Police** (Bethel office), 802-234-9933.
- **South Royalton Police Department**, 802-763-7776 or 911.

If you want assistance in making this report, see the Associate Dean for Student Affairs and Diversity who will be happy to talk with you about it, be there when you call, or accompany you, if you so choose. Your options include: notifying law enforcement authorities; being assisted by VLS in notifying law enforcement authorities, if you choose to have VLS's support in notifying law enforcement authorities; and declining to notify such authorities.

### **E. SEEKING COUNSELING**

VLS provides up to ten free short-term confidential counseling service visits to Vermont Law School students. For evaluation, consultation and/or referral, contact our counseling service Clara Martin Center 802-728-4466.

Alternatively, you may want to contact a community mental health center near you (see General Area Information).

Or you may prefer to use a specialized support line such as

- **Safeline 800-639-7233.**
- **WISE, Women's Information Services 603-448-5525.**
- **SafeSpace for LGBTQQ survivors of violence 866-869-7341.**
- **Clara Martin Center 24-hour Emergency Service 800-639-6360.**

### **F. GET ASSISTANCE FROM THE LAW SCHOOL**

1. For initial counseling and referral to counseling and legal reporting sources, and/or if, in the aftermath of sexual assault, domestic violence, dating violence or stalking, you are having difficulty concentrating on your work at school or effectively dealing with various aspects of your life, see the Associate Dean for Student Affairs and Diversity or the Deputy Title IX Coordinator. The Law School may make reasonable accommodations to assist you, including issuance of no contact orders and assistance with changes in your academic schedule and/or living, working or transportation arrangements, should such changes be required and reasonably available. Depending on your needs, you may be eligible for academic accommodations such as leave of absence, reduced course load, or rescheduling of exams.
2. If you feel close to another faculty or staff member at the Law School, talk to that person about what you are experiencing and what options may be available. They can

assist you in completing a Sexual Assault Incident Report. You and/or that faculty or staff member (with your permission) can then consult with the Associate Dean for Student Affairs and Diversity. Please understand, though, that these individuals will be responsible employees as defined above so will be required to inform the Title IX Coordinator of information you provide; if you wish to have a confidential conversation, you should speak with a confidential resource (i.e., a medical or mental health provider), as described above.

3. The Law School will assist complainants who wish to pursue the issuance of orders of protection (e.g., relief from abuse orders) in contacting appropriate authorities, will issue no-contact and no-trespass orders as necessary and appropriate, and will facilitate the implementation of judicially-ordered protective measures to the extent that it has the jurisdiction to do so on its campus and/or in connection with its programs.

**G. PRESERVING EVIDENCE.** In addition to preserving evidence of a sexual assault as described above, you should also, to allow you to preserve your options to seek criminal prosecution, an order of protection, or disciplinary action by the Law School, preserve any other physical, documentary, photographic or other evidence that might be relevant to an incident or incidents of sexual assault, domestic violence, dating violence or stalking. This would include electronically-stored information such as text messages, emails, or video and audio files.

## ARTICLE IV. VERMONT LAW SCHOOL DISCIPLINARY ACTION

- A. Sexual misconduct, domestic violence, dating violence, and stalking are violations of the Vermont Law School Code of Conduct. The Code applies to conduct:
  1. by students of VLS with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities;
  2. by students of VLS with regard to their actions in connection with law school related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network, telephone, and email systems);
  3. that occurs off campus in connection with events sponsored by VLS or VLS approved organization, or in connection with official business undertaken for VLS or in other circumstances on campus or off campus, while classes are in session or during semester breaks; and
  4. circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS (such as, by way of example but not limitation, where alleged conduct involves interactions between VLS employees, officers, trustees and/or students).
- B. A person who believes she or he has been subjected to conduct that violates this policy by another member of the Law School community, may, in addition to any other available legal remedy, make a report about that conduct to the Law School.
- C. The following procedural rules apply to reported violations of this Policy:
  1. **COMPLAINT.** The Associate Dean for Student Affairs and Diversity (the Associate Dean) will meet with the complainant, who will make a written or oral complaint describing the incident. The complaint should include the date of the alleged assault, the name of the person who allegedly committed the assault (hereinafter, the respondent), and should describe the circumstances of the alleged assault. The complainant should also identify any witnesses who may have knowledge of the circumstances. The Associate Dean will make an initial determination as to whether or not the complaint alleges conduct prohibited by this policy. The complainant may request that charges be withdrawn at any time and the Law School will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision whether to discontinue an investigation or dismiss charges rests within the sole discretion of the Law School. Safety for the student and the campus community as a whole is of primary concern.
  2. **ADVISORS AND SUPPORT PERSONS.** The Associate Dean may, at his or her discretion, appoint advisors for the complainant and respondent. The appointed advisors serve as advisors only, and do not give legal advice. There is no attorney/client privilege between the

students and the advisors. The students may retain legal counsel at their own expense. The complainant and respondent are entitled to be accompanied by an advisor of their choice whenever meeting with the investigator or during any meetings related to the investigation. Such persons may, but need not, be the student's appointed advisor or retained legal counsel. Support persons can confer privately with the complainant or respondent, but cannot act as advocates or address the investigator.

- 3. INVESTIGATION OVERVIEW.** If the Associate Dean determines that the complaint as reported does fall within this policy, he/she will appoint an investigator to investigate the facts and prepare a written report. The Investigator may be a Vermont Law School employee or official or may be an external investigator with appropriate experience or expertise. The complainant and respondent will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Associate Dean within three days of notice of the appointment. The Associate Dean will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not. Absent extenuating circumstances, this initial determination and appointment of an Investigator will occur within five business days of receipt of the complaint. The Associate Dean will advise the respondent that charges have been filed against him/her and are being investigated. Should a respondent who has been notified of an investigation fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based upon the information available. The parties will be given periodic status updates throughout the investigation. At no point will the complainant be forced to be in contact or be in the same room as the respondent.
- 4. INTERIM REMEDIAL MEASURES.** During the investigation, the Associate Dean or Title IX Coordinator may issue interim remedial measures, such as issuance of a no-contact order to restrict contact and communication between the complainant and the respondent. Other preventative measures may be taken where requested and reasonably available, such as room changes, class changes or, in particularly serious cases, interim removal of a student from campus.
- 5. ADDITIONAL VIOLATIONS.** If, prior to or during the investigation, Vermont Law School becomes aware that additional violations have allegedly occurred or additional policies have allegedly been violated, additional charges may be added to and resolved through this investigation or separately, as determined at the discretion of the Associate Dean. In the event that additional charges are added to the investigation, the Associate Dean will notify the respondent of the additional charges promptly and in writing.
- 6. THE INVESTIGATION.** The investigation will be conducted in a prompt, thorough, impartial, and equitable manner. Absent extenuating circumstances, the investigation of a complaint under this policy will ordinarily be completed within 30 calendar days. If the complainant or respondent requests an extension of this general 30 day period, he or she should make a written request for an extension to the Investigator, who will make a decision on the request after having provided the other party notice of the request and an opportunity to respond. The complainant and respondent will be asked to identify all relevant witnesses they would like the Investigator to interview. Both parties may provide, if they wish, a list of questions they would like the Investigator to ask of particular witnesses or of each other. The Investigator is not required to interview any particular witness, even if identified by one of the parties. Nor is the Investigator required to ask questions provided by either party. At the conclusion of the investigation, the Investigator will share the witness statements and relevant materials with both the complainant and the respondent. Both will have the opportunity to respond to this information in writing within five business days. The deadline for the receipt of such responses is also the deadline for receipt by the Investigator of character reference letters for each party. If new evidence is gathered at any stage, it will be shared with both the complainant and the respondent and each will have an opportunity to submit a written response within a time frame set by the Associate Dean. When the final responses, if any, have been received from the complainant and respondent, the Associate Dean will share each party's response with the other party. The Investigator will submit a final report to the Associate Dean. The final report will include all investigation materials, the responses from the complainant and respondent, any character references, and the Investigator's recommended finding of whether this SMDVS Policy (or, where the procedure is being used to adjudicate alleged violations of the Policy Against Harassment, Sexual Harassment, Discrimination, and Retaliation ("HSHDR Policy")) has been violated, based on a preponderance of the evidence standard, i.e. whether it is more likely than not that the policy was violated, along with the Investigator's rationale for this recommendation.

7. **SEXUAL MISCONDUCT REVIEW PANEL.** Upon receipt of the Investigator's report, the Associate Dean will convene a Sexual Misconduct Review Panel. This Panel will ordinarily consist of five members drawn from a pool. The pool includes five faculty members selected by the Vice Dean for Faculty, five staff members selected by the Dean and President, and five students appointed by the President of the Student Bar Association. The Associate Dean will choose five panel members from this pool to attend the hearing and make determinations. Each panel will have at least one member from each of the three groups listed and, if possible, gender diversity will be considered when selecting the panel. All pool members will receive annual training by the Title IX coordinator or her alternate.

The claimant and/or respondent may challenge the participation of any member of the review panel for conflict of interest or other good cause. Familiarity alone does not create a bias issue. Only where there is a determination that a panel member will not be able to provide an unbiased and impartial decision should an alternate be selected by the Associate Dean.

