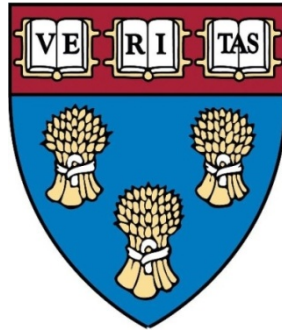


Harvard Law School



Handbook of Academic Policies 2011-2012

Harvard Law School Handbook of Academic Policies 2011-12
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Lawrence Susskind, B.A., M.C.P., Ph.D., *Visiting Professor of Law* (Spring Term 2012).

Neus Torbisco Casals, Dr. iur., *Visiting Professor of Law* (Spring Term 2012).

Michael J. Trebilcock, LL.B., LL.M., *Visiting Professor of Law and John Harvey Gregory Lecturer on World Organization* (Fall Term 2011).

Carlos Manuel Vazquez, B.A., J.D., *Visiting Professor of Law* (Fall Term 2011).

Alain Verbeke, LL.M., Ph.D., *Visiting Professor of Law* (Winter and Spring Terms 2012).

David I. Walker, B.E., J.D., *Stanley S. Surrey Visiting Professor of Law* (Spring Term 2012).

Mikhail Xifaras, Lic., Mait., D.E.A., Ph.D., *Visiting Professor of Law* (Spring Term 2012).

Lecturers on Law

Sabrineh Ardalan, B.A., J.D., *Lecturer on Law* (Spring Term 2012).

James A. Baker, B.A., M.A., J.D., *Henry L. Shattuck Lecturer on Law* (Fall 2011).

Carol Ball, B.A., J.D., *Lecturer on Law* (Winter Term 2012).

Mark Barnes, B.A., J.D., LL.M., *Lecturer on Law* (2011-2012).

Christopher T. Bavitz, B.A., J.D., *Lecturer on Law* (2011-2012).

Mark D. Beckett, B.A., J.D., *Lecturer on Law* (Winter Term 2012).

Roger Bertling, B.A., J.D., *Lecturer on Law* (2011–2012).

Jacqueline Bhabha, B.A., M.Sc., J.D., *Jeremiah Smith, Jr. Lecturer on Law* (2011-2012)

Martin J. Bienenstock, B.S., J.D., *Lecturer on Law* (Spring Term 2012).

Victoria B. Bjorklund, B.A., M.A., M.Phil., Ph.D., J.D., *Lecturer on Law* (Spring Term 2012).

Charles E. Borden, B.A., M.Sc., J.D., M.Sc., *Lecturer on Law* (Winter Term 2012).

Gary B. Born, B.A., J.D., *Lecturer on Law* (Spring Term 2012).

Michael Boudin, A.B., LL.B., *Bruce W. Nichols Lecturer on Law* (2011-2012).

Andrew D. Bradt, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Stephanie Brewer, B.A., J.D., *Lecturer on Law* (Fall 2011).

James L. Bromley, B.A., J.D., *Lecturer on Law* (Fall 2011).

Stuart N. Brotman, B.A., M.A., J.D., *Lecturer on Law* (Fall Term 2011).

Jessica Budnitz, B.A., J.D., *Lecturer on Law* (2011-2012).

Philip Burling, B.A., M.A., J.D., *Covington & Burling Distinguished Visitor and Lecturer on Law* (2011-2012).

Esme Caramello, B.A., J.D., *Lecturer on Law* (2011-2012).

Peter A. Carfagna, A.B., M.A., J.D., *Lecturer on Law* (2011-2012).

Chad M. Carr, B.A., J.D., *Lecturer on Law* (Spring Term 2012).

Dale Cendali, B.A., J.D., *Covington & Burling Distinguished Visitor and Lecturer on Law* (Fall Term 2011).

Norman B. Champ, A.B., J.D., *Lecturer on Law* (Winter Term 2012).

Jeanne Charn, A.B., J.D., *Senior Lecturer on Law* (2011–2012).

Stephen Churchill, A.B., J.D., *Lecturer on Law* (2011–2012).

Jesse Clarke, B.A., LL.B., LL.M., *Lecturer on Law* (2011-2012).

Richard W. Clary, B.A., J.D., *Lecturer on Law* (Fall 2011).

Michael Coenen, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Rebecca Richman Cohen, B.A., J.D., *Lecturer on Law* (2011-2012).

Susan Cole, B.A., M.A., J.D., *Lecturer on Law* (2011–2012).

James Coleman, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

David Cope, B.A., Ph.D., J.D., *Lecturer on Law* (2011–2012).

John J. Corrigan, B.A., J.D., *Lecturer on Law* (Fall Term 2011 and Winter Term 2012).

Akiba J. Covitz, B.A., Ph.D., J.D., *Lecturer on Law* (Spring Term 2012).

John C. Cratsley, B.A., J.D., LL.M., *Lecturer on Law* (Winter and Spring Terms 2012).

Florrie Darwin, B.A., J.D., *Lecturer on Law* (Spring Term 2012).

Susan Davies, B.S., J.D., *Lecturer on Law* (Fall Term 2011).

Seth Davis, B.A., M.Sc., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Elisabeth de Fontenay, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Fernando Ribeiro Delgado, A.B., J.D., *Lecturer on Law* (Spring Term 2012).

Bonnie Docherty, A.B., J.D., *Lecturer on Law* (2011-2012).

Tom Donnelly, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Avlana Eisenberg, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Stella Burch Elias, B.A., M.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Susan Farbstein, B.A., M.Phil., J.D., *Lecturer on Law* (2011-2012).

Erica Ariel Fox, B.A., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

David Friedman, A.B., J.D., *Lecturer on Law* (Spring Term 2012).

Urs Gasser, J.D., LL.M., S.J.D., *Lecturer on Law* (2011-2012).

Maria Glover, B.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Shaun Alaric Goho, B.Sc., M.Sc., J.D., *Lecturer on Law* (2011-2012).

Jill Goldenziel, A.B., J.D., A.M., *Climenko Fellow and Lecturer on Law* (2011-2012).

Thomas C. Goldstein, A.B., J.D., *Lecturer on Law* (Winter Term 2012).

Mark Gordon, A.B., J.D., *Lecturer on Law* (Winter Term 2012).

Peter T. Grossi Jr., B.A., M.A., J.D., *Lecturer on Law* (Fall Term 2011).

Jonathan Hacker, A.B., J.D., *Lecturer on Law* (Spring Term 2012).

Eugene N. Hamilton, B.A., LL.B., *Lecturer on Law* (Fall Term 2011 and Winter Term 2012)

Theodore Heinrich, B.Sc., J.D., *Covington & Burling Distinguished Visitor and Lecturer on Law* (2011-2012).

Albert A. Herring, B.A., J.D., *Lecturer on Law* (Winter Term 2012).

Scott Hirst, B.Comm., LL.B., LL.M., S.J.D., *Lecturer on Law* (2011-2012).

David A. Hoffman, B.A., M.A., J.D., *John H. Watson, Jr. Lecturer on Law* (Spring Term 2012).

Kathy Holub, A.B., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

David Hornik, B.A., M.Phil., J.D., *Lecturer on Law* (Spring Term 2012).

Amy Howe, A.B., M.A., J.D., *Lecturer on Law* (Winter Term 2012).

Peter Barton Hutt, B.A., LL.B., LL.M., *Lecturer on Law* (Winter Term 2012).

Klemen Jaklic, Dipl. Iur., LL.M., D. Phil., S.J.D., *Lecturer on Law* (Spring Term 2012).

Brett A. Kavanaugh, B.A., J.D., *Samuel Williston Lecturer on Law* (Winter Term 2012).

Suzanne McKechnie Klahr, B.A., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

William F. Lee, A.B., M.B.A., J.D., *Eli Goldston Visiting Lecturer on Law* (Winter Term 2012).

Jack S. Levin, B.S., LL.B., *Covington & Burling Distinguished Visitor and Lecturer on Law* (Winter Term 2012).

William Magnuson, B.A., M.A., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Jeremy R. McClane, B.A., J.D., *Lecturer on Law* (2011-2012).

Maureen McDonagh, B.A., J.D., *Lecturer on Law* (2011-2012).

Jonathan L. Mechanic, B.A., J.D., *Lecturer on Law* (Spring Term 2012).

Michelle Meyer, B.A., Ph.D., J.D., *Lecturer on Law* (Spring Term 2012).

Linda K. Netsch, B.S., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

Nnena Odim, B.S., M.S., J.D., *Lecturer on Law* (2011-2012).

Leah Plunkett, A.B., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Ameek Ashok Ponda, B.A., J.D., LL.M., *Lecturer on Law* (Fall Term 2011).

Deborah Alejandra Popowski, B.A., J.D., *Lecturer on Law* (Fall Term 2011).

Robert Rizzi, A.B., M.Litt., J.D., *Lecturer on Law* (Winter Term 2012).

Michelle Roberts, B.A., J.D., *Lecturer on Law* (Fall Term 2011).

Stephanie Robinson, B.A., J.D., *Lecturer on Law* (2011-2012).

Mindy Jane Roseman, A.B., J.D., Ph.D., *Lecturer on Law* (2011-2012).

Diane L. Rosenfeld, B.A., J.D., LL.M., *Lecturer on Law* (2011-2012).

Kevin K. Russell, A.B., J.D., *Lecturer on Law* (Winter Term 2012).

Emily R. Schulman, B.A., J.D., *Lecturer on Law* (Fall Term 2011).

Sri Srinivasan, A.B., M.B.A., J.D., *Lecturer on Law* (Spring Term 2012).

Warren R. Stern, B.A., J.D., *Lecturer on Law* (Fall Term 2011).

Douglas Stone, B.A., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

Leo E. Strine, Jr., B.A., J.D., *Austin Wakeman Scott Lecturer on Law* (Fall Term 2011).

Sharon Styles-Anderson, B.A., J.D., *Lecturer on Law* (Winter Term 2012).

Olivia Swaak-Goldman, B.A., J.D., *Lecturer on Law* (Winter Term 2012).

Christopher P. Taggart, B.A., Ph.D., J.D., *Lecturer on Law* (Fall Term 2011).

Daniel S. Tan, LL.B., B.C.L., LL.M., *Lecturer on Law* (Winter Term 2012).

Gloria Tan, B.A., J.D., *Lecturer on Law* (Fall Term 2011).

James Tierney, B.A., J.D., *Lecturer on Law* (2011-2012).

Susannah Barton Tobin, B.A., M.Phil., J.D., *Lecturer on Law* (2011-2012).

Gillien Todd, B.A., Ed.M., J.D., *Lecturer on Law* (Spring Term 2012).

Rory Van Loo, B.A., J.D., *Lecturer on Law* (2011-2012).

Paul Waldau, B.A., M.A., J.D., Ph.D., *Bob Barker Lecturer on Animal Law* (Spring Term 2012).

Max Weinstein, B.A., J.D., *Lecturer on Law* (2011-2012).

Virginia J. Wise, B.G.S., A.M.L.S., J.D., *Ezra Ripley Thayer Senior Lecturer on Law for Legal Research* (2011-2012).

Brian Wolfman, B.A., J.D., *Lecturer on Law* (Winter and Spring Terms 2012).

Andrew Woods, A.B., J.D., *Climenko Fellow and Lecturer on Law* (2011-2012).

Jonathan J. Wroblewski, B.A., J.D., *Lecturer on Law* (2011-2012).

Juan Carlos Zarate, A.B., J.D., *Lecturer on Law* (Spring Term 2012).

Rules Relating to Law School Studies

I. Requirements for the J.D. Degree

A. Residence

Attendance at Harvard Law School is full-time for a period of three academic years. Students enrolled at the Law School may not be simultaneously enrolled, either full-time or part-time, in any other school or college either within Harvard University or at any other institution, unless they are enrolled in one of the Law School's joint degree programs, completing a semester at a foreign institution in an approved study abroad program, or cross-registered in courses authorized by Harvard Law School.

Please note: pursuant to ABA rules and Law School policy, no student may undertake more than 20 hours per week of compensated work during the academic year.

The relevant registration, application, and submission deadlines for the current year are set forth in Sections VI-X.

B. First-Year J.D. Course and Credit Requirements

The first-year requirements for the J.D. degree are:

1. The required first-year courses: Civil Procedure, Contracts, Criminal Law, International or Comparative Law, Legislation and Regulation, Problem Solving Workshop, Property, and Torts;
2. First-Year Legal Research and Writing, which includes the First-Year Ames Moot Court Program; and
3. A spring upper-level elective course of a minimum of two and a maximum of four Law School classroom credits.
 - First-year students may take more than one elective course or register for writing credits in addition to one elective course only in special circumstances and with the permission of the Vice Dean for Academics. First-year students may not generally enroll in upper-level reading groups.

C. Upper-Level J.D. Credit Requirements

After satisfactory completion of the first-year Law School requirements, all J.D. students must earn no fewer than 52 additional credits in upper-level work, including:

1. Required Law School Classroom Work

Students must complete at least 36 credits in Law School classroom work (a category that includes courses, seminars and reading groups, but not writing, clinical, or cross-registration credits). Classroom courses taken in fulfillment of the Professional Responsibility Requirement count toward this minimum (see [Section I.D](#)).

2. Required Additional Credits

Students may earn the remaining required 16 credits by completing written, clinical or additional classroom work and by completing work taken on a cross-registration basis. The following rules apply to the required additional credits:

a) **Clinical Work:** Up to 12 of the required 52 upper-level credits may be earned through clinical work. Students may enroll in no more than one clinical and four clinical credits per term, and 12 clinical credits in total. Questions about clinical credits should be addressed to the Assistant Dean for Clinical and Pro Bono Programs.

b) **Written Work:** Up to 12 of the required 52 upper-level credits may be earned through written work (including the J.D. Written Work Requirement) completed either in conjunction with a seminar or course or independently (see Sections [I.G](#) and [III.A](#)).

c) **Cross-Registration and Joint, Coordinated, and Concurrent Degrees:** Up to 10 of the required 52 upper-level credits may be earned in courses taken through cross-registration or at another school as part of a joint or coordinated degree program (see [Sections III.C and D](#)).

d) Ordinarily, a student may not exceed the maximum limits on credits for clinical work, written work, and cross-registration. In exceptional cases, when a student is on track to meet the upper-level credit requirements as set out in this *Handbook* s/he may be able to exceed the credit limits for clinical work (with the permission of the Office of Clinical and Pro Bono Programs), written work or cross-registration—assuming that in so doing s/he exceeds the 52 upper-level credit minimum. Any clinical or written work credits taken in excess of the maximum credit limits will not count toward Latin honors.

3. Transfer Student J.D. Program: Special Considerations

a) Law courses taken before matriculation at Harvard Law School will be considered part of the transfer student's first year of J.D. studies and may not be used to meet any Harvard Law School upper-level requirements and will not be included in Latin honors calculations.

b) Transfer students must satisfy the Law School's first-year requirements (with the exception of the Problem Solving Workshop) and can do so through demonstrating completion of comparable courses at their prior institution or completion of qualifying courses after matriculation at HLS. For list of qualifying courses, please consult the [Office of the Registrar](#).

c) Harvard Law School courses taken by the transfer student--including first-year Law School courses and qualifying courses taken after matriculation to bring the transfer student into

compliance with the School's first-year requirements--may be used toward the 52 upper-level credit minimum and will count in overall performance in the 2L or 3L year according to the rules set forth in this *Handbook* (ie., Credit/fail and cross-registration courses are not included in Latin honors calculations (see Section I.M)).

Table 1: Upper-Level Credit Requirements

Credit Requirements	Total Minimum Credits	Minimum Classroom Credits	Maximum Clinical Credits	Maximum Writing Credits	Maximum Cross-Registration Credits
Upper-Level Years	52	36	12	12	10

D. Professional Responsibility Requirement

1. All students must complete a minimum of two classroom credits in satisfaction of the Professional Responsibility Requirement.
2. The classroom components of certain clinical courses, as identified in the course descriptions, satisfy this requirement.
3. Ordinarily, students are not allowed to enroll in two non-clinical courses that satisfy the Requirement, and should consult the Vice Dean for Academics if questions arise.

E. Upper-Level J.D. Residency Requirements

1. The upper-level residency requirements are:

Table 2: Upper-Level J.D. Residency Requirements

Residency Requirements	Minimum Total Credits	Maximum Total Credits
Each Year	24	35
Each Fall and Spring Term	10	16
Each Winter Term	2	3

2. In addition to fulfilling the upper-level credit requirements in Section I.C, upper-level students must register for and receive a grade or an "Extension" (EXT) notation (see Section I.K) in:

a) Not fewer than 24 nor more than 35 credits each year in each of the 2L and 3L years, regardless of the number of credits needed to complete the required 52 upper-level credits;

b) Not fewer than 10 nor more than 16 credits in each fall and spring term, no fewer than eight of which each semester must be for Law School work. No fewer than four of the eight Law School credits must be for classroom or clinical work.

c) Not fewer than two nor more than three credits in each of two winter terms, all of which must be for Law School classroom or clinical work or for written work under the Winter Term Writing Program (see [Section III.A.2](#)).

d) Individual state bars may have additional law school residency requirements; students are advised to check those requirements for any state in which they may seek to practice.

3. Waivers: Any student wishing to seek a waiver to these upper-level JD residency policies should contact the Office of the Registrar. The rules and practices with respect to waivers are established and administered under the supervision of the Administrative Board.

F. Joint and Coordinated Degree Credit and Residency Requirements

Students enrolled in one of the School's joint or coordinated degree programs may meet credit and residency requirements in part through courses taken at the other school. For more information, see [Section III.D](#) and the [relevant program description](#). For questions about degree requirements at the other school, students should contact the appropriate administrator there.

G. J.D. Written Work Requirement

All students are expected to pursue serious written work. The minimum requirement can be satisfied by a substantial research paper or by two smaller projects, as detailed here.

1. In satisfaction of this requirement, students have the option to complete *either a) or b)*:

a) **Option 1 of the J.D. Written Work Requirement:** a substantial research paper of publishable or professional quality, to be written in close consultation with an HLS faculty member or instructor with an HLS appointment, in conjunction with a course, seminar or workshop (for an additional 1, 2, or 3 credits), or through independent study (for 2 or 3 credits). The substantial work involved in these papers typically produces a final product of 30-60 pages for a two-credit effort. A small number of students pursue a larger project for three credits and aim for 100-200 pages. These papers can take the form of academic scholarship, policy analysis, or professional legal analysis and must be a substantial undertaking at least comparable to the time demanded by a semester-long course or seminar. Special rules may apply to empirical work.

b) **Option 2 of the J.D. Written Work Requirement:** two pieces of writing, which could include any of the following, provided that at least one of the pieces is written under the supervision of a Law School faculty member or instructor with a Law School teaching appointment:

- i. **Lawyer's work product:** including substantial original writing in a clinic (with approval of the Clinical Office), upper-level moot court briefs, or the equivalent, as certified by the supervisor of the relevant program, but not written work from a summer job or paid work;
- ii. **Law school course and seminar papers:** substantial writing as part of a course or seminar, including the standard series of reaction papers, amounting to no fewer than 15 pages;
- iii. **Law journal writing:** including draft code and legislation, notes, book reviews, descriptions of developments in the law, and the like (totaling no fewer than 10 publishable pages);
- iv. **Nontraditional writing produced under faculty supervision:** including interactive web-based material, surveys of students or practitioners with analysis, case study materials appropriate for classroom use, or other law-related persuasive or descriptive writing as approved by a Law School Law School faculty member or instructor with a Law School teaching appointment.

2. Registration for Option 1 of the J.D. Written Work Requirement:

- a) **Deadlines** (see also Section VII): Students must register for Option 1 of the J.D. Written Work Requirement in advance of engaging in the work by submitting the required registration form and proposal to the faculty supervisor for approval and then submitting the form and proposal to the Registrar's Office by October 1, 2011 for fall term (2Ls and 3Ls) and by February 1, 2012 (all J.D. students) for spring term. Forms are available in hard copy at the Office of the Registrar, Pound 300 and online .
- b) **Proposal:** The proposal should set forth the intended topic in a few sentences. Since faculty members may require additional preliminary work, such as an elaboration of the question to be addressed, the methodology to be used, a draft outline, or a longer description before accepting a proposal, students are advised to seek approval well in advance of the registration deadline. *The Registrar's Office will not accept J.D. Written Work Registration forms without a proposal attached and approved by the faculty supervisor.*
- c) **First-year students** may, in special circumstances, register for Option 1 of the J.D. Written Work Requirement during the second semester of the first year provided they get prior approval from the Vice Dean for Academics to do so. In no case will written work substitute for the upper-level elective requirement of two to four law school classroom credits.
- d) **Second-year students** who register to fulfill Option 1 of the J.D. Written Work Requirement during the second year, and who anticipate that they may not complete this work by the end of the academic year, should be aware that if they have not completed 24 graded credits for the year of which no fewer than 18 are for Law School work they will be ineligible for the Sears Prize.

3. Registration for Option 2 of the J.D. Written Work Requirement (see also Section VII): Students must register for Option 2 of the J.D. Written Work Requirement by submitting the registration form with required signatures to the Office of the Registrar by February 1 of the third year. The form is available in hard copy at the Office of the Registrar and online. A student with

concerns about whether a particular piece or type of writing satisfies Option 2 or with questions about registering should contact the Director of Special Academic Programs or the Office of the Registrar (registrar@law.harvard.edu).

4. Supervision: Students may ask any Law School faculty member or instructor with a Law School teaching appointment to supervise written work. Faculty on certain types of leave may not be available in a given term. Faculty have indicated availability to supervise written work in particular fields in 2011-2012 (by name or subject matter).

5. Supervision by Visiting Faculty: Writing credits under the supervision of visiting faculty must be registered for, and ordinarily completed during, the term(s) of the visitor's appointment. Note that many visitors have Law School appointments for only one term. Students with questions about visiting faculty supervision outside of the faculty member's term of appointment should contact the Vice Dean for Academics.

6. Prohibition against Compensation: A student may not receive academic credit for written work for which he or she also receives compensation, with the exceptions of the Summer Academic Fellowship Program (managed by the Assistant Dean for Academic Affairs) and summer internships for which J.D. students have approval from the Associate Dean of Academic Affairs to receive academic credit.

H. Pro Bono Requirement

All students are required to perform a minimum of 40 hours of law-related uncompensated public service work as a prerequisite for graduation.

Work must be practice-related, non-academic and non-clerical, supervised by a licensed lawyer or faculty member, in programs that offer legal services to persons who cannot afford, in whole or in part, to pay for legal services; to government; to nonprofit organizations as defined under IRS section 501(c)(3) and (4); or to law firms working on a pro bono basis. The work must involve the application or interpretation of law, the formulation of legal policy, and/or the drafting of legislation or regulations.

Students may perform their service in an approved supervised setting anytime between the beginning of the spring semester of their 1L year and before spring break of their 3L year, including the summers between law school years. The work may be, but need not be, performed in a setting in which clinical credit is given or in any of the Law School's volunteer clinical student practice organizations. Summer public interest work funded through the summer public interest funding program (SPIF) also can count toward the requirement.

For more information on the Pro Bono requirement, please visit the Office of Clinical and Pro Bono Programs website (www.law.harvard.edu/academics/clinical) or contact the office at 617-495-5202 or clinical@law.harvard.edu.

I. Class Attendance and Participation; Overlapping Class Times

Class work is essential to the educational program at the Law School. Regular attendance at classes and participation in class work are expected of all students. In cases of substantial delinquency in attendance, the Law School may, after written warning, treat students as having withdrawn from the course, clinic, seminar, or reading group in question. Students who believe they need to miss classes for an extended period of time must speak with the Dean of Students who can assist with such situations and can ensure that students comply with the Law School's attendance policy and related academic policies. Students will not receive credit for courses, clinics, seminars, or reading groups with meeting times that overlap in whole or in part, including travel time.

Pursuant to the requirements of the law set forth in Chapter 151C, Section 2B of the General Laws of the Commonwealth of Massachusetts, a copy of this section is printed in full:

Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement and shall be provided with an opportunity to make up such examination, study, or work requirement which he may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his availing himself of the provisions of this section.

Students should consult the [Law School's Class Recording Policy](#) (Section XIII.D) regarding class recordings.

J. Grades for J.D. Students

1. Honors, Pass, Low Pass, or Fail Grades

All Harvard Law School courses, seminars, clinicals and written work—with the exception of courses offered Credit/Fail (see Section I.I.3)—will be graded Honors, Pass, Low Pass, or Fail (“H, P, LP, or F”).

2. Dean’s Scholar Prizes

Dean’s Scholar Prizes may be awarded in recognition of outstanding work in classes with seven or more Harvard Law School J.D. and LL.M. students following the drop/add period.

3. Credit/Fail Grades

- a) All reading groups and independent clinicals, and certain courses with prior approval from the Vice Dean for Academics will be graded on a Credit/Fail basis. Faculty may not award Credit/Fail grades without prior consultation with the Vice Dean for Academics.
- b) All work done at foreign institutions as part of the Law School's study abroad programs will be reflected on the student's transcript on a Credit/Fail basis.
- c) Dean's Scholar Prizes may not be awarded in courses graded on a Credit/Fail basis or in classes with fewer than seven students.

4. Work registered for prior to 2009-10

All work for which students who matriculated prior to Fall Term 2008 were registered as of 2008-09, including written work, will be graded according to the system in place during the academic year in which the student was registered for the course or written work, even if that work is completed in 2009-10 or later.

K. Extensions

1. Students may receive extensions for a course or written work with the permission of the relevant faculty member (see Section VIII). In order to track the progress of student course or written work for which an extension has been given, the Law School uses an "Extension" (EXT) transcript notation. Students who have an approved extension will receive an EXT notation on the transcript until the work is completed and graded. In the absence of an authorized EXT notation, a "Withdrew after Deadline" (WD) notation will be entered on the transcript. EXT notations must be resolved by no later than the last day of classes of the semester (fall or spring) that follows the scheduled completion of the course or written work. If a student fails to complete the work by that date or to receive a further extension, the Registrar's Office will withdraw him or her from the course or written work and enter a WD on the transcript.
2. First and second-year J.D. students should note that course or seminar credits with EXT notations may not be used to meet any credit requirements in the following year.
3. If a student has an EXT at the end of the academic year, and as a result, has not completed the minimum number of required credits for the year, he or she will be ineligible for the grade-based Sears and Chu Prizes, and may not be eligible for clinical student court practice certification.

