

CRITERIA FOR APPROVAL OF FOREIGN SEMESTER AND YEAR-LONG STUDY ABROAD PROGRAMS ESTABLISHED BY ABA-APPROVED LAW SCHOOLS

DRAFT REVISIONS 5/28/2010

Preamble

The Council has adopted three sets of Criteria applicable to study abroad: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Semester and Year-Long Study Abroad Programs; and Criteria for Student Study at a Foreign Institution.

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies in a foreign country unless those studies are approved in accordance with the *Rules of Procedure for Approval of Law Schools* and *Criteria* adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

The ABA's oversight role with regard to study abroad programs is designed to provide assurance of a sound educational experience in a study abroad program sponsored by an ABA-approved law school.

The Criteria related to study abroad provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the law school's mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the *Standards for the Approval of Law Schools*.

These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.

The ABA *Standards and Rules of Procedure for the Approval of Law Schools* shall apply to study abroad programs except as modified by the Criteria or by necessary implication.

I. The Program

A. The dean and faculty of the sponsoring law school (or schools if there is more than one sponsoring law school) are responsible for formulating and administering the foreign semester and year-long study abroad program.

B. The faculty of each of the sponsoring law school(s) must approve the academic content of the program in the same manner as the curriculum of the sponsoring school's

on-campus program.

C. The academic content of the program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate for the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

II. Faculty and Staff

A. Program Director

1. The sponsoring law school(s) must provide a program director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.

2. The requirement of a continuous presence of the program director may be satisfied by having more than one program director at different times as long as one program director is on site at all times and there is provision for continuity of administration and oversight.

3. The director may not participate concurrently in another program.

4. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

B. Faculty

1. In addition to the director, the sponsoring law school(s) shall assign at least one full-time faculty member from the law school (or one of the co-sponsoring law schools) who will be present onsite for the duration of the program.

a. A visiting professor to a sponsoring law school is not considered a full-time faculty member for this provision.

b. If the director of the program is not a tenured/tenure-track faculty member at the sponsoring law school (or one of the co-sponsoring law schools), then this additional faculty member shall be a tenured/tenure-

track faculty member at the sponsoring law school (or one of the co-sponsoring schools).

c. The faculty member must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) and the program to provide leadership and appropriate faculty oversight of the program for the sponsoring school(s).

d. The requirement of a continuous presence of a full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as one such faculty member is on site at all times.

2. Faculty members who are not from the sponsoring law school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s) and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

3. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.

C. The program director or at least one member of the full-time faculty must:

1. Be fluent in both English and the language of the host country, and

2. Be familiar with the country in which the program is offered.

III. Program Administration

A. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

B. Students must be provided with the name and contact information of the program director or another responsible person onsite who can be reached at all times during the program.

C. The program director shall be provided with appropriate assistance, including secretarial and administrative support.

D. Faculty members shall be provided with adequate secretarial support services.

IV. Educational Program

- A. Although a student in an ABA-approved law school may be permitted to take courses in study abroad programs during the course of study toward the J.D. degree, in accordance with Standard 507(b), the total credits in study abroad shall not exceed one-third of the credits required for the J.D. degree at the law school in which the student is enrolled.
- B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent.
- C. Language of instruction
1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.
 2. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required class hours, classes in which a translation is necessary may not count more than fifty (50) percent of actual class time expended.
- D. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof. (i.e., a clear statement of goals and methods; adequate instructional resources to supervise program and be available to students; clearly articulated methods for evaluating student performance involving both a faculty member and a field placement supervisor; methods for selecting, training, evaluating and communicating with field placement supervisors; periodic review following the school's established procedures for approval of the curriculum.)
- E. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.
- F. The sponsoring law school(s) shall determine whether specific prerequisites are required for enrollment in certain courses.
- G. The program shall include visits to legal institutions in the host country. Credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and specially related to the class for which the credit is awarded.
- H. The sponsoring law school(s) shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the foreign study program and the faculty and courses offered in the program.

V. Library

- A. In accordance with Standards 601 and 702, the program must have or most provide acceptable access to a library and study facility adequate for its academic program. This requirements may entail development and supervision of the library holdings by the sponsoring law school librarian.
- B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

VI. Students

- A. The sponsoring school(s) determines the academic criteria for admission to the program.
- B. Students enrolling for credit in a semester or year abroad study program must have completed at least one year of full- or part-time law study prior to enrolling.
- C. Students from schools other than the sponsoring school(s) must furnish a letter from their dean or registrar certifying their current good standing.
- D. The sponsoring law school(s) may enroll as auditors, foreign law students, non-credit participants or candidates for degrees other than a law degree in study abroad programs, provided that such enrollment does not adversely affect the quality of the program.