8. **HEARING.** The Panel will be provided with the Investigator's complete report and supporting materials but is not bound by his/her recommended finding. Absent extenuating circumstances, the Sexual Misconduct Review Panel will hold a closed hearing on whether the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy (or, where this procedure is being used to adjudicate an alleged violation of the HSHDR Policy) has been violated. The Sexual Misconduct Review Panel will hold this hearing within fifteen business days after receipt of the Investigator's complete report. The complainant and respondent shall be notified concurrently of the date, time, and location of the hearing. The complainant and the respondent will have an equal opportunity to present relevant witnesses and other evidence, to have an advisor of their choice present, to access information to be used at the hearing, and to present character witnesses. The hearing shall not be a formal adversarial one in the sense that there will be a prosecution versus a defense. The purpose of the hearing is to gather information to enable the Sexual Misconduct Review Panel to determine whether SMDVS Policy (or, as applicable, the HSHDR Policy) has been violated. To that end, the Sexual Misconduct Review Panel, as well as the complainant and respondent, shall have the right to call witnesses, question witnesses and examine documents offered as evidence. Neither the complainant nor the respondent will be permitted to question or cross-examine each other, either directly or through counsel, but may submit questions to the Panel. Neither party's advisor person may address the Panel or the witnesses. The Panel shall have full discretion to decide whether to ask the requested questions or not. Either the complainant or the respondent may request physical separation from the other at the hearing, including visual separation, such as through the use of a screen, video-conferencing or other such technology. Because this is not a civil or criminal trial, the rules of evidence may be more relaxed in the interest of gathering relevant information. It should be noted that extraneous information such as the complainant's or the respondent's prior sexual history with others must not be included, and not considered by the Panel in its deliberations on whether the charged misconduct occurred. A respondent's involvement in other incidents may, however, be considered by the Panel in its determination of sanctions, as discussed below.
9. **FINDING AND SANCTION.** The Panel will issue a finding regarding whether the SMDVS Policy (or as applicable, the HSHDR Policy) has been violated, based upon the preponderance of evidence standard. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue its findings, in writing, within 10 business days after the Hearing. A majority of the Panel members must find that a policy violation occurred for a finding of responsibility. The Associate Dean will notify the complainant and respondent concurrently and in writing of the finding to the extent permitted by law. If a finding is made that no policy has been violated, the respondent will have no record of the charge or its outcome in his/her permanent file. Complainants may appeal a finding of no responsibility and respondents may appeal a finding of responsibility, as set forth below. If the Panel determines that there has been a policy violation, the complainant may submit an Impact Statement to the Panel and the respondent may submit a Sanction Statement to the Panel, within three business days of the notification. The Panel will reconvene, consider the Impact Statement and Sanction Statement if any have been submitted, and determine a sanction.
10. **SANCTIONS.** A violation of the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to Class One sanctions. Class One sanctions include, expulsion or withdrawal of an awarded degree. A violation of the Harassment, Sexual Harassment, Discrimination, and Retaliation Policy will be subject to Class Two sanctions. Class Two sanctions include expulsion, suspension, or withdrawal of an awarded degree, a fine, restitution, community service, probation, reference to counseling, termination of employment, or other action as deemed appropriate under the circumstances. If the student



complained against receives either a Class One sanction or a Class Two sanction the fact of the violation and the sanction shall be noted in the student's official file, unless the President and Dean decides otherwise. If the student complained against receives a Class One sanction the fact of the violation and the sanction shall be noted on the student's official transcript. Prior conduct and judicial history may be taken into account in determining a sanction. Respondents should also be advised that additional non-disciplinary outcomes, such as (by way of example but not limitation) extending and modifying no-contact orders, may also be imposed regardless of the finding. The Associate Dean will notify the complainant and respondent simultaneously and in writing of any sanction to the extent permitted by law. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue a decision regarding sanctions, if applicable, within five business days after receipt of an Impact Statement and/or Sanction Statement, if any. If neither Statement is submitted, the Panel will issue a decision on sanctions within eight business days of issuing its finding.

11. **APPEALS.** The complainant and respondent both have the right to appeal the decision of the Sexual Misconduct Panel to the President and Dean. The purpose of the appeal is to review the adjudication process. Appeals may be made on the basis of one or more of the following: discovery of significant new factual material not available to the Sexual Misconduct Review Panel that could have affected the original outcome (but omission of factual information by the appealing party that was or should reasonably have been available to the appealing party before the hearing is not grounds for appeal), or violation of procedure where the violation prevented fundamental fairness. The right of appeal is only available to a complainant or respondent who participated in the investigative process. An appeal must be made in writing within five business days of receipt of the finding in cases where no violation is found and within five business days of receipt of the sanction in cases where a policy violation has been found. The appeal must include the grounds for appeal and provide an outline of supporting evidence. The President and Dean will notify the Associate Dean and the other student of the appeal and will request his or her response to the appeal. The Associate Dean and the other student may provide a written response within five business days of the request. The President and Dean may deny the appeal or, if the appeal grounds have been met, may return the case to the Sexual Misconduct Review Panel for reconsideration, or convene a new Sexual Misconduct Review Panel. If the case is returned to the Sexual Misconduct Review Panel, the President and Dean shall identify which aspects of the case merit further review. Absent extenuating circumstances, the President and Dean will notify the complainant and respondent concurrently, in writing, of his/her determination within 15 business days, to the extent permitted by law, and will notify the Associate Dean, in writing, with instructions for any further action. All decisions by the President and Dean are final.

The Law School will notify the parties of any change to the results of a disciplinary decision that occurs prior to the time that such results become final, and when such results become final.

12. **THE RECORD.** The Sexual Misconduct Review Panel will tape record the hearing in each case. The recording, the documents received, and the findings and action shall be retained in the President and Dean's Office. This record may be referred to by the Panel for any purpose, but the confidentiality of the record will otherwise be maintained. At any time after six years, the President and Dean's Office may destroy the record except for the final determination, unless there is a pending request for the record or the President and Dean determines that there is some need to continue to maintain the record confidentially. Additional information on sanctions, notations in student files and status if a student withdraws while disciplinary action is pending is set forth in Article V of the Code of Conduct.

## ADDENDUM A: TITLE IX COORDINATOR'S FUNCTIONS AND RESPONSIBILITIES

The following is a non-exhaustive list of the Title IX coordinator's functions and responsibilities.

### 1. TRAINING FOR STUDENTS, FACULTY, AND STAFF

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate Law School officials, and the extent to which counselors and advocates may keep a report confidential, and
- regular training for students outlining their rights under Title IX; with regard to sexual

misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

## **2. INVESTIGATIONS**

The Law School will conduct adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- appointing an investigator or investigators upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- informing all parties regarding the grievance process,
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the Law School's responsibility to provide a safe and nondiscriminatory environment for all students and employees. Confidentiality issues are discussed in more detail in the Law School's Policy Against Harassment, Sexual Harassment Discrimination and Related Retaliation, and its Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.

## **3. REMEDIES, INCLUDING INTERIM MEASURES**

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to the Law School's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of an investigation, and making the complainant aware of all available resources, including resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. Interim measures are discussed in more detail below.

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including, by way of example but not limitation, review and revision of the Law School's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.

**COURSE CATALOG  
2018-2019**

<b>Subject Code</b>	<b>Course Number</b>	<b>Title</b>	<b>Description</b>	<b>Default Credit Hours</b>
ADR	6410	Alternative Dispute Resolution	This course presents the theory and practice of negotiation, mediation, and arbitration that constitute the foundation of alternative dispute resolution (ADR) through lecture and simulations. Examines the different theories and approaches to ADR, as well as the wide range of issues that arise in the selection and application of these dispute resolution techniques.	3
ADR	412	Mediation	Examines the nature of mediation and explores theoretical and practical aspects of the process. The course analyzes each component of the mediation process and provides students with the opportunity to apply theories and skills in simulation exercises.	
ADR	6413	Mediation Advocacy	Designed to teach students how to be effective advocates in the mediation setting. Students will learn to counsel clients for mediation, how to prepare a mediation plan, select a mediator, as well as effective participation in mediation.	2
ADR	6415	Environmental Dispute Resolution	Explores the range of processes that are used to resolve environmental disputes with particular emphasis on consensual processes such as negotiation and mediation. Instruction will be based on lectures and discussions of the theory of dispute resolution and environmental law and simulations to practice the skills needed to resolve environmental disputes.	
ADR	6416	Negotiating Environmental Agreement	Examines the use of consensual processes such as negotiation and mediation to resolve environmental disputes and manage environmental conflict. Instruction will be through lectures to discuss the theory of dispute resolution and through simulations to practice the skills.	2
ADR	6420	Negotiation	This interactive workshop examines the dynamics, constraints, and skills of the negotiation process. It focuses equally on the use of negotiation in planning and dispute resolution. Students learn specific techniques through simulation experiences, and issues related to the use of negotiation are addressed through classroom discussions.	2
ADR	6450	Advanced Dispute Resolution Writing Seminar	This seminar provides an opportunity to explore emerging issues in dispute resolution through research and writing. The goal is to produce a publishable quality article.	2

BUS	6235	Corporations & Other Business Associations	Provides a basic understanding of the different organizational forms for businesses, including corporations, limited liability companies and partnerships, general partnerships and sole proprietorships. The course also examines the law of agency, and surveys selected topics, such as basic accounting principles, business formation, financing, dissolution, and securities regulation.	4
BUS	6237	Debtor-Creditor Law & Bankruptcy	Examines the nature of the arbitration process, rules governing hearings, the relationship between arbitration and the court system, the enforceability of agreements to arbitrate, and judicial review of arbitration award. This course also explores the controversial areas of arbitration such as requiring arbitration in employment and consumer contracts.	3
BUS	6245	Employment Law	Examines areas of federal and state labor law which regulate the employment relationship and which provide minimum protection outside of collective bargaining. Major topics considered include wrongful discharge, post-employment liability, employee privacy, genetic and drug testing, and employee welfare and retirement benefits (ERISA).	3
BUS	6246	Employment Law Practice	Employment Law Practicum is a one credit simulation-based module designed to provide students with opportunities for transactional learning in addition to those already contained in Employment Law. It will also include a professional development component that focuses on the employment law practitioner.	1
BUS	6255	Income Taxation	An introduction to federal income taxation. Topics include: the concept of income; exclusions from income; deductions and credits available to individual non-business taxpayers and business taxpayers; sales and other dispositions of property; capital gains and losses.	4
BUS	6260	Intellectual Property	A basic introduction to the law of patents, copyrights, trademarks and trade secrets.	2
BUS	6262	Social Enterprise Law	Explores which legal rules can best further enterprises that are designed to engage in profit-making activities for the purpose of promoting social goals. Will examine ways to define social enterprises; and ask whether traditional for-profit or non-profit business forms can accommodate these dual mission companies or whether a new hybrid business form is needed.	2
BUS	6280	Sales	Covers primarily Article 2 of the Uniform Commercial Code governing the sale of goods, including formation and modification of contracts for sale, Article 2's statute of frauds, warranties, parole evidence, risk allocations when goods are stored or transported, breach, remedies for sellers and buyers, and contractual limitations on remedies. The course includes references to consumer rights as well as comparisons between the common law of contract and the Code's rules and concepts.	