L. Grade Changes

After an instructor has submitted a grade to the Registrar, the instructor may change the grade only if it was incorrect as a result of an arithmetical, administrative, or other "mechanical" error, and the grade change has been approved by the Vice Dean for Academics. A grade may not be

changed as a result of a reevaluation of a student's work except by vote of the faculty. This rule does not apply to changes as a result of a disciplinary proceeding or administrative irregularity. All grade changes must be approved by the Vice Dean for Academics.

M. Graduation with Honors

1. A student who completes the requirements for the J.D. degree with distinction will receive the degree cum laude, magna cum laude, or summa cum laude.

2. Latin honors at graduation will be based on the average of the three annual grade point averages (GPA). GPA will be calculated for each year of study and then averaged across the three years to determine Latin honors.

3. The annual GPA for students who matriculated as of, or after, Fall Term 2008 will be calculated by assigning the following values to grades: Honors: 4; Pass: 3; Low Pass: 2; Fail: 0. Dean's Scholar Prize awards will carry an additional point.¹

For all students, in calculating annual GPAs, each grade, including the Dean's Scholar Prize, is weighted in accordance with the number of credits earned in the course.

4. For students who matriculated as of, or after, Fall Term 2008, the summa cum laude will be determined by the requirement of a 4.75 GPA. The honor is exact and does not involve "rounding off"; ie., a GPA of 4.749 does not result in a degree summa cum laude. If, in a given year, no student earns a GPA of 4.75 or higher, summa cum laude will be awarded to the student (or students in the case of a tie) with the highest overall GPA.

5. The magna cum laude will be awarded to the next ten percent of the entire class.

6. The cum laude will be awarded to the next 30 percent of the entire class.

7. All students who are tied at the margin of a percentage required for Latin honors will be deemed to have achieved the required percentage for the appropriate Latin honors. Students who graduate in November or March will be granted Latin honors to the extent that students with the same GPAs received Latin honors the previous May.

8. The following are not included in Latin honors calculations for any student:

a) Credit/Fail courses, including study abroad courses.

b) Cross-registration courses.

c) Courses taken outside of Harvard Law School through a Law School joint or coordinated degree program.

¹ The annual GPA for students who matriculated prior to Fall Term 2008 will be scaled appropriately to the 8-point scale in use in prior years.

- d) Courses taken through the Berkeley Exchange Program or the Program for Third-Year Visits.
- e) Grades earned in law school prior to matriculation to Harvard Law School.
- f) "Withdrew after Deadline" (WD) notations.

N. Minimum Grades for J.D. Students

1. The minimum grade required for completion of the J.D. credit requirements is a grade of Low Pass in all required courses and for the total number of credits required for the J.D. degree (see Sections I.B., C., and E.)—with the exception of coursework taken outside of the Law School for which the minimum grade is a grade of C or its equivalent.
2. Papers written to satisfy the J.D. Written Work Requirement must receive a grade of Low Pass or better with the exception of papers written for courses graded Credit/Fail which must receive a grade of Credit.

O. Minimum Annual Progress for J.D. Students

1. First-Year Work:

- a) Satisfactory completion of the first-year program—consisting of the required 1L courses (see Sections I.B.1 and 2) and the required elective credits—requires a grade of at least a Low Pass in every course, with the exception of the Problem Solving Workshop in which students must receive a grade of Credit.
- b) Subject to Sections I.O.5 and I.P., a student receiving a grade of Fail in any required course in the first year (including the required 1L International or Comparative course) must make up the failed credits in that course during the second year by retaking the course, taking a different examination in the same course, or in the case of the 1L International or Comparative course taking a different 1L International or Comparative course in order to maintain his or her minimum annual progress.
- c) Subject to Sections I.O.5 and I.P., a student receiving a grade of Fail in the spring elective course must make up the failed credits in that course during the second year by retaking the course, taking a different examination in the same course, or taking a different course in order to maintain his or her minimum annual progress.
- d) Credits for retaking a course, taking a different exam in the same course, or taking a different elective course, in order to complete first-year work are not counted for purposes of meeting the minimum credit requirements for the second year.

2. Second-Year Work:

The following minimum requirements must be met:

a) Grades of Low Pass or better in the minimum number of required credits for the second year of study (see Sections I.B, C, and E). Credits for retaking a course or taking a different course in order to make up failed upper-level credits are counted for this purpose.

b) Subject to Sections I.O.4, I.O.5 and I.P, a student receiving a grade of Fail in a second year course must make up the failed credits in that course by retaking the course, taking a different examination in the same course, or taking a different course if he or she does not meet semester or annual minimum residency requirements as a result of the failing grade.

c) Special dispensation to continue in the Law School after the second year of residence without having met these requirements may be granted by the Administrative Board under such terms as it deems appropriate.

3. Third-Year Work:

If after completing three years of residency, the minimum grade requirements for the J.D. degree have not been met (see Section I.N), the following may be used to meet the degree requirements:

a) Additional courses may be taken within the next two academic years to meet necessary degree requirements;

b) Subject to Sections I.O.4, I.O.5 and I.P, if a failing grade is the reason for failure to meet the degree requirements, a student must meet degree requirements by retaking the course, taking a different examination in the same course, taking a different course, or in another manner approved by the Administrative Board.

4. Subject to Sections I.O.5 and I.P, a student receiving a grade of Fail in the required Legal Profession course must make up the failed credits in that course by retaking the course, taking a different examination in the same course, or taking a different Legal Profession course in order to meet the School's Professional Responsibility Requirement.

5. Any student receiving two or more grades of Fail during any academic year will be referred to the Administrative Board. The Administrative Board may decide, in such a case, that the student is unable to advance to the next year.

P. Retaking Courses, Taking a Different Examination in the Same Course, and Substitute Work

1. In all cases, the Dean of Students and relevant faculty members will consult to determine whether taking a different examination in the same course is the appropriate method for a student to make up failed credits.

2. Students are required to retake a course or take a different examination in the same course at the next scheduled time the course or examination in question is being offered.

3. The grade for retaking a course, for taking a different examination in the same course, or for taking a different course to make up the failed credits, if higher than the original grade, takes the

place of the earlier grade for determining completion of J.D. degree requirements and minimum annual progress. It does not take the place of the earlier grade for purposes of determining Latin honors (for which the original grade will be used). Both the original grade and the grade for retaking the course, for taking a different examination in the same course, or for taking a different course to make up the failed credits will be recorded on the transcript.

4. With the exception noted in Section I.O.1.d, courses retaken and new courses taken to make up failed credits are included in calculations regarding compliance with minimum and maximum registration requirements.

5. Special Dispensation: Exceptions from the rules regarding retaking courses, taking a different examination in the same course, taking a different course and substitute work may be granted only by the Administrative Board upon a showing of good cause.

II. Requirements for Graduate Degrees

The following section provides information on the requirements for the LL.M. and S.J.D. degrees at Harvard Law School.

A. Master of Laws (LL.M.)

1. LL.M. Residence and Credit Requirements

- a) To qualify for the LL.M. Degree, candidates must fulfill the following requirements:
- b) One academic year in full-time residence;
- c) A course of study consisting of a minimum of 22 credits and a maximum of 26 credits;
- d) For LL.M. candidates who do not hold a J.D. degree from a law school in the United States, at least one of the following “primary” courses in U.S. law: Civil Procedure, Constitutional Law, Contracts, Corporations, Criminal Law, Family Law, Legislation and Regulation, Property, Taxation, or Torts;
- e) LL.M. Written Work Requirement (see Section II.A.5). Further information is available from the Graduate Program Office.

2. Recommended Courses

The Committee on Graduate Studies strongly recommends that each LL.M. candidate also take at least one course focusing on legal history, legal theory, policy analysis or legal process. In addition, students who hold a J.D. degree from a school in the United States (including Puerto Rico), and who are hoping to embark on a law teaching career, are strongly encouraged to take at least one course that is primarily focused on legal theory or jurisprudence. Students are invited to consult with the Assistant Dean for the Graduate Program and International Legal Studies or

the Director of Administration and Student Affairs for the Graduate Program, for further discussion of possible course selections in this area.

3. Class Attendance and Participation; Overlapping Class Times

Class work is essential to the educational program at the Law School. Regular attendance at classes and participation in class work are expected of all students. In cases of substantial delinquency in attendance, the Law School may, after written warning, treat students as having withdrawn from the course, clinic, seminar, or reading group in question. Students who believe they need to miss classes for an extended period of time must speak with the Assistant Dean for the Graduate Program and International Legal Studies or the Director of Administration and Student Affairs for the Graduate Program who can assist with such situations and can ensure that students comply with the Law School's attendance policy and related academic policies. Students will not receive credit for courses, clinics, seminars, or reading groups with meeting times that overlap in whole or in part, including travel time.

Pursuant to the requirements of the law set forth in Chapter 151C, Section 2B of the General Laws of the Commonwealth of Massachusetts, a copy of this section is printed in full:

Any student in an educational or vocational training institution, other than a religious or denominational educational or vocational training institution, who is unable, because of his religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day shall be excused from any such examination or study or work requirement and shall be provided with an opportunity to make up such examination, study, or work requirement which he may have missed because of such absence on any particular day; provided, however, that such makeup examination or work shall not create an unreasonable burden upon such school. No fees of any kind shall be charged by the institution for making available to the said student such opportunity. No adverse or prejudicial effects shall result to any student because of his availing himself of the provisions of this section.

Students should consult the Law School's Class Recording Policy (Section XIII.D) regarding class recordings.

4. Grades for LL.M. Students

a) Honors, Pass, Low Pass, or Fail Grades

All Harvard Law School courses, seminars, clinicals and written work—with the exception of courses offered Credit/Fail (see Section II.A.4.c)—will be graded Honors, Pass, Low Pass, or Fail (“H, P, LP or F”).

b) Dean's Scholar Prizes

Dean's Scholar Prizes may be awarded to LL.M. students in recognition of outstanding work in the first-year international and comparative law course and in upper-level classes with seven or more Harvard Law School J.D. and LL.M. students following the drop/add period.

c) Credit/Fail Grades

i. All reading groups and independent clinicals, and certain courses with prior approval from the Vice Dean for Academics will be graded on a Credit/Fail basis. Faculty may not award Credit/Fail grades without prior consultation with the Vice Dean for Academics.

ii. All work done at foreign institutions as part of the Law School's study abroad programs will be graded on a Credit/Fail basis.

iii. Dean's Scholar Prizes may not be awarded in courses graded on a Credit/Fail basis or in classes with fewer than seven students.

d) Minimum Grades

i. In order to be eligible for the LL.M. degree, LL.M. candidates must complete a total of at least 22 credits (including course work and written work), of which no fewer than 19 must be graded Low Pass or higher and no fewer than 3 must be graded Pass or higher.

ii. LL.M. candidates must earn a minimum grade of Low Pass on the paper submitted to satisfy the LL.M. Written Work Requirement, assuming they have met the minimum grade requirements stated in II.A.3.d.i.

iii. Students failing to meet minimum grade requirements may be allowed, by decision of the Graduate Committee, to undertake substitute work, take a different examination in the same course, or retake courses within the next academic year following the end of the LL.M. year. All additional work must be completed no later than 12 months after the end of the LL.M. year.

e) Extensions

Students may receive extensions for a course or written work with the written permission of the relevant faculty member (see [Section VIII](#)). In order to track the progress of student course or written work for which extensions have been given, the Law School uses an "Extension" (EXT) transcript notation. Students who have an approved extension will receive an EXT notation on the transcript until the work is completed and graded. In the absence of an authorized EXT notation, a "Withdrew after Deadline" (WD) notation will be entered on the transcript. EXT notations must be resolved by no later than the last day of classes of the semester (fall or spring) that follows the scheduled completion of the course or written work. If a student fails to complete the work by that date or to receive a further extension, the Registrar's Office will withdraw him or her from the course or written work and enter a WD on the transcript.

f) Grade Changes

After an instructor has submitted a grade to the Registrar, the instructor may change the grade only if it was incorrect as a result of an arithmetical, administrative, or other "mechanical" error, and the grade change has been approved by the Vice Dean for Academics. A grade may not be changed as a result of a reevaluation of a student's work except by vote of the faculty. This rule does not apply to changes as a result of a disciplinary proceeding or administrative irregularity. All grade changes must be approved by the Vice Dean for Academics.

5. LL.M. Written Work Requirement

All LL.M. candidates must satisfy the Written Work Requirement for the LL.M. degree. Methods of satisfying that requirement are described below. Further guidance on the writing requirement is available from the Graduate Program Office.

a) **The 25-Page Paper** is the minimum writing requirement for LL.M. students whose primary law degrees are from schools other than those in the United States or Puerto Rico. Students who do not write the LL.M. Long Paper must complete a paper of 25 or more pages that involves independent reflection, formulation of sustained argument, and, in many cases, outside research. The requirement may be fulfilled through a Law School course or seminar in which a 25-page paper is required, or through an independent paper of one or more credits supervised by a Law School faculty member or instructor with a Law School teaching appointment. A series of shorter papers or journal entries does not satisfy the requirement.

b) **The LL.M. Long Paper** is a substantial written work of approximately 75 pages, undertaken under the supervision of a Law School faculty member. An LL.M. Long Paper may be written in conjunction with a course or seminar for two credits (in addition to the credits for the course or seminar) or may be written independently under the guidance of a Law School faculty member or instructor with a Law School teaching appointment for three credits. Where there is no course or seminar in the field in which a student wants to work, normally a faculty member will be available to guide research in the particular field. Students who hold a J.D. degree from a law school in the U.S. or Puerto Rico must write the LL.M. Long Paper. International LL.M. students may write the LL.M. Long Paper, but are not required to do so.

c) **The LL.M. Thesis** is an option open to only a small number of students who have significant research and writing experience, prior publications in English, extensive experience in U.S. law classes, and who plan careers in law teaching. The Thesis option entails a sacrifice of the classroom experience, and requires the support of a Law School faculty member or instructor with a Law School teaching appointment and prior approval of the Committee on Graduate Studies.

Further information about the LL.M. Thesis option, including the academic standards required for the Thesis and the number of credits that a student may earn by writing the Thesis, is available in the Graduate Program Handbook. LL.M. students interested in the LL.M. Thesis option should contact the Assistant Dean or the Director of Administration and Student Affairs of the Graduate Program prior to arrival at the Law School and by no later than August 29, 2011.

d) **Registration deadlines:** Students writing the LL.M. Long Paper or the 25-Page Paper in the fall term must register for the paper at the Graduate Program Office by October 7, 2011, as set forth in Section VII.C). Students writing the 25-Page Paper in the spring term must register for the paper by February 1, 2012. LL.M. students who fail to register for the LL.M. Written Work Requirement by February 1, 2012, as set forth in Section VII.C), may be removed from the May 2012 degree list.

6. Additional Rules Relating to the LL.M. Written Work Requirement

The mandatory schedule for registering for, completing, and submitting the LL.M. Written Work Requirement is set forth in Sections VII.C and VIII.C of this Handbook. The following rules and guidelines also apply to the LL.M. Written Work Requirement:

a) **Supervision:** Students may ask any Law School faculty member or instructor with a Law School teaching appointment to supervise written work. Faculty on certain types of leave may not be available in a given term. Faculty have indicated availability to supervise written work in particular fields in 2011-12 (by name or subject matter).

b) **Supervision by Visiting Faculty:** Writing credits under the supervision of visiting faculty ordinarily must be registered for and completed during the term(s) of the visitor's appointment. Note that many visitors have Law School appointments for only one term. Students with questions about visiting faculty supervision outside of the faculty member's term of appointment should contact the Graduate Program staff for guidance on this point.

c) **Prohibition against Compensation**

A student may not receive academic credit for written work for which he or she also receives compensation.

d) **Registration for Written Work:** A student must register for the LL.M. Written Work Requirement in advance by submitting a LL.M. Written Work Requirement Registration and Proposal form to the proposed faculty advisor for signature; details for the proposal will be provided by the Graduate Program. Faculty members may require additional preliminary information, such as a discussion of the subject matter, an outline, or a longer description. A student should submit the Registration and Proposal form to the faculty member, as well as any other material requested, well in advance of the published dates set forth in Section VII.C since faculty members may require additional preliminary work before accepting a proposal.

e) **Awarding of Additional Credit:** On rare occasions an LL.M. student writing the 25-Page Paper may seek one additional credit where the paper significantly exceeds the original parameters in form (at least 25 additional pages) and in substance. Under the above conditions, the student may earn such credit only through advance arrangements with the student's faculty supervisor and with the approval of the Graduate Program and notice given to the Office of the Registrar. Students writing the LL.M. Long Paper or the LL.M. Thesis are not eligible for additional credit even if the paper significantly exceeds the original parameters in form and substance.

f) **Additional writing opportunities** for LL.M. students include Optional Written Work and the Winter Term Writing Program (see Section III.A).

B. Doctor of Juridical Science (S.J.D.)

To qualify for the S.J.D. degree, candidates must fulfill the following requirements, discussed at length in Appendix C: Detailed Specifications for the S.J.D. Degree.

1. Study Plan

Each S.J.D. candidate must submit an approved study plan, including arrangements for course work and reading lists, in the first year of candidacy. Candidates must submit drafts of their study plans to their faculty supervisors and orals committee members early in September of the first year of the program and should discuss with them the desirability of pursuing specific courses, selected readings, interdisciplinary study, skills enhancement (e.g., languages, mathematics, statistics), and other academic projects in their specific fields of study. On the basis of these discussions, candidates should put their study plans in final form, have them approved by their faculty supervisors, and submit the plans for approval by the Committee on Graduate Studies by no later than September 30; and, if revised, for final approval by no later than October 31 of the first year of study.

2. First Year in Residence

Candidates must complete the first year of study in residence at the Law School, under the supervision of a faculty supervisor and an orals committee, reading for fields and completing, ordinarily, at least eight credits of course work (typically on an audit basis).

a) **S.J.D. candidates in the first year** must normally complete course work carrying a minimum of eight credit hours at the Law School or, if appropriate, at other departments of the University. Arrangements for fulfilling the course work must be set forth in the Study Plan. Any S.J.D. candidate who does not hold a primary degree in law from a U.S. law school must complete, during the first year of S.J.D. studies or during the LL.M. year, at least two courses in U.S. law and one course in legal history, legal process, or legal thought

b) **Attendance Policy:** S.J.D. candidates taking classes on a for-credit basis must adhere to the class attendance policy set forth above and are subject to the protections of the Massachusetts law set forth therein.

c) **Minimum Grades:** S.J.D. students must receive a minimum grade of P in any course taken for credit. Grades of LP or F are not passing grades for the S.J.D. degree.

3. Oral Examination

Candidates must successfully complete an oral (general) examination in each of the fields of study outlined in the study plan. Candidates must sit for the S.J.D. oral (general) examination in

their fields of study during the first or second year of study. The examination must be completed before starting work on the dissertation. Each student and his or her faculty supervisor will agree on a target month (no later than the 19th month from the beginning of S.J.D. studies, typically March of the second year) for completion of the oral (general) examination at the time the student develops his or her study plan.

4. Two presentations at the S.J.D. Colloquium

Twice during the program, S.J.D. candidates are required to present their dissertation work at the S.J.D. Colloquium. The first presentation must take place after completion of the oral examination, and by no later than the 28th month from the beginning of S.J.D. studies (typically, by December of the third year). If the first presentation is not completed by this date, the candidate must make his or her presentation at the next dissertation prospectus conference, typically held in January each year. The second presentation must be completed prior to graduation, and may, though it need not, take place in the last year of study

5. Submission and acceptance of the doctoral dissertation

Within 36 months of successful completion of the oral examination, the S.J.D. candidate must complete and submit a dissertation on a subject previously approved by the Committee on Graduate Studies and the candidate's faculty supervisor. Commissioned studies, committee reports, and writings of joint authorship will not be accepted in fulfillment of the dissertation requirement.

Permission and Required Format for Multiple Essay submissions: The dissertation is generally expected to be in the form of a monograph. In cases where the dissertation explores law and another discipline, a series of related essays may be acceptable if the candidate and her supervisor can demonstrate to the Graduate Committee's satisfaction that the multiple-essay format is the norm for dissertations in the relevant discipline. Where this format is approved, the candidate must also submit for approval an introductory and/or concluding synthetic essay that draws on the other essays and establishes a general thesis supported by the essays.

To request permission to submit a dissertation in the form of multiple essays, candidates should present for the Graduate Committee's review – as soon as possible but in any event no later than 6 months before the intended graduation date – a petition that: (a) sets forth the substance of the dissertation project as a whole and an explanation of why a multiple-essay format is more appropriate than a monograph in light of the nature and focus of the dissertation project and the norm for dissertations in the relevant discipline; (b) acknowledge the requirement to include a synthetic essay that draws on the other essays and establishes a general thesis supported by the essays; (c) describe the substance of the synthetic essay (it would be helpful to submit a draft of the concluding essay as an attachment). Candidates should also ask their supervisor to provide a statement of support for the multiple-essay format in light of the norm for dissertations in the relevant discipline.

6. Oral Defense Examination

Upon completion of the dissertation, each candidate must pass an oral defense examination in his or her principal field of research (not limited to but including the subject of the dissertation). The examination is to be given by a dissertation defense committee, consisting of the faculty supervisor, the second reader and, if necessary, a representative of the Committee on Graduate Studies. The examination is customarily held within two months of the submission of the dissertation.

7. Submission of Dissertation to the Library

Once the supervisor and second reader approve the dissertation and corrections, if any, are made, two copies printed on acid-free paper must be submitted (unbound) to the Graduate Program for deposit with the Law School Library. At this time, a Library Authorization form must also be signed.

Detailed specifications for each of the preceding requirements and for other relevant information, including dissertation deadline parameters, are provided in Appendix C to these rules. Candidates should also refer to the Graduate Program Handbook available in the Graduate Program Office.

III. Additional Academic Opportunities (J.D. and Graduate Program)

A. Additional Written Work Opportunities

1. Optional Written Work

In addition to the Written Work Requirement for each degree, all students have the option of doing additional written work for credit. With the agreement of the instructor, a student may do such optional written work for additional credit in conjunction with a Law School seminar or course, or may do it on an independent basis with Law School faculty supervision. These are excellent opportunities for pursuing topics in depth, for exploring issues beyond the formal curriculum, for developing publishable scholarship, and for tailoring the law school experience to the student's personal interests.

a) **Credits:** Optional written work may receive one or more writing credits and is expected to be of the same scope as a paper written to fulfill Option 1 of the J.D. Written Work Requirement that receives the same number of credits (see [Section I.G](#)). The number of credits granted for a particular piece of writing must be arranged in advance between the student and the faculty member who has agreed to supervise the work.

b) **Supervision:** Students are encouraged to ask any HLS faculty member or instructor with an HLS teaching appointment to supervise written work; faculty have indicated availability to supervise written work in particular fields in 2011-2012 (by [name](#) or [subject matter](#)). Faculty on certain types of leave may not be available in a given term.

c) **Supervision by Visiting Faculty:** Writing credits under the supervision of visiting faculty must be registered for, and ordinarily completed during, the term(s) of the visitor's appointment. Note that many visitors have Law School appointments for only one term. Students with questions about visiting faculty supervision of written work outside the faculty member's term of appointment should contact the Vice Dean for Academics.

d) **Registration for Optional Written Work** (see also Sections VII and VIII): J.D. Students must register for Optional Written Work by submitting the required registration form and proposal to the faculty supervisor for approval and then submitting them to the Registrar's Office by October 1, 2011 for Fall term and by February 1, 2012 for Spring term. Forms are available in hard copy in the Office of the Registrar and online.

e) **Research Assistant Work for Credit:** Law School faculty members and instructors with an HLS teaching appointment have the discretion to give a student academic credit for writing done as a research assistant, subject to the following conditions.

i. In order to qualify for academic credit, the writing must be equivalent to work that would qualify for independent written work credit. Research assistant work that does **not** qualify for academic credit includes cite-checking, research summaries without analysis, and compilations or summaries of data without analysis.

ii. In no case will a student receive academic credit for research assistant work that is compensated.

iii. To register for Research Assistant Work for Credit, please complete the required registration form and submit it to the Registrar's Office.

f) **J.D. students** should consult the Director of Special Academic Programs or the Registrar's Office with questions about Optional Written Work or Research Assistant Work for Credit.

g) **LL.M. students must** consult with the Director of Administration and Student Affairs for the Graduate Program before undertaking Optional Written Work or Research Assistant Work for Credit.

2. Winter Term Writing Program

Participants in the Winter Term Writing Program (WWP) devote the winter term exclusively to the intensive research and/or writing of a paper under the supervision of a Law School faculty advisor. The WWP itself does not confer credit. Hence, the work done during the winter term must be part of a larger project, such as Option 1 of the J.D. Written Work Requirement, or the LL.M. Long Paper with the credits assigned to the Winter Term. Participation in the program is in lieu of taking a Law School course for the winter term, and to meet the minimum residency requirement, the research/writing done during the term must be comparable at a minimum to completion of a two-credit course.

a) **J.D. Students:** J.D. participation in the WWP, with the credits registered into the winter term, can proceed by either of these methods.

i. Option 1 of the J.D. Written Work Requirement: an independent paper (two or three writing credits) or a paper written in conjunction with a course or seminar (two or three writing credits).

ii. J.D. Optional Written Work: a two-credit independent paper or a two-credit paper in conjunction with a course or seminar.

b) J.D. Students -- Special Considerations

i. Option 2 of the J.D. Written Work Requirement does not qualify for the WWP.

ii. Written work for which J.D. students registered in a previous academic year is not eligible for the WWP in the current year.

iii. Credits for WWP projects are registered into the Winter Term.

iv. Students should note that taking the WWP instead of a winter course eliminates the winter term as a source of classroom credits. Third-year students considering the WWP in lieu of a winter course should first check their upper-level credits against HLS degree requirements to confirm that they will meet the required 36-classroom credit minimum set forth in Section I.C.

c) **LL.M. Students:** Students who have registered for a single written work project worth at least two credits, such as the LL.M. Long Paper, are eligible to apply for the WWP. LL.M. students who are accepted to the WWP must spend the winter term in Cambridge, working on the relevant paper.

d) **Applications and Registration Process:** The J.D. registration forms and the LL.M. application are available online and in hard copy at the Office of the Registrar and in the Graduate Program Office respectively. See Section VII for more information about registration and Section VIII for submission deadlines for the Winter Term Writing Program.

B. Clinical Legal Education

Clinical courses offer students the opportunity to use the analytical, negotiation, and problem-solving skills they have learned in the classroom to assist clients, to develop policy positions, and to work on legal reform while receiving academic credit. Students must have completed their first year of law school to enroll in a clinical course. Through the Clinical Program, students are mentored by experienced attorneys in a wide variety of settings.

