

Criteria for Approval of Foreign Summer and Intersession Programs Established by ABA-Approved Law Schools

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 Established by ABA-Approved Law Schools; 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 summer or intersession 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. Faculty Oversight

1. The sponsoring law school(s) shall assign at least one tenured, tenure-track or full-time faculty member from the law school (or one of the co-sponsoring law schools) to the foreign summer or intersession program who will be present on site for the duration of the program.
2. A visiting professor to a sponsoring law school is not considered a full-time faculty member for purposes of this provision.
3. The faculty member assigned to fulfill subsection A.1. may also serve as the program director.
4. The faculty member assigned to fulfill subsection A.1. must be well qualified by experience with the sponsoring law school (or one of the co-sponsoring law schools) to provide leadership and appropriate faculty oversight of the program for the sponsoring law school(s).
5. The requirement of a continuous presence of a tenured, tenure-track or 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 each fulfills subsection A.1. and one such faculty member is on site at all times.

B. Program Director

1. The sponsoring law school(s) must provide a program director who will be present on site for the duration of the program and who must be appointed with the approval of each of the sponsoring law schools.
2. The same person may serve as both the program director and as the faculty member assigned to fulfill subsection A.1.
3. 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 who fulfills subsection B.1. is on site at all times and there is provision for continuity of administration and oversight.
4. The director may not participate concurrently in another program.

5. 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.

C. Program Faculty

1. 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).
2. All faculty teaching in the program must be able to communicate effectively with the students in the language of instruction used in the program.

D. The program director or at least one member of the full-time faculty or on-site staff 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 on site who can be reached at all times during the program.

IV. Educational Program

A. Length of program

1. Foreign summer and intersession programs must provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.
2. No student shall receive more than 1.5 semester credit hours for each week of the program.
3. No student shall be in class more than 220 minutes per day, excluding breaks.

- 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. Instruction Conducted in a Foreign Language

1. When instruction is offered in a foreign language with consecutive English interpretation, 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 credit hours, classes in which consecutive interpretation is needed may not count more than fifty (50) percent of actual class time expended.
2. When instruction is offered in a foreign language with simultaneous English interpretation, the time expended in class is commensurate with class time spent when instruction is in English. For purposes of calculating required class minutes for required credit hours, classes in which a

simultaneous interpretation is needed may be counted at one hundred (100) 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) determine(s) whether specific prerequisites are required for enrollment in certain courses.
- G. Although a student in an ABA-approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J.D. degree, the total credits in foreign segments shall not exceed one-third of the credits required for the J.D. degree at the law school in which the student is enrolled.
- H. Visits to legal institutions
 - 1. The program shall include at least two visits to legal institutions in the host country.
 - 2. Time or a portion of the time allocated for visits to legal institutions is not included in the 220 maximum class minutes per day but may be calculated in the 700 minutes per class credit hour only when the content of the visit is academic in nature and specifically related to the class for which the credit is being awarded.
- I. If course materials, including all case, statutory, and text materials needed for full understanding of the course and completion of assignments, are not self-contained, then adequate library resources must be available.
- J. 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.

V. Students

- A. The sponsoring law school(s) determines the academic criteria for admission to the program.
- B. Students enrolling in a foreign summer or intersession program for credit toward a J.D. degree must have completed at least one year of full- or part-time law study at an ABA-approved law school or a law school described in Standard 506(a)(1) prior to enrolling.
- C. All students must furnish a letter or other documentation from their dean or registrar certifying their current good standing.

- D. The sponsoring law school(s) may include participants other than those described in V.B., provided that such participation does not detract from the law school's ability to maintain a program that meets the requirements of these Criteria and the Standards.

VI. Physical Facilities

- A. Faculty members should be provided with appropriate work space.
- 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. If course work depends upon library facilities, then those facilities must be convenient and accessible to students during normal working hours.
- E. Adequate facilities for studying must be available to students.
- F. Housing
1. Students must be informed if the housing made available by the program is significantly lower in quality 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.

VII. Cancellation, Change, or Termination of Programs

- A. Program Cancellation
1. 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 VIII.
 2. For cancellation that occurs after a deposit has been paid, the program director must use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires.
- B. 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.
- C. State Department Travel Information
1. As part of the registration materials for the program, the school shall supply the U.S. State Department Country-Specific Information for the country(ies) in which the program will be conducted. If the Country-Specific Information for the country(ies) is revised prior to or during a program the updated information must be distributed promptly to students.