BUS	6285	Secured Transactions	An examination of the structure of the law of security interests in personal property from both practical and economic perspectives. The course covers the interests of all parties in secured transactions, particularly as a way of financing business.	3
BUS	6290	Securities Regulation	A study of federal law and the rules of the Securities and Exchange Commission concerning the registration, distribution and trading of securities, and legal and regulatory aspects of the securities industry. The course considers the responsibilities and liabilities of issuers of securities, its officers and directors, brokers, attorneys, and other participants in the distribution and trading processes, as well as issues regarding "insider" trading.	3
BUS	6331	US Amateur Sports Law	An examination of legal issues arising in youth sports, high school sports, and college sports. The course addresses the role of sport as a cultural phenomenon in the United States and its relationship to law, politics, and economics. Cases studied will implicate tort, contract, and constitutional, antitrust, and intellectual property law.	2
BUS	6360	Introduction to eLawyering	Focuses on how new technologies affect legal drafting, and surveys the historical background of law and technology; the logical basis for such legal documents as contracts, wills, statutes and regulations; and the theory of embedding law in code. The course also considers the secondary effects on law, lawyering and the legal profession likely to arise from the digitization of many legal tasks. In addition to the reading and class discussions, students will create a demonstrative virtual law practice and undertake drafting projects.	3
BUS	6361	eLawyering: eDiscovery Data	Litigation often involves the collection, production, management and analysis of electronically store information (ESI). An enormous amount of data (Big Data) exists that may help make a case or predict the outcomes of approaches and legal rulings. This course considers the legal and operational issues associated with managing electronic information.	3
BUS	6362	eLawyering: Practice Management	Legal practices are using practice management and litigation software. Courts have also moved in the direction of e-filing and calendaring. Students will gain the theoretical and practical background to understand these changes and to positively impact their employer's responses to such change. Students will use matter management software, prepare e-filings and use technology to strengthen and present a closing argument.	2
BUS	6363	eLawyering: Automated Systems	Covers the theories of legal document and advice automation as well as the practical side of implementing such systems. Areas of focus for the course include: document automation, expert systems, logical construction and XML contracting.	2

BUS	6371	eLawyering: Cyber Security	Organizations and individuals face a multitude of complex threats to the confidentiality, availability and integrity of their information in today's cyber environs. Against the backdrop of recent cyberwarfare efforts, data breaches, FISA courts and Snowden revelations <i>eLawyering: Cybersecurity</i> provides in-depth examination of the law dealing with the security of information and data and its corresponding technology.	3
BUS	6372	Hactivist Legal Technology	This course provides technology-proficient undergraduates and law students an opportunity to work together to build legal or policy applications. Students will meet with stakeholders, decide on an idea for an application, prototype and build the application and present their solution to a panel of stakeholders and industry experts.	2
CLI	9302	Environmental & Natural Resources Law Clinic	The ENRLC is a public interest environmental law firm. Student clinicians work on behalf of environmental and conservation organizations under the supervision of clinical faculty. In addition to work on cases, students attend weekly staff meetings and a weekly seminar.	6-9
CLI	9310	So. Royalton Legal Clinic-FT	An on-campus clinic dedicated to serving Vermont residents who cannot afford private counsel. Students work under supervising attorneys representing real clients in civil cases in state and federal courts in Vermont and before administrative agencies.	10
CLI	9311	So. Royalton Legal Clinic-Summer	An on-campus clinic dedicated to serving Vermont residents who cannot afford private counsel. Students work under supervising attorneys representing real clients in civil cases in state and federal courts in Vermont and before administrative agencies.	4
CLI	9312	So. Royalton Legal Clinic-PT	An on-campus clinic dedicated to serving Vermont residents who cannot afford private counsel. Students work under supervising attorneys representing real clients in civil cases in state and federal courts in Vermont and before administrative agencies.	3
CLI	9315	South Royalton Legal Clinic Class	Please see class descriptions by term for registration information.	3
CLI	9326-9329	Advanced Environmental & Natural Resources Law Clinic	Students will further develop their understanding of law, broad philosophical, economic and scientific underpinnings of their work, and lawyering skills introduced in their initial ENRLC experience. Students will be expected to take greater responsibility for cases and to mentor novice clinicians. Enrollment is by permission of the clinic director. Credits awarded are appropriate for the number of clinic hours worked.	6-9

CLI	9333-9339	Advanced So. Royalton Legal Clinic	Students will further develop their understanding of law, broad philosophical, economic and scientific underpinnings of their work, and lawyering skills introduced in their initial SRLC experience. Students will be expected to take greater responsibility for cases and to mentor novice clinicians. Enrollment is by permission of the clinic director. Credits awarded are appropriate for the number of clinic hours worked.	6-13
CLI	9405	Dispute Resolution Clinic I	Trains students to mediate disputes through participation in local court mediation programs. Weekly seminars focus on conflict theory, mediation techniques, litigation strategies, public policy and social justice issues, as well as ethical and licensing concerns. A portion of each class devoted to clinic-style rounds, enabling students to present the cases they have mediated for discussion and feedback.	4
CLI	9411	Semester in Practice (SIP)	A full-time external clinic, appropriate for students interested in self-directed learning under the supervision of an experienced mentor. Field-mentors are experienced lawyers who work with and within government, NGO's, non-profit organizations, corporations and law firms.	12
CLI	9412	Semester In Practice Class	. Please see class descriptions by term for registration information.	2
CLI	9425	JD Part-Time Externship	Provides an opportunity to obtain field based experience on a part-time basis. Students must work three hours per week for 15 weeks for each credit earned, and may earn from four to six credits depending on the time committed. Students meet regularly with their faculty sponsors for evaluation and reflection of their experience.	4-6
CLI	9427	Energy Clinic	Provides an opportunity to obtain field based experience on a part-time basis. Please see class descriptions by term for registration information.	3-6
CLI	9428	Food and Agriculture Clinic	Provides an opportunity to obtain field based experience on a part-time basis. Please see class descriptions by term for registration information.	4
CLI	9429	Food and Agriculture Seminar	In the Food and Agriculture Clinic seminar, students explore the substantive laws and advocacy skills that underlie their clinic project work.	2
CLI	9430	Judicial Externship	Places students in judges' chambers, where students learn about the process of judicial decision making by observing the function of a court. Students work with the supervising judge to develop legal skills such as writing, research, and analytical skills. All judicial externship students complete an Academic Component which concentrates on judicial and legal ethics, judicial philosophy and history; decision making and judicial discretion; and judicial opinion writing.	12
CLI	9431	Judicial Externship Seminar	Please see class descriptions by term for registration information.	2

CLI	9432	LLM Externship	Provides students with a first-hand field experience in the environmental area. Non-profit groups; international, federal, state and local government agencies; law firms, and consulting firms are among the many organizations from all over the world to sponsor LLM internships. All internships are supervised by a faculty sponsor and an on-site supervisor.	4
CLI	9437	Advanced Energy Clinic	Provides an opportunity to obtain field based experience on a part-time basis. Please see class descriptions by term for registration information.	3-6
CLI	9438	Advanced Food and Agriculture Clinic	Provides an opportunity to obtain field based experience on a part-time basis. Please see class descriptions by term for registration information.	4
CLI	9440	ELP Externship	Provide MELP students with field experience in the environmental area. Under the supervision of a faculty sponsor and an on-site supervisor, students can intern in non-profit groups; international, federal, state and local government agencies; law firms, and consulting firms all over the world.	4
CLI	9442	MERL Externship	Provide MERL students with field experience in the energy area. Under the supervision of a faculty sponsor and an on-site supervisor, students can intern in non-profit groups; international, federal, state and local government agencies; law firms, and consulting firms all over the world.	4
CLI	9444	MFALP Externship	Provide MFALP students with field experience in the food and agricultural area. Under the supervision of a faculty sponsor and an on-site supervisor, students can intern in non-profit groups; international, federal, state and local government agencies; law firms, and consulting firms all over the world.	4
CLI	9446	MARJ Externship	Provide MARJ students with field experience in the restorative justice area. Under the supervision of a faculty sponsor and an on-site supervisor, students can intern in non-profit groups; international, federal, state and local government agencies; law firms, and consulting firms all over the world.	
CRI	7262	Constitutional Criminal Procedure	A basic course on Constitutional Criminal Procedure, with comprehensive consideration of topics under the Fourth, Fifth, Sixth and Eighth Amendments to the U.S. Constitution. Among the topics considered are search and seizure law including probable cause to search and arrest, the warrant requirement and its exceptions, and the exclusionary rule; custodial interrogation, confessions and the privilege against self-incrimination; double jeopardy; the right to counsel and effective assistance of counsel; the death penalty and the Eighth Amendment prohibition against cruel and unusual punishments; lineups and other forms of pretrial identification. A JD bar class.	3



CRI	7305	Advanced Criminal Law Seminar	This seminar will focus on Alternative Criminal Justice Programs and Responses. Using a national template known as the Sequential Intercept Model, students will be introduced to evidence-based approaches and programs at every stage of the criminal justice system that provide effective alternatives to the traditional model from arrest through release from incarceration. Students will not only gain an in depth knowledge of regional, national and international alternative criminal justice approaches, they will also meet with and learn from leading alternative justice practitioners. An AWR and Perspectives course.	2
CRI	7307	Criminal Practice & Procedure	Skills-based course focused on the Federal Rules of Criminal Procedure, the 4th, 5th, 6th and 8th amendments to the U.S. Constitution and the corresponding sections of the Vermont and New Hampshire Constitutions. This course will give students the opportunity to develop insight into the theoretical underpinnings of constitutional criminal law and procedure while at the same time learning the practical application of theory to practice. A JD Bar course.	4
CRI	7313	Capital Punishment Seminar	This seminar examines capital punishment as a legal process, using interdisciplinary materials and theory, litigation documents including briefs and recordings of oral arguments, and appellate opinions. The seminar also employs written narratives, movies, and popular cultural images and artifacts to explore this subject matter.	2
CRI	7318	White Collar Crime	White Collar Crime balances black letter law with current, high-profile examples of corporate felonies and fiascos. Topics include: conspiracy, mail fraud, wire fraud, securities fraud, perjury, obstruction of justice, RICO, tax fraud, money laundering, and environmental crimes. In addition, administrative investigations, grand jury investigations, pleas, trials and sentencing will be covered.	3
CRI	7331	Impaired Driving Seminar	Combining substantive law with actual criminal case documents, simulations, and hands-on practice in class, the Impaired Driving Course for 2L and 3L students will cover all aspects of DUI cases from arrest through prosecution and sentencing. This 3-credit course will meet one day per week and will be graded on a High Pass, Pass, Low Pass, Fail basis. There are no prerequisites, although students might benefit from taking an upper level criminal law class before this course. The semester will culminate with a mock hearing or trial.	3