Clinical work must be legal work and involve the application or interpretation of law, the formulation of legal policy, the drafting of legislation or regulations, or legal advocacy or representation. It should not be clerical in nature. All work must be supervised by a licensed attorney or a [an HLS faculty member] law professor.

Most students work at the many Law School “in-house” clinics that are permanently staffed by Law School attorneys, who are experienced in teaching and supervising students. Students can also be placed in externship placements where they work for an outside agency or organization. Students interested in a special area of the law not offered through existing clinics may propose a new clinical placement through the Independent Clinical program, which requires approval by the Office of Clinical and Pro Bono Programs, supervision by a licensed attorney, and sponsorship by an HLS faculty member.

Students may enroll in only one clinical per term, and up to 12 clinical credits in total. Students with questions about this policy should contact the Assistant Dean for Clinical Programs. LLM students should consult with the Graduate Program Office for clinical credit restrictions.

Clinical work is a serious commitment that requires a greater time commitment than most non-clinical courses. Students should consult with the Office of Clinical and Pro Bono Programs to find out more about clinical programs or a specific clinic.

A student may not receive academic credit for clinical work for which he or she also receives compensation.

C. Cross-Registration

1. Cross-Registration from Harvard Law School

a) **Overview:** Cross-registration for eligible Harvard Law School students extends to all Harvard schools with the exception of the Division of Continuing Education (Harvard Extension School). Law School students may also cross-register at M.I.T. and the Fletcher School at Tufts University. Students are responsible for knowing the cross-registration policies and procedures of the Law School and of the school offering the course. Cross-registration must be completed by published deadlines at the beginning of the semester in which the course is offered and by the dates posted in the Law School Cross-Registration Calendar. A cross-registration petition may not be filed later in the year and operate retroactively.

b) **Requirements:** A student must be a currently registered, full-time student of Harvard Law School in order to cross-register. Any J.D. student, after the fall term of the first year, may cross-register for courses according to these terms:

i. In the spring term, first-year J.D. students may petition the Vice Dean for Academics to cross-register for a course offered by one of the other Harvard schools; however, the course, if approved, will not be counted for degree credit. Petitions should include the student’s reasons for wanting to cross-register.

ii. Second- and third-year J.D. students need to carry at least eight Harvard Law School credits of classroom, clinical, or written work, of which no fewer than four are classroom and/or clinical credits per semester in order to cross-register, and to meet the Law School fall and spring semester residency minimum of 10 credits, the cross-registered course needs to convert to at least two Harvard Law School credits.

iii. LL.M students must seek approval from the Director of Administration and Student Affairs for the Graduate Program before cross-registering.

iv. Only those S.J.D. students who are in the first year of the S.J.D. program and who are eligible to take courses for credit are able to cross-register. Where both conditions have been met, S.J.D. students should also consult with their faculty supervisors before starting the cross-registration process.

c) **Credits:** Harvard Law School allows up to 10 credits of cross-registration toward the J.D. degree and up to six credits of cross-registration toward the LL.M. degree. LL.M. students seeking to cross-register must receive advance written approval to enroll in the specific cross-registered course(s) from the Director of Administration and Student Affairs for the Graduate Program. Any Law School student may take up to six credits of cross-registration per semester. The number of credits for a course will be assigned by the Law School Registrar's Office. Law School credits for cross-registration are generally based on lecture hours (e.g., a course meeting three lecture hours per week for a full semester will receive three credits). Studio courses for J.D. students are generally limited to two credits. LL.M. students do not receive degree credit for language courses.

d) **Course Details, Grades:** The content of a cross-registered course may not duplicate or overlap course work taken previously or contemporaneously. The meeting time of the cross-registered course may not overlap with or abut the meeting time of courses on the student's Law School schedule, and sufficient travel time between schools must be allowed.

Cross-registered courses and resulting grades appear on the transcript. Credits earned in cross-registered courses generally count toward the degree; however, the grades do not count in Latin honors calculations. Grades awarded by the school offering the course are the grades of record for the Law School transcript.

Most schools do not allow graduate or cross-registered students to take courses pass/fail. Students may not negotiate pass/fail grading separately with faculty, and any offer of pass/fail grading from the course instructor will be verified by the Law School Registrar's Office. Any questions regarding the grading policies of a school should be directed to the respective Registrar's Office.

e) **Academic Work, Examinations:** As of the 2009-10 academic year, all Harvard schools operate on the same academic calendar. However schools continue to offer individualized course and exam schedules that affect daily class times, add/drop deadlines, exams, and credits.

All academic work for a cross-registered course must be completed in the term in which the course is taken. Students should review the course and exam schedule of each school into which they plan to cross-register. Students are responsible for taking the examination(s) in a cross-registered course when scheduled by the school offering the course. Students' academic, travel, and employment schedules should be arranged accordingly. The Law School does not support deferral of examinations in any course in which a student is enrolled except as specified in the Law School's Deferred Examination Policy (see Section IV.B). In addition, the examination policies and procedures of the school offering the course must be observed.

Note: Degree candidates should plan carefully to complete all academic work and exams in cross-registered courses on schedule to avoid delay in receipt of final grades that may jeopardize clearance for Harvard Law School graduation.

f) **Cross-Registration Deadlines:** Harvard Law School students should follow the deadlines listed on the [Law School Cross-Registration Calendar](#).

More detailed information about cross-registration for Law School students is [available online](#) (<http://www.law.harvard.edu/academics/cross-registration/index.html>) or from the [Office of the Registrar](#).

2. Cross-Registration into Harvard Law School

Students cross-registering into Harvard Law School from other schools should consult with their home school Registrar's Office first. Cross-registration into the Law School is open to all Harvard University students with the exception of students from the Division of Continuing Education (Harvard Extension School) and to graduate students of M.I.T. and the Fletcher School at Tufts University. For the duration of the cross-registration, a student must be registered at his or her home school and remain in good standing at both the home school and at the Law School.

Cross-registrants into the Law School are allowed to take a maximum of six credits at the Law School in an academic year, audits included. Most Law School courses expect students to have a basic understanding of legal vocabulary and the legal system. Students must get permission from the instructor to cross-register and should discuss their qualifications for a course/seminar in detail and in advance with the instructor. Even with permission, cross-registrants are not guaranteed enrollment in a class until the HLS Registrar's Office has given its approval.

Cross-registration must be completed at the beginning of the semester in which the course is offered and by the dates posted in the [Law School Cross-Registration Calendar](#). A petition may not be filed later in the year and operate retroactively. There is no cross-registration into the first-year basic courses in civil procedure, contracts, criminal law, legislation and regulation, property, torts, and international or comparative law, or into the first-year Problem Solving Workshop or First-Year Legal Research and Writing. All cross-registration placements are determined by the Law School Registrar's Office. Students may not make arrangements outside the Registrar's Office with a Harvard Law School instructor to cross-register for or audit a course or regarding grades or credit for academic work.

All academic work must be completed in the term in which cross-registration is taken and by Law School deadlines. All examinations must be taken as specified in the Harvard Law School examination schedule. No adjustments will be made, and Harvard Law School does not give make-up examinations. Papers are not accepted in lieu of exams unless the instructor offers the option in advance to the entire class. All Law School courses and written work will be graded Honors, Pass, Low Pass, or Fail ("H, P, LP, or F") (or Credit/Fail in approved courses) for all students, including cross-registrants. Dean's Scholar Prizes may be awarded in recognition of outstanding work in classes with seven or more Harvard Law School J.D. and LL.M. students

following the drop/add period. Except in courses so designated, Credit/Fail grading is not an option and may not be arranged separately with the instructor.

D. Auditing a Harvard Law School Course

Any student interested in auditing a Harvard Law School course must submit an audit request form to the Office of the Registrar. The form requires the signature of the instructor of the course. The form will be held in the Registrar's office until the end of the drop/add period. If it is determined that space is available in the course (there is no waitlist or the waitlist has been cleared and cross-registrants have been admitted) the student will be notified that he/she may attend the course. Potential auditors may sit in the course until an official decision is made. If multiple students request to audit the same course and there is not space to seat them all, the audit requests will be processed on a first come/first served basis. The audited course will not appear on the transcript.

Exceptions to this policy may be made with the approval of the Office of Academic Affairs.

E. Joint, Coordinated, and Concurrent Degree Opportunities for J.D. Students

1. Joint Degree Programs

The Law School offers the following formal Joint Degree Programs with other Harvard Schools:

- a) J.D./M.B.A. with the Harvard Business School
- b) J.D./M.P.H. with the Harvard School of Public Health
- c) J.D./M.P.P. and J.D./M.P.A. in International Development with the Harvard Kennedy School
- d) J.D./M.U.P. with the Harvard Graduate School of Design

The Law School also offers a Joint Degree Program with Cambridge University, U.K. leading to a Harvard J.D. and Cambridge LL.M. For more information about this program and other international opportunities see [Section III.E](#).

Individual Law School students may work out arrangements to coordinate study in other degree programs such as with the Harvard Graduate School of Education, the Harvard Divinity School, and the Fletcher School at Tufts University (see [Section III.D.4.](#)).

2. Rules and Policies

Law students enrolled in these joint degree programs are subject to all relevant rules and policies established by the Law School and by the other degree-granting school. Summaries of such rules and policies, including academic or residency requirements are [available online](#) and from the [Office of the Registrar](#). Students should direct questions about the School's joint programs to the Director of Special Academic Programs. Questions relating to admissions and other policies of the second degree-granting school should be addressed directly to the relevant administrator or faculty member at that school.

3. Coordinated J.D./Ph.D. Program

The Law School, in conjunction with the Graduate School of Arts and Sciences at Harvard (GSAS), offers a coordinated degree program leading to the J.D. and the Ph.D. degrees. Law students enrolled in this program are subject to the relevant rules and policies established by the Law School and by GSAS. Such rules and policies are available online and from the Office of the Registrar. Students should direct questions about the School's joint programs to the Director of Special Academic Programs. Questions relating to admissions and other policies of GSAS should be addressed directly to the relevant GSAS administrator or faculty member.

4. Concurrent Degrees

a) Student may propose concurrent degrees with any Harvard school with which the Law School does not offer a joint degree program. Students proposing concurrent degrees with such Harvard schools, the Fletcher School at Tufts University, or the Massachusetts Institute of Technology may cross-register into courses at the other school and count those credits--pursuant to the Law School's cross-registration policy (see Section III.C)--toward the Law School's J.D. requirements.

b) Students may also propose concurrent degrees with other institutions, and may take leave from the Law School to pursue studies at the other school. However, credits earned at the other school may not be counted toward the J.D. requirements and students must be in residence at the Law School for three academic years as indicated in Section I.A. Students may not be simultaneously enrolled in the Law School and another degree-granting institution as part of a concurrent degree program.

c) All students must comply with the Harvard Law School academic requirements and residency requirements as defined above at I.

Further information about joint, coordinated, and concurrent degree opportunities at the Law School is available from the Director of Special Academic Programs.

F. J.D. Studies at Other Schools

1. Study Abroad for J.D. Students

Harvard Law School offers three types of opportunities for J.D. students to earn credit for course work at a foreign law school:

a) A semester abroad at one of the institutions with which Harvard Law School has signed formal exchange agreements. These agreements provide a designated number of places for HLS J.D. students. The list of participating schools currently includes law programs at: University of Sydney (Australia); Fundação Getulio Vargas (Rio de Janeiro and São Paulo, Brazil); University of Chile (Santiago, Chile); Fudan University (Shanghai, China); Sciences Po Law School (Paris, France) University of Tokyo (Japan); University of the Witwatersrand (Johannesburg, South Africa); University of Geneva (Switzerland), and the Graduate Institute of International and Development Studies (Geneva, Switzerland).

b) An independent semester abroad at an institution selected by the student and approved by the School's Study Abroad Committee.

c) A joint J.D./LL.M. program in which students who are not enrolled in another joint degree program are able to earn both a Harvard J.D. and an LL.M. from Cambridge University in England in three-and-one-half years.

d) For further details and information about eligibility, application deadlines, and program requirements, contact the Director of International Legal Studies Programs.

2. Berkeley Exchange Program for J.D. Students

A limited number of J.D. students are permitted to participate in an exchange program at University of California, Berkeley-Boalt Hall School of Law during their third year for credit toward the Harvard J.D. degree. Interested students should consult the Dean of Students. Applications are due on the date specified in the Deadlines for Applying to Special Programs section of this *Handbook* (Section I.X).

3. Program for Third-Year Visits

In a limited number of cases, J.D. students in their third year may be permitted to spend a semester or a year at another approved law school on the basis of significant academic need or serious personal hardship. "Serious personal hardship" is generally limited to unforeseen emergencies relating to personal or family circumstances. Living apart from a spouse or significant other does not, in and of itself, constitute a circumstance of this kind. Applications must be submitted by the date specified in the Deadlines for Applying to Special Programs section of this *Handbook* (Section I.X). For further information, please consult the Dean of Students.

IV. Examinations

A. General Examination Policy

All examinations must be taken and, when completed, electronically submitted via Exam4 on the dates and at the times designated on the official exam schedule published by the Office of the Registrar. Exceptions to this schedule are made only in extraordinary circumstances, such as a serious medical or personal emergency, and only with the prior approval of the Dean of Students or the Administrative Board, depending on the nature of the situation, for J.D. students, or the Graduate Committee in the case of graduate students. Individual faculty members do not have the authority to make exceptions to this rule.

Law School examinations are administered using the School's exam software unless: (1) the format of the exam makes it impossible to use the software or (2) an exception for an individual student has been approved by the Dean of Students Office.

Law School examinations are anonymous, and self-identification of any kind is not permitted. Students should not put their name, class year, program, school, or any personal comments that might identify them anywhere on their exam materials. Self-identification may result in disallowance of the exam and a failing grade for the course. Students may not discuss individualized exam arrangements with faculty members.

On the day of the examination, or on the day scheduled for the exam to be submitted, students are required to submit examinations on time. Late exam cases will be referred to the Administrative Board. Sanctions for late exams may include notations on the student's transcript and adjustments to the exam grade.

All students are responsible for reviewing and following the examination rules and regulations posted with the examination schedules.

B. Deferred Examination Policy

All students are responsible for familiarizing themselves with the deferred examination policy. Below are the guidelines for deferred examinations as established by the Administrative Board.

1. Deferred examination requests will *NOT* be granted for the following reasons:

- a) Employment reasons
- b) Travel/vacation/social plans
- c) Bar review courses
- d) Conflicts with a class at another school.
- e) Exams that are scheduled within a short time period, except as explained below in Section IV.B.2.
- f) Medical problems that do not seriously interfere with immediate pre-exam preparation or the student's ability to take the exam on the scheduled exam day
- g) Airline flights and schedules.

2. Deferred examination requests may be granted in limited circumstances as explained below:

- a) To request deferment under the following circumstances (IV.B.2(a)i-iv), students should submit a letter or an email to the Registrar's Office at least two weeks prior to the exam, giving reason, name of exam, and exam date appearing on the exam schedule.
 - i. Where two Harvard Law School examinations, for courses that do not share the same time block, are scheduled on the same day, one exam will be deferred.

ii. Religious observance conflict. A student who cannot take an exam at the time scheduled for religious reasons will be allowed to take it at a different time.

iii. Unavoidable conflicts with court hearings or other administrative proceedings connected to the Clinical Programs. The student must exhaust all means of avoiding the conflict by attempting to reschedule the hearing or attempting to arrange coverage of the hearing by another qualified student or attorney.

iv. Conflicts with an exam in a cross-registered course (e.g., Kennedy School, Business School); on a showing that the other school will not move the exam, the Law School exam will be deferred.

b) To request deferment under the following circumstances (IV.B.2(b)i-vi), J.D. students should contact the Dean of Students Office and LL.M and S.J.D. students should contact the Graduate Program:

i. Illness of Student: A student must first contact Harvard University Health Services in Pound Hall 12 at 617-495-4414 from 9:00 am to 5:00 pm weekdays or in Holyoke Center at 617-495-5711 after 5:00 pm weekdays and on weekends. A student must give Health Services permission to discuss his or her general situation with the student's personal doctor and with the Assistant Director for Student Services in the Dean of Students Office. A student must receive medical clearance before an exam can be deferred on this basis. In cases of medical deferment, the student will be required to take the exam as soon as the student is able according to the doctor's assessment.

ii. Death or serious illness of a person in the immediate family or other person with whom the student has a similarly close relationship, which requires the student's attention away from the Law School during the exam period.

iii. Personal emergency that interferes with an exam or immediate pre-exam preparation.

iv. Delivery of child that interferes with an exam or immediate pre-exam preparation (applies to either parent).

v. Unavoidable military commitment.

vi. Educational opportunities that are deemed extraordinary by the Administrative Board, such as participation as a speaker in a conference or paper presentation outside of the Cambridge area.

Note: The Administrative Board does not approve deferment for research opportunities, clinical experiences (other than as described in Section IV.B.2.c), school-sponsored trips or classes.

3. Procedure for requesting a deferred examination

a) Requests to defer exams under the circumstances outlined above must be made as soon as the student is aware of a potential scheduling problem, no later than two weeks prior to the first scheduled exam, except in emergencies that arise closer to the date of the exam.

b) In order to protect the security of the exam, individual exams are never moved to an earlier date; rescheduling is made to the earliest time possible after the exam was scheduled to take place. Exams will not be deferred beyond the exam period except under extraordinary circumstances.

c) Exams are deferred only as long as necessary to minimize the conflict or alleviate the reason for deferment. Exams will not be deferred for a longer period, even if this creates an inconvenience for the student based on other plans. Certain exams are not published and require high security; these exams will be given only at Harvard Law School under proctored conditions.

d) Deferments based on medical reasons must always be processed through Law School or University Health Services, as described above. An exam will be deferred only if Health Services certifies it necessary for medical reasons. In cases where matters may be facilitated by direct discussion between Health Services and the Dean of Students Office or the Graduate Program, which may turn the matter over to the Administrative Board, the student should sign a release in the Health Services giving his or her permission for such discussion to take place, and the student should be informed in advance of the content of such communication. A release is required whether for verbal or written communication in these instances. It should be noted that the Administrative Board is not necessarily bound by the recommendation of the Health Services.

4. Other Circumstances

Special arrangements to take exams in a separate room, or with extra time, may be made only in the case of previously identified disability or serious medical problems, after recommendation by the Law School Health Services and with advance consultation with the Assistant Director for Student Services in the Dean of Students Office.

C. Retaking an Examination

See Section I.P.

V. Academic Honesty

Students are expected to abide by the highest standards of honesty and originality in their academic work.

A. Violation of Examination Rules; Dishonesty in Examinations

No student is permitted to use any books, notes, papers, or electronic devices during an in-class examination except with the express permission of the instructor. Sharing of study materials,

exchange of information, collaboration or communication of any kind during an in-class examination is not permitted and unless otherwise stated clearly in the examination instructions, is not permitted during a take-home examination. For violation of the examination rules or dishonesty in an examination, a student is subject to disciplinary action.

B. Preparation of Papers and Other Work—Plagiarism and Collaboration

All work submitted by a student for any academic or nonacademic exercise is expected to be the student's own work. In the preparation of their work, students should always take great care to distinguish their own ideas and knowledge from information derived from sources. The term "sources" includes not only published or computer-accessed primary and secondary material, but also information and opinions gained directly from other people.

The responsibility for learning the proper forms of citation lies with the individual student. Quotations must be properly placed within quotation marks and must be fully cited. In addition, all paraphrased material must be completely acknowledged. Whenever ideas or facts are derived from a student's reading and research, the sources must be indicated.

The amount of collaboration with others that is permitted in the completion of work can vary, depending upon the policy set by the instructor or the supervisor of a particular exercise. Students should assume that collaboration in the completion of work is prohibited, unless explicitly permitted, and students should acknowledge any collaboration and its extent in all submitted work.

Students who are in any doubt about the preparation of their work should consult the appropriate instructor, supervisor, or administrator before it is prepared or submitted. Students who submit work without clear attribution of all sources, even if inadvertently, will be subject to disciplinary action.

C. Multiple Use of Papers

Occasionally students seek to submit one paper for two or more courses or seminars. In such cases, the paper must be of sufficiently greater scope or depth to warrant such multiple credit. The instructors involved should discuss appropriate ways to make sure that the submitted work meets this greater burden.

In order to assure compliance with this requirement, any student planning to submit the same or similar written work in more than one academic offering must first get the approval of the Vice Dean for Academics by submitting a memo that documents the project plan. This memo must be signed by the instructors for both courses and must set forth the way in which the paper will meet the added requirement described in the preceding paragraph. Once the Vice Dean approves the project, the memo must then be submitted to the Registrar's Office before the student is accorded the requested credits. This rule applies to submission of work in any offering whether at the Law

School or elsewhere. A student who submits the same, or substantially the same, work in more than one course without such prior permission, will be subject to disciplinary action.

VI. Registration Schedule and Course Change Deadlines

A. Registration Overview

Students are responsible for knowing and meeting all Law School check-in, registration, and course change deadlines as set forth below.

B. Check-in Dates

- **LL.M. students in-person check-in:** Beginning August 22, 2011 and must be completed by August 30, 2011
- **New S.J.D. students in-person check-in:** Beginning August 22, 2011 and must be completed by September 9, 2011
- **Continuing S.J.D. students check-in:** Beginning August 22, 2011 and must be completed by September 16, 2011
- **First-year J.D. students in-person check-in:** August 26, 2011
- **Second- and third-year J.D. students online check-in:** Beginning August 15, 2011 and must be completed by August 31, 2011

All students must check in to the Law School at the start of the academic year. In-person check-in is required of first-year J.D. students, all LL.M. students, and first-year S.J.D. students. Second- and third-year J.D. students are encouraged to check in online, but may do so in person if necessary. All continuing S.J.D. students who have received a financial aid award package must check in with the Graduate Program Office in person to get financial clearance prior to registration. Students will not be allowed to check in late, unless they obtain permission from the Dean of Students, for J.D. students, or the Graduate Program, for LL.M. and S.J.D. students.

C. Course Registration Periods

1. **First-year J.D.:** Students are assigned, according to their section, to the required 1L courses. First-year J.D. students register for the required spring course in international or comparative law and for the spring upper-level elective credits in the fall.
2. **Second- and third-year J.D.:** Students register for all fall term electives, year-long, multi-section, and clinical courses in the prior spring, and usually register for winter and spring electives in November.
3. **LL.M.:** Students register for all courses over the summer.

4. **All students:** Students who fail to register during the appointed periods must wait until the beginning of the relevant add/drop period to complete course selection procedures and to add, drop, and wait-list courses.

Specific course registration periods are established each year by the Registrar.

D. Non-Clinical Course Add/Drop Deadlines

Table 3: Non-Clinical Course Add/Drop Deadlines

Term	Add/Drop Deadline
Fall, Fall/Winter and Year-long	September 16, 2011
Winter and Winter/Spring	January 3, 2012
Spring	January 27, 2012

E. Non-Clinical Course Withdrawal Deadlines

A student withdrawing from a course, seminar, or reading group after the last day of the add/drop period for the term will be considered to have withdrawn after the deadline, and the course, seminar, or reading group will be listed on his/her transcript with a “Withdrew after Deadline” (WD) notation. Withdrawal from a course, seminar, or reading group after the last day of classes in the course, seminar, or reading group will result in the student receiving an “F” in the course, seminar or reading group. Exceptions to this policy are available only for a compelling reason such as illness or unforeseen circumstances. Students should contact the Dean of Students (dos@law.harvard.edu) and the Office of the Registrar (registrar@law.harvard.edu) to request an exception to this policy.

F. Clinical Course Add/Drop Deadlines

Table 4: Clinical Course Add/Drop Deadlines

Term	Add/Drop Deadline
Fall Clinicals and Winter/Spring Clinicals tied to Fall Courses	September 13, 2011
Winter Clinicals and Spring Clinicals tied to Winter Courses	November 16, 2011
Spring Clinicals	January 13, 2012

Registration for courses with clinical components (see Section III.B) is overseen by the Office of Clinical and Pro Bono Programs. Adding, dropping, and waitlisting of clinical courses can be done online. A change in the number of clinical credits is handled directly by the Office of Clinical and Pro Bono Programs. Note that the add/drop deadlines for clinical work are earlier than the add/drop deadlines for all other Law School courses, which are handled through the Registrar's Office.

Some clinical courses have earlier add/drop deadlines. Please also see the Office of Clinical and Pro Bono Programs website at <http://www.law.harvard.edu/academics/clinical/> for updates on clinical courses with early registration deadlines.

It is very important to note that dropping a clinical course means that the student will be dropped from both the classroom and clinical components of the course. If the student's classroom and clinical work occur in different semesters, he or she must drop by the add/drop deadline of the first component. Both the classroom and clinical components must be completed in order for the student to receive credit.

If a student wishes to enroll in only the classroom component after dropping the clinical course, the student may do so online or at the Registrar's Office following the appropriate procedures and depending on the availability of class section openings.

G. Clinical Course Withdrawal Deadlines

A student who drops any component of a clinical course after the above-mentioned add/drop deadlines will have the course listed on his/her transcript with a "Withdrew after Deadline" (WD) notation. Exceptions to this policy will not be permitted, except for a compelling reason such as illness or unforeseen circumstances. Withdrawal from any component of a clinical course after the last day of classes in the term will result in the student receiving an "F" in the course. Students must contact the Office of Clinical and Pro Bono Programs to request an exception to this policy.

H. Wait Lists for All Courses (including Clinicals)

Once the maximum enrollment for a course has been reached, enrollment is closed and a waitlist is formed. Admittance into a waitlisted course is strictly in order of the waitlist. Students who are offered a place in a course from the waitlist will be notified by email and must formally accept to be officially admitted into the course.

For more information on non-clinical courses and registration deadlines, please contact the Office of the Registrar (registrar@law.harvard.edu). For more information about clinical courses and registration deadlines, please contact the Office of Clinical and Pro Bono Programs (clinical@law.harvard.edu).