2. Travel Warnings and Travel Alerts

- a. If, prior to the commencement of a program, a U.S. State Department Travel Warning or Alert covering program dates and destinations 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 covering program dates and destinations 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.

D. Refund Policy

1. If students withdraw as permitted in Sections VII.B or VII.C.2.(a) 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.
2. If students withdraw as permitted in Sections VII.B. or VII.C.2.(b) 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.

VIII. 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 biography of the program director;
11. Descriptive biographies, including academic credentials and experience, of each faculty member responsible for teaching a course or any portion of a course;
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 student; what arrangements will be made in the event of cancellation, and information about any prior cancellations, if any;
17. State Department Travel Information;
18. Refund policy in the event of student withdrawal as permitted in Section VII, or program cancellation or termination;
19. Description of the housing made available by the program. (See criterion VI.F.)

IX. Procedures for Approval

A. New Programs

1. A law school or schools seeking to establish a new program must submit a New Program Questionnaire in the year preceding the first offering of the new program by October 1 for Summer programs and March 1 for Intersession programs.
2. On the basis of the written submission, the Accreditation Committee will determine whether to approve the program for its first year of operation. Approval will be granted only if the law school demonstrates that the proposed program complies with the Criteria.
3. If the Accreditation Committee grants approval, the program will be evaluated with a site visit during its first year of operation. The Accreditation Committee will then determine whether to approve the program for further operation on the basis of the site evaluation and written materials submitted by the law school.
4. A law school may not advertise or market any program prior to submitting a request for approval of the program. Any advertising or marketing that is done prior to program approval must clearly indicate that the program is pending approval by the Accreditation Committee.
5. Approval after the first year, if granted, is effective for five years.

B. Monitoring of Approved Programs

1. A law school shall complete an Annual Questionnaire for each approved Foreign Summer and Intersession Program by October 31.
2. A site visit will be held five years after initial approval of a new program and every seven years thereafter.
3. For each program subject to a site visit, a law school shall file a Foreign Summer and Intersession Program Site Visit Questionnaire by March 1 for Foreign Summer programs and by October 1 for Foreign Intersession programs.

C. Significant Change in Program

1. If an approved program undergoes a significant change, written notice of such change shall be provided to the Consultant in the year prior to the implementation of the proposed change no later than October 1 for Summer programs and March 1 for Intersession programs.
2. The Accreditation Committee will review the information submitted concerning the proposed change and determine whether a site evaluation is necessary to evaluate the program's compliance with the Criteria in light of the changes in the program. If the Committee determines that such a

site evaluation is necessary, the sponsoring law school(s) will be required to pay the fee established for a Site Visit in Connection with a Significant Change in a Foreign Program.

3. Examples of changes that require approval by the Accreditation Committee include, without limitation:
 - a. change in program location;
 - b. significant changes in program administration;
 - c. changes in the curriculum that significantly reduce the comparative or international focus of the program;
 - d. significant increase in the enrollment expectations for the program;
 - e. adding a new externship program or a substantial increase in the enrollment in existing externship programs;
 - f. changes in the language of instruction in the program;
 - g. new agreements to co-sponsor the program with another ABA-approved law school; or
 - h. significant changes in the housing arrangements for students.

D. Additional Review

1. The Accreditation Committee may ask for further information or direct a site visit of an approved program in any year where responses to the questionnaire suggest that the program is out of compliance with these Criteria or that the program has so substantially changed its focus or operation that its compliance with the Criteria cannot be determined without further information and, potentially, a site visit.
2. Examples of actions or changes that might trigger this review include:
 - a. failure to timely file the annual questionnaire;
 - b. submitting an incomplete questionnaire;
 - c. number and nature of the concerns raised in the most recent review of the program;
 - d. failure to notify the Office of the Consultant of a significant change as required in part C; and
 - e. a persistent pattern of complaints by students in the program regarding the quality of the educational experience or the administration of the program.

E. **Withdrawal of Approval.** If it is determined that a program is operating out of compliance with these Criteria, approval may be withdrawn by the Accreditation Committee in accordance with Rule 13 of the Rules of Procedure for Approval of Law Schools.

F. **Request for Variance.** A law school proposing to offer a program that is inconsistent with the Criteria adopted by the Council may apply for a variance in accordance with Standard 802 of the Standards for Approval of Law Schools.

G. **Expiration of Approval.** If an approved program is not offered in two consecutive years, approval is withdrawn and the sponsoring law school(s) must reapply for approval of the program as a new program. This requirement may be waived by the Accreditation Committee for good cause shown.