CRI	7350	Criminal Law Clinic	In this clinic students have the option of working either in the prosecution or in the defense of criminal law matters, under the supervision of experienced prosecutors and defense attorneys in Vermont. All clinicians, regardless of assignment, meet together for a joint classroom component.	6
DIV	7606	Civil Rights Seminar	This seminar examines the civil rights movement that began in the years before Brown v. Board of Education and continued throughout the 1950's and 1960's. This examination is based on the PBS video series "Eyes on the Prize" and additional readings. The videos and the readings provide social, cultural, and historical perspectives on the civil rights movement and the legal developments that grew out of that movement.	2
DIV	7610	Race & the Law Seminar	Provides an introduction to race as it relates to and is reflected in the law. The seminar focuses on the role and experience of African-Americans, Asian-Americans, Latin-Americans, and Native-Americans in American society, with attention to questions concerning critical race theory, class, family, and feminism.	2
DIV	7615	Sexual Orientation & the Law Seminar	A look at the way law and the legal systems affect the lives of lesbian, gay, bisexual, and transgendered people. The class will explore domestic and international laws that sanction discrimination against the LGBT community and the struggle for equality by this community.	2
DIV	7620	Native Americans & the Law	This course focuses on the constitutional, statutory and jurisprudential rules of law which make up the field of Federal Indian Law. Attention will be given to the historical framework from which the rules were derived. The course will consider subject-specific areas of Indian Law like hunting and fishing rights, stewardship of natural resources, economic development and protection of religion and cultural lifestyles.	
DIV	7628	Indian Tribes as Government Stewards of the Environment	Examines the unique body of law governing Indian country, the geographic areas recognized by the federal government as the homelands of sovereign American Indian tribes. Major topics include the history of federal-tribal relations, tribal property rights, tribal court systems, and the balance of governmental power between tribes, states, and the federal government.	2
ENV	1111	Getting to the Next System		0
ENV	5105	Administrative Law	Provides students with a working knowledge of the general principles of administrative law; implementation of legislative policy through administrative agencies, including the role of administrative agencies in the governmental process, rulemaking, adjudication, and judicial review of agency actions.	3

ENV	5106	Legal and Policy Writing Seminar	This course will introduce students to key principles of clear and precise writing, familiarize them with legal organization and IRAC (Issue, Rule, Analysis, Conclusion), and teach them the basics of legal research. These basic skills help students succeed in their other classes, as well as in their professional careers.	1
ENV	5108	Introduction to Agriculture and Food Law & Policy	Feeding a growing global population—9.6 billion by 2050—without destroying our planet is one of the critical challenges of our time. Overlay the impacts of climate change, international trade, and the influence of corporations on agricultural production, and this is one of the most complex areas of the law and policy. It is also one of the fastest growing areas, fueled by the food movement both domestically and internationally, greater public awareness of food issues and concerns related to the healthfulness of our food. Indeed, this is an exciting time to be studying food systems law. Food and agriculture touch everyone in a multitude of ways. Because of this, students can access the study of food systems from different legal disciplines such as animal welfare, social justice (including immigration and labor), health, environment, and trade.	3
ENV	5112	Science for Environmental Law	Introduces students to the science critical to environmental law and policy, including climate science, air pollution, toxicology, and natural resource management. It also introduces students to scientific thinking and culture, and explores some of the challenges involved in effectively using science in legal and policy decision-making.	3
ENV	5115	Environmental Law	An introduction to the broader categories of protecting human health and the environment to both assess the successes and failures of environmental protection in the U.S. and gain more detailed substantive knowledge of several key statutes.	3
ENV	5122	Communication, Advocacy and Leadership	Designed to provide students with the knowledge and skills to operate effectively in a variety of environmental careers. Topics include communications to achieve public policy aims; development and implementation of legislative and policy campaigns; and management of environmental enterprises.	3
ENV	5125	Land Use Regulation	A basic course in land use law. Covers planning and all manner of private and public land use regulation from common interest communities, to subdivisions, to zoning, to variances, to planned development districts, to transit-oriented development, to traditional neighborhood design, to form-based codes, to growth management.	3

ENV	5205	Air Pollution Law and Policy	An exploration of the major programs and regulatory strategies embodied in the Clean Air Act that are used to address conventional air pollution, toxic air pollution, and greenhouse gas pollution.	3
ENV	5209	The Law of Toxic and Hazardous Materials	Examines CERCLA's broad liability and cost recovery provisions, emergency response and cleanup requirements that extend beyond the usual Superfund sites. Brownfields, natural resources damages, community involvement, recent Supreme Court decisions and statutory amendments will also be addressed. The course will examine how parties escape or limit liability through due diligence, defenses, pollution prevention, settlement, and cost allocation.	3
ENV	5210	CERCLA Liability and Cleanup	Through this course students will become familiar with the statute that authorizes the cleanup of hazardous sites. Students will sharpen their statutory, case and policy analysis skills. Traditional tort concepts of strict, joint and several liability will be examined in the context of hazardous site cleanup. Related issues such as corporate structure, settlement, divisibility, Apportionment, contribution and allocation of liability will also be addressed.	2
ENV	5212	Climate Change and the Law	Explores lawyers' involvement in the formulation and implementation of United States foreign and national defense policy through the examination variety of domestic, constitutional, and international law issues such as authority for the wars in Iraq and Afghanistan, intelligence gathering at home and abroad, detention and interrogation of terrorist suspects, planning for the next terrorist attack, protection of sensitive government information, and other current topics. Perspective & AWR	3
ENV	5214	Climate Change Mitigation	Addresses current legal, policy, and economic incentives and problems in our attempt to mitigate our carbon footprint and reduce greenhouse gasses to a more tolerable level. Examines on-going controversies and initiatives at the local, state, regional, national, and international level.	3
ENV	5218	International Climate Change Law	Classes offered under this designation explore special areas of interest, including newly developing areas of law, or specialties of visiting faculty and fellows. Students participate in the United Nations Climate Change conference. Students should consult registration information specific information presented under this title.	3
ENV	5220	Environmental Economics & Markets	Introduces students to the discipline of environmental economics and expose them to debates over the use of market-based instruments in environmental and energy policy. It also introduces students to basic economics and finance concepts, examines key principles, and applies these basic elements and concepts to common environmental problems and actual case studies.	3

ENV	5223	Environmental Governance in the Developing World	This course is designed to introduce students to the unique challenges regarding the development, implementation, and enforcement of good environmental governance systems in the developing world. To that end, this course will generally eschew discussions of international environmental law and multilateral environmental agreements, and will instead focus on the domestic environmental law of developing countries, with a focus on China and South East Asia. Due to our work at the US-Asia Partnerships for Environmental Law, this course will draw from a variety of case studies from China and the lower Mekong region to illustrate key points. That said, students will be encouraged to research other areas of the world as part of the research they will conduct in this course.	2
ENV	5224	Environmental Government Field Study	Following completion of the Environmental Governance in the Developing World course, students may participate in an additional field trip to Southeast Asia. This trip will enable students to experience directly environmental conditions in the region and to meet leading environmental scholars and activists.	1
ENV	5226	Energy Law & Policy in a Carbon-Constrained World	Examines key issues in American energy policy and searches for ways to ease the strains which that policy puts upon environmental sustainability. The course reviews fundamental facts about our energy demands and sample regulatory orders and legal writings that address many of those elements from the perspective of a legal review.	3
ENV	5228	Energy Regulation and the Environment	Builds on the course Energy Law and Policy in a Carbon-Constrained World by exposing students to the legal, economic, and structural issues involved in energy regulation and energy markets, focusing on electricity. The course examines the evolution, theory and techniques of monopoly regulation; the current processes for rate setting; and the development of competitive, market-based alternatives. The course exposes students to the latest approaches to managing the electric grid, to renewable energy strategies and procurement, energy efficiency, demand side management and green markets.	3
ENV	5229	Environmental Issues in Business Transactions	An exploration the types of environmental risks and issues that are commonly confronted in a variety of business-related transactions such as the acquisition of all of the stock of a company, asset purchases, real estate deals, leases and financings. Special focus on how the environmental issues in transactions are identified and managed in the course of a deal. The unique environmental issues associated with the purchase and redevelopment of contaminated properties or so-called Brownfield sites are also covered.	2

ENV	5230	Global Energy Law & Policy	Global Energy Law and Policy explores the current policy framework in a particular region outside of the United States with a focus on clean energy policies. The course will explore the regions policy development process, the current energy policy framework, policies implementing global and regional climate commitments and emerging issues.	2
ENV	5235	Natural Resources Law	Examines the statutes and regulations governing the management of the federal lands and their resources. Considers the historical, political, and ecological influences on the law and management of these resources, and includes an introduction to the agencies with jurisdiction over the components of the federal estate.	3
ENV	5239	Land Transactions & Finance	An introduction to land transaction and finance, covering the study of the title system, title insurance and land contracts, the private development process, and modern real estate financing, including private financing and public financing. The course also introduces the public-private development process including redevelopment, military base conversion and Brownfield's redevelopment.	3
ENV	5245	Water Resources Law	Water is the planet's most precious natural resource. Deciding how it will be shared among competing demands is one of a society's most challenging questions. Water Resources Law is a review of the law and policies concerned with the allocation of water resources in the United States. This course will examine the three main systems of water law in the United States: Eastern riparian systems, the prior appropriation doctrine of the West, and the nationally diverse laws regulating the use of groundwater.	3
ENV	5246	Water Quality	An in depth analysis of the Clean Water Act, the Safe Drinking Water Act and the Ocean Dumping Act, along with relevant regulations, policies and case law. Other federal statutes are covered more selectively, along with state laws. Regulation of groundwater contamination is included as well as tort claims for damages.	3
ENV	5250	Watershed Management & Protection	Taking "ecosystem approach" to the study of watersheds and the laws that attempt to restore and maintain them, the course contrasts the current fragmented approach of pollution control and land use law with the kind of integration that is needed to deal more effectively with the problems affecting watersheds. Topics include the public trust doctrine, water allocation, pollution control, floodplains and wetlands conservation, storm water controls, "factory farms," endangered species preservation, and ecological restoration.	3
ENV	5301	Advanced Food Seminar	This seminar provides students an opportunity to produce a significant written paper based on sophisticated research and thinking about a key area in food and agriculture policy and law.	2

ENV	5304	Comparative Environmental Law Research Seminar	A research and writing seminar that provides a framework and faculty supervision for students to engage in comparative environmental law research. While the seminar is designed primarily to support VLS students participating in the US-China joint student research projects and will focus generally on China, the seminar is sufficiently broad to accommodate students interested in researching the environmental law systems of other countries.	2
ENV	5305	Environmental Ethics Seminar	This seminar introduces selected foundations of environmental reasoning: intrinsic value theory, biocentrism, utilitarianism, ecofeminism, deep ecology, social ecology, and religion/spirituality. These theoretical approaches are applied to concrete environmental issues. A central goal of the course is to assist students in developing a personal and professional environmental ethic.	2
ENV	5306	Comparative Environmental Law Research	A research and writing seminar that provides a framework and faculty supervision for students to engage in comparative environmental law research. While the seminar is designed primarily to support VLS students participating in the US-China joint student research projects and will focus generally on China, the seminar is sufficiently broad to accommodate students interested in researching the environmental law systems of other countries.	1
ENV	5310	Environmental Health Law Seminar	Environmental health law uses federal environmental law and state public health law to address human health impacts resulting from exposure to physical, chemical, biological, and social factors in the environment. This seminar will cover a range of subject areas, including toxic torts, lead poisoning prevention, food protection, and pesticides. Public policy, and the role of government as policymaker and regulator, will be emphasized. Students will write a paper on a chosen topic and present their research to the class.	2
ENV	5311	Environmental Conflict Management System	This seminar is an interactive workshop designed to introduce students to the theory, principles and practice of conflict management systems design with the goal of training students to assume this new and creative professional role. Lawyers and environmental practitioners are increasingly being called upon to act not simply as litigators or deal-makers, but also as "process architects" for institutions, organizations and governments. In addition, they are being asked to design, tailor and manage systems to handle "streams" of disputes in an effective and efficient manner, such as those arising from policy, commercial, mass torts, natural disasters and government programs.	2