VII. Written Work Registration Deadlines

A. Summary of Written Work Registration Deadlines

Table 5: 2011-2012 Written Work Registration Deadlines (see below for important details)

Type of Writing	Registration Deadline
<ul style="list-style-type: none">Option 1 of the J.D. Written Work RequirementLL.M. Written Work RequirementOptional Papers	<ul style="list-style-type: none">Fall term: October 1 (2Ls and 3Ls)Fall term: October 7 (LL.Ms)Spring term: February 1 (all students)
Option 2 of the J.D. Written Work Requirement	February 1 of 3L year (all JD students)
Winter Term Writing	November 4 (2Ls and 3Ls) (see below for LL.M. deadlines)
Additional Credit for Written Work	Fall term: November 28 (2Ls and 3Ls) Spring term: April 13 (all students)

B. Registration for the J.D. Written Work Requirement

1. Option 1

a) The Option 1 registration form with the faculty supervisor's signature and attached proposal must be submitted to the Office of the Registrar by the following dates:

- Fall Term: October 1, 2011 (second and third-year students)
- Spring Term: February 1, 2012 (all J.D. students)

b) Students should present their proposals to the faculty supervisor for approval well in advance of these deadlines as faculty members may require additional preliminary work before accepting a proposal.

c) First-year students may register for Option 1 in the spring term, in addition to enrolling in an upper-level elective of two to four HLS classroom credits, provided they receive prior approval from the Vice Dean for Academics.

2. Option 2

a) The Option 2 registration form with the appropriate signatures must be submitted to the Office of the Registrar by the following dates:

- Third-year students: February 1, 2012.
- First- and second-year students: contact the Office of the Registrar.
-

b) **Verification signatures are needed as follows for Option 2 registration:**

i. Law school course or seminar papers: No verification signature needed.

ii. Clinical Writing: a Clinical Office signature is required for **all** clinical writing in addition to the following verification signatures:

- In-house clinics: HLS Clinical Faculty Member
- Externship Placements: Clinical Supervisor

iii. Moot court Briefs:

- Ames - BSA (Pound 331)
- Other - Faculty Supervisor of the Moot Court Competition Team
-

iv. Law Journal Writing: Journal Editor-in-Chief

v. Non-traditional Legal Writing: Faculty Supervisor

C. Registration for the LL.M. Written Work Requirement

(Note: Students should seek approval well in advance of the dates below, as faculty members may require additional preliminary work before accepting a proposal.)

1. LL.M. student deadline for submitting a faculty-approved registration proposal to the Graduate Program Office for LL.M. Long Papers, LL.M. Theses, and fall term 25-Page Papers: October 7, 2011.
2. Deadline for submitting faculty-approved registration proposal to the Graduate Program Office for spring term 25-Page Papers: February 1, 2012.
3. Final deadline for all LL.M. written work registration: February 1, 2012. LL.M. students who fail to register for the LL.M. Written Work Requirement by February 1, 2012 may be removed from the May 2012 degree list.
4. LL.M. deadline for changes to Required Written Work registration: April 13, 2012.

D. Mandatory Registration for the Written Work Requirement.

May degree candidates who fail to register for the J.D. or LL.M. Written Work Requirement by February 1, 2012 may be removed from the May 2012 degree list.

E. Registration for Optional Written Work

To register for Optional Written Work, including Research Assistant Work for Credit, students must submit the registration form, signed by the Law School faculty supervisor with the proposal attached, by the deadlines listed below. J.D. students should file the completed form with the Office of the Registrar, and LL.M. students should file the completed form with the Graduate Program Office.

- Fall term: October 1, 2011
- Spring term: February 1, 2012

F. Registration for the Winter Term Writing Program

To register for the Winter Term Writing Program (WWP), J.D. students should indicate on the written work registration form that they are registering for WWP and wish to have the credits for the paper registered into the Winter Term.

1. Registration deadline for J.D. students: November 4, 2011

2. Application deadlines for LL.M. students:

- Applications available from Graduate Program Office: late October 2011 (after students have registered for the LL.M. Written Work Requirement)
- Application deadline: November 4, 2011
- Applicants notified of results: early December 2011

G. Additional Credit for J.D. Written Work

J.D. students who have approval for additional credit for a paper for which they have already registered should notify the Office of the Registrar by:

- Fall term: November 28, 2011
- Spring term: April 13, 2012

All written work registration forms are available in hard copy in the Office of the Registrar, Pound 300.

VIII. Deadlines for Submission of Law School Work

A. Submission Deadlines for Academic Work

Table 6: Summary of Submission Deadlines for Academic Work (see below for important details)

Type of Work	Submission Deadline
Academic Work in Courses, Seminars and Reading Groups	Last day of exams in the relevant term
<ul style="list-style-type: none"> • Option 1 of the JD Written Work Requirement • LLM Written Work Requirement • Optional Written Work • Winter Term Writing 	April 20, 2012 (last day of classes)
Option 2 of the J.D. Written Work Requirement	Varies depending on type of writing
Final Deadlines for Degree Candidates	<ul style="list-style-type: none"> • November degrees: September 30, 2011 • February degrees: December 20, 2011 • March degrees: January 31, 2012 • May Degrees: May 4, 2012

Note: These deadlines apply unless the faculty member sets an earlier date.

B. Submission Deadline for Academic Work in Courses, Seminars, and Reading Groups

All academic work required by the instructor, including seminar papers, papers done in lieu of an exam, and clinical writing must be submitted by the last day of the examination period of the term in which the relevant offering is given or by the deadline required by the instructor, whichever comes first.

Extensions are available for such required coursework or papers only with instructor permission or from the Administrative Board. Students who have an approved extension will receive an EXT notation on the transcript until the work is completed and graded (see [Section I.K](#)). In the absence of an EXT notation, a WD will be entered on the student’s transcript. When considering an extension, degree candidates should note the special deadlines applicable to their work (see [Section IX](#)).

C. Submission Deadlines for Option 1 of the J.D. Written Work Requirement; LL.M. Written Work Requirement; Optional Written Work; Winter Term Writing Program

1. Deadline for May Degree Candidates (J.D. and LL.M.)

Absent an earlier deadline set by the student's faculty supervisor, the following deadline applies:

- April 20, 2012

2. Extensions for May Degree Candidates (J.D. and LL.M.)

Individual instructors, upon advising the Vice Dean for Academics (for J.D. Students) or the Graduate Committee (for LL.M. students) in writing that they believe that a satisfactory project can be completed and that there will be sufficient opportunity to evaluate the paper, may grant extensions after April 20, 2012 up until the final deadline of May 4, 2012 (see Section IX).

3. Deadline for 1Ls and 2Ls

Absent an earlier deadline set by the student's faculty supervisor, the following deadline applies:

- April 20, 2012

4. Extensions for 1Ls and 2Ls

a) Students may request an extension of one term beyond the term in which the paper is due. With an extension, the work will be due on the last day of classes of the following term.

b) Students with an approved extension will receive an EXT on the transcript for the writing credits and, if applicable, any course or seminar credits in conjunction with the paper, until the work is completed and graded (see Section I.K). In the absence of an EXT notation or a course/paper grade, a WD will be entered on a student's transcript.

D. Submission Deadlines for Option 2 of the J.D. Written Work Requirement

See Sections VIII.B and C for submission deadlines for course or seminar papers, clinical writing, and optional written work. For all other types of Option 2 writing including moot court briefs and law journal pieces the submission deadlines will vary depending on the needs of the organization, but must be submitted by the last day of classes of the relevant academic year.

IX. Final Deadlines for Degree Candidates

- November degrees: September 30, 2011
- February degrees: December 20, 2012
- March degrees: January 31, 2012
- May degrees: May 4, 2012

Absent express permission, no academic work, including examinations, papers in lieu of exams, optional papers, seminar papers, exercises or journals, papers written in satisfaction of the J.D. Written Work Requirement or the LL.M. Written Work Requirement or revisions thereto, may be submitted for degree credit after the final deadlines specified above. Such permission will be granted only with the permission of the instructor and in certain cases will also require the Administrative Board to find that:

1. The delay in submission of the work was caused by a serious personal or medical emergency;
2. The delay will not prejudice the evaluation of the work by the instructor; and
3. The delay will not prejudice the preparation of the final degree list, including awards, by the Office of the Registrar.

(See Section XIV.B regarding graduation and payment of outstanding e-bill charges.)

X. Deadlines for Applying to Special Programs

A. Joint and Concurrent Degree and Study Abroad Deadlines

Students interested in applying for joint or concurrent degrees or study abroad should consult the individual program materials for applicable deadlines.

B. Berkeley Exchange Program

Application deadline: the first Friday in the February prior to the academic year in which the visit is requested.

C. Program for Third-Year Visits

Application deadline: the first Friday in the February prior to the academic year in which the visit is requested.

XI. Leaves and Withdrawals

A leave of absence is a period of non-enrollment at Harvard Law School. Students on leave are not considered to be working toward their Law School degree.

A. Involuntary Leave of Absence

A student may be placed on involuntary leave of absence for the following reasons:

1. Medical condition

- a) The student poses a direct threat to the health or safety of the student or others, or has seriously disrupted others in the student's residential community or academic environment; and
- b) Either the student's threatening or disruptive behavior is determined to be the result of a medical condition or the student has refused to cooperate with efforts by the University Health Services to determine the cause of the behavior.

2. Alleged criminal behavior

The student has been arrested on allegations of serious criminal behavior or has been charged with such behavior by law enforcement authorities.

3. Risk to the community

The student has been charged with a violation of a disciplinary rule of the Law School, and his or her presence on campus poses a significant risk to the safety of others or to the educational environment of the community.

4. Indebtedness*

The student's term bill is unpaid.

5. Failure to provide medical documentation of required immunizations*

6. Unfulfilled academic requirements*

The student has not met an academic requirement and has not taken steps to meet the requirement.

7. Failure to register*

The student has not registered as required at the beginning of each term.

**A student may be placed on involuntary leave for reasons 4, 5, 6, and 7 only if he or she has disregarded the Law School's repeated efforts to obtain compliance with the requirement in question.*

Before placing a student on involuntary leave, the Dean of Students consults with other officers of the University, as appropriate. Before placing a student on involuntary leave for medical reasons, the Dean of Students consults with an appropriate person at Harvard University Health Services.

The decision to place a student on involuntary leave is made by the Dean of Students in consultation with the chair of the Administrative Board or such other person as the Dean of the Law School designates.

A student is notified in writing that he or she has been placed on involuntary leave. The student may petition the Administrative Board for reconsideration of the decision to place him or her on involuntary leave.

A student who prefers to take a voluntary leave of absence rather than to be placed on involuntary leave is ordinarily allowed to do so. An involuntary leave of absence is not a disciplinary sanction; however, an incident that gives rise to an involuntary leave of absence may subsequently be the basis for disciplinary action. Transcripts and other external reports do not distinguish between voluntary and involuntary leaves of absence.

A student who has been placed on involuntary leave of absence is subject to the same rules regarding financial aid and financial obligations that apply to a student who has taken a voluntary leave of absence. The student may not participate in student activities. If so instructed by the Dean of Students, the student must remain away from the University campus.

A student who has been placed on involuntary leave of absence may petition the Dean of Students to return to the Law School. He or she must demonstrate to the Dean of Students and the chairperson of the Administrative Board that the circumstances that led to the leave have been satisfactorily addressed. If a student has been required to withdraw while on leave of absence, the conditions for return after a required withdrawal must have been satisfied. Any disciplinary matter must have been resolved. If the leave was for medical reasons, the Dean of Students must consult with the Harvard University Health Services and obtain a professional opinion about the student's readiness to return before the student is permitted to return. Other evidence of the student's readiness to return may include a substantial period of employment and a letter of recommendation from the employer or employment supervisor.

The decision whether to terminate an involuntary leave of absence and allow a student to return is made by the Dean of Students, in consultation with the chairperson of the Administrative Board or such other person as the Dean of the Law School designates.

In extraordinary circumstances a student may be involuntarily withdrawn from the Law School.

B. Requesting a Leave

1. To request a voluntary leave of absence other than a voluntary medical leave of absence, J.D. students must complete the Leave of Absence Request form, available in hard copy at the Dean of Students Office, the Student Financial Services Office and the Office of the Registrar and online at www.law.harvard.edu/academics/registrar/Leave.pdf.

2. To request a voluntary medical leave of absence, J.D. and LL.M. students must contact the Dean of Students at dos@law.harvard.edu in order to discuss the requested leave. Further information about voluntary medical leaves is available in Section XI.G.

3. To request a leave to attend another school as part of a Law School joint, coordinated, or concurrent degree program, students should complete the Leave of Absence Request form.

Further information about leaves taken as part of a joint, coordinated, or concurrent degree program is available in Section XI.H.

C. Length of Leave

1. A voluntary leave of absence may be taken for a semester or up to three consecutive semesters, counting Winter Term as a semester.
2. Students are expected to return to the Law School for the semester they have indicated when requesting a leave of absence. As of that date, a student on leave will be considered to have returned to the Law School and will be billed accordingly unless he or she has made a request to the Office of the Registrar or the Administrative Board to extend the leave period. See below for rules specific to medical leaves.

D. Extending Leave

1. Any student wishing to extend a voluntary leave from one semester to one year must file a request with the Office of the Registrar by October 15 if seeking extended leave for the spring semester, or March 15 if seeking extended leave for the fall semester.
2. Students wishing to extend a voluntary leave beyond one year must file a request for additional leave with the Administrative Board by October 15 if seeking extended leave beginning the following spring semester or March 15 if seeking extended leave beginning the following fall semester. Requests for additional leave should include a brief summary of the student's activities during the leave of absence, why additional leave is required, how completion of the JD degree still fits the student's goals and the student's commitment to return by the applicable semester to complete the J.D. degree without additional voluntary leave time.
3. Requests for leave beyond two years—either sequential or intermittent—must be submitted to the Administrative Board and should contain the information required in XII.D.2. Please note that students who do not petition the Administrative Board for an extension of leave beyond two years will be considered to have withdrawn from the Law School. Students with withdrawn status for four years or fewer may petition the Administrative Board for readmission. Students with withdrawn status for more than four years must reapply for admission to the Law School as a first-year student through the Admissions Office.

E. Returning from Leave

1. Students are expected to return from leave on or about the date indicated on their leave of absence request form, or in the case of a medical leave, on the date specified by the Administrative Board. If a student does not intend to return from leave, s/he should notify the Registrar's Office as soon as possible. Students wishing to extend a leave must request additional leave as specified in Section XI.D.

2. The general conditions for return from voluntary leave are good standing, visa clearance from the Harvard International Office, financial clearance from Student Financial Services, and receipt by the Registrar's Office of written confirmation of return.
3. Students are expected to return to full-time registered status after the approved period of leave. Please contact the Dean of Students Office for information about exceptions to this policy.
4. Students who do not return from leave and do not apply for an extension of leave will be considered to have withdrawn from the Law School. Students with withdrawn status for four years or fewer may petition the Administrative Board for readmission. Students with withdrawn status for more than four years will be required to reapply for admission to the Law School as a first-year student through the Admissions Office.

F. Special Considerations

1. Students must complete the degree requirements for the J.D. within 7 years of matriculating at the Law School. A leave of absence will not extend the maximum matriculation period for completing degree requirements.
2. While on leave, students may not get Law School credits for cross-registration into Law School classes from another school, whether at Harvard or elsewhere. Some exceptions may be made with the approval of the Administrative Board for joint and coordinated degree students.
3. Students considering a leave should consult the rules regarding admission to the bar for the jurisdiction in which they plan to practice to be sure that the leave does not affect their eligibility to take the bar exam.

G. Rules Specific to Voluntary Medical Leave

- 1. Requesting a Voluntary Medical Leave:** J.D. and LL.M. students are eligible to apply for a voluntary medical leave of absence if an illness, physical or mental, has disrupted their coursework for more than two weeks. In order to request medical leave, students should contact the Dean of Students at dos@law.harvard.edu to discuss the requested leave. When requesting medical leave, students must provide a letter from a treating physician supporting the request.
- 2. Health Insurance:** Students on leave are eligible for short-term continuing health insurance coverage under the Student Health Fee and/or the Student Health Insurance Plan. For more information about health insurance coverage while on leave, go to the HUHS website (<http://www.huhs.harvard.edu/Insurance/Students/PoliciesAndForms/LeaveOfAbsence/WithdrawalPolicyAndForm.aspx>). See also Appendix D for information about Harvard University Health Services and the Harvard University Student Health Program.
- 3. Returning from Medical Leave:** Students must petition the Administrative Board in writing in order to return from medical leave. The petition should be sent directly to the Dean of Students Office at dos@law.harvard.edu. In the petition, the student must describe his or her activities during the medical leave and the steps taken to resolve the health issue. If medically able, the student should plan to work during the leave. The petition to return from leave must

also contain a letter from the treating physician/psychiatrist and a letter from the student's employer. The petition should be submitted at least two months in advance of the date on which the student plans to return. The Administrative Board will require a student to receive medical clearance from University Health Services confirming the student's ability to return to law studies. Certain conditions as set by the Dean of Students Office and the Administrative Board may be required for approval to return. Students will be allowed to participate in course preference selection while waiting on approval to return. If students are not given permission to return, the courses will be dropped from their schedules. Once the Administrative Board has approved the petition, the student may start to make arrangements for his or her return.

4. Special Considerations: Students on voluntary medical leave may be eligible for a tuition refund for the semester during which they take leave. Students on voluntary medical leave may have access to the library system and to financial aid, to be determined on a case-by-case basis.

5. Involuntary medical leave (see Section XI.A.1).

H. Joint, Coordinated, and Concurrent Degree Students

1. Requesting a leave: Students in joint degree programs must request a leave of absence from the Law School for the year or semester in which they are fully enrolled in the non-HLS school. In order to request a leave, joint degree, coordinated JD/PhD, and concurrent degree students should complete the Leave of Absence Request form available in hard copy at the Dean of Students Office, the Student Financial Services Office and the Office of the Registrar and online at www.law.harvard.edu/academics/registrar/Leave.pdf.

2. Coordinated JD/PhD Program: Students participating in the coordinated JD/PhD, in addition to completing the Leave of Absence Request form, should contact the Director of Special Academic Programs.

3. Administrative matters: While on leave, joint and coordinated degree students, and those concurrent degree students pursuing their second degree through another Harvard school, have access to their Law School mailboxes, email accounts, housing, library services including Westlaw and Lexis and other University services, and their Harvard IDs remain active. Concurrent degree students doing their second degree at a non-Harvard school have access to their email accounts, HLS mailboxes, and limited library services, but do not have access to Harvard housing, active Harvard IDs and other University services.

I. Financial Aid Implications of Taking a Leave

1. While on leave, students are not considered to be working toward their degree and thus are not eligible to receive financial assistance, except as noted in XII.G.4.

2. Students who take a leave during the academic year are charged tuition for the period of enrollment, plus full insurance and health fees for the term in which the leave occurs.

3. Once the e-bill has been adjusted, Student Financial Services will prorate any aid package based on enrollment information received from the Registrar’s Office, in accordance with both federal and institutional regulations. For example: a student taking a leave in November will be charged tuition through the end of November, plus full Blue Cross/Blue Shield and University Health Services fees for the fall term, and the living expense budget will be adjusted to 3/9ths of the full budget based on a nine-month academic year beginning in September. Tuition is charged until the Registrar receives the leave of absence request form. Students who provide written notice of withdrawal by the dates listed below will be charged as follows:

Table 7: Tuition Charges for Leaves and Withdrawals

Date	Tuition
September 30	1/9 total annual charges
October 31	2/9 total annual charges
November 30	3/9 total annual charges
December 31	4/9 total annual charges
January 31	5/9 total annual charges
February 28	6/9 total annual charges
March 31	7/9 total annual charges
April 30	8/9 total annual charges
after April 30	Full tuition

Students who take a leave during the academic year may be required to repay a portion of the financial aid award since cash advances/refunds are disbursed at the beginning of each term in anticipation that students will be enrolled for the entire term. Students receive written notice of any outstanding balance that results from a leave of absence and are responsible for payment in full prior to re-enrolling at the Law School.

4. Students on leave will forfeit the in-school loan deferment and may be expected to begin repayment immediately upon taking a leave or withdrawing or after the grace period has expired. Students who have taken a leave of absence during their degree studies may be required to begin loan repayment immediately after graduation as the one-time grace period may have been depleted.

5. Students are required to have an exit interview regarding their loan status with Student Financial Services as soon as they determine that they will take a leave. At the exit interview an SFS representative will discuss the student's anticipated award adjustment, bill adjustment and other financial implications of their leave. Additionally, students will be required to complete Exit forms, receive lender information, and be apprised of future financial aid application deadlines.

6. Students taking medical leave will be subject to the same guidelines stated above; tuition adjustments are determined by the Dean of Students Office. See www.law.harvard.edu/current/sfs/policy/special-populations/loa.html for more information about how taking a leave of absence affects financial aid.

J. Other Administrative Matters

1. Health insurance: See Section XI.G.2.

2. Computer Accounts: Student email accounts will remain active during the time for which the leave has been confirmed. With the exception of joint, coordinated, and concurrent degree students, student access to Westlaw and Lexis will be cancelled until such time as student returns from leave.

3. International Students: International students must speak with the Harvard International Office about the immigration-related ramifications of taking a leave of absence before the leave of absence will be approved. International students who take leaves of absence must be aware of how this might affect visa status and practical training eligibility. International students must contact the Harvard International Office to discuss their options: 864 Holyoke Center, 617-495-2789. Additionally, students should contact Student Financial Services for further clarification.

4. Access to Harvard Resources

Depending on the type of leave, students may not have access to:

- HLS mail boxes
- HLS student organizations
- Active Harvard University I.D. cards
- Library and library services, including Westlaw and Lexis
- Financial aid
- Harvard housing/Dormitories
- Teaching fellowships
- Information Technology Services
- Other Harvard University services

XII. Administrative Board

By vote of the faculty, the Administrative Board has responsibility for matters involving student discipline and exceptions to faculty and administrative rules. The Board's membership consists of three faculty, three students, and three administrators. Students wishing to petition the Board should consult the Dean of Students.

A. Disciplinary Actions

The Administrative Board at Harvard Law School has four categories of discipline that may be imposed for student infractions of Law School rules: reprimand, suspension, dismissal, or expulsion. These sanctions are imposed only after the Board has voted to institute formal disciplinary charges against a student. Students have the right to a full disciplinary hearing conducted by the Administrative Board and a right to be represented by counsel.

Reprimand, suspension, dismissal, or expulsion becomes part of the student's Law School file and will be placed on the student's transcript, as well as reported, on appropriate inquiry, to state Board of Bar Examiners. Suspension may be for a term, a year, or any other length of time the Board deems appropriate. Dismissal and expulsion are forms of permanent separation from the Law School and must be approved by the faculty. A summary of procedures followed in disciplinary cases is available from the office of the Dean of Students or the Registrar.

In cases in which an infraction by a student is not sufficiently serious to warrant the imposition of formal discipline, the Administrative Board may issue a warning. Such a warning is placed in the student's file but is not reported outside of the Law School as long as the student engages in no additional violations of University or Law School rules. If a student who has previously received a warning again violates University or Law School rules, the Law School may disclose the initial warning outside the Law School and/or may impose more serious discipline for the subsequent violation than might otherwise have been imposed.

In past years, there have been a number of occasions when students "sat in" or obstructed access to administrative offices, faculty offices, and other school facilities as a form of protest. The Administrative Board imposed the sanction of a "reprimand" for such conduct in the spring of 2001. Students are on notice that such conduct may result in a significant disciplinary sanction.

B. Procedures for Disciplinary Cases

The Administrative Board is the Law School committee responsible for the administration of discipline. Cases requiring discipline typically involve cheating, false statements on financial aid applications, and similar departures from generally accepted standards of integrity. In such cases the Board may impose sanctions including reprimand and suspension. In the most severe cases, the Board may recommend to the faculty sanctions of expulsion or dismissal, imposition of which requires the vote of two-thirds of the faculty.

The Board does not consider itself to be an adversarial or prosecutorial body. Its disposition is to handle matters that come before it as favorably to students as possible consistent with the

maintenance of the high academic and ethical standards of Harvard Law School. In many instances matters that come to the Board's attention can be dealt with informally, without ever initiating disciplinary process. To this end, the Chairperson or Secretary or such other Board member as the Chairperson designates may investigate a matter for purposes of determining whether it should be treated as disciplinary.

In those cases in which disciplinary proceedings are required, the Board will proceed in accordance with the following rules:

1. The Board shall initiate formal proceedings by a written charge which explains the nature of the disciplinary infraction. Such charge shall issue only if the Board believes it is reasonably likely that the charged infraction can be established by clear and convincing evidence.
2. In any disciplinary matter, the student has a right to a hearing before the Board. Disciplinary hearings will normally be private, but at the student's option, the hearing shall be public and shall be held in a room sufficiently large, in the judgment of the Board's Chairperson, to accommodate an audience of reasonable size.
3. Disciplinary cases are normally heard by the full Administrative Board. The student may ask any individual member of the Board to recuse himself or herself for cause. Any member who recuses himself or herself shall be replaced by an alternate member.
4. All students in disciplinary cases may appear with legal counsel or lay advisor. The Board will attempt to assist a student who needs and desires but cannot afford counsel.
5. A record of the hearing shall be kept, either by stenographic transcript or tape, and shall be made available without charge to the student or his or her representative on request.
6. At the hearing the evidence against the student will be presented and the student shall have the right to call his or her own witnesses and to examine all witnesses.
7. It shall be the duty of the Secretary of the Board to assist the student in preparing for the hearing by making available to the student's counsel any public announcements or reports of the Board or faculty relating to past disciplinary cases. The Secretary shall also assist the student in obtaining witnesses. This assistance may include a letter to the witness requesting his or her cooperation with the Administrative Board or such other efforts to secure the participation as may be appropriate to the circumstances.
8. The Administrative Board, at a disciplinary hearing, may consider any evidence that it deems to be relevant and trustworthy. Formal rules of evidence do not apply.
9. The Board does not recognize a privilege of noncooperation and may, therefore, draw such reasonable inferences from noncooperation as it deems appropriate. Statements made to members of the Board and others are admissible at the hearing regardless of when made.
10. Information obtained in confidence by the Health Service, whether medical or psychiatric, shall not be sought by the Administrative Board nor disclosed to the Board without the student's consent. No weight is to be given to a student's refusal to consult the Health Service or to the student's refusal to authorize disclosure of information obtained by the Health Service. The absence of such information may, however, properly preclude the Board from considering a medical excuse, explanation, or justification in a particular case.