VII. Physical Facilities

- A. The faculty shall be provided with office space adequate to achieve the purposes of the program.
- B. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.
- C. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.
- D. Adequate facilities for studying must be available to students.
- E. Housing
 - 1. Students must be informed if the housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S. and must be provided with information regarding the cost and availability of better quality housing in the same area.

2. If the program does not provide housing, information on the availability, quality, approximate cost, and location of housing must be provided.

VIII. Cancellation, Change, or Termination of Programs

A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in accordance with Section IX.15.

B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.

C. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

D. State Department Travel Information

1. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted. If the Consular Information Sheet for the country(ies) is revised prior to or during a program the updated information must be distributed promptly to students.

2. Travel Warnings

a. If, prior to the commencement of a program, a U.S. State Department Travel Warning or Alert is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly and be given an opportunity to withdraw from the program.

b. If, during the course of a program, a U.S. State Department Travel Warning or Alert is issued for the country(ies) in which the program is being conducted, students must be notified promptly and given an opportunity to withdraw from the program.

E. Refund Policy

a. If students withdraw as permitted in this section prior to the commencement of the program, or if a program is canceled, students must receive a full refund of all monies advanced within twenty (20) days after the cancellation or withdrawal.

- b. If students withdraw as permitted in this Section during the course of the program, or if the program is terminated, students must be refunded fees paid except for room and board payments utilized prior to the date of termination or withdrawal.

IX. Disclosures

The following information must be disclosed when program information is initially made available to prospective students (i.e., on the program website, in the initial announcement or brochure, and in any communication sent directly to prospective students):

1. Dates, location(s), description of the program, and anticipated enrollment;
2. The nature of the relationship with the foreign institution, if any, other than the provision of facilities and minimal services;
3. The number of students who participated in the program the previous year from the sponsoring law school(s) and the number from other schools (if the program is open to other students);
4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;
6. Schedule of classes with days and times for each class;
7. Requirements for student performance and grading method;
8. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites;
9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
10. Descriptive biographies of program director;
11. Descriptive biographies of each faculty member, including academic credentials and experience, and a description of the number of classes each faculty member will teach;
12. Name, address, telephone, e-mail and fax number of an informed contact person at (each of) the sponsoring law school(s);
13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;
14. Description and location of classrooms and administrative offices;
15. The extent to which the country, city, and facilities are accessible to individuals with disabilities;
16. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students; what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;
17. State Department Travel Information; and
18. Refund policy in the event of student withdrawal as permitted in Section VIII, or program cancellation or termination.

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Preamble

The Council has adopted three sets of Criteria applicable to study abroad: Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools; Criteria for Approval of Semester and Year-Long Study Abroad Programs; and Criteria for Student Study at a Foreign Institution.

Standard 307 provides that a law school may not grant credit toward the J.D. degree for studies in a foreign country unless those studies are approved in accordance with the *Rules of Procedure for Approval of Law Schools* and *Criteria* adopted by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar.

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The Criteria related to study abroad are provide a framework for law schools to grant students credit toward the J.D. degree for studies abroad. They seek to provide flexibility for a school to design programs and to permit study abroad consistent with the law school's mission while maintaining a level of oversight of the school's program of legal education that is consistent with the role and scope of the *Standards for the Approval of Law Schools*.

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Deleted: important for at least two reasons. They provide assurance of a sound legal educational experience at a foreign institution that has not been reviewed for compliance with the Standards for the Approval of Law Schools, is distant from the student's home school, and operates in a legal culture quite different from our own. They also

These Criteria recognize that the primary responsibility for determining the quality of the educational experience that students receive during a study abroad experience rests with the faculty and administration of the law school.

The ABA's oversight role with regard to study abroad programs is designed to provide assurance of a sound educational experience in a study abroad program sponsored by an ABA-approved law school.

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Deleted: This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

The ABA Standards and Rules of Procedure for the Approval of Law Schools shall apply to study abroad programs except as modified by the Criteria or by necessary implication.

I. The Program

A. The dean and faculty of the sponsoring law school (or schools if there is more than one sponsoring law school) are responsible for formulating and administering the foreign semester and year-long study abroad program.

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B. The faculty of each of the sponsoring law school(s) must approve the academic content of the program in the same manner as the on-campus curriculum of the sponsoring schools.

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C. The academic content of the program must meet the same standards, including evaluation of student performance, as the on-campus program of the sponsoring school(s).

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D. A substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus.

E. The number of students enrolled in the program shall not exceed the number appropriate for the academic content of the program, available facilities, the number and availability of faculty members, the administrative support structure, and any special educational program goals.