ENV	5335	Extinction and Climate Change	Human activities are causing a global mass extinction of plants and animals that rivals the five great extinction events over the earth's geologic history. Historically, habitat loss, overharvest, introduction of invasive species and pollution have been the principal causes of this "Sixth Great Extinction." There is now a strong scientific consensus that the greatest threat to global biodiversity is climate change caused by anthropogenic sources of greenhouse gases, primarily carbon dioxide.	2
ENV	5336	Climate Change, Extinction, and Adaptation	Students examine the ecological, social and ethical consequences of climate change impacts on the natural world. After reviewing climate disruption's potential to invoke significant habitat modification and biological impoverishment, students consider various legal and policy options to address both the phenomenon of climate change and its effects.	3
ENV	5342	Legal Adaptation to Global Warming	Most leading scientists and policy makers agree that, even if the international community acts promptly to limit future greenhouse gas emissions, levels of carbon and other greenhouse gases in the atmosphere will continue to rise. Future accumulations of greenhouse gases are generally predicted to produce significant environmental effects, including higher sea levels, changes in temperature and precipitation patterns, reductions in snowfall and the extent of glaciers, and increasingly intense storms	2
ENV	5343	Climate Change Adaptation in Human Systems	Examines the legal challenges raised for society to adapt to the impacts of climate change. Students will examine the confusion and inadequacy of current legal and policy structures to address new risks, and the need for alternative tools in light of rapidly changing circumstances.	3
ENV	5344	Alternative Fuels and Renewable Energy	With an eye toward the impacts of climate change on both natural systems and possible interference on current energy production, this course considers emerging distributed generation models, surveys the range of emerging energy technologies, and examines the local, state and federal laws and policies that govern transition to renewable energy sources.	
ENV	5346	New Frontiers in Environmental Policies	This seminar explores the proposition that successfully coping with today's environmental threats requires deeper challenges to our prevailing system of political economy than mainstream environmentalism in the United States has been willing to mount. It develops the idea that a new American environmentalism is needed and with it new environmental policy and law that go beyond the traditional realm of environmental affairs.	2



ENV	5349	Regulating the Marine Environment	This course examines the interaction of state, federal, and international regimes in the regulation of the marine environment. After a brief historical introduction, the course looks at private right, the public trust, and the police power in the context of state authority over coastal lands and navigable waters. We then consider the sources of federal power over marine and maritime matters and the relationship of federal preemption of state law and federal incentives for state regulation.	2
ENV	5356	Scientific Controversies	Many public policy debates are deeply rooted in science. Prominent examples include global climate change, abortion, homosexuality, DNA forensics, evolution, genetically modified organisms, and debates over the safety and effectiveness of prescription drugs. Sometimes the underlying science is sound, but it is seriously distorted when communicated to the public. Other times, litigation or polarized public debate leads to seriously biased scientific research being conducted in the first place, as has sometimes happened with litigation-driven medical research.	2
ENV	5365	Climate Change: The Power of Taxes	This seminar explores the ways in which tax systems can effect change in the energy consumption behavior of business, industry, and consumers. The seminar addresses issues of theory, policy, politics, and law and -- while focusing on climate change-- provides students with a framework for understanding how and when to use tax measures to address other environmental problems.	2
ENV	5375	Global Energy Justice	This course revolves around a central questions: how can justice theory help people make meaningful decisions about the production, the delivery, the use and the effects of energy?	2
ENV	5380	Food Regulation and Policy	Presently, the United States is experiencing a resurgence in public concern over the safety of our food supply due to biotechnology, pesticide use, and unsafe food packaging, etc. This course will introduce students to the laws and policies that govern food regulation and policy in the United States.	3
ENV	5383	Food Justice and Sustainability	This is a seminar on the impacts of our current globalized food system on the struggling margins that are impacted by individual production methods and inequitable distribution of healthy food. The course will examine the policy and program options that could help create a Good Food environment, where food is healthy, affordable, and sustainably and fairly produced.	2
ENV	5385	Global Food Security	This course explores the legal landscape of global hunger: the definition of "food security"; food security risks; global food governance organizations and legal instruments; assessing and monitoring food security; food related human rights concerns; the current status of global food security; and the international NGO's strategies for policy advocacy against hunger..	2

ENV	5401	Agriculture and The Environment	Land used for agricultural purposes (timmer land excepted) accounts for nearly 53% of the total land area of the United States - the largest category of land use by far. This course addresses the complex and interconnected relationship of environmental and agricultural law, its historical roots and modern developments.	3
ENV	5405	Ecosystem Conservation Strategies	Focuses on the conservation theory behind landscape scale projects and specific implementation actions. Case studies draw conclusions for lawyers and practitioners. Materials draw on actual cases and projects involving The Nature Conservancy and others.	2
ENV	5406	Animal Rights Jurisprudence	A discussion of legal rights for nonhuman animals, the sources and characteristics of fundamental rights, why nonhuman animals are presently denied them, why all humans are presently entitled to them, whether they should be available for nonhumans under the common law and, and what strategies are available for obtaining them.	2
ENV	5408	The Law of Animals in Agriculture	Covers the evolution and regulation of animal agriculture in America, contrasted with farmed animal welfare policies in other developed nations. Will evaluate the long-term sustainability of CAFO food production specifically and animal food production generally. Students will explore the pressures from increased international trade in agricultural products.	3
ENV	5410	The Farm Bill	Introduces students to the breadth of policies and legal authorities included in the Farm Bill that Congress re-evaluates every 5 years. Time will be spent on farm safety nets, conservation and nutrition policies. This course will also demonstrate the depth that a modern farm bill reaches with impacts on private working lands and consumers. International trade, clean energy, forestry, rural development, and overall food policies will be reviewed.	2
ENV	5411	Federal Regulation of Food and Agriculture	This course provides an overview of the U.S. Farm Bill and other federal laws that impact growing policy, animal husbandry, and food production. Students will examine federal farm and agriculture law with specific emphasis on the Farm Bill and its myriad of agriculture, nutrition and environmental programs. This course will explore the ways in which the Farm Bill, the single largest funding source for everything from childhood nutrition to land trust acquisition, impacts everything from U.S. international policy stances to the availability of local food resources. Students will also examine the Food and Drug Administration's role in managing food and agricultural concerns in the United States.	3

ENV	5422	Animal Welfare Law	In recent years the many diverse strands of Federal, state and local laws concerning animal welfare have begun to come together into a cohesive body of law. This class introduces students to a multidisciplinary overview of the conditions that animals confront that require legal protection and the different laws that are available for this purpose.	2
ENV	5423	Ocean & Coastal Law	A review of domestic and international laws and treaties relating to coastal management, pollution, protected areas, endangered species, fish, marine mammals, wetlands, and seabed mineral and hydrocarbon resources. The course considers how effectively these legal authorities blend together to provide rational and comprehensive management and protection of marine resources.	3
ENV	5430	Ecology	Explores the principles of ecology using an interdisciplinary approach and field-based work. Course work stresses the inventorying of biotic and physical components of a landscape, examining how these components are distributed, and determining what forces drive these patterns. Topics include interpreting the natural and cultural histories of a landscape, biodiversity conservation, and the scientific method, among others.	3
ENV	5446	Environmental Justice	Examines the issues of environmental justice from an environmental law perspective and from a civil rights law perspective. Explores how environmental justice issues are framed, addressed, and resolved through litigation and mediation in the U.S. and internationally.	2
ENV	5462	Public Lands Management: Montana Field Study	A comparative approach to competing legal mandates and diverse philosophies that make federal land management a lively topic not only in the West, but throughout the country. Resource extraction, preservation, and sustainable/multiple-use concepts are addressed.	3
ENV	5468	Oil and Gas Production and the Environment	A review of the major contracts used to explore for and produce oil and gas in the U.S. and internationally. The course covers leasing practices on public lands in the U.S. and the acquisition of host government contracts from foreign governments, and provides an understanding of the future of petroleum as a resource, the technology used to produce it, and the externalities of production.	2
ENV	5469	Oil and Gas Development	This course reviews oil and gas regulation, both up and down stream, in the United States and around the world. With an eye toward the hot issue of the day – Fracking, the proposed natural gas pipeline through, Middle East oil reserves and trade, and so forth – this course gives students a clearer understanding of the legal regime that makes the oil and gas exploration, extraction, refining, distribution and sale markets work around the world.	3

ENV	5472	Law of Ecosystem Management	The concept of ecosystem management is sweeping through federal and state resource agencies, altering their orientation toward resource use and conservation issues, but what is the law of ecosystem management? This course explores that question beginning with an introduction to the concept of ecosystem management—its history, principles, and current state of play in concrete policy settings. The course then explores laws and regulations relating to the six types of ecosystems often described in ecosystem management literature—forests, grasslands, freshwater, coastal and marine, fragile (e.g., deserts, alpine), and human dominated (e.g., agricultural, urban, recreational). Perspectives of agencies, resource users, environmental groups, and other interest groups will be explored in the discussion of problems the instructor has developed to capstone each unit.	2
ENV	5474	Land Conservation Law	Examines the tools available to preserve ecological diversity, historic places, working lands, scenic view heds, and open space, such as conservation easements, purchase of sensitive lands, and private/public partnerships for land conservation. The course provides a practical understanding of both the legal and non legal dimensions of land conservation transactions involving conservation easements.	2
ENV	5478	Climate Change, Food Security, and Environmental Justice	This course addresses the legal landscape of global hunger, and the ways in which climate change, population growth and economic inequality intersect with food security law and policy challenges.	3
ENV	5479	Law and Policy of Local Food	This course explores state and local policies that impact distribution of food, restaurant regulation, and comparisons of state-level initiatives to bolster local food markets. Students will be exposed to specific skills for small and mid-size producers and entrepreneurs working in the agricultural and food industries. Finally, students will examine the state and local food laws and emerging entrepreneurial trends in food production.	3
ENV	5497	End Use Energy Efficiency	This course describes the reasons for, techniques of, and results from, energy efficiency measures in leading programs around the United States.	2
ENV	5510	Essentials of Electric Grid: Engineering	The engineering realities of electric power grids and natural gas pipelines greatly constrain the choices that lawyers and policy analysts might otherwise make. This module covers the engineering fundamentals inherent in the current and expected energy infrastructure.	1
ENV	5511	Essentials of Electric Grid: Business	Introduces the major financial and economic factors that energy companies use in making production and investment decisions, and how emerging environmental regulations might affect these decisions. The module will also cover deregulated market structures in the petroleum, natural gas, and electric power industries.	1