11. Disciplinary sanctions shall not be imposed unless conduct warranting sanction is established by clear and convincing evidence. Decisions of the Administrative Board shall be by majority vote of the sitting members. In case of a tie vote of all the members of the Board present and voting, the vote of the majority of faculty members and administrative officers shall determine the outcome.
12. All decisions of the Board to impose sanctions shall be supported by specific findings of fact and conclusions, including, wherever appropriate, a statement or the reasons for the specific sanction imposed and the principles or policies on which the Board relies.
13. In all cases in which the sanction voted by the Board is other than dismissal or expulsion, the decision of the Board shall normally be final, and, if any such matter is presented to the faculty for consideration, the faculty shall first vote on whether the Board's decision raises such important and novel issues of policy or is made under such other extraordinary circumstances that the faculty must consider the matter.
14. In all cases in which the sanction voted by the Administrative Board is dismissal or expulsion, the student shall be afforded the right to a supplementary hearing on the facts before a hearing officer appointed from the faculty by the Dean. The student shall submit to the hearing officer in writing a statement indicating which of the factual findings of the Board the student disputes, and why. At the hearing, the student may call and examine witnesses and be represented in the same manner as before the Board. The position of the Administrative Board shall be presented to the hearing officer by a person chosen by the Chairperson of the Administrative Board in consultation with the Dean. The hearing officer shall make a written statement of findings of fact which shall be returned to the Administrative Board. The Board may modify its findings of fact in light of the findings of the hearing officer, and may modify the sanction previously voted.
15. In all cases in which the sanction voted by the Administrative Board is dismissal or expulsion, the faculty shall review the findings and conclusions of the Board. No student shall be expelled or dismissed except by the vote of at least two-thirds of the members of the faculty present and voting at the faculty meeting at which the recommendation of the Administrative Board is considered.
16. Where the faculty reviews action of the Administrative Board it may substitute its judgment for the Board's on matters of policy including the severity and nature of the sanction imposed. The sanction may be increased in severity as well as decreased. (The Board's findings of fact shall not be modified unless, on the basis of the whole record, including the findings, if any, of the hearing officer, the Board's findings are not supported by substantial evidence.)
17. Should situations arise which are not covered by these rules or in which the application of these rules, in the judgment of the Administrative Board is inappropriate, the Administrative Board may formulate and follow an appropriate ad hoc procedure. In any event, departures from the rules of procedure shall not, ipso facto, constitute a defense to the imposition of a disciplinary sanction.
18. Copies of these procedures shall be published and made generally available. The procedures shall also be given to any student involved in an Administrative Board matter as soon as it appears that the matter may be treated as disciplinary.

XIII. Other Rules

A. Student Employment

The faculty recommends that first-year students not commit themselves to employment during the academic year until they know what demands Law School will make on their time and energy. Students are advised to work no more than 10 to 15 hours per week during the school year; pursuant to ABA rules, no student may work for more than 20 hours per week of compensated work, whether at the Law School or outside the Law School.

B. Payment of Bills

Each student is personally responsible for payment of his or her e-bill. For J.D. students, the Law School provides alternatives to full payment on a specified date, the terms of which are available by calling the Harvard Student Receivables Office at 617-495-2739. (The alternative payment plan is not available to LL.M. or S.J.D. students.)

Students who are not current in their e-bill payments will not be allowed to register for courses in the spring or to enroll in the Law School at the start of the academic year. All services of the Registrar will be withheld for students who have outstanding financial obligations to the University.

Students who become delinquent in their e-bill payments after registering are assessed a \$250 late fee and will be referred to the Law School's Administrative Board. Absent a finding of extraordinary circumstances, such as a serious medical or personal emergency or other special circumstances supported by appropriate administrative officials, the Administrative Board, as a general matter, will cancel the registration of delinquent students. A student whose registration has been canceled is not eligible to take exams and will not earn credits for the term.

University policy dictates that degree candidates who have failed to pay all e-bill charges by the date specially established for graduating students will not be voted a degree by the governing boards of the University.

Students who leave the University for any reason must pay all charges immediately upon receipt of a bill from the University Student Receivables Office. A student who leaves the University without paying outstanding charges is not eligible to be considered for readmission until all financial obligations to the University have been fully satisfied.

Questions regarding payment of e-bills should be directed to Student Financial Services in Pound Hall 324 for J.D. candidates and to the Graduate Program Financial Aid Office in Lewis 208 for those in the LL.M. and S.J.D. programs.

C. Harvard University I.D. Cards

Harvard University I.D. (HUID) cards are the property of Harvard University and are intended for University purposes only. HUID cards are required for admission to most Harvard activities and facilities including libraries, museums, dining halls, athletic buildings, and student residences.

Every student is responsible for his or her HUID card and the consequences of its misuse. HUID cards are not transferable; a student may not allow any other person to use his or her HUID card for any purpose.

A student who alters or falsifies his or her HUID card or produces or distributes false identification cards of any kind is subject to disciplinary action. Lost cards should be reported immediately to Harvard University Identification and Data Services. Students must hand over their HUID card or otherwise identify themselves upon request to any properly identified officer of the University. Surrendered HUID cards will be transmitted immediately to I.D. Card Services. More information about HUID cards for new Law School students is available from the Office of the Registrar and at <http://www.law.harvard.edu/academics/registrar/11/id-cards.html>.

D. Use of University Libraries

The University's libraries are for the use of students, faculty, staff, and other authorized members of the University and scholarly community. Except when specifically authorized to a designated commercial user, the systematic exploitation of library resources, including its databases, for profit is prohibited. It is inappropriate for students and others to sell data, or to act as agents for those who do, or otherwise to use their library privileges other than for personal academic use.

E. Class Recordings

Please Note: Harvard Law School from time to time records classes for various reasons.

Recordings may be posted on internal secure course web sites for viewing or listening by students enrolled in the recorded course. Students should be aware that classes may be taped without further notice.

1. Student Class Recording Requests -- Students may request audio recordings by Media Services of class lectures for the following reasons:

a) **Student Disabilities:** All recording requests because of a disability must be submitted by the Dean of Students Office (495-1880). Classes may be recorded only in cases of a documented disability for which class recording is an approved accommodation. Please see disability accommodations for more information: <http://www.law.harvard.edu/current/student-services/disability.html>.

b) **Major Religious Holidays:** Classes taking place on major religious holidays are not automatically recorded. Faculty and/or students may request that a class be audio-taped on a major religious holiday through the Registrar's Office (617-495-4612). If a student has

requested a taping, the Registrar's Office will notify the instructor about the request. The Law School's Media Services Department will not tape for travel days surrounding religious holidays.

c) **Clerkship Interviews:** Each year the Office of Career Services will designate two days during which students interviewing for clerkships may request to have their classes audio recorded. The days will coincide with the first two days of the judicial clerkship interview period when absences are expected to be in the greatest number. All requests for taping because of clerkship interviews should be submitted to the Registrar's Office (617-495-4612). If a student has requested a taping, the Registrar's Office will notify the instructor about the request.

d) **Make-up classes:** The Law School's make-up class period is 3:15-5:15 p.m. on Friday afternoons. All faculty members are encouraged to use this period for make-up classes. Make-up classes scheduled during this time will not be recorded unless a student has a scheduling conflict with another make-up class. In the case of a class conflict the student may request a recording through the Registrar's Office (617-495-4612). If a student has requested a taping, the Registrar's Office will notify the instructor about the request. Make-up classes at times outside this class period may be recorded, but only at the instructor's request.

2. Timing of Recording Requests: Requests for class recordings must be submitted by 3 pm two business days prior to the class. Requests made later than 3 pm two business days prior to the class will be accommodated on a case-by-case basis and cannot be guaranteed. Fees may be incurred for last minute requests and class recordings that were cancelled without proper notice.

3. Student Recording of Classes: Media Services does not record classes for students who will be absent from a class for any reason other than those listed above. Faculty may not request to have a class recorded because an individual student or group of students has requested that the class be taped, other than for the reasons noted above.

Students who need to miss a class may borrow audio recording equipment from Media Service and/or have a fellow classmate record the class for them. Students must receive the permission of the faculty member(s) teaching before making any recording of a class. Classes may be recorded only for personal pedagogical use by the student or another student enrolled in the class. Students may not otherwise provide or distribute those recordings to others by any means.

4. Publication of Recordings:

a) Class recordings requested by faculty members and recordings made because of religious holidays, clerkship interviews and make-up classes will be made public to the entire class via the course iSite. Please note that faculty members and administrators of the sites reserve the right to remove any links from course websites at any time.

b) No person is permitted to post, distribute or otherwise make available any recordings produced by the Harvard Law School Media Services Department without written permission of the Harvard Law School Communications Office.

c) It generally takes three business days excluding Saturdays and Sundays and University Holidays for the Media Services Department to process and post links for streaming media from the Harvard Law School Media Server.

d) All postings will be removed from streaming access (HLS server) and backed up after three academic years from the academic year of creation. The Media Services Department must be notified at the time a request is submitted if there is any reason that digital audio and video streaming media will require linking for longer than three years. Instances requiring media storage longer than the default lifespan will be evaluated on a case-by-case basis and may incur additional hosting costs to the requesting department or organization.

e) The Media Services Department is not responsible for hardship encountered with expired audio and video links if lifespan beyond the ordinary three years was not requested at the time of the recording request.

f) Although HLS makes every effort to ensure the security of recordings, any recording made by Media Services could potentially be downloaded, copied, manipulated and/or redistributed. Further information about recordings, including non-class and event recordings, is available online at <http://www.law.harvard.edu/about/administration/its/policies/media-services.html>.

Appendix A: University-Wide Statement on Rights and Responsibilities

The central functions of an academic community are learning, teaching, research, and scholarship. By accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change. The rights and responsibilities exercised within the community must be compatible with these qualities.

The rights of members of the University are not fundamentally different from those of other members of society. The University, however, has a special autonomy and reasoned dissent plays a particularly vital part in its existence. All members of the University have the right to press for action on matters of concern by any appropriate means. The University must affirm, assure, and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate, and publicize opinion by print, sign, and voice.

The University places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based. Furthermore, although the administrative processes and activities of the University cannot be ends in themselves, such functions are vital to the orderly pursuit of the work of all members of the University. Therefore, interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University. Theft or willful destruction of the property of the University or its members must also be considered an unacceptable violation of the rights of individuals or of the community as a whole.

Moreover, it is the responsibility of all members of the academic community to maintain an atmosphere in which violations of rights are unlikely to occur and to develop processes by which these rights are fully assured. In particular, it is the responsibility of officers of administration and instruction to be alert to the needs of the University community; to give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expressions and to widely expressed needs for change. In making decisions that concern the community as a whole or any part of the community, officers are expected to consult with those affected by the decisions. Failures to meet these responsibilities may be profoundly damaging to the life of the University. Therefore, the University community has the right to establish orderly procedures consistent with imperatives of academic freedom to assess the policies and assure the responsibility of those whose decisions affect the life of the University.

No violation of the rights of members of the University, nor any failure to meet responsibilities, should be interpreted as justifying any violation of the rights of members of the University. All members of the community—students and officers alike—should uphold the rights and

responsibilities expressed in this Statement if the University is to be characterized by mutual respect and trust.

Interpretation: It is implicit in the language of the Statement on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.

It is implicit in the University-wide Statement on Rights and Responsibilities that any unauthorized occupation of a University building, or any part of it, that interferes with the ability of members of the University to perform their normal activities constitutes unacceptable conduct in violation of the Statement and is subject to appropriate discipline.

THIS UNIVERSITY-WIDE STATEMENT AND ITS FIRST INTERPRETATION WERE ADOPTED ON AN INTERIM BASIS BY THE GOVERNING BOARDS ON SEPTEMBER 20, 1970, AND WERE VOTED TO REMAIN IN EFFECT INDEFINITELY IN MAY 1977. THE SECOND INTERPRETATION WAS ADOPTED BY THE GOVERNING BOARDS IN JANUARY-FEBRUARY 2002.

STATEMENT OF THE PRESIDENT AND DEANS ON UNIVERSITY RIGHTS AND RESPONSIBILITIES (2002)

In view of events last spring and beyond, questions have been raised about Harvard's policies regarding protests and demonstrations. We take this opportunity to affirm our shared commitment to an academic community in which all members of the University are able to express their views freely and vigorously. We also affirm our commitment to ensuring that all members of the University are able to carry out their normal duties and activities in support of the University's mission without interference or constraint by others. These commitments are expressed in the longstanding University-wide Statement on Rights and Responsibilities. We believe it is timely to remind the University community of this longstanding policy statement and its application to unauthorized occupation of University buildings. To highlight that aspect of the existing policy, we have proposed and the Governing Boards have adopted an "interpretation" of the Statement, parallel to a prior "interpretation" regarding personal harassment. The newly adopted interpretation has been appended to the University-wide Statement on Rights and Responsibilities and now appears at the bottom of its text.

While we recognize that the determination of specific penalties for violation of this policy by students is primarily the responsibility of the several faculties, we regard it as essential that there be shared understandings across the University that emphasize the serious nature of building occupations that interfere with the ability of members of the University to carry out their normal duties and activities and the serious consequences that should follow from such interference. We are therefore informing the relevant officers and committees in our faculties of our shared view that students who engage in such conduct should ordinarily be subject to suspension, and that others who engage in similar conduct should be subject to appropriate sanction. Of course, applicable laws may also bear on such conduct, and the University-wide Statement itself has potential application to many other forms of conduct.

We also believe it important, when a building occupation or similar acts involve participants from different Schools, that steps be taken toward coordination in the approach to discipline, including possible reference to the University-wide Committee on Rights and Responsibilities.

Appendix B: Harvard Law School Community Principles

The Law School's commitments to fairness, respect for the rule of law, and free inquiry require an environment of trust and mutual respect, free expression and inquiry, and a commitment to truth, excellence, and lifelong learning. Students, program participants, faculty, staff, and alumni accept these principles when they join the HLS community and thereby agree to respect the rights, dignity, and differences of others, pursue honesty and integrity in dealing with all members of the community in person and on-line, and accept personal responsibility in these efforts.

Appendix C: Detailed Specifications Regarding the S.J.D. Degree

To qualify for the S.J.D. degree, candidates must fulfill the following requirements:

- Submission of an approved study plan, including course work and reading lists, in the first year.
- Completion of the first year of study in residence at the Law School, under the supervision of a faculty member and an orals committee, reading for fields and normally completing at least eight credits of course work (typically on an audit basis).
- Successful completion of an oral (general) examination in each of the fields of study outlined in the study plan.
- Two presentations at the S.J.D. Colloquium.
- Submission and acceptance of the doctoral dissertation.
- Successful oral defense of the dissertation.
- Provision of two copies of the final dissertation to the Graduate Program Office for deposit with the HLS Library.

Faculty Supervisor

Each S.J.D. candidate pursues the degree under the supervision of a faculty member selected by the candidate and approved by the Committee on Graduate Studies. Normally, this supervisor must be a full-time member of the Harvard Law School faculty.

Details for each of these requirements are set forth below. Candidates should also refer to the *Graduate Program Handbook* available in the [Graduate Program Office](#).

A. First Year of Study

1. Preparation of the Study Plan

The study plan represents the candidate's academic itinerary for the period of time (typically the first year of study) leading to the oral examination and should lay a foundation for later work on the dissertation. An acceptable study plan should be built around the candidate's specific fields of study and should include a combination of courses, readings, and other academic work. The candidate will be examined on those fields by no later than the 19th month from the beginning of S.J.D. studies (typically March of the second year). The study plan must also include the candidate's deadline for completion of the oral (general) examination.

The study plan should be organized around three or four fields chosen with reference to the candidate's dissertation proposal and future teaching plans. Such fields will normally include one interdisciplinary field, a field that seeks to combine study of the law with insights from a discipline other than law (such as economics, history, philosophy, or political science). Definition of fields is difficult and in all cases requires careful consideration. Candidates should refer to the general guidelines for field definition available from the [Graduate Program Office](#).

S.J.D. candidates in the first year must normally complete course work carrying a minimum of eight credit hours at the Law School or, if appropriate, at other departments of the University. Arrangements for this course work must be set forth in the Study Plan. Any S.J.D. candidate who does not hold a primary degree in law from a U.S. law school: (1) must complete, during the first year of S.J.D. studies or during the LL.M. year, at least one course in U.S. law and (2) is strongly encouraged to complete, during the first year of S.J.D. studies or during the LL.M. year, at least one course in legal history, legal process, or legal thought. Typically, the content of courses pursued in connection with fields will be examined at the oral (general) examination. Candidates will usually complete course work on a non-registered (audit) basis. Candidates who have waived the LL.M. degree, or are beyond the first year, may not register in courses for credit and therefore must complete their course work on an audit basis. If a faculty supervisor advises a candidate who has waived the LL.M. degree or who is beyond the first year of study to complete certain course work for credit, the candidate must petition the Committee on Graduate Studies for approval to complete such work for credit.

2. Class Attendance and Participation

Overlapping Courses or Seminars. S.J.D. candidates taking classes on a for-credit basis must adhere to the class attendance policy and are subject to the protections of the law set forth therein.

3. Minimum Grades

S.J.D. students must receive a minimum grade of P in any course taken for credit. Grades of LP or F are not passing grades for the S.J.D. degree.

4. The Orals Committee

In the course of preparing the study plan, S.J.D. candidates must assemble an orals committee consisting of the overall faculty supervisor and two or three other faculty members.

Members of the orals committee should be selected with a view to the fields that the candidate intends to pursue in the study plan. Orals committee members (other than the overall faculty supervisor) may be selected from the Law School faculty, from other departments of the University, or from other universities. Candidates who are pursuing an interdisciplinary field or fields are encouraged to choose their orals Committee members from among faculty who are specialists in those fields, which may involve selection from outside Harvard University.

The faculty supervisor and orals committee members will be responsible for consulting with the student throughout the year and administering the oral (general) examination. Orals committee members (other than the overall faculty supervisor) do not participate in the supervision or oral defense of the dissertation, unless they have individually agreed to do so.

Candidates should consult with their faculty supervisors, with the Assistant Dean of the Graduate Program, and with members of the Graduate Committee concerning any question on the selection of members of the orals committee.

5. Approval of the Study Plan

Candidates must submit drafts of their study plans to their faculty supervisors and orals committee members early in September of the first year of study and should discuss with them the desirability of pursuing specific courses, selected readings, inter-disciplinary study, skills enhancement (e.g., languages, mathematics, statistics), and other academic projects in their specific fields of study. On the basis of these discussions, candidates must put their study plans in final form, following the guidelines above, and have them approved by their faculty supervisors. This final version must be submitted to the Graduate Program Office for review and approval by the Committee on Graduate Studies by no later than September 30 of the first year of study. Upon review, the Committee on Graduate Studies may request adjustments to the study plan. These adjustments should be finalized and the study plan re-submitted no later than October 31 of that same year.

6. Periodic Consultation

It is essential that S.J.D. candidates consult regularly with the members of their orals committee during the course of their first year of study and up to the time of the actual examination. The frequency of meetings with faculty during the year will vary. Typically, candidates meet with their advisors every two to three weeks. Some faculty may prefer to meet less often but more intensively; others may prefer to meet in small groups rather than individually. More importantly, candidates should keep their supervisors and orals committee members informed of their progress and engage them substantively on the materials in prescribed readings and courses.

B. The Oral (General) Examination

Candidates must sit for the S.J.D. oral (general) examination in their fields of study during the first or second year in the program. The examination must be completed before starting work on the dissertation. In rare cases, a written examination may be substituted for an oral examination in one or more of the fields. Any changes in field supervision, contents, structure or title made to the fields between the time the Study Plan is submitted and the time the oral examination takes place must be approved in writing, in advance of the oral examination, by the faculty supervisor(s) and the Committee on Graduate Studies.

The purpose of the S.J.D. general examination is to test the candidate's competence in the fields set out in the study plan. The oral examination is conducted by a panel consisting of the faculty supervisor and the supervisor of each field covered in the study plan. Typically, half an hour is devoted to questions in each field. Candidates may be examined on any of the material covered in the study plan and are typically questioned on the more salient themes developed during consultations with their supervisors and orals committee members.

Each student and his or her faculty supervisor will agree on a target month (no later than the 19th month from the beginning of S.J.D. studies, typically March of the second year) for completion of the oral examination at the time the student develops his or her study plan. In selecting a date, the parties should take into account such factors as the student's background in his or her fields, whether the fields should be tailored more narrowly towards a dissertation or more broadly towards the student's teaching interests, the amount of time the student can spend in residence, and the like.

Students who have not completed the examination as of the beginning of the 13th month of S.J.D. studies, typically September 1 of the second year, will meet with a representative of the Committee on Graduate Studies during that month. In that meeting, the Committee representative and the student will discuss the student's progress in an effort to determine whether the student's original timetable is still appropriate. If that meeting yields the conclusion that the original timetable is still appropriate, the student will complete the oral examination no later than the original deadline. If the meeting yields the conclusion that the original timetable is no longer appropriate, the student and the Committee representative will discuss an appropriate new target date, in no event later than the end of the 19th month, typically March 31 of the second year of S.J.D. studies.

Upon completion of the oral examination, the faculty supervisor will prepare a brief report for the Committee on Graduate Studies providing a grade for each field (Distinguished, Good, Pass or Fail, with pluses and minuses as appropriate), an overall grade of "Pass" or "Fail" for the examination, and comments on the candidate's performance. The overall grade of "Pass" or "Fail" for the examination will appear on the candidate's transcript. If the overall grade is "Pass," the transcript notation will indicate the specific fields of study in which the candidate was examined. Apart from the "pass/fail" result, oral exam grades are not made available to the candidate and may not be disclosed beyond the Graduate Program, where they may be used in awarding fellowships and other positions.

C. Presentations at the S.J.D. Colloquium

Twice during the program S.J.D. candidates are required to present their dissertation work at the S.J.D. Colloquium, a gathering of all S.J.D. candidates, members of the Committee on Graduate Studies, the presenter's primary supervisor, and other faculty members (including, among others, those invited by the candidate). The S.J.D. Colloquium is facilitated by a faculty member or senior member of the Graduate Program administration and meets weekly.

The first presentation must take place after completion of the oral examination, and by no later than the 28th month from the beginning of S.J.D. studies (typically, by December of the third year). If the first presentation is not completed by this date, the candidate must make his or her presentation at the next dissertation prospectus conference, typically held in January each year. At this stage, the expectation is that candidates will present selected themes from their work in progress, whether research findings, methodological considerations, or some additional challenges of their doctoral projects. Final conclusions or exhaustive expositions on the dissertation are not encouraged. The second presentation must be completed prior to graduation and may, though it need not, take place in the last year of study. It may take the form of a

presentation of the completed or nearly completed dissertation (or, in certain circumstances, a paper-in-progress not necessarily related to the dissertation) to academic colleagues, similar in form to a job talk or conference paper.

For presenters of the First Colloquium, a dissertation prospectus or a written abstract, which includes a brief overview of the candidate's work along with a summary of the presentation, must be submitted to the Graduate Program no later than two weeks prior to the scheduled event, and will be distributed to other Colloquium participants one week prior to the scheduled event. For presenters of the Second Colloquium, a chapter of the dissertation (or a paper-in-progress not necessarily related to the dissertation), accompanied by an abstract or précis, must be submitted to the Graduate Program no later than two weeks prior to the scheduled event; both documents will be distributed to other Colloquium participants one week prior to the scheduled event. Subject to the timeline described in the preceding paragraphs, the Graduate Program will assign each candidate a date for the First Colloquium following completion of the oral examination. Students for whom the longest time has elapsed since the oral exam will be required to present the first colloquium before other candidates. It is the responsibility of each S.J.D. candidate to schedule a second colloquium before the appropriate deadline.

D. Dissertation Form, Submission, and Evaluation

1. Form

Within 36 months of successful completion of the oral examination, the S.J.D. candidate must complete and submit a dissertation on a subject previously approved by the Committee on Graduate Studies and the candidate's faculty supervisor. Each dissertation must represent a sustained and substantial scholarly effort and must be suitable for publication.

a) Prohibited submissions: Commissioned studies, committee reports, and writings of joint authorship will not be accepted in fulfillment of the dissertation requirement.

b) Permission and Required Format for Multiple Essay submissions: The dissertation is generally expected to be in the form of a monograph. In cases where the dissertation explores law and another discipline, a series of related essays may be acceptable if the candidate and her supervisor can demonstrate to the Graduate Committee's satisfaction that the multiple-essay format is the norm for dissertations in the relevant discipline. Where this format is approved, the candidate must also submit for approval an introductory and/or concluding synthetic essay that draws on the other essays and establishes a general thesis supported by the essays.

To request permission to submit a dissertation in the form of multiple essays, candidates should present for the Graduate Committee's review – as soon as possible but in any event no later than 6 months before the intended graduation date – a petition that: (a) sets forth the substance of the dissertation project as a whole and an explanation of why a multiple-essay format is more appropriate than a monograph in light of the nature and focus of the dissertation project and the norm for dissertations in the relevant discipline; (b) acknowledge the requirement to include a synthetic essay that draws on the other essays and establishes a general thesis supported by the essays; (c) describe the substance of the synthetic essay (it would be helpful to submit a draft of

the concluding essay as an attachment). Candidates should also ask their supervisor to provide a statement of support for the multiple-essay format in light of the norm for dissertations in the relevant discipline.

c) Dissertation length is typically between 300 and 400 double-spaced typed pages. Length is in part a function of the subject chosen and should be discussed with the faculty supervisor. The manuscript should have a margin of 1-H or 1-I inches on the left side of the page to allow for reader comments and to permit binding. While there is no predetermined format for the cover page, each candidate should check with his or her supervisor for any specific requirements or preferences. At a minimum, the candidate's name, the title of the dissertation, the name of the supervisor, and the date of submission should be included.

d) The candidate should submit one copy of the dissertation to the faculty supervisor and one copy to the second reader. The candidate should retain the original. Both the faculty supervisor and the second reader provide written comments on the dissertation; final approval may be conditioned on further revisions by the candidate. Candidates should not at any stage submit permanently bound copies of the dissertation; dissertation copies do not require hard covers. Once the readers approve the dissertation and corrections, if any, are made, two copies printed on acid-free paper must be submitted (unbound) to the Graduate Program for deposit with the Law School Library. At this time, a Library Authorization form must also be signed.

2. Submission Deadline

Once the supervisor deems the dissertation complete, the supervisor will certify to the Committee on Graduate Studies that the dissertation is ready to be defended and subjected to a final evaluation.

This certification must be made not later than 36 months after the completion of the oral examination. Dissertations submitted after the expiration of this 36-month limit will be accepted only if prior approval for an extension has been obtained from the faculty supervisor and the Committee on Graduate Studies.

It is the responsibility of degree candidates to plan their work so that faculty supervisors are able to meet the applicable deadline for certification. To permit time for evaluation, dissertations should be submitted to the faculty supervisor and second reader at least two months prior to the faculty meeting scheduled to consider the awarding of degrees. Students planning to graduate in November should submit the dissertation to their faculty supervisors no later than August 1; students planning to graduate in March should submit the dissertation no later than December 1; and students planning to graduate in May should submit the dissertation no later than March 22. Dissertations often are not finally approved until three or more months following submission. Candidates are strongly advised to leave more than the minimum time to allow for possible delays in reading or suggestions for extensive revisions. Further information regarding deadlines and degree dates is available from the Graduate Program Office.