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II. Faculty and Staff

A. Program Director

1. The sponsoring school(s) must provide a director who will be present onsite for the duration of the program and who must be appointed with the approval of each of the sponsoring school(s).

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Deleted: The program shall be directed by a full-time, on-site director who holds an academic appointment from the sponsoring law school, or one of them, and

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2. The requirement of a continuous presence of the program director may be satisfied by having more than one program director at different times as long as one program director is on site at all times and there is provision for continuity of administration and oversight.

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3. The director may not participate concurrently in another program.

Deleted: c. The director shall be a tenured/tenure-track faculty member. The sponsoring school(s) may appoint a member of the full-time faculty of one of the sponsoring schools who is not a member of the tenured or tenure-track faculty as the director of the program if that person is well qualified by experience with the sponsoring school (or one of them), the program, and the country where the program is located to provide leadership of the program and appropriate oversight of the program for the sponsoring school(s). ¶

4. The director shall have had some experience with the same or a similar program or possess a background that is an adequate substitute for such experience.

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B. Faculty

1. In addition to the director, the sponsoring law school(s) shall assign at least one full-time faculty member from the law school (or one of the co-sponsoring law schools) who will be present onsite for the duration of the program.

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a. A visiting professor to a sponsoring law school is not considered a full-time faculty member for this provision.

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b. If the director of the program is not a tenured/tenure-track faculty member at the sponsoring school (or one of the co-sponsoring law schools), then the faculty member shall be a tenured/tenure-track faculty member at the sponsoring law school (or one of the co-sponsoring law schools).

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c. The faculty member must be well qualified by experience with the sponsoring school (or one of the co-sponsoring law schools) and the program to provide leadership and appropriate faculty oversight of the program for the sponsoring law school(s).

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d. The faculty member must be present for the entire duration of the program. The requirement of a continuous presence of a full-time faculty member from the sponsoring law school(s) may be satisfied by having different faculty members from the sponsoring law school(s) participating in the program at different times as long as one such faculty member is on site at all times.

2. Faculty members who are not from the sponsoring school(s) shall possess academic credentials equivalent to those of the faculty at the sponsoring law school(s), and must be approved to teach in the program in the same manner as required for an adjunct faculty appointment at the sponsoring law school(s).

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3. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.

Deleted: Faculty teaching in the program should be fluent in English, and all course components must achieve full communication between students and faculty.

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C. The program director or at least one member of the full-time faculty must:

Deleted: 4. Faculty members shall be provided with adequate secretarial support services.

1. Be fluent in both English and the language of the host country, and

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2. Be familiar with the country in which the program is offered.

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III. Program Administration

A. The program must have a staffed administrative office or other mechanism in place that is convenient to students and through which the students may communicate effectively with staff and faculty in a timely manner.

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B. Students must be provided with the name and contact information of the program director or another responsible person onsite who can be reached at all times during the program.

C. The program director shall be provided with appropriate assistance, including

secretarial and administrative support.

D. Faculty members shall be provided with adequate secretarial support services.

IV. Educational Program

A. Although a student in an ABA-approved law school may be permitted to take courses in study abroad programs during the course of study toward the J.D. degree, in accordance with Standard 507(b), the total credits in study abroad programs shall not exceed one-third of the credits required for the J.D. degree at the law school in which the student is enrolled.

B. Credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent

C. Language of instruction

1. If instruction is not in English, students must be fluent in the foreign language in which courses are taught or provided with a translation.
2. When instruction is offered in a foreign language with an English translation, the time expended in class is not commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required class hours, classes in which a translation is necessary may not count more than fifty (50) percent of actual class time expended.

D. If credit is given for externship placements (e.g., in a law firm, government office, or corporation), then faculty supervision must be individualized and integrated with classroom work to ensure that the credit allowed is commensurate with the educational benefit to the participating student. Additionally, the program must meet the other requirements of Standard 305(d) and (e) and Interpretations thereof. (i.e., a clear statement of goals and methods; adequate instructional resources to supervise program and be available to students; clearly articulated methods for evaluating student performance involving both a faculty member and a field placement supervisor; methods for selecting, training, evaluating and communicating with field placement supervisors; periodic review following the school's established procedures for approval of the curriculum.)

E. If credit is given for Distance Education courses, those courses and credits must comply with the requirements of Standard 306 and the Interpretation of that Standard.

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F. The sponsoring law school(s) shall determine whether specific prerequisites are required for enrollment in certain courses.

G. The program shall include visits to legal institutions in the host country. Credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and specially related to the class for which the credit is awarded.

H. The sponsoring law school(s) shall offer students at or shortly after the conclusion of the program an opportunity to evaluate in writing both the study abroad program and the faculty and courses offered in the program.