ENV	5512	Essentials of Electric Grid: Legal	Provides an overview of the fundamentals of energy law in both the U.S. and the European Union and addresses some of the most important problems faced by energy project development, including facility siting, environmental issues, and authority fragmentation.	1
ENV	5521	Earth Law	Examines assumptions underlying environmental, constitutional, corporate, and other laws, and how those assumptions impede our ability to live cooperatively and sustainably with the natural world. Identifies legal, governance, and economic systems that better recognize the inherent rights of all people and the natural world.	2
ENV	5540	Public Health and Food & Agriculture Policy	An in depth exploration of agricultural and food laws and policies and the regulatory mechanisms supporting them. The course covers public health issues including Farm Bill nutrition assistance programs, food access, obesity and malnutrition, food safety and food-borne diseases, genetically modified foods, organic and other certification schemes, and the debate about food systems and sustainability.	2
ENV	5550	Renewable Energy Project Finance and Development	An in-depth look at the legal and regulatory issues associated with the development and project financing of renewable energy projects such as wind, hydro, solar, and geothermal, and the basic terms and conditions of the contracts that are necessary for a successful project financing, such as power purchase agreements, engineering contracts, fuel supply arrangements, and operation and maintenance agreements.	2
ENV	5561	Environmental Enforcement and Compliance	Introduction to the enforcement of federal pollution control laws and a discussion of the basic regulatory structure of those laws and the enforcement tools available to regulators. Covers civil and criminal enforcement and alternatives to traditional command-and- control regulation and enforcement for gaining compliance with environmental standards.	2
ENV	5564	Peace, War and the Environment	This course explores environmental protection during armed conflict and analyzes the role of environmental management in peacekeeping and state reconstruction. It considers current challenges in the Middle East, Africa and Asia and discusses how environmental obligations may be incorporated into the laws of new states.	2
ENV	6122	CAL in China	This course is designed to introduce students to the broad spectrum of strategies and institutions through which public and environmental policy are developed and changed in China, with a special focus on how civil society organizations can play effective roles to enable changes to protect social public interest. Nonprofit environmental nongovernmental organizations (NGOs) experienced rapid growth during China's reform and opening-up era. Environmental NGOs play increasing roles in policy advocacy influencing environmental public policies and promoting participatory policy-making process and institution within China's unique political system.	2

ENV	6223	Ecological Governance and Law in China	This course will introduce students to current ecological governance, law and operational regulatory requirements in China and Chinese government's idea and efforts to transform economic development to a more green, just, innovative and inclusive growth.	2
ENV	6225	Ecological in Practice-China	Ecology is the study of living organisms and their environments — and the interrelationships between the two. This course aims to enhance students' knowledge on ecological principles and applications through online and classroom teaching on key ecological concepts and integrative field investigations of the Dianchi Lake, Yunnan Province, or Beihai Wetland Ecosystem in Tengchong Country, Yunnan Province of China	2
ECO	6310	Environmental Law Practice in China	This course teaches the actual practice of environmental law in China, focusing on mechanisms for raising and resolving controversies and disputes through administrative and judicial processes. This course aims to prepare students to be able to work as a staff attorney for an environmental NGO in China, but it can also equip students to work as a private attorney or public environmental law officer.	2
ENV	7380	Advanced Environmental Legal Research	This course provides in-depth exposure to the most effective strategies and resources for environmental law research, including specialized information databases, environmental news/updates, administrative law research, legislative history, international environmental legal research, environmental dispute resolution sources, and non-legal environmental research. The course is designed to prepare law students to research well while in law school as well as in practice. Throughout the course students will use the resources and strategies being taught to conduct research on a topic of their choice, which will result in a Research Guide. Final grades will be based on the Research Guide as well as class participation. This class does not last the entire semester, but concludes after ten class sessions.	1
FAM	7705	Estate & Gift Taxation	Examines the fundamental principles of federal gift, estate, and generation skipping taxes, including an introduction to basic estate planning techniques.	3
FAM	7710	Estates	This course examines gratuitous transfers by intestate succession, wills, trusts, and other techniques; execution and revocation of wills; will substitutes; administration of estates; family survivors' rights; the nature of trusts and fiduciary relationships; powers of appointment; and future interests. A JD bar class. Prerequisite: REQ7160-Property.	4
FAM	7711	Estates Lab		1
FAM	7715	Family Law	This course examines the roles of law and of private ordering in family law contexts. Topics may include marriage and divorce, child custody and support, alimony, property division, tax consequences of divorce, and family violence. The course will also look at various means of dispute resolution in the domestic relations area.	3

FAM	7717	Family Law Practice	Family Law Practice is a one-credit simulation-based module designed to provide students with opportunities for transactional learning in addition to those already contained in Family Law. It will also include a professional development component that focuses on the family law practitioner.	1
GPP/XAD	7810	Commercial Transactions	A simulation-based introduction to the negotiation, drafting, performance and enforcement of such agreements in a simulation context, with a particular emphasis on the interpretation and understanding of Article 2 of the Uniform Commercial Code, and an overview of the impact of U.C.C. Articles 9 (secured transactions) and 3 (negotiable instruments) as they impact on these transactions.	2
GPP/XAD	7814	International Intellectual Property	An introduction to the legal issues involved in the production of creative and artistic works across national boundaries. Students advise simulated clients on substantive international copyright policy issues and a complete a cross border transaction relevant to the creation of an artistic work.	2
GPP/XAD	7815	Municipal Law	A simulation-based introduction to the various issues faced by lawyers representing local government entities. Students will participate in and become familiar with the procedures for challenging or defending actions taken by municipalities.	2
GPP/XAD	7817	Criminal Law: Bail to Jail	This simulation-based course provides exposure to the process and procedure of criminal trial court. Students act as prosecutors and defense attorneys in a criminal matter, from arraignment and bail hearing through plea bargain. Students draft motions, engage in plea negotiations, and perform bail, plea, and sentencing hearings.	2
GPP	7823	Bankruptcy & Collections	A simulation-based introduction to consumer bankruptcy. Students interview prospective bankruptcy client, prepare bankruptcy schedules, learn about the role of the bankruptcy trustee, determine the appropriate bankruptcy chapter for each client; discern whether any litigation may arise within the bankruptcy case; and argue motions on behalf of their clients.	2
GPP	7827	Improv for Advocates	This 1 credit weekend-intensive course will introduce students to actor training techniques and exercises which may be useful in the practice of law. We explore the relevance of the actor's practice to the lawyer's development of professional skills and to a widening and deepening of the lawyer's insights into the non-intellectual, non-analytical aspects of their practice.	1
GPP	7828	Writing for Practice	This 1 credit weekend intensive course will be a 12 hour interactive and experiential seminar in writing in the practice of law	1

INT	7402	Study Abroad Seminar: Canadian Legal System	Designed to increase study abroad opportunities for students, the specific content taught at VLS is based on the Canadian Legal System.	2
INT	7405	Canadian Legal System		3
INT	7410	French Legal Method	Taught by a French law professor (in English), this course provides an introduction the French law and legal system, and French legal methodology.	1
INT	7411	French Corporate Law	Taught by a French law professor (in English), this course addresses the substantive law and underlying policies of the law of French business corporations and the ways in which the law differs from U.S. corporate law.	1
INT	7412	Law of the European Union	Provides a basic introduction to the institutional architecture and jurisprudence of the European Union, with special focus on key treaty provisions and important judgments of the European Court of Justice.	2
INT	7414	European Union Law Trento	Optional component to European Union Law I taught in Italy during the semester break by European Union law experts at the University of Trento Faculty of Law. Classes address selected topics in European Union law such as labor law, environmental law, criminal law and procedure, and non-discrimination law. IMPORTANT: This course entails a \$300 administrative fee.	1
INT	7415	Immigration Law	Covers the basics of immigration law; family and employment-based immigration categories; citizenship issues, grounds of inadmissibility/deportability; detention; removal and relief from removal. Special emphasis placed on the immigration consequences of criminal convictions and humanitarian relief under asylum law and under the Violence Against Women Act.	3
INT	7420	International Criminal Law	Explores International Criminal Law, broadly defined to include criminal issues that arise in the international setting and international issues that arise in the context of national criminal law. This broad definition encompasses the prosecution of crimes in international tribunals as well as transnational crimes such as terrorism, organized crime, trafficking in drugs and persons, and cybercrimes, which will be prosecuted in domestic/national courts.	3
INT	7421	International Environmental Law & Policy	Provides an overview of the structure and basic principles of international environmental law and policy. The course considers the challenge of addressing global environmental problems; the regulatory limitations of U.S. law; and the basic structure and principles of international environmental law. The course examines in detail the structure of the Montreal Protocol regime and covers other areas, including treaties related to climate change, biodiversity and wildlife protection, and the intersection of international trade and the environment.	3



INT	7424	International Human Rights	This course provides an introduction to international human rights law and procedures. It examines what are "human rights" and explores the law of treaty interpretation, how human rights law is incorporated into domestic legal systems, and the role of international governmental organizations, international and regional courts, and non-governmental organizations in protecting human rights. Students gain experience in researching international law and in international legal analysis.	3
INT	7425	International Law	This course provides an introduction to international law and the international legal system. Using real-world examples, it examines the processes through which international law is made, interpreted and applied, exploring the role of states as well as that of international bodies, non-governmental organizations, and corporations. The application of international law in domestic legal systems is examined, as is the reach of domestic law in the international arena.	3
INV	7426	Comparative Constitutional Law	Uses a comparison of the Spanish and the U.S. constitutional systems to introduce students to the study of comparative constitutional law. We will compare and contrast the constitutional structures established by the two countries, the different procedures employed for constitutional review, and the different approaches to constitutional review and adjudication.	2
INT	7428	Trade Law and Policy	An introduction to trade law and policy, with particular focus on how U.S. trade policy affects, among other things, for American workers, global prosperity and income distribution, access to needed medicines, and indigenous cultures. We will examine how current WTO rules either advance or sabotage progress toward establishment of a more prosperous and egalitarian world economic order and consider proposed reforms of the investor protection provisions in NAFTA and other regional free trade agreements. In 2018-19, we will focus particularly on controversial proposals by the Trump administration to revise pull out of existing and proposed trade agreements.	3
INT	7432	Applied Human Rights Research	Students engage in research and advocacy on cutting-edge issues in international human rights law, working directly with non-governmental organizations (NGOs) and inter-governmental organizations under the supervision of the professor. The course has two components: a classroom component of two hours per week, and regular meetings with each student.	3