3. Evaluation

Following certification by the faculty supervisor, the faculty supervisor and a second reader will evaluate the dissertation. The second reader should be a Harvard Law School faculty member, selected by the candidate in consultation with the supervisor, who is skilled in the candidate's area of study. It is the candidate's responsibility to report the name of the second reader to the Graduate Program Office as soon as that reader has been selected.

The submitted dissertation will be approved only if, in the judgment of the faculty supervisor, the second reader, and the Committee on Graduate Studies, it constitutes a substantial and valuable contribution to the learning in its field.

It is the candidate's responsibility to ensure that the faculty supervisor and second reader submit written evaluations of the dissertation to the Graduate Program Office. When the supervisor and second reader have both approved the dissertation, the oral defense should be scheduled.

4. Oral Defense of Dissertation

Upon completion of the dissertation, each candidate must pass an oral defense examination in his or her principal field of research (not limited to but including the subject of the dissertation). The examination is given by a dissertation defense committee consisting of the faculty supervisor, the second reader and, if necessary, a representative of the Committee on Graduate Studies. The examination is customarily held at the Law School within two months of the submission of the dissertation.

5. Degree Deadlines

In order to determine whether to recommend to the Law School faculty that a candidate be awarded the S.J.D. degree, the Graduate Committee must receive written reports evaluating the dissertation from the principal supervisor and the second reader, as well as a report of the oral defense. These reports must be received by no later than September 30, 2011 to qualify for a November degree, December 20, 2011 to qualify for a February degree, January 31, 2012 to qualify for a March degree, or May 4, 2012 to qualify for a May degree. (Please note: Reports on the oral examination should already be a part of the candidate's file.) In addition, the final version of the approved dissertation must be submitted to the Graduate Program (for deposit in the Law School Library) no later than two weeks prior to the expected date of graduation. The Committee on Graduate Studies will not entertain recommendations from supervisors after the relevant date listed above.

6. Extensions of Dissertation Period

Extensions for completion of the S.J.D. dissertation beyond the 36-month period following successful completion of the oral exam will be granted only in cases of special need. Except as provided below (for candidates pursuing second doctoral degrees), under no condition will extensions be granted for a period exceeding 72 months from the end of the first year of S.J.D. candidacy.

To apply for an extension, candidates and their faculty supervisors must submit to the Committee on Graduate Studies a written request for an extension supported by a justifiable basis and the expected completion date. Receipt of this request will initiate Committee review; the results of the Committee's review will be reported to the candidate shortly thereafter.

Candidates pursuing second doctoral degrees: The Committee may grant extensions of up to (but under no circumstances exceeding) 108 months from the end of the first year of S.J.D. residency if both of the following pertain:

- The candidate has been pursuing a second doctoral degree concurrently with his or her S.J.D. candidacy; and
- The candidate has completed the other doctoral degree within 72 months after the end of the first year of S.J.D. residency.

Appendix D: Harvard University Health Services and Harvard University Student Health Program

I. Harvard University Health Services (HUHS)

huhs.harvard.edu

HARVARD SQUARE CAMPUS

Holyoke Center 75 Mt. Auburn St., Cambridge
617-495-5711 • TTY: 617-495-1211

Below is a summary of the services available at Harvard University Health Services (HUHS). Please see huhs.harvard.edu for detailed, up-to-date information.

Services at Holyoke Center include:

- 24 hour urgent care
- Primary care
- Mental health
- Medical/surgical subspecialties

Primary care and some mental health services are also available at each of the three satellite clinics located on the Law School, Business School and Longwood Medical School campuses.

URGENT CARE AND EMERGENCY SERVICES

Any student experiencing symptoms of a medical emergency (e.g., chest pain, severe shortness of breath) should call 9-1-1 immediately. After-hours and weekend care for non-routine, urgent medical concerns or symptoms is available through the After Hours Urgent Care Clinic at Holyoke Center.

After Hours Urgent Care Clinic HUHS

Holyoke Center – 5th floor
617-495-5711; TTY: 617-495-1211

The After Hours Urgent Care Clinic (AHUCC) is open nights, weekends, and holidays for non-routine, urgent medical concerns or symptoms. Whenever possible, students are encouraged to call their primary care team or mental health provider for advice during regular office hours.

PRIMARY CARE SERVICES

HUHS is committed to providing each student with complete, coordinated health care through a working relationship with a primary care team comprised of a primary care physician (PCP), nurse practitioner, registered nurses, and health assistants.

Students are assigned a primary care physician (PCP) and primary care team that will provide

any care needed throughout the year. A complete listing of primary care clinicians is available at huhs.harvard.edu. Students may change their PCP at any time for any reason by emailing Member Services (mervices@huhs.harvard.edu) with their selection. Students with chronic medical conditions are advised to establish a relationship with the primary care team early in the academic year. It will be helpful to provide copies of medical records of health care received at other facilities.

Other Services

Other services available at Holyoke Center include:

- Pharmacy
- Dental Services
- Vision care and eye services
- Optical shop

Note: Not all of these services are covered by insurance.

Required Immunizations

All students are required to comply with the Massachusetts immunization regulations and submit a complete immunization history to Harvard University Health Services prior to registration.

NOTE: Incomplete or overdue forms may delay registration. There is a fee for most immunizations. Additional information is available at huhs.harvard.edu.

Travel Health Immunizations and Information

HUHS provides immunizations and related services, including expert counseling and advice for individual travel health needs, on a fee-for-service basis. HUHS recommends scheduling travel health appointments six to eight weeks in advance of travel.

HIV Testing

HUHS provides confidential HIV testing. For those who would prefer to have anonymous testing, visit huhs.harvard.edu or the AIDS Action Committee of Massachusetts website (www.aac.org) for suggested locations.

STILLMAN INFIRMARY

Stillman Infirmary provides short-stay care for medical and mental health problems, and certain post-operative cases. Admission to the Stillman Infirmary is based on clinical indications as determined by a student's primary care team and/or the After Hours Urgent Care Clinic staff.

PATIENT ADVOCATE

The Patient Advocate is available to assist students with any concerns, questions, or comments. All communications are confidential.

SPECIAL NEEDS

HUHS is prepared to meet the general and special health care needs of students. Early contact with a primary care clinician is advised to establish a base for continuity of care during a student's active stay at Harvard. A variety of access services are available through the Accessible Education Office (aeo.fas.harvard.edu), including sign-language and oral interpreters. The Patient Advocate is available to assist individuals with special needs.

CONFIDENTIALITY

The confidentiality of all records and other medical information about patients at HUHS is protected to the full extent of the law. Written authorization from the student is necessary to release record information to any third party except in highly unusual circumstances as required by law, or as indicated in the HUHS Notice of Privacy Practices.

BEHAVIORAL HEALTH AND ACADEMIC COUNSELING SERVICES (BHAC)

Department of Behavioral Health and Academic Counseling

5-7 Linden St., Cambridge

617-496-2053

BHAC includes the following services:

Mental Health Services

huhs.harvard.edu

HUHS at Holyoke Center, 75 Mt. Auburn St., 4th Floor

617-495-2042

Center for Wellness

cw.huhs.harvard.edu

Holyoke Center

617-495-9629

Office of Sexual Assault Prevention and Response

fas.harvard.edu/~osapr 731 Holyoke Center

24-hour response line: 617-495-9100

Office of Alcohol and Other Drug Services

huhs.harvard.edu

7 Linden Street, 2nd Floor

617-496-0133

Bureau of Study Counsel

Center for Academic and Personal Development

bsc.harvard.edu

5 Linden Street

617-495-2581

II. The Harvard University Student Health Program (HUSHP)

Below is a summary of information. Please visit huhs.harvard.edu for additional details about Harvard University Health Services (HUHS) and the Harvard University Student Health Program (HUSHP).

Required Student Health Insurance

Massachusetts law requires that students enrolled in an institution of higher learning in Massachusetts participate in a student health insurance program or in a health benefit plan with comparable coverage. All Harvard students are automatically enrolled in the Harvard University Student Health Program (HUSHP) and the cost of the program is applied to their term bill.

Student Health Fee

Required of all students who are more than half time and studying in Massachusetts. This fee covers most services at Harvard University Health Services, including internal medicine, medical/surgical specialty care, mental health/counseling services, physical therapy, radiology, Stillman Infirmary, and 24/7 urgent care.

Student Health Insurance plan

Provides hospital/specialty care through Blue Cross Blue Shield of Massachusetts and prescription drug coverage through Medco. Coverage includes emergency room visits, hospitalizations, diagnostic lab/radiology services, ambulatory surgery, specialty care outside HUHS (limited), and prescription drug coverage. Benefit limits and cost-sharing may apply—visit huhs.harvard.edu for more details.

Waiving the Harvard University Student Health Plan Insurance

Students enrolled in a comparable health insurance plan may be eligible to waive the Student Health Insurance Plan. Waivers must be completed by the appropriate deadline or the charges will remain on your term bill. The deadline to waive is August 31, 2011, for the fall term (or full academic year), and by February 28, 2012 for the spring term.

- Before waiving, carefully evaluate whether your existing health plan will provide adequate, comprehensive coverage in the Boston area. View the website to review a waiver checklist for guidance. You will be fully responsible for all medical claims and prescription drug costs if you waive the insurance plan.
- International students studying on campus at Harvard are not eligible to waive the insurance plan with foreign insurance, including those with a U.S.-based administrator. This is a requirement pursuant to the Massachusetts student health program regulations.

For detailed information on the Harvard University Student Health Program policies, benefits, limitations, and exclusions, including waiver eligibility and dependent enrollment, please visit

huhs.harvard.edu. For more information, please contact Member Services at mservices@huhs.harvard.edu.

Legal Notices and Provisions

I. Notice of Non-Discrimination

The Harvard Law School does not discriminate against any person on the basis of race, color, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities.

The Harvard Law School makes one exception to this policy. Under threat of loss of funding to the University resulting from the Solomon Amendment, the Law School has suspended the application of its nondiscrimination policy to military recruiters. This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

**INQUIRIES REGARDING THE APPLICATION OF THE LAW SCHOOL'S
NONDISCRIMINATION POLICY MAY BE REFERRED TO THE FOLLOWING LAW
SCHOOL COORDINATORS OF THAT POLICY:**

Faculty and Staff

Francis X. McCrossan
Dean for Administration
617-495-4641
Griswold 201

J.D. Admissions

Joshua Rubenstein
Assistant Dean for Admissions
617-495-3102
Austin 204

LL.M. and S.J.D Admissions

Jeanne Tai
Assistant Dean for the Graduate Program and International Legal Studies
617-496-4849
Lewis 208

Students

Ellen M. Cosgrove
Dean of Students
617-495-1880
Pound 310

Mark A. Weber
Assistant Dean for Career Services

Pound 312
617-495-5469

Alexa Shabecoff
Assistant Dean for Public Service
Pound 329
617-495-3108

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J. W. McCormack POCH, Room 222, Boston, MA 02109-4557.

II. Harvard Law School FERPA Policy

A. Privacy and Directory Information

Harvard Law School is committed to complying with the Family Educational Rights and Privacy Act of 1974 (FERPA; also known as the Buckley Amendment), which protects the privacy of student records. Although most information contained in a student's educational record is confidential, some of that information is not considered to be harmful or an invasion of privacy if disclosed and is referred to as "directory information." FERPA prohibits schools from releasing information other than that designated as "directory information" without the student's permission.

The Registrars of the Harvard Schools developed a common University super-set of student information directory elements. The list can be found at <http://www.security.harvard.edu/resources/references/ferpa-glossary-terms>. Each Harvard School can use some or all of the data elements on this list in their own directories, but no School will include any data elements in their own directories that are not included in the University list. Harvard Law School has adopted this list of glossary terms as its directory items. Students should be aware that the University does share both directory and other student information within the University with those individuals who have a legitimate educational interest in the information. In addition, the University can, and occasionally must under federal rules, share student information with people or organizations outside the University. (See <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html> for information about these types of information sharing.)

The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.

Requesting a FERPA block

FERPA also gives a student the right to block public display of directory information. Schools are required to convey to students which information they classify as directory information and allow students and parents a reasonable amount of time to request that the School not disclose directory information about them (such a request is referred to at Harvard as a "FERPA block"). Those students requesting a "FERPA block" are asked to submit a written request to the Office

of the Registrar before September 30 and should be aware of the substantial consequences of the block:

A FERPA block prohibits Harvard from acknowledging the student's existence.

A FERPA block will prevent the student from being listed as having attended Harvard, and it will prevent Harvard from acknowledging that a student is currently enrolled at the University. The only exceptions involve the U.S. government, U.S. law enforcement, or Harvard officials with legitimate educational interest including the need to maintain School operation. In addition, a FERPA block will prevent a student from appearing in the printed University Commencement Program and from being listed in the online Harvard phone directory.

For a FERPA request form click [here](#).

A FERPA block will remain in effect for continuing students and alumni until a written release has been received and processed by the Office of the Registrar.

For the form required to request the removal of a FERPA block click [here](#).

B. Right to File a Complaint with the U.S. Department of Education

Complaints regarding alleged violation of rights of students under FERPA may be submitted in writing within 180 days to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.

C. Types of Educational Records Maintained at the Law School

The student's educational file is kept in the [Office of the Registrar](#) (Pound 300) and is the responsibility of the Registrar. This file contains the following:

1. Application for admission and undergraduate transcript(s);
2. Certification from undergraduate institution of student's eligibility to attend law school;
3. Any undergraduate and HLS disciplinary actions;
4. LSDAS report;
5. Correspondence and degree audit information.

D. Student Inspection of Files

Students who wish to inspect their educational records may submit a written request to the Registrar. Inspection will take place within 45 days from receipt of the request.

III. Massachusetts Anti-Hazing Statute

269:17. Hazing; organizing or participating; hazing defined

[TEXT AS AMENDED BY 1987, 665 EFFECTIVE APRIL 4, 1988. FOR TEXT EFFECTIVE UNTIL APRIL 4, 1988, SEE 1986 EDITION.]

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

269:18. Failure to report hazing

[TEXT AS AMENDED BY 1987, 665 EFFECTIVE APRIL 4, 1988. FOR TEXT EFFECTIVE UNTIL APRIL 4, 1988, SEE 1986 EDITION.]

Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

269:19. Copy of secs. 17–19; issuance to students and student groups, teams and organizations; report

[TEXT AS AMENDED BY 1987, 665 EFFECTIVE APRIL 4, 1988. FOR TEXT EFFECTIVE UNTIL APRIL 4, 1988, SEE 1986 EDITION.]

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team, or student organization which is part of such institution, or is recognized by the institution, or permitted by the institution to use its name or facilities, or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen

and eighteen to unaffiliated student groups, teams, or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams, or organizations.

Each such group, team, or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team, or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and, in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams, or organizations and to notify each full-time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

610 CMR 5.00: Hazing Reporting

5.01: SCOPE AND PURPOSE

610 CMR 5.00 governs the content and frequency of reports that Massachusetts public and private institutions of post-secondary education must file with the Board of Higher Education regarding the distribution and acknowledgment of receipt of copies of the hazing laws and the adoption by public and private institutions of post-secondary education of a disciplinary policy with regard to the organizers and participants in hazing activities.

5.02: DEFINITIONS

As used in 610 CMR 5.00:

- **College or University**
A public or private institution of higher education chartered, located, offering courses, or otherwise doing business in the Commonwealth, leading to the award of a degree, or any educational institution chartered, incorporated, or organized in another state conducting courses within the Commonwealth available to residents of the Commonwealth leading to the award of a degree.
- **Board**
Board of Higher Education, a state agency established pursuant to applicable provisions of M.G.L. c. 15A.
- **Hazing**
As defined in M.G.L. c. 269, s 17.
- **Public or Private Institutions of Post-Secondary Education or Institution**
An institution located within Massachusetts which provides formal instructional programs with a curriculum designed primarily for students who have completed the requirements of a high school diploma or equivalent. This includes programs of an academic, vocational or continuing professional education, degree-granting colleges and universities, and non-degree-granting institutions.
- **Unaffiliated Student Group, Team or Organization**
Any group, team or organization that operates on or in conjunction with the campus of a college or university, but is not under the authority of the college or university.

5.03: REPORTING REQUIREMENTS

Content of Report:

Reports required by M.G.L. c. 269, s 19 shall include the following certifications:

- That the institution has complied with the responsibility to inform student groups, teams, or organizations of the provisions of M.G.L. c. 269, ss 17 and 18;
- That the institution has notified each full-time student enrolled by the post-secondary educational institution of the provisions of M.G.L. c. 269, ss 17 and 18;
- That the institution has adopted a disciplinary policy with regard to the organizers and participants of hazing;
- That the institution's disciplinary policy with regard to the organizers and participants of hazing has been set forth with appropriate emphasis in the student handbook or that a similar means of communicating the institution's policies to its students has taken place.
- Said report shall be signed by the president or chief executive officer of the public or private institution of post-secondary education or his or her designee.
- The Board may, upon request, furnish a reporting form to the public or private institution of post-secondary education, or authorize alternative reporting formats, including facsimile transfer, electronic mail or other formats capable of transmitting the report to the Board's designated recipient.

Frequency of Reports

Each public or private institution of post-secondary education shall annually file its compliance report with the Chancellor of the Board of Higher Education or his designee on or before July 31 of each year. Said report shall cover the period July through June 30 inclusive.

Any public or private institution of post secondary education that requires an extension of the July 31 reporting deadline shall forward a written request for an extension to the Chancellor or his designee at least 30 days before July 31 which shall include justification for the extension and specify the date by which the public or private institution of post secondary education's report will be filed. No extension shall be granted beyond September 1 of the year which the report is due.

Notification to the Attorney General

The Board shall report to the Attorney General any public or private institution of post-secondary education that fails to submit report by July 31 of each year or by any date of extension granted by the Board.

REGULATORY AUTHORITY

610 CMR 5.00: M.G.L. c. 269, s. 19.

IV. Nonresident Student Driver Statements and Decals

State law requires Harvard to post the following notice to all students who are not Massachusetts residents:

"IT IS UNLAWFUL FOR A NONRESIDENT STUDENT TO FAIL TO FILE A NONRESIDENT DRIVER STATEMENT WITH THE POLICE DEPARTMENT LOCATED IN THE SAME CITY OR TOWN AS THE SCHOOL OR COLLEGE ATTENDED, IN ACCORDANCE WITH SECTION 3 OF CHAPTER 90 OF THE MASSACHUSETTS GENERAL LAWS. FAILURE TO FILE SUCH STATEMENT IS PUNISHABLE BY A FINE NOT TO EXCEED \$200."

Under Massachusetts law, if out-of-state students bring cars to campus but elect not to register them with the Massachusetts Registry of Motor Vehicles, then they must file a nonresident driver statement with the local police department, whether or not they apply for on-campus parking. Shortly after filing the nonresident driver statement with the Cambridge Police Department, students will receive a nonresident student driver decal from the University Parking Office. This decal must be prominently displayed in the "uppermost center position" of the vehicle's windshield.

V. Information Technology Services

Harvard Law School Computer and Network Resources Usage Agreement

In support of Harvard Law School's learning, teaching, and research goals, Information Technology Services (ITS) provides current members of the Law School community with access to the School's computer and network resources. To ensure that these resources remain available to all members of the community and to protect the substantial investment the Law School has made in its computer and network systems, student access is conditioned upon agreement to and compliance with the terms of this Harvard Law School Computer and Network Resources Usage Agreement. Harvard Law School Computer and Network Resources include but are not limited to: HLS campus and office space; wired, wireless and VPN network equipment; back-office systems (e.g. email, Student Information System); printers, desktop and laptop equipment provided to students, faculty, or staff and any other computing equipment owned and/or operated by the Law School's ITS department. This agreement supplements Appendix B in this Handbook, which outlines students' rights and responsibilities as a member of the Harvard University community.

A. Use of Computer and Network Resources

No one may use a computer and/or the network in a way that would damage or inappropriately degrade these resources, or disrupt the work of others. Students are prohibited from attempting to:

- 1) Interfere with the work of others;
- 2) Gain unauthorized access to computer or network resources;
- 3) Circumvent or violate local network, electronic accounts, or Web security systems;
- 4) Use Law School electronic accounts of others;
- 5) Damage or inappropriately degrade performance of computer and network resources;
- 6) Willfully misrepresent the identifying attributes of any electronic communications (e.g., date and time of creation or transmission, message identification number, IP address, etc.);
- 7) Unlawfully use, duplicate, or distribute software and files;
- 8) Use computer or network resources for commercial purposes without authorization; or
- 9) Use computer or network resources in violation of any applicable law or Law School policy.

In addition to possible disciplinary action and/or termination of network privileges, the violation of any of these restrictions may result in legal penalties.

Students are responsible for the use of their electronic accounts (e.g., email, network, course websites, and printing) and are not permitted to grant others access to these accounts. Nor should a student disclose his or her password to anyone, including friends or family. ITS staff will not ask students for their passwords when ITS assistance is requested unless absolutely necessary. ITS does not share students' passwords.

B. Compliance with the Digital Millennium Copyright Act of 1998

The University prohibits the use of the Harvard network for illegal activities. Federal law prohibits the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyright holder, except in accordance with fair use or other specifically applicable statutory exceptions. Harvard may terminate the network access of users who are found to have repeatedly infringed the copyrights of others. In addition, unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject a student to civil and criminal liabilities. Harvard complies fully with the federal Digital Millennium Copyright Act of 1998 ("DMCA") and has in place the mandated process for receiving and tracking alleged incidents of copyright infringement.

Harvard network users should be aware of recent changes in the pre-subpoena notification approach employed by the Recording Industry Association of America (RIAA). These changes include notices requesting the preservation of records in advance of a subpoena, and notices providing an option for users to settle in advance of potential lawsuits. University policy remains unchanged. We will continue to comply with the Digital Millennium Copyright Act and federal law pertaining to DMCA subpoenas, and will continue to update the community of significant changes to process or law.

The University is committed to maintaining the integrity and availability of the Harvard network for vital educational and research purposes for which it was designed. We recommend that all students become familiar with the laws pertaining to the use of digital material and to comply with federal law and University policy regarding use of copyrighted materials. More information may be found at http://www.dmca.harvard.edu/copyright_policy.php and <http://www.dmca.harvard.edu/faqs.php>.

BitTorrent, Limewire, Gnutella, eDonkey, and other filesharing programs can transmit files on a student's computer to others in violation of copyright laws, with or without the student's knowledge. If these programs are on a student's computer, he or she will be held responsible for any copyright violations that may result.

C. Security and Privacy

Electronic communications, communicative attributes of electronic communications (e.g., date and time of transmission, subject, identification number, parties with whom a student communicates, how often, etc.), and files stored on Law School servers will be kept confidential

in accordance with privacy policies set by Harvard Law School and Harvard University and by law.

Students should understand that no network is perfectly secure, and that there are substantial risks that communications can be intercepted, or that any message intended for one person can be easily forwarded to another by the recipient. Students should take care that particularly sensitive documents not remain on computer or network systems that are publicly accessible or that others may easily access. Likewise, students are responsible prior to forwarding a message for ensuring that doing so is consistent with the originator's reasonable expectations.

Network-based system activity, such as network connection and email message transmission, is automatically logged on a continuous basis. These logs include a record of user processes, message subjects, and other user-related data that may be examined by ITS system administrators to maintain system performance and/or prevent damage or degradation, or to ensure compliance with Law School guidelines. ITS also maintains regular backups of network servers, including email messages and files. The purpose of these backups is to restore the system in case of data loss due to a system crash. These backups are subject to the same privacy protections as any network data, but also, obviously, present additional risk.

In the normal course of official duties, ITS system administrators have access to all data on the system, including contents of email messages and communicative attributes. While ITS policy is to avoid coming into contact with or reading any communications, ITS system administrators may, if necessary, come into contact with or read communications in order to ensure proper operation of network resources; the most common circumstance in which this contact occurs is during an attempt to deliver a misrouted message.

System administrators will produce any available log records, messages, and files at the request of the Dean for Administration, Dean of Students, or the Administrative Board.

When a student requests assistance from ITS, he or she implicitly gives the staff permission to view the data in his or her account or on his or her computer to the extent necessary to investigate, diagnose, or correct the problem the student is having, and ITS staff will make reasonable efforts to alert the student to the anticipated and actual scope of any such viewing.

The use of encryption to secure the contents of one's communications or files is permitted. Law School staff must familiarize themselves with the University's Information Security and Privacy Policy included in the Staff Personnel Manual available online at http://harvie.harvard.edu/docroot/standalone/Policies_Contracts/Staff_Personnel_Manual/Section2/Privacy.shtml and with the Law School's Enterprise Security Policy available online at <http://www.law.harvard.edu/about/administration/its/security-policies/secindex.html> which may supersede policies set forth in this agreement.

D. Anonymous and Pseudonymous Communications

The rules governing whether electronic communications may be anonymous or pseudonymous are determined by the particular context within which the communication occurs, and the violation of such rules may result in disciplinary action. Three general rules, however, govern all

electronic communications, and may not be locally modified without the express curriculum-related permission of the relevant Law School faculty member:

- 1) Electronic communication systems, whether email or discussion groups, produce records that facilitate the ability to trace such communications. These records may not in all cases reveal the identity of the sender, but they do facilitate the identification of a particular communication's origin. A student is prohibited from modifying this data in a manner that will interfere with the ability to trace a communication.
- 2) Members of the Law School community are given accounts based on their legal name; a student may not take steps to hide his or her identity in electronic communication when using Law School accounts, computers, networks, or servers.
- 3) In no context may a student fraudulently misrepresent his or her identity.

E. Misuse of Resources

In accordance with the "University-wide Statement on Rights and Responsibilities" included as Appendix B of this Handbook, the Law School neither endorses nor censors any opinion expressed on, or originating on, its computer systems or network. However, because the electronic communications originating from the Law School community automatically carry the Harvard Law School domain name ("law.harvard.edu"), a student should be particularly careful not to inaccurately identify himself or herself as representing or speaking for the institution. More generally, in the use of email or other electronic communication, the same standards of conduct governing the use of telephones and oral and written communication apply. A student may not use email to broadcast messages or "spam" the Law School community.