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V. Library

A. In accordance with Standards 601 and 702, the program must have or most provide acceptable access to a library and study facility adequate for its academic program. This requirements may entail development and supervision of the library holdings by the sponsoring law school librarian.

B. Library holdings must be adequate to support the course offerings of the academic program, including any research component.

VI. Students

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A. The sponsoring law school(s) shall determine the academic criteria for admission to the program.

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B. Students enrolling for credit in a semester or year-abroad study program must have completed at least one year of full- or part-time law study prior to enrolling.

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C. Students from schools other than the sponsoring school(s) must furnish a letter from their dean or registrar certifying their current good standing.

D. The sponsoring law school(s) may enroll as auditors, foreign law students, non-credit participants or candidates for degrees other than a law degree study abroad programs, provided that such enrollment does not adversely affect the quality of the program.

VII. Physical Facilities

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A. The faculty shall be provided with office space adequate to achieve the purposes of the program.

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B. Classrooms must provide adequate seating with writing surfaces for students, sufficient lighting, and adequate soundproofing.

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C. Equipment necessary for the teaching of scheduled courses and administration of the program must be provided.

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D. Adequate facilities for studying must be available to students.

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E. Housing

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1. Students must be informed if the housing made available by the program is significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the U.S. and must be provided with information regarding the cost and availability of better quality housing in the same area.

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2. If the program does not provide housing, information on the availability, quality, approximate cost, and location of housing must be provided.

VIII. Cancellation, Change, or Termination of Programs

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A. If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in accordance with Section IX.15.

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B. If a program is subject to cancellation, application materials must include information regarding what arrangements will be made in the event of cancellation, as well as any history of prior cancellations.

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C. If the program is canceled, all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation.

C. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any registrant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to withdraw.

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D. State Department Travel Information

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1. As part of the registration materials for the program, the school shall supply the U.S. State Department Consular Information Sheet for the country(ies) in which the program will be conducted. If the Consular Information Sheet for the country(ies) is revised prior to or during a program the updated information must be distributed promptly to students.

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2. Travel Warnings

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a. If, prior to the commencement of a program, a U.S. State Department Travel Warning or Alert is issued for the country(ies) in which the program will be conducted, all registrants must be notified promptly and be given an

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opportunity to withdraw from the program.

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b. If, during the course of a program, a U.S. State Department Travel Warning **or Alert** is issued for the country(ies) in which the program is being conducted, students must be notified promptly and given an opportunity to withdraw from the program.

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E. Refund Policy

a. If students withdraw as permitted in this section prior to the commencement of the program, or if a program is canceled, students must receive a full refund of all monies advanced within twenty (20) days after the cancellation or withdrawal.

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b. If students withdraw as permitted in this Section during the course of the program, or if the program is terminated, students must be refunded fees paid except for room and board payments utilized prior to the date of termination or withdrawal.

IX. Disclosures

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The following information must be disclosed when program information is initially made available to prospective students (i.e., on the program website, in the initial announcement or brochure, and in any communication sent directly to prospective students.

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1. Dates, location(s), description of the program, and anticipated enrollment;
2. The nature of the relationship with the foreign institution, **if any**, other than the provision of facilities and minimal services;
3. The number of students who participated in the program the previous year from the sponsoring **law school(s)** and the number from other schools (if the program is open to other students);
4. If the program is not limited to students from U.S. law schools, the countries likely to be represented and the expected number of students from those countries;
5. Description of each course and number of credit hours;
6. Schedule of classes with days and times for each class;
7. Requirements for student performance and grading method;
8. Enrollment limitations on any courses offered and criteria for enrollment, including prerequisites;
9. A statement that acceptance of any credit or grade for any course taken in the program, including externships and other clinical offerings, is subject to determination by the student's home school;
10. Descriptive biographies of program director ;
11. **Descriptive biographies of each faculty member, including academic credentials and experience, and a description of the number of classes each faculty member will teach;**

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12. Name, address, telephone, e-mail and fax number of an informed contact person at (each of) the sponsoring law school(s);

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13. Complete statement of all tuition, fees, anticipated living costs, and other expected expenses;

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14. Description and location of classrooms and administrative offices;

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15. The extent to which the country, city, and facilities are accessible to individuals with disabilities;

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16. Circumstances under which the program is subject to cancellation, how cancellation will be communicated to the students; what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;

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17. State Department Travel Information; and

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18. Refund policy in the event of student withdrawal as permitted in Section VII, or program cancellation or termination.

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Deleted: B. If changes are made in the course offerings or other significant aspects of the program, those changes must be communicated promptly to any applicant who has paid a deposit or registered for the program, and an opportunity must be provided for that person to obtain a full refund of all monies paid.