INT	7437	Introduction to Chinese Law	This course is intended to provide an introduction to contemporary Chinese legal system and institutions in historical and comparative perspective. The main part of the course is devoted to a study of various important areas in the legal development of the PRC, including the legislature, sources of law as compared to the civil and common law system, the legal profession and the judiciary, administrative law, the criminal justice system, dispute resolution, and the efforts and challenges of addressing environmental degradation in China and energy problems through law.	2
INT	7443	Forced Migration	This course will introduce students to the legal, political and social issues surrounding Forced Migration. Its focus will be the forced migration crisis in Europe. We will study the overall international law framework for dealing with migrants and refugees, the regional frameworks that work in connection with that international law, and the domestic laws that implement these international and regional norms.	3
INT	7445	European Environmental Law	The principles of European environmental law and techniques for environmental management with particular emphasis on nature conservation law, environmental impact assessment, integrated pollution control, waste management, climate change, and the enforcement of environmental law at EU and Member State levels.	2
INT	7446	International Trade & the Environment	Examines the intersection between trade liberalization and environmental protection. The course addresses protection of natural resources through unilateral trade-based measures, the legality of multilateral environmental agreements employing trade measures, utilization of science-based trade tests, and environmental impacts of foreign investment liberalization.	2
INT	7450	International Investment Arbitration and the Environment	Covers particular themes where human rights, environmental, and investment law interact, such as the right to health, due process and denial of justice, property rights and expropriation, and stabilization clauses and positive human rights obligations. The course places special emphasis on ongoing negotiations, as well as on investment, human rights, and environmental cases decided by international tribunals.	2
INT	7451	Human Rights Field Study: UN-Geneva	An optional addition to the International Human Rights course: Field study of a week at the United Nations in Geneva, to observe first-hand the work of the Human Rights Council, and meet with Special Rapporteurs, NGOs, state delegations to the UN, and UN human rights treaty body members.	1
INT	7456	Advanced International Legal Research	Provides in-depth exposure to the most useful research strategies and resources for researching international, comparative and foreign law competently. The goal of the seminar is to produce a research guide on an international, foreign, or comparative law topic.	1

JUR	7303	Federal Courts	An analysis of the sources of and limitations on the federal judicial power. Particular emphasis is placed upon the relationship between the state and federal judicial system.	3
JUR	7320	Judicial Opinion Writing	Explores the opinion-writing process from several theoretical and practical perspectives. Students draft law clerk memos and judicial opinions based on the briefs and records in actual state and federal cases.	2
JUR	7323	The Law and Popular Culture	Explores images of law and lawyers in popular films as well as the influences of popular film upon legal practice. Topics studied through the films include Legal Actors and Institutions --such as Law Students, Lawyers and Legal Ethics, Clients, Witnesses, Judges and Juries-- and legal subject matter areas, such as Tort Law, Criminal Law, Constitutional Law, Family Law, Business Law, International Law and Military Law.	2
JUR	7330	Moral Philosophy for Professionals	This seminar will examine ethical issues in the professions with an emphasis on law: professional character and relationships, gender and moral reasoning, confidentiality, deception, paternalism and allocation of limited resources. Readings in professional ethics and ethical theory are applied to concrete situations facing professionals, including lawyers, environmental professionals, health providers, journalists, social workers, and political agencies.	2
JUR	7333	Animal Law and Ethics	Covers American law on domesticated animals in the criminal, tort, wills, contract, and constitutional legal contexts. Also considers wildlife and species law and its relationship to the law on individual animals. Students regularly consider ethical issues related to animals as a foundation for current law and possible reform.	3
JUR	7350	Women & the Law Seminar	Explores the interaction of the law and gender via an in-depth study of legal responses to domestic violence. Includes discussions of family law, the civil and criminal systems, and the international human rights dimensions of this issue.	2
LIT	7210	Evidence	Considers the rules governing the admissibility of testimonial, physical, documentary, and demonstrative evidence in trials and other formal legal proceedings. Topics considered include relevance, prejudice, competency, hearsay, opinion, impeachment, and privilege.	4
LIT	7211	Evidence Lab	A required component of Evidence during the Fall and Spring semesters, the lab requires students to apply the rules of Evidence in a courtroom simulation.	0
LIT	7220	Trial Practice	This skills course covers the important aspects of a trial, including jury selection, opening statements, direct and cross examination, exhibits, objections, expert witnesses, and closing arguments. The course culminates in a full, simulated trial.	3

LIT	7318	Intensive Trial Practice	Simulates the experience of preparing for trial under the supervision of experienced trial lawyers. Involves intensive review of the Federal Rules of Evidence and applicable trial practice concepts, as well as significant factual analysis, focus, preparation and practice on one detailed problem in order to best replicate the experience of a real trial. A number of students will be selected to compete in extramural trial competitions.	2
LLM	9606	LLM Seminar	Explores diverse advanced topics and viewpoints over environmental law and policy, through discussion and lectures from environmental scholars who will present their scholarship to the seminar.	3
LLM	9610	LLM Research Project	Provides an individual student with an opportunity to undertake a research project in an area of law in which the student has a particular interest. Projects require intensive research and the completion of a major piece of legal writing under the supervision of a faculty sponsor.	2-6
LLM	9620	LLM Seminar Teaching	Please see class descriptions by term.	4-6
LLM	9650	LLM Seminar II (thesis)	The thesis must be a substantial piece of written work of publishable quality. A 10-15 page thesis proposal must be approved by the LLM candidate's faculty supervisor and the Director of the Environmental Law Center before the thesis is begun. A student who writes a thesis must make a public oral presentation of the thesis work. Optional with permission of Director of Environmental Law Center	6
MSC	7905	Dean's Fellow	This program allows a group of selected third-year students to teach Legal Writing I under the supervision of legal writing faculty. The program requires attendance to a weekly training seminar.	4
MSC	7910	Exchange Program	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7911	Exchange Uconn School of Law	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7912	Exchange UNH Law	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7913	Exchange UC Hastings College of Law	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7914	Exchange Howard Univ. School of Law	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7916	Exchange New York Law School	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7917	Exchange Univ of Puerto Rico	Please see registration materials for conditions of participation in exchange programs.	14
MSC	7918	Exchange Tuck School of Business	Please see registration materials for conditions of participation in exchange programs.	6
MSC	7920	Yale MEM Program	Please consult with the Associate Director Environmental Law Center.	12

MSC	7922	Cambridge MPhil Program	Please consult with the Associate Director Environmental Law Center.	14
MSC	7926	McGill University	Please see registration materials for conditions of participation in exchange programs.	10
MSC	7927	Sorbonne-Paris	Please see registration materials for conditions of participation in exchange programs.	10
PUB	7500	First Amendment Law	Covers the core issues of First Amendment law: free speech, free press, free exercise of religion, the establishment clause, and freedom of association.	3
PUB	7510	Legislation	This course will examine legislative law and the legislative process. The course will consider the nature and history of legislative power, legislative structure and procedure, legislative advocacy, drafting statutory law, statutory construction, legislative history and legislative oversight. The course will consider the role of legislative attorneys in the process and the development of public policy through examination of a current public policy issues.	3
PUB	7525	Legislative Clinic	Students are assigned to a standing committee of the Vermont General Assembly, under the supervision of the committee's chair and a legislative counsel, and are required to complete legal research and drafting projects relating to that particular committee's pending legislation. Students are required to be in attendance at the General Assembly in Montpelier for at least two days each week. The course runs concurrently with the session of the General Assembly, which means that it begins in early January and concludes in April.	6
PUB	7550	National Security Law	Explores lawyers' involvement in the formulation and implementation of United States foreign and national defense policy through the examination variety of domestic, constitutional, and international law issues such as authority for the wars in Iraq and Afghanistan, intelligence gathering at home and abroad, detention and interrogation of terrorist suspects, planning for the next terrorist attack, protection of sensitive government information, and other current topics.	3
REQ	7100	Intro to Law and Policy	Introduces students to the foundation of U.S. law and policy as well as the concrete skills necessary to navigate a graduate law course. Students will explore the U.S. legal system, the state and federal judiciaries and the legislative and regulatory processes. Students will learn and practice how to read, analyze and critique legislation, regulations and judicial decisions. Student will receive training on basic legal principles, critical thinking, reading comprehension, and logical reasoning. In the last week, students will be introduced to the basic structure of U.S. environmental laws to prepare students who are taking the course "Environmental Injustices in the U.S."	3

REQ	7102	Civil Procedure I	Covers the procedural rules governing civil actions in the state and federal courts, from commencement through appeal, including jurisdiction over parties, joinder of parties and claims, contents of pleadings, pretrial motions and discovery, conduct of trial, post-trial motions, res judicata, collateral estoppel, and conflicts between the state and federal judicial systems.	3
REQ	7105	Civil Procedure II	Continues the study of the procedural rules governing civil actions in the state and federal courts, from commencement through appeal, including jurisdiction over parties, joinder of parties and claims, contents of pleadings, pretrial motions and discovery, conduct of trial, post-trial motions, res judicata, collateral estoppel, and conflicts between the state and federal judicial systems.	2
REQ	7112	Constitutional Law	Covers individual rights, including equal protection, due process, and the First Amendment. It also covers standing, the political question doctrine, the inherent powers of the president (including war time powers), and Congressional powers to regulate under Section 5 of the 14th Amendment.	4
REQ	7120	Legal Analysis and Writing I	Introduction to the building blocks of legal analysis and legal writing. Students are taught to read critically, and how to apply critical reading and thinking skills to common law and statutory analysis. Students also learn the fundamentals of legal writing - accuracy, brevity, and clarity - through a series of typical exercises typical of assessments given to new lawyers.	1
REQ	7122	Legal Research	Introduction to legal research tools and strategies relevant for law school as well as legal practice. Topics include legal authority, the use of primary and secondary sources, effective use of LexisNexis, Westlaw, and other electronic databases, the role of the Internet in legal research, and a brief introduction to environmental and international legal research. Emphasis is placed on appropriate and effective research strategies and evaluation of sources, both print and electronic.	1
REQ	7125	Legal Writing II: Theory & Practice	Develops fundamental legal writing, reasoning, and research skills in the context of the analysis of a specific subject matter. This course also provides the transition from predictive to persuasive legal writing and advocacy and an introduction to other legal problem-solving skills.	3
REQ	7130	Contracts	This course examines the requisite elements of a valid contract, while analyzing the effects of contracts on third parties and the impact of outside forces on contracting parties.	4
REQ	7140	Criminal Law	This course focuses on the foundation of our system of substantive criminal law, with emphasis upon mental state, responsibility, justification and excuse, inchoate crimes, and liability for the conduct of another.	3