As with any Law School resource, "misuse" includes the theft or deliberate damage of any Law School equipment or resource. With regard to Law School computer and network resources, it also includes other activities that interfere with the efficient and reliable provision of computer and network services. Such other activities include, but are not limited to, the following specific prohibitions:

- 1) A student may not relocate or disassemble any Law School network, computer, or peripheral equipment.
- 2) A student may not connect his or her computer to a network port (data jack) unless that computer is assigned to that port or the port is designated as "roaming."
- 3) A student may not attempt to intercept, analyze, record, or tamper with network data packets.
- 4) A student may not connect non-ITS network equipment to the Law School network. This includes, but is not limited to routers and wireless access points.

F. Emergency Situations and Compliance with Account Quotas

In any situation that threatens system security, stability, integrity, or performance, ITS system administrators will take necessary action to defend computer and network resources. These defense measures may include terminating or suspending processes or user accounts without prior notice. ITS will notify the affected user(s) as soon as feasible. Emergency situations may or may not involve deliberate misconduct.

All users are expected to adhere to the specific usage quotas that govern Harvard Law School accounts. Repeated failure to act upon ITS requests regarding such quotas may result in files or messages being deleted from over-quota accounts.

G. Copyright and Software Licenses

All Harvard users must respect the copyrights in works that are accessible through computers connected to the Harvard network. Federal copyright law prohibits the reproduction, distribution, public display, or public performance of copyrighted materials without permission of the copyright owner, unless fair use or another exemption under copyright law applies. In appropriate circumstances, Harvard will terminate the network access of users who are found to have repeatedly infringed the copyrights of others, and may also take disciplinary action.

Users may not install software on Harvard owned and operated computers without evidence of a valid software license or other right or privilege to install such software.

H. Cases of Misconduct

Whenever a case of misconduct is suspected by or reported to ITS, ITS will immediately notify the person or persons accused of such misconduct and the appropriate supervisory authority, such as the Dean of Students or the Dean for Administration. As the situation warrants, the supervisory authority will determine the course of any investigation or disciplinary action. After such notification and while any inquiry is pending, ITS has the right to deny access to Law School equipment and network services to any person or persons believed to be violating the guidelines set forth here.

In addition to possible disciplinary action on the part of the Law School and/or termination of network privileges, misuse of electronic communications, use of computers for unlawful purposes, and violations of copyright laws carry civil and criminal penalties under Massachusetts and federal law. All users are expected to learn and abide by these laws. Harvard's policy is to cooperate with law enforcement officials in the detection, investigation, and prosecution of unlawful activity; unless lawfully prohibited by the authorities, a student will be notified if information specific to his or her account or communications is turned over to non-Harvard authorities.

I. Requirements on Leaving Harvard Law School

Before a student leaves the Law School, he or she must remove all software for which the license belongs to the Law School installed on his or her personally owned computer(s).

VI. Harvard Law School Digital Media Policy

1. Harvard Law School from time to time records classes for various reasons. Recordings may be posted on internal secure course web sites for viewing or listening by students enrolled in the recorded course. Students should be aware that classes may be taped without further notice.

2. Pursuant to the Class Recording Policy (Section XIII.D), the Law School will not record classes for reasons other than religious holiday observance or during the two days of clerkship interviews. Students wishing to make a personal recording must receive the permission of the faculty member(s) teaching before doing so. Classes may be recorded only for personal pedagogical use by the student or another student enrolled in the class. Students may not otherwise provide or distribute those recordings to others by any means.

3. No person is permitted to post, distribute or otherwise make available any recordings produced by the Harvard Law School Media Services Department without written permission of the Harvard Law School Communications Office.

VII. Harvard Law School Drug and Alcohol Policy

Harvard University promotes the health and well-being of its students and employees through its Health Services and other agencies. The unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on Harvard property or as a part of any Harvard activities is a violation of University rules, as well as the law. Possession, use, or distribution of certain nonprescription drugs, including marijuana, amphetamines, heroin, cocaine, and nonprescription synthetics; procurement or distribution of alcohol if one is under 21 years of age; and provision of alcohol to anyone under 21 years of age are violations of law and of Harvard policy. The University holds its students and employees responsible for the consequences of their decisions to use or distribute illicit drugs, or to serve or consume alcohol. Further, it expects students and employees to create and maintain an environment for learning and work that is safe and healthy and encourages responsible conduct.

The use of illicit drugs and the misuse of alcohol are potentially harmful to health. In particular, synthetically produced drugs, which are readily available in the Boston metropolitan area, often have unpredictable emotional and physical side effects, which constitute an extreme health hazard. In addition, students are encouraged to weigh the seriousness of potential loss of function that may come from ingesting illicit drugs or too much alcohol. Because of the considerable health hazards involved in drug and alcohol use, administrative, medical, and psychiatric help for students having drug problems or difficulties controlling their use of alcohol are available on a confidential basis from the Law School Health Services in Pound Hall, and at the University Health Services at Holyoke Center, and any member of the University may make use of the Health Services on an emergency basis, day or night.

Attention is directed to the fact that the University is not, and cannot be considered as, a protector or sanctuary from the existing laws of the city, state, or federal government. Students are reminded that there are heavy penalties, including imprisonment, for possession or distribution of illicit drugs and for selling or delivering alcohol to, or procuring alcohol for, someone under the age of 21. There are also serious penalties for anyone under the age of 21 who purchases, attempts to purchase, or arranges to procure alcoholic beverages or to misrepresent his or her age or falsify his or her identification with the intent of purchasing alcohol; anyone, regardless of age, caught falsifying a driver's license, or selling or distributing false I.D.s; and anyone, regardless of age, who operates a motor vehicle under the influence of alcohol or drugs, or with an open container of alcohol. In addition, the city of Cambridge prohibits consumption of alcohol on public property or on property open to the public. All students should become familiar with the pamphlet on drug and alcohol law prepared by the General Counsel to the University, distributed at registration each year, and available in the Dean of Students Office.

The Law School will take appropriate action when cases of this type come to its attention, consistent with the legal sanctions for the inappropriate use of drugs and alcohol.

The Law School will respond to:

- The use of illicit drugs;

- Underage possession or consumption of alcohol;
- Serving alcohol to underage individuals;
- Possession in quantity or the sale or distribution of drugs; or
- Drug or alcohol use which involve danger to the Harvard community.

Sanctions may include warning by administrative officers and referral to health or counseling services or action by the Administrative Board, including warning, reprimand, suspension, or expulsion (the last three sanctions are reported to bar authorities), and referral for prosecution.

Provisions Regarding Alcohol Service and Use at Harvard Law School

Students can serve beer and wine at Law School events. All alcohol must be purchased through Restaurant Associates (the Law School's onsite catering service). Please contact Restaurant Associates at catering@law.harvard.edu or by calling 617-495-5538.

Drinking Age

The minimum drinking age in Massachusetts is 21. To be served or provided an alcoholic beverage, an individual must show proof of minimum drinking age by presenting a government issued photo identification.

Bartenders

Restaurant Associates bartenders must be present to serve the alcohol at student events. The number of bartenders will be determined by Restaurant Associates and the Dean of Students Office.

Police Presence

Harvard University Police (HUPD) must be present for student-sponsored events whenever alcohol is served and the number in attendance exceeds 100 or for any event where HUPD presence is determined to be necessary by the Dean of Students Office. A police detail can be arranged by visiting [the HUPD website](#). The appropriate number of police officers will be determined by the HUPD and the Dean of Students Office.

Food and Non-Alcoholic Beverages

A proportional amount of food and nonalcoholic beverages must be available at any event where alcohol is served. Please contact Restaurant Associates or the Dean of Students Office to determine the appropriate amount.

Off-campus events – Private residence or event space

The HLS guidelines relating to alcohol purchase and the requirement of a bartender are enforced for all off-campus events at which HLS funds are used.

Off-campus events – Bars and Restaurants

If the bar/restaurant serves alcohol under its own license, the guidelines relating to alcohol purchase and the requirement of a bartender do not apply (since that is covered by the establishment). However, students may receive a maximum of 2 drink tickets for such events.

Liquor Licenses

A special one-day liquor license must be obtained from the Cambridge License Commission (Cambridge City Hall) for all events where alcohol is sold. Procedures for obtaining the license are available from the Events Office, Pound 208. A license is not necessary for some events taking place in Harkness Commons, because the HLS license covers the Law School's sale of beer and wine in Harkness. Student organizations must check with the Dean of Students Office before selling any alcoholic beverages.

VIOLATIONS OF THE LAW SCHOOL'S ALCOHOL POLICY WILL BE REFERRED TO THE ADMINISTRATIVE BOARD FOR POSSIBLE DISCIPLINARY ACTION.

Please contact the Dean of Students Office with questions regarding the Alcohol Policy, 617-495-1880 or dos@law.harvard.edu.

VIII. Harvard Law School Missing Persons Policy

As required under federal law, Harvard Law School immediately will refer to the Harvard University Police Department (HUPD) any missing persons report involving a student who lives in on-campus housing. If HUPD determines that the student has been missing for more than 24 hours, then, within the 24 hours following this determination, the Law School, working with HUPD as necessary, will: (1) attempt to contact the student using any confidential contact information that the student may have provided to the Law School; (2) notify an appropriate external law enforcement agency; (3) contact any person the student has identified to the Registrar as an emergency contact; and (4) notify others at the University, as appropriate, about the student's disappearance. In addition, the Law School will contact a custodial parent or guardian of any student who is under 18 years of age and reported missing from on-campus housing. Students are reminded that they may provide the Registrar with emergency contact information and/or confidential personal contact information if they have not already done so.

IX. Policy and Guidelines Related to Sexual Harassment

(As adopted by vote of the faculty, April 1995)

Introduction

The following is a copy of the Law School's Sexual Harassment Guidelines.

Parts I and II describe prohibited conduct. Part III describes implementing and enforcement procedures. In Parts I and II, the guidelines themselves are clearly numbered, and are set out in the form of statutory provisions. Accompanying the guidelines, but in smaller typeface, are passages labeled "Commentary" and "Illustrative Examples." While these materials are not part of the guidelines per se, the faculty did vote that they be included in this public document, in order to facilitate understanding and interpretation of the guidelines, as well as meaningful instruction about them. The items labeled "Introduction" were not explicitly voted upon by the faculty but were in the report submitted by the Sexual Harassment Committee. (All of this may remind upper-level students of the conventions used in presenting certain statutes, such as the Uniform Commercial Code.)

It should be noted that there are a number of related preexisting guidelines and policies that deal with sexual harassment or the procedures for enforcing complaints. For example, there are separate sexual harassment guidelines applicable to the Law School's non-exempt (unionized) staff and to its exempt staff, and the Administrative Board has existing procedures for handling complaints of many kinds against students. If interested, you may obtain a copy of a document prepared by the Sexual Harassment Committee and entitled "Appendix of Related Materials," which collects these materials. (If you are a student, contact the Dean of Students Office. If you are a member of the faculty or staff, contact the Office of Academic Affairs.)

Part I: Guidelines Concerning Sexual Harassment

Introduction

Harvard Law School is committed to maintaining a learning and work environment free from sexual harassment. The following guidelines, which define sexual harassment as prohibited by the Law School, both express institutional values and carry out the mandates of state and federal law. As a reflection of institutional values, the guidelines uphold traditions of academic freedom and uncensored debate on matters of public concern. They effect no compromise of freedom of thought, inquiry, or debate. Rather, the guidelines seek to ensure an environment in which education, work, research, and discussion are not corrupted by sexual harassment.

The guidelines establish institutionally enforceable prohibitions, not aspirational standards. They do not preclude other, non-disciplinary efforts to resolve interpersonal grievances or to create a hospitable work and educational environment for all members of the Law School community, regardless of gender or sexual orientation.

The guidelines of this Part I deal with harassment through conduct and speech of an explicitly sexual nature. Sex-based harassment can take other forms—for example, physically intimidating conduct that is not inherently sexual but is targeted at others based on their gender or sexual orientation. Harassment of this kind is addressed in Part II of these guidelines.

A preliminary comment on this distinction may be appropriate. In common parlance, the term “sexual harassment” may well encompass harassment that is “sex-based” as well as inherently sexual. Certainly the Supreme Court’s “sexual harassment” cases have not distinguished between these two forms of harassment. Because the Court clearly regards Title VII as creating rights to freedom from both, its broad use of the term “sexual harassment” to include both has been wholly understandable. In the context of a university, however, interests in free expression are of central importance, and must be weighed against interests in freedom from harassing speech. The analytical distinction between “sexual harassment” and harassment that is “sex-based” helps to clarify the collision of competing values and makes it possible to define protected and prohibited categories with enhanced precision.

Guidelines

1. Quid pro quo harassment

Submission to or rejection of sexual advances, sexual overtures, or requests for sexual favors shall not be made a ground for any decision relating to employment, academic performance, extracurricular activities, or entitlement to services or opportunities at Harvard Law School. ([click here for commentary and illustrative examples](#)).

2. Harassment through sexual relationships and requests to initiate romantic or sexual relationships between faculty and students

No Law School faculty member shall request or accept sexual favors from or solicit a romantic or sexual relationship with any student who is enrolled in a course taught by that faculty member or otherwise subject to that faculty member’s academic supervision before a final grade on the student’s supervised academic performance has been submitted to the Registrar. ([click here for commentary and illustrative examples](#)).

3. Harassment through requests for sexual favors, sexual advances, or other speech or conduct of a sexual nature

No member of the Law School community shall subject any other member of the Law School community to any request for sexual favors, any sexual advance, or any other speech or conduct of a sexual nature that

(i) is unwelcome; and

(ii) is abusive or unreasonably recurring or invasive; and

(iii) has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School; provided that no speech or combination of speech and conduct shall be deemed violative of this guideline if it is reasonably designed or intended to contribute to legal or public education, academic inquiry, or

reasoned debate on issues of public concern or is protected by the Massachusetts Civil Rights Act or the First Amendment. ([click here for commentary and illustrative examples](#)).

4. Sexual harassment by employers who use the services of the Harvard Law School Office of Career Services or Bernard Koteen Office of Public Interest Advising

It is forbidden sexual harassment for any partner, member, or employee of any law firm or other employer that uses the services of the Harvard Law School Office of Career Services or Bernard Koteen Office of Public Interest Advising to

- a. make submission to sexual advances, sexual overtures, or requests for sexual favors either implicitly or explicitly a ground for any decision relating to the employment or evaluation of any member of the Law School community; or
- b. subject any other member of the Law School community to any request for sexual favors, any sexual advance, or any other speech or conduct of a sexual nature that
 - (i) is unwelcome; and
 - (ii) is abusive or unreasonably recurring or invasive; and
 - (iii) has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment.

Decisions regarding enforcement of this guideline, including decisions as to whether and how to proceed with particular formal complaints, shall be within the principled discretion of the Assistant Dean for Career Services and the Assistant Dean for Public Interest Advising in consultation with appropriate members of the Law School administration, based on factors including, but not limited to, the seriousness of the alleged violation; the nature and weight of the evidence supporting a claim of violation; the difficulty of resolving factual conflicts; and the response of the employer upon learning of a complaint. ([click here for commentary and illustrative examples](#)).

Part II: Guidelines Concerning Sex-Based Harassment by Discriminatory Conduct

Introduction

Every member of the Law School community deserves an educational and work environment that is free from discriminatory harassment on the basis of gender and sexual orientation. The Law School catalog includes a “notice of non-discrimination” that affirms a policy of non-discrimination with respect to gender and sexual orientation. Various provisions of federal and state law also forbid gender-based harassment. The following guidelines, which define categories of prohibited harassment on the basis of gender and sexual orientation as part of the Law School's general nondiscrimination policy, both express institutional values and carry out the mandates of state and federal law.

As a reflection of institutional values, the guidelines respect traditions of academic freedom and uncensored debate on matters of public concern. They effect no compromise of freedom of thought, inquiry, or debate. Rather, the guidelines seek to ensure an environment in which

education, work, research, and discussion are not corrupted by discrimination and discriminatory harassment on the basis of gender and sexual orientation.

The guidelines establish institutionally enforceable prohibitions, not aspirational standards. They do not preclude other, non-disciplinary efforts to resolve interpersonal grievances or to create a hospitable work and educational environment for all members of the Law School community, regardless of gender or sexual orientation.

Guidelines

1. Sex-based harassment through discriminatory conduct

It is forbidden discrimination for any member of the Law School community, on the basis of gender or sexual orientation, to

- a. subject any other member of the Law School community to any physical contact or interference with freedom of movement that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School; or
- b. deface or intentionally or recklessly damage Law School property or the property of any other member of the Law School community with the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School; or
- c. engage in any conduct, speech, or combination of conduct and speech that would be viewed by a reasonable person as physically intimidating under the circumstances and that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School. ([click here for commentary and illustrative examples](#)).

2. Sex-based harassment by discriminatory conduct by employers who use the services of Harvard Law School Office of Career Services or Bernard Koteen Office of Public Interest Advising

It is forbidden sex-based harassment by discriminatory conduct for any partner, member, or employee of any law firm or other employer that uses the services of the Harvard Law School Office of Career Services or Bernard Koteen Office of Public Interest Advising to subject any member of the Law School community, on the basis of that person's gender or sexual orientation, to

- a. physical contact or interference with freedom of movement that has the purpose or effect of unreasonably interfering with that person's work performance or employment opportunities or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment; or

- b. intentional or reckless damaging or destruction of property with the purpose or effect of unreasonably interfering with that person's work or employment opportunities or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment; or
- c. any conduct, speech, or combination of conduct and speech that would be viewed by a reasonable person as physically intimidating under the circumstances and that has the purpose or effect of unreasonably interfering with that person's work performance or employment opportunities or of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working environment.

Decisions regarding enforcement of this guideline, including decisions as to whether and how to proceed with particular formal complaints, shall be within the principled discretion of the Assistant Dean for Career Services and the Assistant Dean for Public Interest Advising in consultation with appropriate members of the Law School administration, based on factors including, but not limited to, the seriousness of the alleged violation; the nature and weight of the evidence supporting a claim of violation; the difficulty of resolving factual conflicts; and the response of the employer upon learning of a complaint. ([click here for commentary and illustrative examples](#)).

Part III: Harassment Guidelines: Implementation and Enforcement Procedures

Harvard Law School provides several options for students, staff, and faculty who believe that they have been subjected to harassment prohibited by the Law School's guidelines:

- (i) seeking informal and confidential information and advice;
- (ii) soliciting the aid of the Law School in attempting to reach a resolution through informal, nondisciplinary procedures; and
- (iii) invoking formal procedures against the alleged harasser.

The following implementation and enforcement procedures seek to promote a variety of ends. Information concerning the Law School's harassment policies should be widely disseminated. Counseling and support should be easily available to community members who believe they have been harassed. The implementation and enforcement structures aim to encourage the informal resolution of grievances, with or without the intervention of Law School officials, under the "informal complaint procedures" detailed below. Talking or writing to the alleged harasser, apprising him or her of the impact of his or her conduct, or asking him or her to stop the harassing behavior will often bring harassment to a stop.

Before filing a formal complaint, the complainant must first go through the informal complaint procedure or obtain a statement from the official designated in Section 2 for the filing of an informal complaint that such a procedure would be inappropriate or unproductive in this case. An important goal of these guidelines is to encourage victims of harassment to voice their complaints, whether informally or formally, without fear of adverse academic or employment consequences. As provided more fully below, retaliation of any kind for raising an issue or bringing a good faith complaint of harassment is strictly prohibited and constitutes an independent basis for disciplinary action.

The following procedures are available to students, professional and administrative staff, and support staff not covered by the Harvard Union of Clerical and Technical Workers (“HUCTW”) agreement, and faculty members. Professional and administrative staff and support staff not covered by the HUCTW agreement who believe they have been harassed may also invoke the procedures of the University Personnel Manual.

Support staff members covered by the Harvard Union of Clerical and Technical Workers should refer to the procedures provided in that agreement.¹

1. Informal Information and Advice

Any Law School student or staff or faculty member who has a concern, inquiry, or complaint regarding prohibited harassment should feel free to seek information and advice concerning the Law School’s Harassment Guidelines, its formal and informal grievance procedures, and the counseling and other services that the Law School makes available to people who believe they have been subjected to prohibited harassment. Informal information and advice should be imparted in as supportive a manner as reasonably possible.

Sources

Information and advice to students is available from the Dean of Students.

Nature of information and advice

The official to whom an inquiry is directed should provide information regarding the availability of institutional counseling and support and the procedures triggered by the filing of an informal and a formal complaint. Advice should normally be given about possibilities of resolving difficulties through informal means that do not require the filing of either a formal or an informal complaint. Anyone seeking informal information and advice should be advised, however, that he or she is entitled to file a formal complaint seeking the imposition of disciplinary sanctions without pursuing informal dispute resolution of any kind.

As explained more fully below, upon request, the official to whom an inquiry is directed should attempt to furnish names of Law School students, faculty, or staff who might be willing to serve as an adviser in the proceedings initiated by an informal or a formal complaint. Upon request or if appropriate, advice should also be given concerning the forms in which informal and formal complaints might be stated or drafted.

Anonymity and confidentiality

The person seeking advice may maintain anonymity and need not, though he or she may, divulge the name(s) of the alleged harasser(s). No formal record shall be kept. All communications made in connection with a request for information and advice shall be treated as strictly confidential.

2. Informal Complaint Procedures

Anyone who believes that he or she has been subjected to harassment in violation of the Law School's guidelines is entitled to the assistance of the Law School in attempting to reach an informal resolution of the grievance.

Officials to be contacted: Any member of the Law School community who believes that he or she may wish to seek the assistance of the Law School in resolving an informal complaint of prohibited harassment may contact one of the following persons:

- (i) Vice Dean for Academic Programming: complaint about a faculty member;
- (ii) Assistant Dean for Human Resources: complaint about a staff member;
- (iii) Assistant Dean for Career Services and Assistant Dean for Public Interest Advising: complaint about an employer (in the case of summer employment, it is suggested that the student also enlist the help of the employer's representative for administering the summer program);
- (iv) Dean of Students: complaint about a student.

In addition, as an alternative to contacting the officers identified above,

- (v) any member of the Law School community with a complaint about a student, staff member, or employer may contact the Dean for Administration charged with responsibility for harassment issues.
- (vi) In unusual circumstances, any member of the Law School community wishing to bring an informal complaint against any other member of the Law School community may contact any of the officials identified above, regardless of either person's status.

An informal complaint against any of the officials named above should be brought to the Dean for Administration or, in the case of a complaint against that dean, to the chair of the Administrative Board.

Timeliness

An informal complaint must be filed within one year of any alleged violation of the School's Harassment Guidelines.

Information

The official contacted should first ascertain that the person invoking the informal complaint procedures has been fully apprised of available support mechanisms, of such entirely informal mechanisms of dispute resolution as directly contacting the alleged harasser, of the procedures for filing informal and formal complaints, and of the nature of the process that such complaints initiate.

Nature of informal process

An informal complaint, which may be made either orally or in writing, operates as a request to the official contacted either to act as or to designate an intermediary or mediator to assist in resolving a grievance by informal means. Ordinarily the official contacted will personally attempt to aid the parties in finding a mutually acceptable resolution. With the consent of both the complainant and the alleged harasser, the official may refer the matter to a mediator.

An informal complaint must identify the alleged harasser(s), if the identity is known, and describe the incident(s) of alleged harassment with reasonable specificity. The complainant must

also indicate any steps that he or she has already taken to arrive at an informal resolution. Upon receipt of an informal complaint, the official contacted (or the person to whom the matter has been referred by the official contacted, as provided above) shall take such steps as he or she deems appropriate to reach an informal resolution. These may include such informal investigation as the official thinks necessary or appropriate to develop an understanding of the complaint and the incident(s) or behavior that may have triggered it.

At the earliest opportunity that the official regards as reasonable and appropriate, the official should notify the alleged harasser of the informal complaint, including the name of the complainant and the nature of the alleged harassment. The alleged harasser shall be given the opportunity to respond orally or in writing to the grievance. The official may supervise an exchange of views in writing between the parties in order to facilitate a mutually acceptable resolution. The exchange may be conducted in person if both parties so agree. If appropriate, the official should inform the alleged harasser of his or her options, rights, and obligations under the Law School's substantive and procedural harassment guidelines. The official may apprise the alleged harasser of counseling or other relevant services available through the Law School. If appropriate, the official should also give notice of the Law School policy providing that no person shall be subject to harassment, intimidation, or retaliation of any kind for having brought a good faith complaint of sexual harassment, whether formal or informal.

Confidentiality

In conducting any informal investigation and in acting as an intermediary between the informal complainant and the alleged harasser, the official contacted or the person to whom the matter is referred should maintain as much confidentiality as is reasonably practicable under the circumstances. It is expected that parties pursuing informal grievance procedures will normally attempt to maintain reasonable confidentiality as well. Where appropriate, the official contacted or the person to whom a matter is referred may try to secure the agreement of the parties to mutually acceptable confidentiality norms.

Resolution or conclusion

An informal complaint will be deemed satisfactorily resolved when both parties state their agreement to an outcome in a form that is mutually acceptable and so advise the official contacted or the person to whom the matter is referred. The incident(s) providing the basis for an informal complaint that is satisfactorily resolved may not subsequently be the subject of any formal complaint by the same complainant against the same alleged harasser, except in cases involving a breach of the informal settlement agreement by the alleged harasser or continuing harassment. An informal complaint proceeding may also be concluded when

- (i) the complainant notifies the official contacted or the person to whom the matter is referred that he or she wishes to withdraw the informal complaint;
- (ii) the official contacted or the person to whom the matter is referred notifies both parties, in writing, that the informal complaint appears so lacking in merit that further efforts at informal resolution are unwarranted; or
- (iii) the official contacted or the person to whom the matter is referred notifies both parties, in

writing, that in his or her judgment further efforts at informal resolution would be futile and are therefore unwarranted. A conclusion that an informal complaint lacks merit or that further efforts at informal resolution would prove futile shall have no preclusive effect or evidentiary weight in any subsequent proceeding initiated by a formal complaint.

Timetable

Conclusion of an informal complaint proceeding should ordinarily be sought within three weeks of the beginning of informal proceedings. In any event, after one month from the beginning of the informal proceedings, the complainant shall have the right to institute formal proceedings, unless both parties wish to continue further informal proceedings.

Record keeping

No formal record of the proceedings of an informal complaint procedure shall be kept. Nonetheless, the person contacted and any person to whom an informal complaint is referred may keep such informal notes as he or she deems appropriate. Upon the resolution or conclusion of informal complaint proceedings, any such notes shall be transferred to the dean or a designated officer in the Dean's Office to allow institutional monitoring of enforcement of the Law School's Harassment Guidelines. Except as provided below, however, the identity of the parties shall be treated by the dean or the designated officer in the Dean's Office as strictly confidential, and the notes shall be treated as privileged in any further proceeding within the Law School.

Subsequent proceedings

The official contacted and any person to whom an informal complaint is referred shall be precluded from giving oral or written evidence in any hearing on or inquiry into any formal complaint based on the same allegations of harassment as were included in the informal complaint, except concerning the date on which an informal complaint was filed, whether the complaint was resolved in a way mutually acceptable to the parties, and the terms of any informal settlement agreement. The content of any communication between the parties, or between the official contacted and one or both of the parties, that is made in connection with proceedings on an informal complaint shall not be allowed into evidence in such a subsequent proceeding. Nonetheless, if the official contacted or any person to whom a matter is referred believes that a particular person has manifested a pattern of harassment not adequately corrected by an informal resolution, he or she may so advise an appropriate Law School official. In addition, if the notes provided to the dean or the designated official in the Dean's Office should evince a recurring pattern of harassment by a particular person or indicate an unusual risk of continuing violations, the dean or designated official in the Dean's Office may take such action as he or she deems appropriate under the circumstances.

3. Formal Complaint Procedures

Anyone who believes that he or she has been the victim of harassment prohibited by Harvard Law School guidelines is entitled to file a formal complaint. Unlike an informal complaint, a

formal complaint seeks a formal, institutional determination that a violation has occurred and the imposition of formal, disciplinary sanctions upon the alleged harasser.

Timeliness: A formal complaint must be filed within one year of the alleged incident or incidents of alleged harassment, except that this period shall be tolled during the pendency of a timely filed informal complaint.

Decisionmakers: Complaints shall be filed with the following decisionmakers, depending on the status of the alleged harasser:

- (i) Dean: complaint against a faculty member or the administrative dean;
- (ii) Administrative Dean: complaint against a staff member;
- (iii) Assistant Dean for Career Services and Assistant Dean for Public Interest Advising: complaint against an employer who uses the placement facilities of the Law School;
- (iv) Administrative Board: complaint against a student.

No individual who has participated as the official contacted or has been consulted by that official during proceedings based on an informal complaint shall sit as a member of or otherwise advise the formal decisionmaking body.

Procedural rules: Allegations of harassment in violation of the Law School's Harassment Guidelines shall be considered according to the rules and procedures of the above decisionmaking bodies, as set forth in Appendices A–D, except that the substantive enforcement jurisdiction of those bodies shall be extended if necessary to encompass all alleged violations of the Law School's guidelines and the additional specific procedures described below shall also apply and in cases of conflict shall prevail.

(i) *Formal complaint:* A formal complaint of sexual harassment shall state the name(s) of the alleged offender(s) (if known) and shall specifically describe the incidents of alleged harassment. The complaint should identify the dates and places of such incidents with reasonable specificity and should list any known witnesses. A formal complaint shall be signed and dated by the complainant.

(ii) *Confidentiality:* Unless and until a disciplinary sanction is imposed, the decisionmaker shall maintain as much confidentiality as is reasonably practicable under the circumstances. In particular, the decisionmaker should generally strive to keep confidential, except from the parties and the dean, the identity of the parties, and the content of all documents, conversations, and hearings pertaining to the complaint. Nonetheless, upon the request of either party, any hearing shall be videotaped, and both the complainant and the alleged harasser shall be entitled to be accompanied by up to six family members or friends in addition to a designated representative or adviser. Moreover, upon the request of either party, the decisionmaker may conduct all or part of any hearing in public if the public interest in justice or the appearance of justice so requires. After a sanction is imposed, release of the record or of information included in the record shall be at the discretion of the decisionmaker. Records or their contents may also be disclosed if a harasser is subsequently found in any formal proceeding to have committed any additional act(s) of sexual harassment, in which case the records of prior proceedings may be treated as relevant to the imposition of sanctions only. Nothing in this section is intended to preclude the disclosure of the record in a formal proceeding to other Law School or University officials as required in

related proceedings, including proceedings to review decisions or act upon recommendations to impose sanctions.

(iii) *Notice*: Each party shall have prompt notice of, and the opportunity to review and respond to, all documents or communications filed with the decisionmaker by the other party. The decisionmaker shall keep both parties informed on a timely basis of the status of the complaint and the time-table for resolving it.

(iv) *Timetable*: The decisionmaker shall establish a timetable for each case to be followed insofar as reasonably possible in order to assure a prompt resolution of the formal complaint procedure.

(v) *Special investigators or hearing officers*: Where appropriate, the decisionmaker shall be entitled to appoint a special, impartial investigator for purposes of fact-finding or a special, impartial hearing officer or panel for purposes of resolving a complaint.

(vi) *Written proceedings*: The decisionmaker shall ordinarily conduct fact-finding upon a written record consisting of a statement by the complainant, a statement from the respondent, and reply statements from each party if desired. Written statements from witnesses may be admitted. If so, the parties are entitled to an opportunity to review and reply to witnesses' statements. If an independent investigator is appointed, the record shall also include a statement from the investigator and such reply statements as the parties may wish to file.

(vii) *Hearings*: A hearing in person shall be held if either party requests one or if the decisionmaker finds that a hearing is essential to full and fair resolution of the complaint. The decisionmaker shall inform both parties of the specific procedures to be followed during the hearing. At any hearing so held, both the complainant and the respondent shall be allowed to be present at all times.

(viii) *Burden of proof*: Formal disciplinary sanctions shall be imposed only upon clear and convincing evidence.

(ix) *Sanctions*: Upon the decisionmaker's finding a violation, sanctions appropriate to the seriousness of the offense shall be imposed. In deciding the appropriate sanction, the decisionmaker may consider the degree of intent, the degree of harm, other acts of harassment (if any) by the respondent, the need for deterrence, and such other factors as reason and justice may require.

4. Further General Policies

The resolution of grievances pertaining to harassment under the above guidelines shall be pursued in accordance with the following general policies:

Duty of good faith

Any member of the Law School community is liable to sanction for knowingly or recklessly bringing a false complaint of institutionally sanctionable conduct against another member of the Law School community.

Non-retaliation

No person shall be subject to harassment, intimidation, or retaliation of any kind for having brought a good faith complaint of prohibited harassment, whether formal or informal. Any such

retaliation shall provide a separate ground for complaint against the retaliator regardless of the outcome of the harassment complaint.

Representation, advice, and counsel

Any person seeking information or advice about the Law School's Harassment Guidelines, any informal or formal complainant, and anyone alleged to have engaged in harassment may be accompanied, aided, or represented by a friend, an adviser, or by counsel at any stage of the process. Upon request, the Harassment Adviser in the Dean of Students Office will endeavor to provide names of Law School students, staff, or faculty who might be willing to serve as advisers. The Law School will not ordinarily furnish counsel or pay attorneys' or advisers' fees. Nonetheless, in proceedings on formal complaints, the decisionmaker shall have discretion to provide for the payment of reasonable attorneys' fees of either a complainant or an alleged harasser or both if considerations of justice so require.

Education and training

The Dean's Office, working with the Dean of Students and the Assistant Dean and Chief Human Resource Officer, as well as with the appropriate University bodies, will endeavor to provide training on issues of harassment to all contact persons and decisionmakers named in these guidelines.

Designation of personnel

If the Dean chooses not personally to collect, maintain, and review any informal notes kept by officials contacted in informal complaint proceedings and the records of formal proceedings, the Dean shall designate an official in the Dean's Office to perform these functions. The Dean of Students shall designate a Harassment Adviser.

Reporting

The Dean or a designated official in the Dean's Office shall be informed of the initiation and outcome of all formal complaint proceedings in order to ensure adequate record keeping and coordination.

Designated contacts for Harvard Law School:

Faculty

Professor Andrew Kaufman
Vice Dean for Academic Programming
617-495-4616
Areeda 326

Staff

Marie H. Bowen
Assistant Dean and Chief Human Resources Officer

617-384-5976
125 Mt. Auburn Street

Students

Ellen M. Cosgrove
Associate Dean and Dean of Students
617-495-1880
Pound 310

Mark Weber
Assistant Dean for Career Services
Pound 312
617-495-5469

Alexa Shabecoff
Assistant Dean for Public Service
Pound 329
617-495-3108

1 The procedures available to staff covered by the HUCTW agreement are not subject to faculty decision, but stem from the HUCTW contract. Although these guidelines do not of their own force extend to complaints by staff covered by the HUCTW agreement, nothing in the guidelines would preclude their incorporation in, or adoption pursuant to, procedures that might be provided by the union contract

Commentary and Illustrative Examples

Part I.1 Commentary

No one's standing or opportunities at Harvard Law School should depend on submission to or rejection of sexual advances or requests for sexual favors. Decisionmaking on these bases is an affront to the dignity of those who are immediately affected and creates an environment of fear, degradation, resentment, and suspicion that is incompatible with the Law School's mission and ideals.

Part I.1 Illustrative Examples

- (1) Professor A, who has made several rejected invitations to his secretary B, tells B that he will give her a better employment performance evaluation if she will have a drink with him after work. In the absence of circumstances indicating the contrary, the invitation would reasonably be understood as a "sexual overture," and Professor A has violated the guideline.
- (2) Students C and D are both members of a Law School-affiliated journal. C tells D that she will vote to accept his note for publication if he will sleep with her. C has made submission to a sexual advance or request for sexual favors a ground for a decision relating to an extracurricular opportunity at Harvard Law School. Student C has violated the guideline.

(3) Student E tells Student F, with whom she has a romantic relationship, that she will review, offer comments on, and help him to edit a Law School paper the next day if he will spend a relaxed evening with her and if they can sleep together. (The offered assistance is of a kind that does not violate any independent Law School prohibition.) Because the help offered by E does not involve the use or abuse of any office, power, or authority relating to employment, academic performance, extracurricular activities, or entitlement to services or opportunities at Harvard Law School, Student E has not violated this guideline.

Part I.2 Commentary

(i) Romantic relationships between Law School faculty and their students create the appearance of favoritism and are fraught with potential for actual favoritism and for quid pro quo sexual harassment. In addition, quid pro quo harassment may be difficult to prove in many cases in which pressure has been exerted or experienced. The blind-grading of examinations in large classes substantially alleviates, but does not wholly eliminate, these risks. Law School faculty are therefore forbidden to request or accept sexual favors from or to solicit a romantic or sexual relationship with any student currently enrolled in their classes or otherwise subject to their formal academic supervision.

To some extent, the potential for favoritism and actual or apparent abuse of power may exist whenever a faculty member solicits or enters a romantic relationship with a student, even if the student is not currently enrolled in a course taught by the faculty member. But no bright line marks the point at which the potential for abuse of power disappears, since students may rely on the recommendations of former teachers throughout their professional careers. A lifetime prohibition against romantic relations between faculty and their former students would represent an intolerable infringement on personal freedom. In addition, both faculty and students must be presumed to be mature and responsible adults entitled to make personal decisions concerning intimate relationships. A prophylactic prohibition, limited to the period in which a student is subject to being officially graded by a faculty member, reflects a middle course between a blanket prohibition against romantic relationships between students and faculty and a policy that countenances such relationships in the absence of provable quid pro quos.

(ii) There is inevitably some vagueness in a prohibition against solicitations to initiate romantic or sexual relationships. Faculty should of course be available to see students informally as well as formally, to go to lunch with students, and to dine with students and attend student parties under appropriate circumstances. Faculty should, however, avoid “dating” relationships with students subject to their immediate supervision.

(iii) For purposes of this prohibition, “faculty member” includes visiting professors, instructors, and anyone with responsibility for evaluating student performances for Law School grades or academic credit.

(iv) Romantic relationships between supervisors and staff directly or indirectly reporting to them raise many of the same concerns of favoritism and appearance of favoritism, and are fraught with the same potential for quid pro quo sexual harassment, as romantic relationships between faculty and students. Supervisory relationships in employment commonly last longer than a student’s term in a faculty member’s course, however. It is therefore more difficult to insist that mutually interested adult staff members should simply have to wait until one no longer reports to the other before initiating a romantic relationship. Although romantic relationships between supervisors

and staff reporting to them are not categorically prohibited by this guideline, status differentials are sometimes relevant to determinations of whether requests for sexual favors, sexual advances, or other speech or conduct of a sexual nature constitute prohibited harassment under guideline 3 below.

Part I.2 Illustrative Examples

(1) Student G, who has a longstanding romantic relationship with Professor H, is assigned to Professor H's section of a basic Law School course. This guideline potentially applies, and either G or H should communicate with the dean, the registrar, or another appropriate Law School official to arrange for G to be assigned to another section. Even in the case of a longstanding relationship, many of the considerations underlying the guideline remain relevant. If the relationship between G and H should sour, the potential would exist for subtle, difficult-to-prove forms of quid pro quo harassment to occur. In addition, the Law School has a powerful interest in avoiding favoritism and the appearance of favoritism based on sexual relationships. The guideline would continue to apply even if Professor H taught the only section of an advanced course. G could of course audit H's course, or possibly arrange to take the same course at another law school.

(2) Student I, a Legal Methods instructor, allows himself to be seduced by J, a student in his section, before the course is completed. Student I has violated the guideline. As is made explicit in the commentary, for purposes this guideline, "faculty member" includes ... anyone with responsibility for evaluating student performances for Law School grades or academic credit." Although letter grades are not given in Legal Methods, academic credit is awarded, and the instructor has a responsibility for evaluating J's performance.

Part I.3 Commentary

(i) The educational and professional missions of the Law School require an environment in which all members of the Law School community can work, study, and learn without being harassed by sexual advances, requests for sexual favors, or other speech and conduct of a sexual nature. Perhaps the most egregious forms of proscribed conduct of a sexual nature are already prohibited by the criminal and civil law and by the University statement of Rights and Responsibilities. This guideline in no way derogates from or displaces those prohibitions, but instead creates a further-reaching protection against requests for sexual favors, sexual advances, and speech or conduct of a sexual nature that are incompatible with the School's educational and professional goals.

(ii) This guideline largely follows the model of the guidelines promulgated by the Equal Employment Opportunity Commission to define sexual harassment (other than "quid pro quo" harassment, as dealt with in guideline 1 above) that is prohibited in the workplace by Title VII. The EEOC guidelines have also been adapted by a number of courts to define prohibited sexual harassment in educational institutions under Title IX. Harvard Law School is subject to both Title VII and Title IX, and members of the Law School community already enjoy the protection of these statutes. This guideline adapts the EEOC model, as glossed by the courts, in two main respects. First, Title VII, Title IX, and the EEOC guidelines deal with the obligations of employers and educational institutions and their agents (including, e.g., supervisors and faculty) to provide a work or educational environment that is free from sexual harassment. This guideline

imposes duties of non-harassment directly on other individual members of the Law School community. Second, this guideline makes clear that prohibitions against sexual harassment by members of the Law School community complement, rather than derogate from, traditions of uncensored debate on matters of public concern and especially of academic freedom. The guideline is also consistent with the Massachusetts Civil Rights Act, which prohibits coercive interferences with freedom of expression, regardless of whether state action is present.

(iii) A variety of independent criteria must each be satisfied for a violation of this guideline to occur. In addition, a number of those criteria should be understood as establishing primarily objective standards. Among these are the standards for determining when speech or conduct is “unwelcome”; is “abusive” or “unreasonably” recurring or invasive; has the purpose or effect of “unreasonably” interfering with a person’s work or academic performance; creates a work or academic environment that is “intimidating, demeaning, degrading, hostile, or otherwise seriously offensive”; and is “reasonably designed or intended” to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern. Nonetheless, the guideline would be violated by someone who knew or should have known that particular speech or conduct of a sexual nature would be perceived by its target or any one of its targets as abusive or unreasonably recurring or invasive and would therefore be experienced by that person as creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive work or educational environment at Harvard Law School, unless that speech or conduct is reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern.

(iv) Some judgments involving the application of the relevant criteria, including judgments of reasonableness, can only be made on a case-by-case basis. Nonetheless, three factors are likely to be of recurring importance.

First, requests for sexual favors, sexual advances, and individually targeted speech or conduct of a sexual nature between people of different statuses and authority present special risks of imposition, intimidation, and abuse. For example, speech or conduct directed by a superior at a subordinate or by a faculty member at a student is more likely to constitute prohibited sexual harassment than would the same speech or conduct among people of equal status within the institution.

Second, because the ultimate focus of concern is the working and educational environment at Harvard Law School, more stringent standards may be applied to requests for sexual favors, sexual advances, and to conduct of a sexual nature occurring in classrooms, libraries, and the workplace than to otherwise identical speech or conduct occurring in other, especially off-campus, settings. A similar distinction may apply to other speech of a sexual nature, except insofar as such speech is reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern. This difference in standards recognizes not only that speech or conduct occurring outside of the workplace or academic environment may be less likely to have the purpose or effect of unreasonably interfering with performance or of creating a hostile or otherwise offensive environment. It also recognizes that the application of standards such as these to every aspect of a person’s speech or conduct—even at his or her residence, and even during his or her leisure time—gives rise to concerns about the appropriate scope for Law School regulation of social life. These concerns may appropriately be considered by a decisionmaker in determining whether speech or conduct should be deemed to be violative of this guideline.

Third, within the Law School and its campus, people enjoy rights and reasonable expectations of privacy to varying degrees.

For example, the internal decoration of a student's dormitory room, except insofar as targeted at or displayed to the outside, is protected by strong expectations of privacy and generally lies beyond the scope of these guidelines. There is a more limited expectation of privacy in Law School offices, since educational and professional obligations normally involve in-office contact with other members of the Law School community. The internal decorations of faculty and other offices, and any music played at reasonable levels in such offices or in student dormitory rooms, should not be deemed to violate this guideline before the actual or potential complainant has raised any concern about such matters with the responsible person and given that person a reasonable opportunity to respond.

(v) Public and semi-public speeches, many of which are subject to Law School guidelines governing student-sponsored meetings to which speakers are invited, are unlikely to be affected by this guideline.

(vi) This guideline encompasses actions occurring off campus to the extent, but only to the extent, that such actions (alone or in combination with on-campus actions) unreasonably interfere with an individual's work or academic performance or have the purpose or effect of creating an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School.

(vii) As used throughout these guidelines, the term "Law School community" encompasses all faculty and students of Harvard Law School and all staff of Harvard Law School insofar as consistent with their employment contracts.

Part I.3 Illustrative Examples

(1) After a heated and occasionally humorous classroom exchange, Professor K sends a sexually explicit greeting card to L, a student in his class who he thinks is intellectually promising but sanctimonious, rigid, and prudish. L tells K that she found his action inappropriate and disturbing. Professor K responds by sending several more sexually explicit cards. L's response makes it manifest that K's conduct is "unwelcome." Following L's response, K's action is also "unreasonably recurring." Especially in light of Professor K's position of authority, his conduct could "unreasonably interfere" with L's academic performance; in any event, K's conduct toward L suffices to create "an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive ... educational environment."

Professor K might respond that his conduct was "reasonably designed or intended" to contribute to legal education by getting Student L to "lighten up" or to learn to deal more effectively as a lawyer with people of differing sensibilities. As a general matter, the provision of the guideline privileging speech or conduct "that is reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern" should be construed broadly. Here, however, Professor K's unreasonably recurring, out-of-class conduct lies beyond the bounds of any "reasonable" design or intent to contribute to legal education.

(2) During a classroom discussion of the relationship between mental states and legal and moral culpability, Professor M tells an improbable story, taken from the Talmud, about a man who accidentally falls from a roof and onto a woman in such a way that sexual intercourse accidentally occurs. N, a student in the class, complains that the story was "unwelcome," that it

was “abusive” of the sensibilities of women in the class, and that it created a seriously hostile environment for women by trivializing problems of sexual subordination and rape. N’s arguments notwithstanding, Professor M has not violated this guideline. First, M’s remark is not “abusive.” General comments, not targeted or directed at a particular individual or small group of individuals, will seldom qualify as “abusive” under the objective standard called for by the commentary. Second, a single remark such as M’s will seldom “unreasonably interfer[e]” with someone’s work or academic performance or create “an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment” within the meaning of the guideline. As established by Title VII case law, a prohibited hostile environment can be created only by conduct whose effect is “severe” or “pervasive.” M’s story satisfies neither requirement. Finally, M’s story comes within the provision expressly privileging speech that is “reasonably designed or intended to contribute to legal ... education ... or reasoned debate on issues of public concern.”

(3) Student O has too much to drink at a party in Somerville and boorishly propositions Student P in front of several other students. When P rebuffs the proposition, O becomes somewhat abusive and speculates loudly and crudely about P’s sex life. Although O’s outburst is “unwelcome” and “abusive,” this isolated, wholly verbal, off-campus incident between students should not be deemed to “unreasonably interfer[e] with an individual’s work or academic performance” or to create a seriously offensive working or educational environment at Harvard Law School within the meaning of this guideline.

(4) Students Q, R, and S, who are male, develop a running “joke” that T, a woman in their first-year section, keeps a hot dog in her underpants. Having drunk too much at a student party, Q tells T that R and S say she has a hot dog in her pants and asks if it is true. T tells Q he is “sick” and walks away. Thereafter, when T walks into a classroom, Q, R, and S routinely make sexually suggestive jokes, comments, and gestures based on the theme that T has a hot dog in her underwear. Q, R, and S have violated this guideline.

(5) As part of a classroom discussion of gender discrimination, Professor U asks students in the class to list and then discuss gender-based stereotypes. When students offer stereotypes of women, including purportedly stereotypical attitudes towards sex, U offers graphic elaborations, then asks: “And it’s true, isn’t it?” Professor U has not violated the guideline. Even if the discussion is unwelcome by some students, U’s exploration of gender-based and sexual stereotypes is not abusive or unreasonably recurring or invasive. Nor should classroom speech aimed at exposing sexual stereotypes be deemed to interfere “unreasonably” with anyone’s work or academic performance or to create a seriously offensive working or educational environment. Finally, U’s speech comes under the proviso expressly protecting speech that is “reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern,” which should be broadly construed to protect free, challenging, and occasionally disturbing speech in the rightly honored tradition of academic freedom.

Part I.4 Commentary

(i) As a professional school, the Law School appropriately provides a variety of services both to students seeking employment and to law firms and other employers who wish to recruit at the Law School. Although all of the conduct, speech, and combinations of conduct and speech subject to this guideline almost certainly come within the prohibitions of the criminal or civil

law, including Title VII, this guideline expresses institutional values as well. Harassment through the speech and conduct prohibited by this guideline violates understandings on the basis of which Harvard Law School provides the services and facilities of the Office of Career Services and Bernard Koteen Office of Public Interest Advising.

(ii) This guideline should be understood to rely heavily on primarily objective standards, as explained in the commentary to guideline 3.

(iii) The protections extended by this guideline are fully consistent with traditional norms of professional conduct and of uncensored debate on matters of public and professional concern. The quid pro quo harassment forbidden by subsection (a) has no colorable excuse. No speech or conduct should be deemed violative of subsection (b) if it is reasonably designed or intended to contribute to reasoned debate about or analysis of issues of public or professional concern, or if it would otherwise be protected by the First Amendment if the state action requirement did not apply.

Part II.1 Commentary

(i) This guideline forbids harassment through physical acts and other acts of intimidation that are incompatible with the goals and purposes of Harvard Law School. Wrongs such as these are prohibited by the Harvard University statement of Rights and Responsibilities, without reference to the motives of the perpetrators. But unreasonable physical contact and interferences with freedom of movement, the defacement and destruction of others' property, and physical intimidation can also be forms of harassment on the basis of gender and sexual orientation. Wrongful acts that are committed from these discriminatory motives can create or help to create an intimidating, demeaning, degrading, hostile, or otherwise seriously offensive working or educational environment at Harvard Law School for both their immediate victims and for other persons sharing the immediate victims' gender or sexual orientation.

(ii) This guideline relies on a number of primarily objective standards, including those for determining when conduct has the purpose or effect of "unreasonably" interfering with a person's work or academic performance and creates a work or academic environment that is "intimidating, demeaning, degrading, hostile, or otherwise seriously offensive."

(iii) Though appropriately broad on a university campus, the right of free expression does not encompass a right to engage in abusive or intimidating conduct or to deface or intentionally or recklessly damage the property of others. This guideline prohibits acts of physical harassment and intimidation that are directed against people because of their gender or sexual orientation, regardless of whether the acts express the beliefs or attitudes of their perpetrators.

Part II.2 Commentary

(i) Harassment prohibited by this guideline violates understandings on the basis of which Harvard Law School provides the services and facilities of the Office of Career Services and Bernard Koteen Office of Public Interest Advising.

(ii) This guideline should be understood to rely heavily on primarily objective standards.

(iii) The prohibitions established by this guideline in no way intrude on traditional norms of professional conduct or of uncensored debate on matters of public concern.

X. Cambridge No Smoking Ordinance

Effective June 9, 2003, Cambridge Municipal Code Section 9.28.060 provides that, “smoking is prohibited in all workplaces.” Also effective June 9, 2003, Section 9.28.090 of the Code provides that, with some exceptions, “No person shall smoke nor shall any person be permitted to smoke in any public place or municipal facility.” All members of the Law School community are urged to exercise courtesy and thoughtfulness in implementing this policy.

XI. Voter Registration

Effective January 1, 1995, Massachusetts Law as set forth in Chapter 151C, Section 2B (Section 17 of Chapter 471 of the Acts of 1993), requires educational institutions to make available affidavits of voter registration forms at registration. Students will be able to register to vote at registration and mail-in affidavits will be available in the Registrar's Office throughout the year. For students from other states who desire to vote in a state other than Massachusetts, the federal mail-in affidavit of voter registration or a mail-in form supplied by that state may be used. The student must contact the appropriate state election official to receive the state form or call or write the Massachusetts Elections Division, Room 1705, McCormack Building, One Ashburton Place, Boston, MA 02108, for a Federal form.

XII. Student Complaints Implicating Compliance with ABA Standards for Legal Education

Harvard Law School invites students to share concerns about the Law School's program of legal education, particularly any issues that directly implicate the school's compliance with the ABA's Accreditation Standards. Students having such a concern should submit the concern, in writing, to the Dean of Students, who shall work with the appropriate administrators to address the issue. The Dean of Students shall keep a record of all submissions and their resolutions.

Informational Links

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Academic Resources

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Student Resources and Services

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[Financial Aid—Graduate Program](#)

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[Student Life Resources](#)

[Harvard Law School Association \(HLSA\)](#) (for HLS students and alumni/ae)

[Information Technology Services](#)

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[Office of Career Services \(OCS\)](#)

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