REQ	7150	Torts	This course presents the study of the legal protection afforded against interference by others with the security of one's person, property, or intangible interests.	4
REQ	7160	Property	An introduction to the concept of ownership and its legal implications: rights to control, enjoy, and transfer real and personal property, including public and private restrictions on use; estates in land; concurrent ownership; adverse possession; easements and licenses; and landlords and tenants.	4
REQ	7170	Legal Methods	Focuses on building and reinforcing the analytical, writing, and reasoning skills essential for success in law school.	3
REQ	7175	Foundation of Legal Analysis	Focuses on building and reinforcing the analytical, writing, and reasoning skills essential for success in law school.	2
REQ	7185	Legislation and Regulation	Provides Juris Doctor students with a comprehensive introduction to public law, focusing on the constitutional structure of government, the legislative process and statutory interpretation, the nature and authority of public administrative agencies, the methods agencies use to establish regulations and other legal rules, and the process for judicial review of agency action.	3
REQ	7186	Legislation and Regulation Survey	Provides Master's students with a comprehensive introduction to public law, focusing on the constitutional structure of government, the legislative process and statutory interpretation, the nature and authority of public administrative agencies, the methods agencies use to establish regulations and other legal rules, and the process for judicial review of agency action.	3
REQ	7255	Appellate Advocacy	An exercise in appellate brief writing and oral argument using a case pending before the United States Supreme Court. Classes focus on the appellate process, complex research and analysis, preparation of briefs, critical writing skills, and oral argument.	3
REQ	7265	Professional Responsibility	The study of a lawyer's professional obligations based on the ABA's Model Rules, ethical rules from selected jurisdictions, and other laws and traditions governing professional conduct. Students develop the knowledge and skills necessary to identify ethical dilemmas and acquire the tools to help resolve them.	3
RES	7344	Advanced Legal Research Seminar	This seminar focuses on statutory law including legislative history, administrative law, municipal law, and case law as well as secondary sources not covered in the introductory research course. The seminar will review specialized resources for topics such as international law, tax law, and interdisciplinary research.	1

RES	7355	Advance Legal Research In Practice	Students will conduct practice area specific research in the following areas: client background and development; litigation preparation; business and industry trends; and federal and state legislative and regulatory history. Students will evaluate online legal research databases and make recommendations for use in their selected practice area and jurisdiction.	3
RSJ	7110	Restorative Justice Theory and Practice	This highly participatory course will explore restorative justice and the ideas that form its foundation, question its strengths and shortcomings, examine restorative practices, and investigate opportunities to put the theory into practice. This is a required course for the Master of Arts in Restorative Justice and the Professional Certification.	2
RSJ	7120	Origins, Evolution and Critical Issues in Restorative Justice	This course examines the evolving definitions and history of restorative justice and related regulatory and relational practices and approaches. Faculty and students will consider the ways concepts and debates in restorative justice are evolving and being used to tackle some of society's most challenging problems.	3
RSJ	7350	Ethics and Restorative Justice	This course will present a series of ethical dilemmas encountered by restorative justice practitioners in a variety of fields and equip students to address the problems in a professional and ethical fashion.	3
WRI/RES	7344	Advanced Legal Research Seminar	This seminar focuses on statutory law including legislative history, administrative law, municipal law, and case law as well as secondary sources not covered in the introductory research course. The seminar will review specialized resources for topics such as international law, tax law, and interdisciplinary research.	1
WRI	7345	Advanced Regulatory Research	This seminar focuses on statutory law including legislative history, administrative law, municipal law, and case law as well as secondary sources not covered in the introductory research course. The seminar will review specialized resources for topics such as international law, tax law, and interdisciplinary research.	1
WRI	7350	Advanced Skills for Practice	Prepares students for legal research in various work settings by teaching advanced practice oriented skills as well as exposing students to new resources they are likely to encounter after graduating. While the course gives students a chance to explore highly specialized databases on Lexis and Westlaw Next, the course focuses on cost effective alternatives to Lexis and Westlaw such as Fast Case, Case Maker, Bloomberg Law and others.	1



WRI	7352	Bar Exam Skills and Tactics	Skills-development course designed to provide students with the analytical, test-taking, writing, and study skills that are critical to students' success on the bar exam and in the practice of law. The course consists of an intensive substantive and analytical review of major multi-state bar exam subjects and of numerous writing and practice assignments.	3
WRI	7360	Advanced Appellate Advocacy	Refines and strengthens the written and oral advocacy skills acquired in Appellate Advocacy, and prepares students to represent VLS in extramural moot court competitions. Successful participants will become members of competing teams and/or members of VLS's Moot Court Advisory Board.	2
WRI	7380	Adv. Environmental Legal Research	Provides in-depth exposure to the most useful, efficient strategies and resources for environmental law research, including highly specialized information databases, advanced administrative law research, legislative history, and environmental news/updating services.	1
WRI	7900	Independent Research Project	Working under the supervision of working faculty sponsor, the IRP provides an individual student with an opportunity to research and write about an area of law in which the student has a particular interest. Students must follow the guidelines for Independent Research Projects contained in the Academic Regulations (see Student Handbook).	1
WRI	7950	Law Review I		2
WRI	7951	Law Review II		1
WRI	7960	Vermont Journal of Environmental Law I		2
WRI	7961	Vermont Journal of Environmental Law II		1



# GENERAL INFORMATION

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### ADMISSIONS

Application to Vermont Law School's Juris Doctor (JD), Master of Environmental Law and Policy (MELP), or Master of Energy Regulation and Law (MERL) programs is open to any person who has earned a bachelor's degree from a regionally accredited institution and who meets other entrance requirements. Application to the Masters of Law (LLM) programs must have earned a Juris Doctor (JD) or an equivalent international degree.

Factors that are considered in admission are: grade point average from undergraduate and any graduate schools; standardized test scores (LSAT is required for the JD program); work history after completion of an undergraduate degree; essay and personal statement; letters of recommendation; and resume.

Students must submit official transcripts from all schools where they earned a degree. It is recommended that transcripts from all schools where academic credit was received be submitted to enhance the application.

Please see the application for detailed instructions and information regarding application requirements, deadlines, and letters of recommendation.

### STANDARDIZED TESTING

The Law School Admissions Test (LSAT) is required for all Juris Doctor (JD) candidates. It is not required for applicants to other degree programs.

The Graduate Record Ex (GRE) or other standardized tests are optional and are not required for admission to the Master or LLM programs. Any scores from standardized tests should be sent from the testing agency directly to the law school (GRE School Code: 3946) for consideration.

### TOEFL OR IELTS, INTERNATIONAL CREDENTIALS, AND INTERNATIONAL STUDENTS

Test Scores: If English is not your primary language, you must submit official test of English as a foreign languages (TOEFL, IELTS, or PTE) scores with your application. (TOEFL School Code: 3946). The minimum scores are: TOEFL – 600 (paper based) or 250 (computer based) or 100 (internet based); IELTS – 6.5; PTE – 68. International students who received a bachelor's degree from an accredited United States institution are exempt from this requirement. Candidates that have lived and worked in an English speaking country for more than two years should contact the Admissions Office for potential waiver of this requirement.

International Credentials: Applicants with international credentials must obtain and submit an official transcript evaluation through the Law School Admissions Council (LSAC at [lsac.org](https://www.lsac.org)) if applying to the JD program or through an evaluation agency such as World Education Services ([wes.org](https://www.wes.org)) or Educational Credential Evaluators Inc. ([ece.org](https://www.ece.org)) if applying to the Master of LLM programs. In addition to the agency evaluation, all official graduate and undergraduate transcripts must be submitted.

Students applying for the JD OR LLM may use the Law school Admission Council (LSAC) foreign credential evaluation services ([lsac.org](https://www.lsac.org)).

International Students: International students must submit a completed application by the general consideration deadline. This will allow sufficient time to obtain the additional documentation required to study in the United States. In addition, once accepted, international students must submit the International Student Information form, a copy of their passport, and financial documentation showing sufficient funding for at least one year of study and all living expenses. This documentation must be submitted at least two months prior to the start of the semester in order to allow sufficient time for the school to issue an I-20 for the student to obtain and F-1 visa, if needed. The I-230 visa will not be issued without this documentation.

### DEFERRED ADMISSION

Deferred admission for one year is considered only after an offer of admission has been made. Admission in one academic year does not ensure admission in a subsequent year. Offers of financial aid cannot be deferred.

**REAPPLICATION**

Vermont Law School keeps application materials on file for one year. Individuals who applied more than one year ago should follow regular application instructions. Individuals who applied with the past year must file a new application, new financial aid forms, and pay the \$60 application fee; re-subscribe to the Law School Data Assembly Service (If a JD applicant); submit at least one new letter of recommendation from someone who has not written previously; and submit transcripts covering any academic work undertaken since the time of the last application.

**TRANSFER STUDENTS**

Vermont Law School admits JD transfer students to begin student in the fall and spring semesters of the second year. Transfer students must be in residence for two full years at Vermont Law School to earn the JD degree.

**EXCHANGE STUDENTS**

Students enrolled at other law schools that participate in the Law School Exchange Program (see the Vermont Law School application form) should contact their home law school exchange coordinator for application instructions.

**VISITING STUDENTS**

Visiting students from other law schools are considered for one or two semesters of study at Vermont Law School. Attendance requires approval of the home institution.

**APPLICANT NOTIFICATION**

Vermont Law School reviews applications on a rolling basis. Once review begins, complete applications will be considered by the Admissions Committee and applicants will be notified regarding the admissions decision. Vermont Law School does not share information or provide any feedback regarding admissions decisions.

If a student is offered admission, a total non-refundable tuition deposit of \$500 will be required by the deposition deadlines indicated in the offer of admission in order to secure a place in the incoming class. The non-refundable deposit will be applied in full toward the student's tuition upon enrollment.

**ADMISSIONS QUESTIONS**

Please contact Vermont Law School if you have questions about admission or programs. It is easiest for us to respond quickly if you telephone or email us.

Office of Admissions, Vermont Law School  
PO Box 96, 168 Chelsea Street  
South Royalton, VT 05068-0096  
Toll Free: 888-277-5985  
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admiss@vermontlaw.edu  
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